

## Submission on human rights challenges in addressing the world drug situation – the UK situation

Release<sup>1</sup> is pleased to share this submission with the Office of the United Nations High Commissioner for Human Rights. This submission addresses the racially discriminatory application of drug law enforcement in the UK, the rights abuses that occur to those seeking drug treatment and highlights other areas of human rights concerns in the UK context.

### Discriminatory policing driven by drug law enforcement

Police use of stop and search powers disproportionately impacts racialised communities and is primarily driven by drugs policing. Despite political and policing rhetoric that stop and search aims to prevent violent or organised crime, drugs accounted for 65% of the half a million searches carried out in England and Wales for the year ending March 2022<sup>2</sup>. In reality, Black people are six times more likely to be stopped and searched for drugs<sup>3</sup>, despite using drugs at lower rates than the white population<sup>4</sup>. The majority of these searches are for drug possession<sup>5</sup>, rather than for supply offences, and approximately 70% of searches result in nothing being found<sup>6</sup>.

Handcuffs are regularly used by officers carrying out searches, which is considered “use of force”. Black people are three times more likely to experience use of force compared to the white population.<sup>7</sup>

Research undertaken by Release has established that, despite drug use being ubiquitous across all social groups, drugs policing is concentrated in areas of deprivation.<sup>8</sup> In more affluent areas, we uncovered higher rates of racial disparities in the use of police stop and search for drugs.<sup>9</sup> These findings would suggest that police’s use of suspected drug possession as a ground for stop and search enables widespread geographical and individual profiling of citizens.

### Strip searches

Another policing tactic of concern is the use of strip searches. This is a highly intrusive and traumatic procedure in which a police officer may conduct a search on a person and may involve the exposure of intimate body parts as part of an extended stop and search.

Release has been collecting data from police forces on the use of strip search, which is currently unpublished<sup>10</sup>. To date, we have information from 36 police forces, with the most thorough national picture coming from data provided for 2018/19. Of the 7,852 strip searches carried out as part of stop and search interventions, 90% were for drugs. In this dataset, Black people were 15 times more likely to be strip searched compared to white people; nothing was found in over half of the searches.

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<sup>1</sup> Release is the national centre of expertise on drugs and drugs law in the UK. The organisation, founded in 1967, is an independent and registered charity. Release is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

<sup>2</sup> [Stop and search summary data tables, year ending 31 March 2022](#)

<sup>3</sup> [Update to stop and search and arrests statistics using 2021 Census estimates - GOV.UK](#)

<sup>4</sup> [The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales | Release](#)

<sup>5</sup> HMIC

<sup>6</sup> [Stop and search statistics outcomes data tables: police powers and procedures, year ending 31 March 2022](#)

<sup>7</sup> [Police use of force statistics, England and Wales: April 2021 to March 2022 - GOV.UK \(www.gov.uk\)](#)

<sup>8</sup> [The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales | Release](#)

<sup>9</sup> Ibid

<sup>10</sup> We are happy to share the raw data.

Children are also subjected to this invasive policing tool; 2,847 children were strip-searched under stop and search between 2018 and mid-2022.<sup>11</sup> These children were aged between 8 to 17 years old. In the past three years, two-thirds of children who were strip-searched by the Metropolitan Police were of minority ethnicities. Moreover, out of the 78 girls who were strip-searched in London police stations last year, 32 of them were Black/mixed race.<sup>12</sup>

The “smell of cannabis” is often used as a justification to carry out searches, including strip searches. This was the case with Child Q, a 14-year-old Black girl falsely accused by her teachers of being in possession of drugs because she smelt of cannabis, which led to her being stripped searched at school by two police officers.<sup>13</sup>

The occurrence of strip-searching children, particularly that of Black children, clearly demonstrates how Black people face over-criminalisation and bear the brunt of institutional racism right from the beginning even as children.

### Outcomes

The outcomes of stop and searches paint a distinct picture: one of targeted discrimination against racial minorities. As highlighted above, 70% of searches result in nothing being found. When something is found officers have discretion to either issue an out of court disposal or arrest the individual which can lead to prosecution. Although the absolute number of stop and searches for White people is higher than those of Black people, the arrest rate is lower for white people (13%) than their Black counterparts (16%).<sup>14</sup> It is worth noting that White people are slightly more likely to be found in possession of drugs after a search than Black people<sup>15</sup>, demonstrating that “the use of stop and search on Black people might be based on weaker grounds for suspicion than its use on white people, particularly in respect of drugs”.<sup>16</sup> It also demonstrates that Black people are more likely to face harsher outcomes for the same offence, which we have found repeatedly in our research.<sup>17</sup>

### Right to health is undermined for people who use drugs, particularly those with dependency issues.

Signatories to the 1966 ICESCR must work to ensure the “highest attainable standard of physical and mental health” (Article 12) for their populations, within which is included access to essential medicines. The World Health Organisation (‘WHO’) deems key substances used in opioid substitution therapy (‘OST’)<sup>18</sup> to be an essential medicine due to their effectiveness in reducing harms associated with illicit drug use and combatting the spread of blood-borne viruses.

