# AUSTRALIAN government RESPONSE

## Call for submissions: Report on human rights challenges in addressing and countering all aspects of the world drug problem

Australia thanks the Office of the High Commissioner for Human Rights for their invitation to provide a submission to inform the Report on human rights challenges in addressing and countering all aspects of the world drug situation. Australia’s commitment to human rights reflects our national values and underscores our engagement with the international community. Australia is strongly committed to advancing human rights globally, and we are committed to protecting and promoting human rights as part of the global response to the world drug situation and achieve the Sustainable Development Goals.

The international community has repeatedly reaffirmed our unwavering commitment – through agreed statements such as the *Ministerial Declaration on strengthening our actions at the national, regional and international levels to accelerate the implementation of our joint commitments to address and counter the world drug problem*, and the *Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem* – to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies.

Australia embraces the right to health as a right to be protected, respected and fulfilled. It is important that people who use drugs are provided access to services free from stigma and discrimination, with tailored programs to suit their needs and ensure proper treatment. Australia understands the importance of placing human rights at the centre of our efforts to address the causes and consequences of drug use and we pursue comprehensive and balanced policy interventions to this end.

We, both Australia and the international community, cannot implement the 2030 Agenda without inclusion and equality, addressing the needs of those persons subject to socio-cultural, systemic and structural inequalities and ensuring no one is left behind. This includes Indigenous Peoples, women and persons of diverse gender identities who should be at the forefront of our efforts.

We also view adequate access to controlled medicines as fundamental to ensuring the right to health, and we believe that the use of the death penalty for drug offences is cruel and inhumane – particularly as these rarely constitute a most serious crime as envisioned by the ICCPR – and we will continue our global advocacy for these causes.

### Priority populations and improving access to services

Whole-of-population strategies can be effective at reducing the impacts and harms of substance use, however, there are specific priority population groups who are at higher risk of experiencing increased harms, stigma and discrimination at a disproportionate rate.

Recognising this, Australia’s approach to drug policy and the implementation of programs takes into account the specific needs of priority population groups.

Priority populations listed under Australia’s National Drug Strategy 2017-2026 include, but are not limited to:

* Aboriginal and Torres Strait Islander People
* People with co-morbid mental health conditions
* People in contact with the criminal justice system
* Culturally and linguistically diverse populations
* Young (ages 10-24) and older people (60+)
* People identifying as lesbian, gay, bisexual, transgender, queer or questioning, intersex and/or other sexuality and gender diverse people

#### First Nations People

Indigenous Peoples across the world still lag behind on most development, social, economic and political indicators, and they need to be at the heart of our collective efforts. Australia is committed to assisting Indigenous Peoples, both Australia’s First Nations people and Indigenous Peoples overseas, to overcome social and economic disadvantage and to advance their human rights around the globe. The UN Declaration on the Rights of Indigenous Peoples is a universally-agreed guiding document and human rights instrument; the implementation of the Declaration’s principles is relevant to each of the Sustainable Development Goals and is inextricably linked to our collective effort to address the world drug situation.

In 2022-23, the Australian Government is providing over $118 million to Australia’s Primary Health Networks (PHNs) to increase the availability of and access to the drug and alcohol treatment sector, to be tailored to the needs of each PHN’s local region.

Of this funding, approximately $20.5 million is being provided to PHNs to exclusively commission First Nation specific drug and alcohol services.

An example of these services is the Indigenous Dual Diagnosis program delivered by Ramahyuck District Aboriginal Corporation. The Indigenous Dual Diagnosis service engages people of First Nations descent with comorbid drug and alcohol and mental health issues to receive dual diagnosis treatment and support for people. The service promotes awareness of dual diagnosis, provides education to families, friends and affected others and collaborates with a variety of health care services and agencies in the region to improve health outcomes.

#### Eliminating discrimination against women and girls, and persons of diverse gender identities

Gender equality is a top priority and a core value for Australia, which includes a particular commitment to improving access to essential services for women, girls and persons of diverse gender identities. Australia is making every effort to mainstream gender and ensure the full and equal participation and leadership of women, in their diversity, in all stages of the development, implementation, monitoring and evaluation of drug policies, programs and health services. We encourage all countries to develop and disseminate gender-responsive and age-appropriate measures that address the specific needs, interests and circumstances faced by women, girls and persons of diverse gender identities.

#### Parents and Guardians

The Odyssey House New South Wales Family Recovery Centre is one of few rehabilitation centres in Australia that allow men and women to undertake treatment whilst their children (0-12 years) live with them. This allows parents living with substance use to get the treatment they need, without needing to find a carer for their children before they start rehabilitation.

In 2021-22, the Australian Government provided funding to Odyssey House to assist with the development of a new facility at Eagle Vale for the expansion of its Parent and Children's program.

The design, development and construction of this facility and fitout at Eagle Vale allows Odyssey House to continue to meet the demand for couples, single mothers and the increasing demand for services from single fathers requiring treatment for their drug and alcohol use.

### Reduction of Stigma

Stigma associated with drug and alcohol use is a well-known barrier to accessing treatment and support services. Improving community awareness and understanding of substance use can reduce stigma and promote help seeking.

One of the initiatives aimed at reducing stigma in Australia is the Mindframe project, which supports the media and other stakeholders to communicate safely, respectfully and responsibly about drugs and alcohol. This project recognises that inaccurate and dehumanising language plays a significant role in the process of stigmatisation. Further, when stigmatising language is circulated by the media it reaches a wide audience, creating and perpetuating negative stereotypes and attitudes. As such, accurate portrayals that avoid sensationalism and encourage consideration of how drug and alcohol use fits into individuals’ goals as contributing members of society, can lead to reductions in use.

The Australian Government recently supported the Rethink Addiction National Convention to help reduce the stigma attached to addiction. Rethink Addiction is a national anti-stigma campaign dedicated to changing the conversation about alcohol, drugs, gambling and addiction in Australia with the goal to amplify real stories from those with lived experience in order to break down the stigma surrounding addiction and problematic use.

### Access to Controlled Medicines

Adequate access to controlled medicines for medical purposes is a key component to ensuring the right to health.

Global disparity in access to controlled substances, especially in low- and middle-income countries remains a concern. This has been exacerbated by the COVID-19 pandemic and humanitarian emergencies which have impacted access to services and disrupted supply chains.

Australia has a long-standing commitment to ensuring adequate global availability of controlled medicines for the relief of pain. Australia is proud to support the United Nations Office on Drugs and Crime, the World Health Organization and the Union for International Cancer Control’s Joint Global Programme on Access to Controlled Drugs for Medical Purposes While Preventing Diversion and Abuse. Australia’s support facilitates the programme’s activities in Timor-Leste, Fiji and Indonesia.

### Death Penalty

Evidence shows that the death penalty is used disproportionately against persons living in poverty and who are marginalised from mainstream society. We know that a large number of those who engage in low-level drug crimes are economically marginalised. Australia opposes the death penalty in all circumstances for all people – it is cruel, inhuman and degrading. There is no conclusive evidence that the death penalty deters crime and any miscarriage or failure of justice in its implementation is irreversible and irreparable. We urge all countries that carry out capital punishment to cease executions and establish a moratorium on the use of the death penalty, or at the very least, we urge states not to impose the death penalty for offences which do not meet the threshold of ‘most serious crimes’ stipulated by Article 6 of the ICCPR, including drug-related offences.