

UN Special Rapporteur on the right to health:

Thematic report to the Human Rights Council (A/HRC/56/52)

# DRUG USE, HARM REDUCTION AND THE RIGHT TO HEALTH



Photo: Dr Tlaleng Mofokeng

## INTRODUCTION

The UN **Special Rapporteur** on the right to health gathers information on the realisation of the right to health, fosters dialogue and cooperation with relevant stakeholders (ex. governments, UN bodies, NGOs, academia, and financial institutions), reports on progress and shortcomings, makes recommendations for improvement and addresses specific cases of alleged violations.

In April 2024, the Special Rapporteur on the right to health, Dr. Tlaleng Mofokeng, released a landmark report entitled 'Drug use, harm reduction and the right to health'.

There is a long tradition of Special Rapporteurs on the right to health recommending a harm reduction approach to drug use. The report also came only a few months after the Office of the UN High Commissioner for Human Rights (OHCHR) had published a **groundbreaking report** on the human rights implications of drug policy. As the UN human rights system as a whole was becoming more vocal about the abuses committed in the name of punitive drug control, the timing was ideal for Dr. Mofokeng to produce a report specifically on drug use and the right to health. Her report builds on, and expands, this normative guidance, offering key recommendations for drug policy reform.

As part of the drafting process, the Special Rapporteur issued a call for inputs, prompting around 100 contributions from Member States, UN entities, academics and civil society, which informed the final report.

The document is the strongest to date in its analysis of the right to health

**UN Special Rapporteurs** (informally 'UNSRs') are independent experts appointed by the UN Human Rights Council to investigate, monitor and recommend solutions to human rights issues. The full title of the UNSR on the right to health is: Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

**Human rights challenges in addressing and countering all aspects of the world drug problem:**

<https://docs.un.org/en/A/HRC/54/53>

of people who use drugs, placing harm reduction at the centre of a rights-based approach to drug use.

## SUMMARY OF THE DOCUMENT

---

The report starts with a clear statement of fact: drug use has been a feature of the human experience since time immemorial – be it for medicinal, spiritual, or recreational purposes. By contrast, the international drug control regime has driven prohibitionist and punitive responses that negate this reality, with devastating impacts on the enjoyment of the right to health.

The Special Rapporteur then goes on to describe the right to health in relation to drug use and harm reduction through an anti-racist, decolonial and intersectional lens. She structures her findings by analysing the social, political, commercial and legal determinants of health – including wealth, social status, and systemic oppression resulting in power asymmetries.

The report concludes that punitive drug policy disproportionately impacts people facing intersecting vulnerabilities – including people of African descent and other racialised people, Indigenous Peoples, migrants, people in situations of homelessness and poverty, sex workers, women, children, LGBTIQ+ persons, people deprived of liberty, people with disabilities, people living with HIV, tuberculosis or hepatitis, and people living in rural areas.

The publication proposes an expansive approach to harm reduction, highlighting a wide and non-exhaustive range of interventions – including safer consumption sites, drug checking, and access to housing, employment, education and social protection.

The Special Rapporteur then lists good practices on harm reduction and drug policy reform implemented in various countries worldwide.

## KEY RECOMMENDATIONS

---

The report of the Special Rapporteur ends with a series of powerful recommendations, including calls for Member States to:

- **Move away from a reliance on criminal law** and towards a rights-based, evidence-based and compassionate approach to harm reduction and drug use.
- Expand and adequately fund a **wide range of harm reduction services**, especially peer-led interventions, and ensure that they are adapted to the specific needs of the most vulnerable and marginalised groups.
- **Decriminalise** drug use, possession, purchase and cultivation of drugs for personal use.

**Drug Decriminalisation Across the World** is an interactive map providing an overview of existing models of decriminalisation, offering insights into their legal basis, implementation and impact. Available at <https://www.talkingdrugs.org/drug-decriminalisation>

- Move towards **responsible regulatory frameworks** grounded in evidence, health and human rights, with safeguards against risks – such as **corporate capture**.
- **Address stigma and discriminatory practices** in the implementation of drug laws and policies – including in service access and provision – and repeal or amend laws, policies and police practices that undermine the right to health and perpetuate systems of oppression, such as racism and colonialism.
- **Revise the international drug control regime** to align it with human rights, in particular the right to health, and a harm reduction approach.

