

**CHILD RIGHTS & THE UNITED NATIONS GENERAL
ASSEMBLY SPECIAL SESSION ON DRUGS (UNGASS)
- from Rhetoric to Accountability**

*A joint statement of child rights advocates for the UN General Assembly
Special Session on Drugs (19-21 April, 2016)*

Around the world children and young people experience devastating harms due to drugs and the drug trade. There is no disagreement about this. These concerns have rightly placed the protection of children at the forefront of international declarations and treaties about drugs, and placed this topic explicitly within the United Nations Convention on the Rights of the Child (UNCRC art. 33).

While international agreements regularly refer to the need to protect children and young people from drugs and the drug trade, recommendations rarely extend beyond prevention of drug use and age appropriate drug treatment. While fundamentally important these aspects do not represent the full range of issues children encounter nor the full range of children's experiences.

It must be noted that drug use and drug dependence embody a complex set of health, psycho-social and economic issues, often linked to inequities, social exclusion, poverty, a family history of addictions, abuse, violence and/or mental health issues. Drug use itself, is often symptom of a deeper cause, and may be instrumental as a coping mechanism for an adolescent or young person to deal with trauma and adversity experienced in childhood in the form of stress, neglect, physical or psychological mistreatment and/or multiple deprivations. The resulting harms may include increased risks of injuries, accidents, risk of death from overdose and self-harm as well as social ostracism, economic costs, family break up, conflict with the law and a number of other. In situations involving injection drug use there are also increased risks of transmission of HIV and other blood-borne infections. The indirect effect of drug use by parents is also not to be underestimated, as its physical and social impact can be transferred inter-generationally.

Discussions lack the necessary differentiation between I) measures to prevent children from using drugs, II) measures to care for children who do use drugs, and III) measures in the best interest of children whose parents use drugs.

Involvement in the drug trade ranges from rural farming for month-to-month survival, to street based sales among homeless youth, to involvement in gangs, to sales by middle class adolescents for extra money. Children's access to essential controlled medicines - often worse than that of adults - is often not sufficiently addressed or understood. Many children and adolescents are in need of targeted HIV prevention services related to their drug use. Specific, measurable targets for improving care treatment and support for children affected by drug use have not been set and are sorely needed.

As non-governmental organizations working to uphold the rights of the child worldwide, we remain deeply concerned with the striking omissions to adequately address child rights issues in the current draft outcome document for the United Nations General Assembly Special Session (UNGASS) on Drugs, which is to be adopted in April this year. The outcome document should be amended to include a commitment of member states, explicitly, to not criminalise children for drug use and to respect and implement access to justice standards.

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The punitive approach towards the drug issue proves to bring forth a number of harms including displacement, food and income insecurity, health harms, and violence associated with crop eradication. They include children losing parents due to incarceration, spending their early years in prison with their mothers, growing up within communities subjected to intense street-level policing or gang violence, or affected by parents' criminal records that scar the entire family. They include children randomly tested for drugs at school, subjected to strip searches and sniffer dogs. And they include children pulled unnecessarily into the criminal justice system or forced into drug treatment, even subjected to arbitrary detention and abuse.

We encourage the aforementioned points to be taken into due account in the finalization of the UNGASS outcome document. Furthermore, we would like to make the following recommendations towards member states and United Nations agencies and experts when tackling the world drug problem:

- ✓ **Conduct research of the impacts of drug policies on children and young people** and incorporate findings into the next ten-year plan of action. Member states should conduct research on how drug laws, policies and practices have affected children, both positively and negatively following a human rights based approach. The research should use the UN Convention on the Rights of the Child as a legal framework and basis for the indicators used, ensuring consistency across countries based on existing legal obligations. The research should be compiled by the UN Secretariat and fed into the 2019 process.
- ✓ Utilise thematic reports, periodic state reports and country visits of **United Nations Human Rights Mechanisms** to assess and report on the effects of drug policies, particularly on children. Compile the findings and feed these into the 2019 process.
- ✓ **Co-ordinate child and adolescent participation for 2019** by facilitating a process of participation so that children and adolescents who are affected by drugs, the drug trade and drug laws and policies can have their voices heard in advance of the development of the new ten year plan of action.
- ✓ Include the issue of drug policies in the **UN Global Study on Children Deprived of Liberty** (UNGA/Res/69/157 para.52.d). This should include children deprived of liberty for drug offences, imprisoned with their mothers, detained in compulsory drug treatment and other forms of deprivation of liberty in relation to drug control.

Signatory organisations:

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