



## International Human Rights Day, 10<sup>th</sup> December 2015: a call to end violence against women who use drugs

December 10<sup>th</sup> is the final day of 16 days of activism to raise awareness of, and galvanise action on, gender-based violence, following on from the 2015 International Day for the Elimination of Violence against Women.<sup>1</sup> December 10<sup>th</sup> appropriately coincides with International Human Rights Day, which commemorates the anniversary of the adoption of the Universal Declaration of Human Rights. It should also be noted that the new Sustainable Development Goals include specific targets of ending violence against women for the first time.

Today, on International Human Rights Day, the International Network of People who Use drugs (INPUD) and the Women and Harm Reduction International Network (WHRIN) emphasise that the human rights of people who use drugs are consistently violated the world over. Specific communities of people who use drugs – most notably women – are subject to specific and compounded human rights violations. Drug-userphobia is compounded by endemic sexism, inequality, and misogyny in the case of women who use drugs, resulting in their experiencing exacerbated human rights violations and threats to health and wellbeing. Human rights violations against women who use drugs manifest as a result of a range of interrelated structural, systemic, and sociocultural drivers. INPUD has gathered some accounts through their women’s network, the International Network of Women who Use Drugs (INWUD), which illustrate the human rights violations to which women who use drugs are subject.

**Today, we stress the particular need to address violence, stigma, and discrimination against women who use drugs.<sup>2</sup>**

### Women who Use Drugs Have the Right to be Free from Violence

As a result of criminalisation, discrimination, and stigmatisation, women who use drugs are disproportionately affected by violence. Criminalisation, discrimination, and stigmatisation are compounded by sexism, misogyny and gendered violence. As a result, women who use drugs experience violence that is perpetrated by agents of the state, notably the police. Intimate partner violence experienced by women who use drugs is also an endemic problem. Violence is compounded by discrimination and structural violence perpetrated by the authorities:

“The insidious creep of abuse of domestic violence makes it hard to speak out. But when police fail to act on a charge, it becomes a double act of injustice. The neighbours called the police to my house, after I had just gone through a window. Under questioning he [my partner] told the police officer I was a drug user. Tearful and shaken, I found the tables turned on me. Rather than pursue a clear case of domestic violence, he chose to search me for drugs. It only took those two little words of ‘drug user’ for the police officer to see me not as a victim of domestic violence, but as a woman not deserving of equal protection under the law. At a time when I felt the most broken, I had to bear the force of a broken system which treats women who use drugs as undeserving of the same rights as other women.”  
(INWUD Virtual Consultation, 2015)

“From 2003 until 2010... I have been beaten and mentally tortured almost every day. I hardly can talk or share my problems to anybody because [I'm] scared of being discriminate[d against] and being stigmatised... I have to stay with him during my using because I don't have anybody else and my drugs was supported by him.”  
(INWUD Virtual Consultation, 2015)

<sup>1</sup> <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/16-days-of-activism>

<sup>2</sup> INPUD’s *Drug User Peace Initiative: A War on Women who Use Drugs* provides a literature review detailing human rights violations of women who use drugs. It is available at <http://www.druguserpeaceinitiative.org/>



Violence perpetrated by the police against women who use drugs is all too common, and includes sexual violence, inappropriate and invasive surveillance, domestic intrusions, strip and cavity searches (including those conducted by male police officers), and demands for sexual acts in exchange for privileges or basic necessities. Additionally, women who use drugs face difficulties accessing legal justice when experiencing violence, including sexual violence, in closed settings like pre-trial detention and prison.

“Two policemen appeared and stopped us. “Don’t move” they said. After searching my friends, one of the policemen kept guard and the other came to search me. As he began searching, I said “I want a policewoman to search me”. His response was to slap me hard across the face and continued to search me in a molesting way, in public. I was extremely frightened and felt utterly hopeless. My friends couldn’t help me. I wet my pants. They took us to the station to continue the search. In the station they separated us. I was put in a room alone with another policeman who put his computer on to watch a pornographic film. He offered me heroin in exchange for sex. I refused, and he slapped me. I screamed and he tried to cover my mouth with his hand. He was intending to rape me. Luckily another policeman outside heard me and came in. He took me to the cell with my friends.”

(INWUD Consultation, 2015)

### **Women who Use Drugs Have the Right to the Highest Attainable Standard of Health**

Criminalisation, gender-based violence, and stigma and discrimination put women who use drugs at greater risk of blood-borne viruses and sexually transmitted infections, most notably HIV and hepatitis C. The so-called ‘war on drugs’ has driven an opposition to harm reduction programmes, frequently resulting in women who use drugs being unable to access healthcare and other services, violating their human right to the highest attainable standard of health. The lack of available harm reduction services is compounded by the fact that what services are available frequently fail to cater to the specific needs of women who use drugs.

Violence, stigma, discrimination, and criminalisation all serve as substantial barriers for women who use drugs accessing what services and healthcare are available. Punitive drug laws and policies drive high prevalence and incidence of both HIV and hepatitis C amongst women who use drugs.