**Corporate capture** refers to the undue influence of corporations and private interests over public institutions and policymaking, leading to a prioritisation of profit over the public good.

## HOW TO USE THIS IN YOUR ADVOCACY

The Special Rapporteur's report is a key tool to advocate for a rights-based approach to drug use. Advocacy messages from the report include the following:

- **Harm reduction is a key component of the right to health** of people who use drugs and should be operationalised on the ground via a broad range of well-funded interventions for people who use drugs.
- The criminalisation of drug use and related activities is only one policy option among others, and it has had a devastating impact on the right to health of people who use drugs – the Special Rapporteur is calling for the **decriminalisation of drug use and possession**, as well as the purchase and cultivation of drugs for personal use.
- The Special Rapporteur is now the second UN entity, after the **Office of the UN High Commissioner for Human Rights**, to call for the **responsible regulation of drugs, in an effort to better align drug policies with human rights**. Member States should strongly consider alternative **regulatory frameworks** considering the failure of current punitive drug policies.
- **The UN drug control system is unfit for purpose and needs urgent reforms** to align it with human rights.

**OHCHR report** 'Human rights challenges in addressing and countering all aspects of the world drug problem' (A/HRC/54/53) is available at: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-countering-all-aspects>

**Principles for the responsible legal regulation of cannabis** outlines 20 principles for equitable cannabis regulation, warning against corporate capture. It emphasises centring health, human rights, and social justice—especially for communities harmed by prohibition. Available at: <https://idpc.net/publications/2020/09/principles-for-the-responsible-legal-regulation-of-cannabis>

# THE SPECIAL RAPPORTEUR'S RECOMMENDATIONS TO STATES ON HARM REDUCTION, DRUG USE & THE RIGHT TO HEALTH BY DR. TLALENG MOFOKENG



Guarantee available, acceptable, accessible & quality harm-reduction services



Decriminalize use, possession & sale of drugs for personal use



Recognize cultural and medicinal use by black & indigenous communities



End stigmatization, criminalization & discrimination around drug use

Fund programs that challenge stigma around drug use



Collect specific data & statistics while respecting privacy



Revise the international framework on drug control to center human rights



Partner with peer-led initiatives to provide harm-reduction service



Design programmes for women who use drugs, linking SRHR and childcare services to harm reduction

## FURTHER READING

---

- **Launch event for ‘Drug use, harm reduction and the right to health’ (video):**  
<https://www.youtube.com/watch?v=yPZ4bes5Wm4>
- **‘Harm reduction for sustainable peace and development’ (A/79/177) – Follow-up thematic report by the UNSR on the right to health on harm reduction, focusing on drug use, as well as HIV exposure, transmission and non-disclosure, abortion, same-sex relation and sex work:**  
<https://www.ohchr.org/en/documents/thematic-reports/a79177-report-special-rapporteur-right-everyone-enjoyment-highest>
- **IDPC’s analysis of the 2024 World Drug Report, comparing the UN Office on Drugs and Crime’s approach to the right to health with that of the UN Special Rapporteur:**  
<https://idpc.net/publications/2025/01/the-world-drug-report-2024-a-failed-attempt-to-reframe-the-right-to-health-of-people-who-use>
- **IDPC’s analysis of the 2024 World Drug Report, comparing the UN Office on Drugs and Crime’s approach to the right to health with that of the UN Special Rapporteur:**  
<https://idpc.net/publications/2025/01/the-world-drug-report-2024-a-failed-attempt-to-reframe-the-right-to-health-of-people-who-use>
- **Support. Don’t Punish easy-to-print, translatable digital introductory infographic on harm reduction:**  
<https://supportdontpunish.org/envisioning-change/>

## This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

## ACKNOWLEDGEMENTS

---

This primer was drafted by **Marie Nougier** (IDPC Head of Research and Communications) in collaboration with IDPC team members **Jamie Bridge** and **Juan Fernández Ochoa**. The cover illustration was produced by **Tristan Brossard**. The layout was done by **Nikolas Kourtis**. Translations in Spanish and French were produced by **Luis Enrique Bossio** and **Nathalie Rose** (respectively). 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**.



ELTON JOHN  
AIDS FOUNDATION

**Support.  
Don't  
punish.**

**<https://supportdontpunish.org>**