

EXECUTIVE SUMMARY:

Detention, Slave Labour, and the Death Penalty – Our Shared Responsibility.

PARTNERS IN CRIME:

International Funding for Drug Control and Gross Violations of Human Rights.

Patrick Gallahue, Roxanne Saucier and Damon Barrett, June 2012

One of the central features of human rights is accountability. Without accountability, human rights can become no more than window-dressing.

Professor Paul Hunt¹

States are routinely reminded of their 'shared responsibility' to combat drug use and the drug trade – an obligation codified in international agreements aimed at supply and demand reduction. The approaches used to meet this 'shared responsibility', however, more often rely on law enforcement than on health care or social services. They tend to focus on punishment rather than assistance.

These approaches are flawed because not only are they ineffective, but also they have resulted in widespread human rights abuses including executions, arbitrary detention, slave labour and cruel, inhuman and degrading treatment, sometimes amounting to torture.

Human rights abuses in the context of drug enforcement are well documented, but many wealthy donor states continue to eagerly provide funding to help others live up to their international drug control obligations without ensuring that there are appropriate human rights safeguards in place. Many millions of dollars and euros in financial and technical resources, as well as intelligence and personnel, are shared across a range of political and

security environments, including conflict zones and countries with a track record of egregious human rights violations.

Much of this money goes through the United Nations Office on Drugs and Crime (UNODC). Donors contributed approximately \$273.2 million USD to the agency's drug programme for the two-year period 2010–2011², of which \$61 million went to counter illicit trafficking, very often in environments with serious human rights risks³. These funds are accompanied by millions more in bilateral aid to governments responsible for serious human rights violations. For example, between 2000/1 and 2008/9, the United Kingdom's Foreign and Commonwealth Office spent approximately £3,025,000 on counter-narcotics assistance in Iran⁴.

These funds are intended to reduce crime and human suffering by reducing the supply of and demand for illicit drugs. In reality, in the name of drug control, donors are supporting practices in other countries that they themselves regard as morally reprehensible and illegal. This has been the situation for many years.

¹P. Hunt (2008) Foreword, in H. Potts, *Accountability and the Right to the Highest Attainable Standard of Health*, Colchester: University of Essex, Human Rights Centre.

²Some of this funding goes to programmes and projects with potential benefits, such as harm reduction development.

³Consolidated budget for the biennium 2012–2013 for the United Nations Office on Drugs and Crime (UNODC), Report of the Executive Director, E/CN.7/2011/16–E/CN.15/2011/22, p. 97.

⁴Hansard source: HC Deb, 28 April 2009, c1205W. This includes money contributed through UNODC.

IN THE NAME OF DRUG CONTROL, DONORS ARE SUPPORTING PRACTICES IN OTHER COUNTRIES THAT THEY THEMSELVES REGARD AS MORALLY REPREHENSIBLE AND ILLEGAL.

Member states of the European Union, for example, oppose the death penalty. However, as this report shows, funding from EU member states can facilitate death sentences and subsequent executions by hanging, firing squad or lethal injection of people for drug trafficking offences. While nobody should be sentenced to death, most often it is not the major traffickers who are condemned to die, but couriers involved in the drug trade due to a lack of options – many are coerced.

Some donors, such as Australia and the United States, strongly promote evidence-based drug treatment at home and in international settings. Australian and US government funding, however, has been spent on maintenance and staff training at drug detention centres where people are subjected to physical violence, isolation and forced labour and not provided with treatment for which there is scientific evidence of effectiveness – all in violation of international law and all illegal in their own jurisdictions.

While some governments openly criticise such human rights violations, issuing guidelines and normative statements opposing them at home, they continue to supply funds and material resources to foreign governments committing those same human rights violations.

As this report shows, alongside bilateral aid (i.e. aid given direct to governments),

a great deal of this funding is channelled through United Nations agencies, distancing the funding from its source and further from accountability for how it is spent. In this way, instead of being a guardian of human rights the United Nations is reduced to a buffer between donor states' human rights obligations and the impacts of their funds on the ground.

Given the serious and, in some cases, systematic human rights violations committed in the context of drug enforcement, donor states should never provide money, technical assistance, material resources or intelligence to drug control without due diligence to ensure that such aid does not facilitate abuses. Far too often, such due diligence is absent or insufficient.

The implementation of such safeguards is realistic. UNODC has recently developed its own internal guidance on human rights, which is intended to be put into practice with concrete programming tools. In addition, UNODC joined eleven other agencies in 2012 to call for the closure of drug detention centres. This is important progress. Nevertheless, this report shows that these positions are not adequately

Funding from EU member states can facilitate death sentences and subsequent executions by hanging, firing squad or lethal injection of people for drug trafficking offences.

INSTEAD OF BEING A GUARDIAN OF HUMAN RIGHTS THE UNITED NATIONS IS REDUCED TO A BUFFER BETWEEN DONOR STATES' HUMAN RIGHTS OBLIGATIONS AND THE IMPACTS OF THEIR FUNDS ON THE GROUND.

reflected in UNODC operations, despite the agency being aware of the potential for abuse for many years.

Additional models for human rights safeguards are being developed by donor states. In late 2011, the UK's Foreign and Commonwealth Office began using human rights guidance for its Overseas Security and Justice Assistance, which is intended to identify human rights risks in advance and to mitigate those risks or even halt assistance if such mitigation steps will not effectively address concerns.

These are just a few noteworthy examples in an otherwise unremarkable environment. Too often human rights guidance in drug control is unofficial, ad hoc or without formal 'red lines' around outcomes to be avoided.

This is not just a matter of double standards, it is also a matter of law. International law forbids states and international organisations from aiding or assisting in internationally wrongful acts (i.e., those acts that breach an international obligation, including human rights law).

This report focuses on two illustrative cases: the death penalty and drug detention centres. These cases demonstrate the links between international funding for drug control and violations of the right to life; freedom from torture and cruel, inhuman or degrading treatment; freedom from arbitrary detention; and freedom from slavery or forced labour. They are not the only areas where international funding raises human rights concerns, but they are two clear examples that highlight the need for greater oversight to prevent states aiding or assisting human rights violations with euros or dollars.

The consequences are far from abstract; they can be measured in the lives and health of thousands of people in many countries around the world.

Detainees have reported being beaten with bricks or whipped, undergoing painful withdrawal from drugs without medical assistance, administration of unknown medications, beatings, participation in experimental trials with no informed consent and degrading treatment such as being forced to crawl through animal excrement or made to swallow dirty water.