

HRC Resolution 60/26

THE HUMAN RIGHTS IMPLICATIONS OF DRUG POLICY



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INTRODUCTION

At its 60th session (September-October 2005), the **Human Rights Council (HRC)** adopted Resolution 60/26, entitled ‘**The human rights implications of drug policy**’. This is the fourth HRC **resolution** dedicated to this topic, with the other three adopted in 2015, 2018 and 2023. Each one of the HRC resolutions on the matter have mandated the **Office of the UN High Commissioner for Human Rights (OHCHR)** to produce a report on the human rights impacts of drug control, to hold a panel discussion on the topic (2015 and 2023 resolutions), and to present its findings to the UN Commission on Narcotic Drugs (CND).

While previous HRC resolutions on drugs aimed to feed into drug policy processes taking place in New York (i.e 2016 UNGASS) and Vienna (i.e 2024 mid-term review of the 2019 Ministerial Declaration), this resolution broke this tradition and asserted the role of the HRC and the UN human rights system more broadly to engage in drug policy in their own right.

After protracted negotiations, the resolution was **adopted by consensus** on 8 October, after four problematic amendments proposed by Russia (including one aiming to remove ‘harm reduction’ from the resolution) were rejected by an overwhelming majority of votes.

HRC – the UN body mandated to promote and protect human rights globally. Composed of 47 Member States elected on a regional basis for three-year terms, it meets three times annually to hold debates on human rights issues and adopt resolutions, with participation from governments, civil society, communities and UN actors.

Resolutions represent UN Member States’ collective decisions, adopted by consensus or a majority vote. While not ‘legally binding’ (i.e. agreements, rather than enforceable law), they are diplomatically important.

OHCHR – the UN secretariat entity responsible for promoting and protecting human rights globally. It supports the HRC and other UN human rights mechanisms, reports on violations, and provides technical assistance to states.

SUMMARY OF THE DOCUMENT

The resolution has three objectives. First, it **asserts the leadership role of the HRC to engage in drug policy discussions at the UN in its own right**, instead of only contributing to processes taking place outside of Geneva.

As such, the resolution conveys a clear message – that the HRC has the mandate to promote universal respect for human rights, and given the significant human rights impacts of drug control, **drug policy squarely falls within the mandate of the Council.**

The second objective of the resolution was to **ensure that OHCHR and the UN human rights system could more systematically document and release guidance** on how to align drug policy with human rights.

Over the past decade, OHCHR, UN human rights treaty bodies and special mechanisms of the Council have been increasingly active in the area of drug policy, in particular on **harm reduction**, the **harms caused by criminalisation**, and **arbitrary detention**. The original text of Resolution 60/26 requested OHCHR to produce reports on specific aspects of drug policy every two years. This was amended in the negotiations – requesting instead one OHCHR report on the topic of ‘women and girls’. However, the resolution encourages cooperation between OHCHR and UNODC to ensure UN system-wide coherence on human rights and drug policy, and urges UN human rights mechanisms to continue examining the human rights implications of drug policy.

The third objective of the resolution was to **consolidate and expand human rights language as it relates to drug control**.

The first three HRC resolutions on drugs already included language on human rights that was much more progressive than that used at the CND in Vienna, including on harm reduction, the need to end racial discrimination, and urging States to protect the rights of Indigenous Peoples to their traditional medicines and health practices.

Resolution 60/26 expands language on harm reduction, and for the first time includes a reference to the right to a clean, healthy and sustainable environment in designing drug policy. Moreover, the text also includes the strongest language to date on **civil society protections**, urging States to ‘create and maintain a safe and enabling environment to ensure that [civil society and affected communities] can operate free from hindrance, insecurity and reprisals’.

Finally, the resolution does not call on Member States to achieve the harmful and unrealistic goal of achieving a ‘society free of drug abuse’, breaking away from its predecessors.

For decades, UN drug control and human rights bodies operated in ‘parallel universes’, with little cross-engagement. Over the past decade, **stronger involvement by the HRC** and other UN human rights mechanisms has helped shift debates toward health and accountability, strengthening human rights scrutiny within the global drug control system.

