Systemic Racism Against Africans and People of African Descent in the Enforcement of Drug Laws and Policies

Summary of the Report by the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement

September 2026, A/HRC/63/72.

EXPERT MECHANISM TO ADVANCE RACIAL JUSTICE AND EQUALITY IN LAW ENFORCEMENT

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Introduction

Racism is deeply embedded in drug laws, policies and enforcement practices, resulting in disproportionate impacts on Africans and people of African descent. These racial disparities are not incidental but reflect historical and structural inequalities that continue to shape contemporary drug control systems.

Punitive, enforcement-driven approaches have generated serious human rights consequences, which fall most heavily on marginalized racial and ethnic communities and are often compounded by discrimination based on gender, age, migration status and socioeconomic disadvantage.

A. Root Causes of Racial Discrimination in Drug Laws and Policies

Racial discrimination in drug policy is rooted in historical and structural factors that continue to shape contemporary laws, institutions and enforcement practices.

- **Legacies of colonialism and enslavement:** Many modern drug control systems evolved from colonial structures that used law to control and marginalize racialized populations, including Africans and people of African descent.
- **Racialized narratives about drugs:** Certain drugs became associated with specific racial and ethnic groups, reinforcing stereotypes linking Blackness and other racial identities to criminality.
- **Global prohibitionist drug control system:** International drug control frameworks have often prioritized criminalization and punishment, with disproportionate impacts on racialized communities.
- **Militarization and the "war on drugs":** Enforcement-led approaches have expanded policing, militarized operations and punitive responses, contributing to significant human rights harms and racial disparities.

B. Impact Across Law Enforcement and the Criminal Justice System

Africans and people of African descent face disproportionate impacts at every stage of drug law enforcement and the criminal justice process.

- **Policing:** Higher rates of stop-and-search, surveillance, arrests and racial profiling in the context of drug enforcement.
- **Use of force:** Greater exposure to excessive and, in some cases, lethal force during drug-control operations.
- **Detention and incarceration:** Overrepresentation in arrest, pretrial detention and imprisonment for drug-related offences.
- **Justice proceedings:** Barriers to legal representation, fair trial guarantees and equal access to justice.
- **Sentencing:** More likely to receive harsher penalties, including longer custodial sentences and, in some jurisdictions, disproportionate exposure to the death penalty for drug offences that do not meet the 'most serious crimes' threshold.
- **Post-conviction impacts:** Lasting barriers to employment, housing, education, healthcare and social reintegration as a result of drug criminalisation.

C. Intersecting Forms of Discrimination

The effects of drug policies are often intensified when race intersects with other characteristics such as gender, age, migration status and socioeconomic background.

- **Women:** Women of African descent frequently face structural inequalities linked to poverty, limited economic opportunities and gender discrimination. In the context of drug enforcement, they are often criminalized for low-level, non-violent roles in drug economies and may receive punitive responses that do not adequately consider their circumstances.
- **Children and Young People:** Children and youth of African descent, especially boys and young men, may be especially affected by stop-and-search practices, racial profiling, police violence, detention and criminalization. These experiences can have long-term effects on education, family life and future development opportunities.
- **Migrants:** African migrants and migrants of African descent facing drug related offences may face additional vulnerabilities arising from their migration status, including increased exposure to profiling, detention, deportation and barriers to legal representation. These risks can compound existing racial discrimination.

D. Factors That Exacerbate Disparities

Several factors contribute to the persistence of racial disparities in drug law enforcement:

- **Limited availability of data** disaggregated by race or ethnicity, which makes disparities difficult to identify and address.
- The **use of predictive policing** and algorithmic tools that may reproduce historical patterns of bias.
- **Weak oversight and accountability** mechanisms for addressing police misconduct and discrimination.
- **Limited participation of affected communities** in policy development and oversight processes.

E. Key Recommendations

Address Root Causes and Structural Discrimination

- Acknowledge and address the historical and systemic roots of racial discrimination in drug policies, including the legacies of colonialism, enslavement and racially discriminatory systems.
- Invest in communities that have been disproportionately affected by drug law enforcement, particularly Africans and people of African descent.
- Tackle underlying drivers of vulnerability to drug involvement, including poverty, inequality, exclusion, limited access to services and historical and ongoing marginalization.

Reform Drug Laws and Policies

- Review national drug laws and policies to identify and address discriminatory impacts and ensure compliance with international human rights standards.
- Move away from punitive, militarized and enforcement-led approaches and strengthen responses grounded in public health, human rights and racial justice.
- Decriminalize drug use and possession for personal use and establish clear thresholds that distinguish personal use from drug trafficking.

End Discriminatory Law Enforcement Practices

- Prohibit racial profiling in drug policing and ensure that stops, searches, surveillance and arrests are based on objective evidence rather than racial stereotypes or assumptions.
- Strengthen accountability for excessive use of force and other human rights violations occurring during drug law enforcement operations.
- Ensure that digital technologies and policing tools are subject to safeguards and oversight to prevent racial bias and racial discrimination.

Promote Fairness in the Criminal Justice System

- Guarantee equal access to justice, including legal aid, interpretation services, fair trial guarantees and effective remedies.
- Abolish mandatory minimum sentences for drug offences and promote proportional sentencing.
- Expand alternatives to incarceration for low-level and non-violent drug offences.
- Abolish the death penalty for drug-related offences and in the meanwhile establish moratoria where it remains in place.

Improve Data, Oversight and Accountability

- Collect and publicly report data disaggregated by race or ethnic origin across all stages of drug law enforcement and the criminal justice process, with appropriate privacy safeguards.
- Establish independent and adequately resourced oversight mechanisms to investigate allegations of misconduct, discrimination and excessive use of force.

Address Intersecting Forms of Discrimination

- Adopt gender-responsive and racial-equity measures that recognize the specific experiences of African women and women of African descent.
- Take into account caregiving responsibilities, socioeconomic vulnerability and other individual circumstances when designing criminal justice responses.
- Ensure that children, young people, and migrants of African descent are protected from discriminatory impacts of drug policies.

Support Reintegration and Long-Term Inclusion

- Reduce the long-term consequences of drug criminalization by improving access to employment, housing, education, healthcare, social protection and reintegration opportunities.
- Address stigma and racial exclusion associated with drug-related criminal records.

Increase Community Participation

- Ensure the meaningful, inclusive and safe participation of Africans and people of African descent, and civil society organizations in the design, implementation, monitoring and evaluation of drug policies.
- Incorporate the experiences and perspectives of communities most affected by drug law enforcement into policy reform efforts.

Strengthen Public Health Approaches

- Expand harm reduction, treatment and community-based health services.
- Redirect resources away from punitive and militarized responses and toward public health, development and human rights-based approaches.
- Ensure safe, non-discriminatory access to services and reduce barriers created by stigma, criminalization and fear of punishment.