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18 September 2023

Submission to International Gender Equality Strategy

Thank you for the opportunity for Harm Reduction Australia (HRA) to make a submission to the development of DFAT's new *International Gender Equality Strategy*. HRA welcomes the Australian Government's commitment to ensuring that gender equality is central to Australia's foreign policy, international development, humanitarian action, trade, and security efforts. To this end, our submission primarily seeks to illuminate the important intersectionalities between foreign policy, gender equality, human rights, and Australia's leadership in global drug policy matters.

HRA is a national organisation committed to reducing the health, social and economic harms potentially associated with drug use and drug policy responses. HRA is a membership-based organisation that represents the views of its members who are primarily people working in the health, welfare, and law enforcement sectors, but also includes people who use drugs, concerned family members, students, and other individuals wanting to advocate for the continuation and expansion of harm reduction policies in Australia. HRA takes a non-judgmental approach to drug use within society and aims to ensure that drug policies in Australia and globally first and foremost do no harm and provide real benefit to society through evidence-based and humane responses to drug use. Further information on HRA can be found on our website [here](#).

In addition, to our responses to the relevant submission questions, we have also provided links to several documents (below) to further support our submission and for further information and consideration in the Strategy development process.

1. What are international gender equality priorities?

HRA believes that the gendered dimensions of drug policy needs to be recognised and taken up as a key priority for DFAT's *International Gender Equality Strategy*. Specifically, there is a need to address the disproportionate impact of drug policy frameworks on the health, dignity, and rights of women and girls, as well as, marginalised and gender diverse communities in Australia, regionally and globally.

It has been said at the global level that human rights and drug control have "existed in parallel universes for decades" which has not only resulted in drug policies and laws receiving insufficient scrutiny from a human rights perspective but has also contributed to the perpetuation of repressive

drug policies and laws that have led to a plethora of human rights violations and abuses. Furthermore, this 'system of parallel universes' has had a disproportionate impact on those who are most marginalised in society and has led to extreme levels of stigma, discrimination, violence, poverty, and disadvantaged especially for women who use drugs.

For example, globally women who use drugs face significant stigma and discrimination in accessing harm reduction programmes, drug treatment, and basic health care. Although one in three people who use drugs are women, women constitute only one in five people in treatment. Women are also disproportionately affected by criminalisation and incarceration, with 35% of women in prison worldwide having been convicted of a drug-related offence compared to 19% of men¹. The underlying causes of women's interaction with the criminal justice system for drug related offences are complex, and often reflect systemic gender inequality in society more broadly including issues of poverty, violence, and poor access to education, among other issues. Moreover, women who use drugs face disproportionate levels of intimate partner violence and other forms of gender-based violence and higher HIV/HCV risks.

For all of these reasons, HRA strongly advocates for drug policy reform to be a key priority in DFAT's new *International Gender Equality Strategy*.

2. What are the most effective approaches for achieving gender equality globally?

Australia is a signatory to the *Universal Declaration of Human Rights* as well as several other key international conventions including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) which enshrine a range of fundamental protections including (but not limited to):

- **right to life, liberty, and security of person**
- **right to the highest attainable standard of health**
- **recognition before the law**
- **right to not be discriminated against on the basis of race, gender, ability, religion, etc.**
- **principle of proportionality**

Recently, the Office of the High Commissioner on Human Rights (OHCHR) released a ground-breaking report that denounces the failed global 'war on drugs' and calls for a new approach based on health and human rights, including through the legal regulation of drugs. The report recognises that punitive drug policies drive widespread human rights violations and fuel discrimination and is therefore an important report in the context of Australia's approach to foreign policy, international development, and humanitarian action. This report shows that many people (including women and girls) in Australia, regionally and globally are being prevented from attaining the highest attainable standard of health and human rights that are meant to be protected at international law due to punitive drug policies. The report recognises harm reduction as a central element of the right to health and highlights the contribution of disproportionate drug laws to global mass incarceration and to the targeting of marginalised groups such as Indigenous Peoples and women².

In highlighting the above issues, the OHCHR Report not only focuses attention on the work that needs to be done to ensure that Australia's is meeting its obligations as a signatory to key

¹ <https://www.ohchr.org/en/press-releases/2023/06/un-experts-call-end-global-war-drugs>

² <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session54/list-reports> (see A/HRC/54/53: Human rights challenges in addressing and countering all aspects of the world drug problem - Report of the Office of the United Nations High Commissioner for Human Rights)

international conventions, but it also draws attention to the need for Australia to do more towards fulfilling the pledges that Australia and other member states have made through the Sustainable Development Goals (SDGs). Therefore, HRA believes that work to protect fundamental human rights and fulfil the mandates of the SDGs through global drug policy reform must be part of an effective approach to gender equality globally.

3. How can Australia best support efforts to achieve gender equality internationally?

As outlined above, international bodies, including the United Nations, are now routinely and openly declaring the war on drugs a failure, and denouncing prohibition as not only ineffective but fundamentally harmful and inhumane. There is now a growing global recognition of the need to urgently move towards the full decriminalisation/legal regulation of the use and supply of currently illicit substances for personal consumption, along with possession for personal use, to address the significant long-term health and financial consequences and the human rights violations that are caused by criminalising, arresting, convicting, and often incarcerating people who use drugs. Further, multiple reports from the Global Commission on Drug Policy (GCDP) – a group of eminent past heads of state and other dignitaries – have reiterated their collective view that drug prohibition has failed both the world and individual countries utterly, and that significant drug policy reform is a matter of global emergency³.

