

## INB Public Hearings

12 - 13 April 2022

### **Written Statement by Harm Reduction International, Global Network of Sex Work Projects, and International Network of People Who Use Drugs<sup>1</sup> on the question of “*What substantive elements do you think should be included in a new international instrument on pandemic preparedness and response?*”**

COVID-19 and related governments policies – often overwhelmingly punitive - disproportionately impacted vulnerable, marginalised, and criminalised communities such as people who use drugs and sex workers in all their diversity. This led to widespread human rights violations, and ineffective pandemic responses.

Learning from the COVID-19 pandemic, any new instrument must be developed with meaningful consultation with communities most impacted, and aligned with international human rights law and standards, **building upon and enhancing human rights protections**. This entails:

- Incorporating international standards on derogations to human rights in public health emergencies, including principles of **legality, necessity, proportionality, non-discrimination**.<sup>2</sup> These should apply not only to civil and political rights, but also to social, economic and cultural rights. The new instrument should elaborate on the implications of these principles, particularly on the introduction of criminal sanctions for non-compliance with pandemic policies, which must be a last resort.
- Explicitly expressing limitations and guidance on the **role of law enforcement in pandemic response**, building on existing human rights standards, including those of necessity and civilian oversight.
- Explicitly acknowledging the need for specific protections for **communities who face heightened vulnerability**; including marginalised and criminalised populations such as people who use drugs and sex workers.<sup>3</sup>
- Including **meaningful participation** of communities in the design, implementation, and evaluation as a core element of the instrument; with a focus on most affected populations, and on the essential role of community-led organisations. Meaningful engagement must also be a guiding principle in shaping the governance of the new instrument.

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<sup>1</sup> Harm Reduction International (HRI) is a leading international NGO dedicated to reducing the negative health, social and legal impacts of drug use and drug policy. Global Network of Sex Work Projects (NSWP) is a community-led network with membership of 318 sex worker-led organisations in 101 countries. International Network of People who Use Drugs (INPUD) is the global peak body representing people who use drugs. We work to protect the health and defend the human rights of people who use drugs and our membership is comprised of regional networks of people who use drugs.

<sup>2</sup> [Siracusa Principles on the Limitations and Derogation Provisions in the ICCPR](#), American Association for the International Commission of Jurists

<sup>3</sup> For a list of other particularly vulnerable, marginalised and criminalised populations see Human Rights Principles for a Pandemic Treaty, Annex to Principle 6