Despite its long tradition of delivering harm reduction services, in recent years the UK government’s commitment to harm reduction, especially OST provision, has seriously diminished. Methadone, one medication used in OST, saves lives, is cost effective, reduces drug-related deaths, reduces the

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<sup>11</sup> <https://www.childrenscommissioner.gov.uk/resource/strip-search-of-children-in-england-and-wales>

<sup>12</sup> [Around 50 children strip searched by the police every week – and most are black – The Justice Gap.](#)

<sup>13</sup> [Local Child Safeguarding Practice Review – Child Q | chscp](#)

<sup>14</sup> [Stop and search statistics outcomes data tables: police powers and procedures, year ending 31 March 2022](#)

<sup>15</sup> Ibid

<sup>16</sup> [Stop and search statistics outcomes data tables: police powers and procedures, year ending 31 March 2022](#)

<sup>17</sup> [The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales | Release & The Numbers in Black And White: Ethnic Disparities In The Policing And Prosecution Of Drug Offences In England And Wales | Release](#)

<sup>18</sup> The two medicines in question are methadone and buprenorphine  
[http://www.who.int/selection\\_medicines/committees/expert/20/EML\\_2015\\_FINAL\\_amended\\_AUG2015.pdf?ua=1](http://www.who.int/selection_medicines/committees/expert/20/EML_2015_FINAL_amended_AUG2015.pdf?ua=1)

transmission of blood-borne viruses, and, when used as part of a holistic treatment approach, can stabilise someone, hence improving the quality of their life.<sup>19</sup>

Through the services Release provides, we have seen more and more punitive measures imposed on people in a drug treatment setting in certain areas of the country. These measures include, though are not limited to:

- ‘Therapeutic discharge’, where a client is suspended from a service for behavioural issues – often, these issues are very low-level incidents and can include simple disputes between the client and a member of staff. In many cases, the client’s methadone prescription is also withdrawn, contrary to the Clinical Guidelines on Drug Misuse and Dependence<sup>20</sup> and National Institute of Clinical Evidence (NICE) TA114<sup>21</sup>.
- Coerced dosage reduction of prescribed methadone and buprenorphine.
- Methadone prescription made conditional on engagement with other interventions, for example, attendance of group therapy.
- People being moved from weekly pick up of methadone to daily supervision regardless of the circumstances and in contravention of NICE TA114.
- People being forced to demonstrate “motivation” before being able to access OST.

The barriers to accessing low-threshold, client-centred treatment is in our view one reason for the record levels of drug-related deaths.

**Other issues which engage international human rights are detailed in the table below:**

Human Right	International Human Rights Convention	Violation details
Social economic	<ul style="list-style-type: none"> <li>● Article 22 of the Universal Declaration of Human Rights, 1948</li> <li>● Articles 6 and 7 of the International Covenant on Economic, Social &amp; Cultural Rights, 1966</li> </ul>	<ul style="list-style-type: none"> <li>● Closure of, and eviction from homes where specified drug offences are alleged to have led to anti-social behaviour (Anti-Social Behaviour, Crime &amp; Policing Act 2014)</li> <li>● Seizure of alleged proceeds of crime under the guise of disrupting supply chains, despite low value of assets</li> </ul>
Privacy	<ul style="list-style-type: none"> <li>● Article 12 of the Universal Declaration of Human Rights, 1948</li> </ul>	<ul style="list-style-type: none"> <li>● Use of sniffer dogs is widespread, with positive indications creating sufficient reasonable suspicion for a search, despite evidence showing a lack of effectiveness<sup>22</sup></li> <li>● Disclosure of medical records to employers, or other bodies, where drug use has been disclosed to a Doctor (even where this is purely recreational use)</li> </ul>

<sup>19</sup> [Neil Hunt et al \(2003\), Review of the Evidence-Base for Harm Reduction Approaches to Drug Use, at 3.2.12](#)

<sup>20</sup> [Department of Health \(2007\), Drug misuse and dependence: UK guidelines on clinical management](#)

<sup>21</sup> [Methadone and buprenorphine for the management of opioid dependence | Guidance | NICE](#)

<sup>22</sup> [Lit et al \(2011\), Handler beliefs affect scent detection dog outcomes \(2011\)](#)

		<ul style="list-style-type: none"> <li>● Information sharing between health agencies supporting people who experience dependency and the police</li> <li>● Drug testing in the workplace for jobs which do not have a safety-critical element, and especially where testing is to determine presence of a drug in the system rather than if the employee is actually under the influence</li> </ul>
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## Recommendation

Resolution 28/28 had the Human Rights Council request the UN High Commissioner for Human Rights prepare a study on “the impact of the world drug problem on the enjoyment of human rights”. The resulting study<sup>23</sup> underscored how repressive drug policies can undermine human rights. We would ask that the Commissioner reiterates its position to Member States to end the criminalisation of people who use drugs as a mechanism to reduce/eliminate the policing of adults and children for these activities in recognition that drug law enforcement is a tool of racial and social control by the State.

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<sup>23</sup> United Nations Office of the High Commissioner for Human Rights (2015), *Study on the impact of the world drug problem on the enjoyment of human rights*, ([Study on the impact of the world drug problem on the enjoyment of human rights in English](#))