In this context, HRA believes that supporting the need for global drug policy reform must be included as a core principle in our strategic approaches to foreign policy, international development and gender equality. Furthermore, as outlined above, this approach is also an important part of showing global leadership on respecting, promoting, and fulfilling the human rights of people (including women and girls), as well as fulfilling the pledges made through the Sustainable Development Goals (SDGs). Additionally, in our local region, there are issues related to overcrowding of prisons and criminal justice systems and use of compulsory and coercive detention centres that need to be urgently addressed as part of achieving gender equality globally.

The continued existence of compulsory drug detention centres, where people suspected of using drugs (including women) and other vulnerable populations are detained without due process in the name of ‘treatment’ or ‘rehabilitation’, are a serious human rights concern. These compulsory drug detention centres (many of which are based in countries in the Asian region) raise multiple human rights issues including the potential for increased exposure to HIV, hepatitis B and C and TB infections⁴. Further, detention often takes place without the benefit of sufficient due process, legal safeguards or judicial review. The deprivation of liberty without due process is an unacceptable violation of internationally recognised human rights standards. Furthermore, detention in these centres has been reported to involve physical and sexual violence, forced labour, sub-standard conditions, denial of health care, and other measures that violate human rights. Multiple reports have documented the abuse and poor treatment of women and other marginalised communities in these settings. It is HRA’s strong view, that these compulsory and coercive detention environments should be closed immediately and those detained must be released.

HRA’s position on these centres is supported by a growing number of international and national organisations, governments and other entities including the UN family that has issued a joint UN statement calling on States that operate compulsory drug detention and rehabilitation centres to:

“...close them without delay and to release the individuals detained. Upon release, appropriate health care services should be provided to those in need of such services, on a voluntary basis, at community level. These services should include evidence-informed drug

³ Global Commission on Drug Policy. 2021. Time to End Prohibition.

<https://www.globalcommissionondrugs.org/reports/time-to-end-prohibition>

⁴ See Stoicescu, C., et al. 2022 here: [https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(22\)00003-4.pdf](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(22)00003-4.pdf)

dependence treatment; HIV and TB prevention, treatment, care and support; as well as health, legal and social services to address physical and sexual violence and enable reintegration. The UN stands ready to work with States as they take steps to close compulsory drug detention and rehabilitation centres and to implement voluntary, ambulatory, residential and evidence-informed alternatives in the community.”⁵

(Please also see the additional resources on this issue included below)

4. What should the government/ DFAT consider when developing the new international gender equality strategy?

First, HRA believes that it is critical that drug policy issues and the need for fundamental reform are not seen as ‘unrelated’ or ‘marginal’ to gender equality and international development but rather as central to Australia’s foreign policy, international development, humanitarian action, trade, and security efforts.

Further, HRA would advocate for meaningful ongoing dialogue and engagement with key relevant civil society and community-led organisations in the drug policy and harm reduction space in Australia, regionally and globally in the development of the new DFAT *International Gender Equality Strategy*.

We thank you again for the opportunity to provide a brief submission to this process. We would welcome the opportunity to elaborate on the issues raised in this submission including participating in any meetings that may be associated with the Strategy development process.

Please do not hesitate to contact us should you require any further information.

Yours sincerely



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⁵ International Labour Organisation; Office of the High Commissioner for Human Rights; United Nations Development Programme; United Nations Educational, Scientific and Cultural Organisation; United Nations Population Fund; United Nations High Commissioner for Refugees; United Nations Children’s Fund; United Nations Office on Drugs and Crime; United Nations Entity for Gender Equality and the Empowerment of Women; World Food Programme; World Health Organisation; and Joint United Nations Programme on HIV/AIDS.

Other Relevant Documents/Reports

HRA Australian Human Rights Framework submission link:

<https://www.harmreductionaustralia.org.au/harm-reduction-australia-submission-to-the-inquiry-into-australias-human-rights-framework/>

Drug Policy & Women:

[Beating Drug Addiction in Tehran: A Women's Clinic eBook : Dolan, Dr Kate: Amazon.com.au: Kindle Store](#)

<https://womenanddrugs.wola.org/cnd-64-side-event-shifting-needle/>

www.unodc.org/documents/ungass2016/Contributions/UN/Gender_and_Drugs_-_UN_Women_Policy_Brief.pdf

The Gendered Impacts of Drug Policy on Women:

<https://brill.com/display/book/edcoll/9789004440494/BP000016.xml>

www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2017/BriefDrugsENUScompressed.pdf

Compulsory & Coercive Drug Detention Centres:

<https://www.hrw.org/report/2012/07/24/torture-name-treatment/human-rights-abuses-vietnam-china-cambodia-and-lao-pdr>

<https://www.hrw.org/news/2013/12/05/compulsory-drug-detention-centers-china-cambodia-vietnam-and-laos-health-and-human>

<https://www.opensocietyfoundations.org/uploads/9e633585-8066-4315-b324-b4c805319ab7/detention-and-punishment-name-drug-treatment-20160315.pdf>

<http://content.time.com/time/world/article/0,8599,2092004,00.htm>

Death Penalty for Drug Offences:

<https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2021/>

https://www.asiapacificforum.net/news/ending-death-penalty-asia-rights-groups-attend-regionalseminar/?utm_medium=email&utm_campaign=APF%20Bulletin%20June%202023&utm_content=APF%20Bulletin%20June%202023+CID_3d091954f35e96480b65131ce6548357&utm_source=Email%20marketing%20software&utm_term=Read%20more