

International  
**GUIDELINES** on  
**HUMAN RIGHTS**  
and **DRUG POLICY**

# FREQUENTLY ASKED QUESTIONS

## Why are the Guidelines important?

Responding to the harms associated with drug use and the illicit drug trade is one of the greatest social policy challenges of our time. All aspects of this challenge have human rights implications. Since the late 1990s, United Nations (UN) General Assembly resolutions have acknowledged that ‘countering the world drug problem’ must be carried out ‘in full conformity’ with ‘all human rights and fundamental freedoms’. This has been reaffirmed in every major UN political declaration on drug control since, and in multiple resolutions adopted by the Commission on Narcotic Drugs. The reality, however, has not always lived up to this important commitment. There remains a lack of clarity as to what human rights law requires of States in the context of drug control law, policy, and practice. The International Guidelines on Human Rights and Drug Policy are the result of a three-year consultative process to address this gap.

## What is the legal status of the Guidelines?

The Guidelines are not legally binding. It is the sources they use that are binding or that are derived from authoritative ‘soft law’. However, over time, the more they are referenced in court cases, UN resolutions they may gain in persuasive authority. In the meantime, the extensive legal commentary provides the legal sources for each Guideline. (See Introduction and Methodology)

## Is this an NGO report?

The Guidelines have been developed via a collaboration between academics, UN entities and civil society. The process was co-led by the International Centre on Human Rights and Drug Policy, based at the Human Rights Centre, University of Essex and the United Nations Development Programme (UNDP). The Guidelines have been developed in collaboration with, and are co-sponsored by the UNDP, the joint United Nations Programme on HIV/AIDS (UNAIDS), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization.

## Who wrote the Guidelines?

There is no single author of the Guidelines. They are the result of a multi-year collaborative effort between academics, UN entities and civil society. (See Annex II: Methodology)

## Does this document undermine obligations established by the UN drug conventions?

The Guidelines have been developed based on existing international law, which includes the UN drugs conventions. However, applying international human rights law to drug policy engages obligations arising under the UN drugs conventions in various ways. Sometimes this is complementary, but in some cases there are tensions between the two. Where a guideline engages obligations under the UN drugs conventions, a dedicated section in the commentary addresses it.

## Do the Guidelines create a new set of rights specific to drug policy?

The Guidelines do not attempt to set out new rights. They apply existing international human rights law to drug policy, based on treaties, UN resolutions and declarations, the general comments and concluding observations of UN human rights treaty bodies, the work of UN human rights Special Procedures and other sources. (See Introduction and Methodology)

## How can the Guidelines be used?

The Guidelines are intended as a reference tool for those working to ensure human rights compliance at local, national, and international levels, including parliamentarians, diplomats, judges, lawyers, policy makers, civil society organisations and affected communities. They provide authoritative support for legal reforms and policy change, as well as specific interventions grounded in human rights law.

## How should the Guidelines be cited/referenced?

International Guidelines on Human Rights and Drug Policy (2019) available at [www.humanrights-drugpolicy.org](http://www.humanrights-drugpolicy.org)

Specific Guidelines may be identified numerically. For example, the first Guideline on human dignity as a foundational principle should be cited as

Guideline I(1) *International Guidelines on Human Rights and Drug Policy* (2019) available at [www.humanrights-drugpolicy.org](http://www.humanrights-drugpolicy.org)

The guideline in the same section on monitoring the impact of drug laws, policies, and practices on specific groups would be cited as

Guideline I(3)(i) *International Guidelines on Human Rights and Drug Policy* (2019) available at [www.humanrights-drugpolicy.org](http://www.humanrights-drugpolicy.org)