### **Women who Use Drugs Have the Right to Bodily Integrity**

Service and healthcare providers commonly mislead women who use drugs with erroneous information regarding the impact on the foetus of illicit drug use before and during pregnancy. Despite opiate substitution therapy (OST) being safe and recommended by the World Health Organization for pregnant women with opiate dependency, they are frequently denied access to OST. In addition, in some regions pregnant women who use drugs can be incarcerated during pregnancy without due legal process, losing their right to personal freedom, and can be prosecuted for using prohibited drugs during pregnancy.

“In many countries, pregnant drug users face criminal sanctions if they continue to use prohibited drugs. In the United States, cocaine users have been convicted on a number of charges including foetal abuse, delivering drugs to a minor, and even murder; this is despite a body of evidence showing cocaine to be no more harmful to a pregnancy than cannabis, and less harmful than alcohol.”<sup>3</sup>

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<sup>3</sup> International Network of People who Use Drugs (INPUD), International Network of Women who Use Drugs (INWUD), the Women and Harm Reduction International Network (WHRIN), National Advocates for Pregnant Women (USA) (NAPW), SisterReach, the Sexual Rights Initiative, Family Law & Cannabis Alliance (USA) (FLCA), and Native Youth Sexual Health Network, 2014, *Universal Periodic Review of United States of America 22nd Session*, available at [http://www.inpud.net/INWUD\\_Joint\\_Shadow\\_Report\\_FINAL\\_DRAFT\\_2-1.docx](http://www.inpud.net/INWUD_Joint_Shadow_Report_FINAL_DRAFT_2-1.docx) (last accessed 18 September 2014)

Furthermore, in numerous contexts women who use drugs have been financially incentivised and/or coerced into being sterilised. Such interventions undermine the agency and self-determination of women who use drugs to make informed decisions about their reproductive health.

Although these interventions claim to prioritise the welfare of the foetus, in reality such measures undermine both foetal *and* maternal health and wellbeing, and serve to distance women who use drugs from service and healthcare provision.

### **Women who Use Drugs Have the Right to Found a Family Free from Arbitrary Interference**

Drug use does not, by definition, make a woman unfit to care for a child. Yet women who use drugs are frequently assumed to be unsuitable parents, due again to discriminatory preconceptions and generalisations. Intrusions into the homes of people who use drugs are frequent, and women who use drugs often lose custody of their children solely as a result of their drug use.<sup>4</sup>

### **Demands<sup>5</sup>**

INPUD and WHRIN demand that the human rights of women who use drugs be upheld.<sup>6</sup> Specifically:

- Women who use drugs have human rights, which must be protected by the rule of law.
- Policies that incriminate and marginalise women must be urgently addressed: women who use drugs must be decriminalised and have access to legal justice.
- Violence perpetrated against women who use drugs, at the hands of partners, the authorities, the police, and healthcare providers, must be investigated and prosecuted.
- Women who use drugs must have access to the highest attainable standard of healthcare, service provision, and comprehensive harm reduction that caters to women's needs.
- Women who use drugs must not have their bodily integrity violated through drug testing, or through being pressured or coerced to terminate their pregnancy or to be sterilised.
- Drug use alone must never justify the invasion or disruption of privacy or of family and/or domestic life.
- Women who use drugs must be able to organise and network without fear of discrimination, arbitrary interference, or violence.

### **Concluding Remarks**

At the closure of the International Day for the Elimination of Violence against Women campaign, and on World Human Rights Day, INPUD and WHRIN urgently draw attention to the heightened vulnerability to violence of women who use drugs. Efforts to eliminate violence against women *cannot* be achieved without a focus on the most marginalised women in society. Successes in redressing, reducing, and halting human rights violations against the most marginalised, in turn, will have benefits for all women.

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<sup>4</sup> For further information, see *Illicit Drug Use in Pregnancy: An Appropriate Response*, available at

[http://www.inpud.net/Illicit\\_Drug\\_use\\_in\\_Pregnancy\\_An\\_Appropriate\\_Response-WHRIN\\_INWUD\\_2012.pdf](http://www.inpud.net/Illicit_Drug_use_in_Pregnancy_An_Appropriate_Response-WHRIN_INWUD_2012.pdf)

<sup>5</sup> A consolidated list of the *Human Rights of and Demands From People who Use Drugs*, informed by people who use drugs themselves, is available at <http://www.inpud.net/en/news/inpud-consensus-statement-drug-use-under-prohibition-human-rights-health-and-law>

<sup>6</sup> These demands are driven, in part, by INPUD's Consensus Statement, which is informed by the views of people who use drugs themselves. INPUD's *Consensus Statement on Drug Use Under Prohibition: Human Rights, Health, and the Law* is available at [http://www.inpud.net/consensus\\_statement\\_2015.pdf](http://www.inpud.net/consensus_statement_2015.pdf)