For more information, read: **Converging universes: 20 years of human rights and drug policy at the United Nations** www.idpc.net/publications/2022/12/converging-universes-20-years-of-human-rights-and-drug-policy-at-the-united-nations

A selection of texts from the UN human rights system on:

Harm reduction <https://www.ohchr.org/en/documents/thematic-reports/ahrc5652-drug-use-harm-reduction-and-right-health-report-special>

The harms of criminalisation <https://www.ohchr.org/en/press-releases/2023/09/end-overreliance-punitive-measures-address-drugs-problem-un-report>

Arbitrary detention <https://www.ohchr.org/en/documents/thematic-reports/ahrc4740-arbitrary-detention-relating-drug-policies-study-working-group>

Increasing civil society participation in UN drug policy discussions has taken place against a broader global trend of **shrinking civic space**, with organisations increasingly facing restrictions, political attacks, exclusion from decision-making processes and funding cuts that limit their ability to meaningfully influence reform. In this context, the paragraph included in the HRC resolution is particularly significant.

KEY RECOMMENDATIONS

The resolution includes the following positive recommendations for Member States:

- Drug policies should be understood as a way of achieving broader objectives, such as the **protection of all human rights**, including the right to health, without discrimination.
- Drug policies must be **evidence-based, gender-responsive and compliant with international law**.
- **Civil society and affected communities** offer important contributions in the development, implementation and evaluation of drug policies, including through advocacy, and should be protected.
- **Law enforcement officials should respect and protect human dignity and human rights**, including the right to life, to security of person, the prohibition of torture, the right to health and the prohibition of arbitrary arrest and detention.
- The unlawful discriminatory application of criminal law violates international human rights law and must lead to **reforming drug policies, laws and practices with discriminatory outcomes**.
- **All forms of racism, racial discrimination, xenophobia and related intolerance** in the elaboration, adoption and implementation of drug policies **must be eliminated**.
- **The right to health includes access to evidence-based prevention** (including among children), **harm reduction and voluntary treatment** with informed consent, as well as access to internationally controlled substances for medical and scientific purposes.
- The right to a clean, healthy and sustainable **environment** applies to drug policy.
- Member States should consider **alternatives to incarceration, conviction and punishment**.
- Any measures to prevention and/or eradicate illicit cultivation should take due account of traditional licit uses, while drug policies should recognise the right for **Indigenous Peoples** to their traditional medicines and to maintain their health practices.

HOW TO USE THIS IN YOUR ADVOCACY?

Although Resolution 60/26 is not legally binding for governments the same way that a UN convention or national law would be, it is an important document for advocacy on harm reduction, preventing discriminations, promoting gender-sensitive drug policies, respecting the rights of Indigenous Peoples and farmers, protecting civil society, and moving away from the harmful and unrealistic goal of achieving a drug-free society. The fact that the resolution was adopted by consensus adds to its credibility and makes it a powerful advocacy tool.

Civil society advocates can download and disseminate the resolution to urge their governments to respect and protect human rights within the framework of their national drug policies.

Internationally, civil society advocates should advocate for the positive language included in Resolution 60/26 to be reflected in future resolutions on drugs at the CND, the HRC and the UN General Assembly.

The resolution can also be used to reach out to UN representatives at local, regional and global levels to encourage them to engage more in drug policy issues within the scope of their mandates, including by documenting key human rights violations and providing recommendations on how to better align drug policies with international human rights law. This can be done, for example, via individual communications, informal briefings or shadow reports feeding into country reviews by UN human rights treaty bodies. The recommendations of the OHCHR report can also be used as a basis for submissions as part of your country's **Universal Periodic Review**.

UPR – the Universal Periodic Review is a UN human rights mechanism where all Member States have their records reviewed by other states. It allows governments, civil society and UN bodies to raise concerns and make recommendations, including on drug policy impacts.

An intersessional panel discussion will be organised by OHCHR ahead of the HRC's 64th session (February–March 2027). Civil society can follow online and share widely with national policy makers.

FURTHER READING

HRC Resolution 60/26 in full:

<https://docs.un.org/en/A/HRC/RES/60/26>

Prior HRC resolutions on the matter:

2015: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/28/28

2018: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/37/42

2023: <https://docs.un.org/en/A/HRC/RES/52/24>

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The **Translating UN Commitments into Action** series unpacks key international norms and guidance – why they matter and how to use them in your work. Available in English, French, and Spanish, these primers are designed to help you turn global standards into local progress. This number was drafted by **Marie Nougier** in collaboration with **Juan Fernández Ochoa**. The original layout was done by **Nikolas Kourtis**. The primers were produced by the **International Drug Policy Consortium (IDPC)** for the **Support. Don't Punish** campaign thanks to the invaluable support of the **Elton John AIDS Foundation**.



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