





### UPHOLDING HUMAN RIGHTS UNDER THE CNSA JUDICIAL TRAINING COURSE LAUNCH AND EXPERT WORKSHOP

Integrating harm reduction measures within the justice system is Key to better public health and human rights outcomes.



Justice Project Pakistan (JPP) is a Pakistan-based non-profit organisation that represents the most vulnerable Pakistani prisoners facing the harshest punishments, both at home and abroad. Through strategic litigation, policy advocacy, and capacity-building, JPP works to reform Pakistan's criminal justice system by addressing systemic injustices in sentencing, incarceration, and legal representation. In recognition of our work, we were awarded the inaugural Franco-German Human Rights Prize in 2016, and the National Human Rights Award, presented by the President of Pakistan in December of the same year. JPP also received the ECPM Award for capital defence at the 8th World Congress Against the Death Penalty in November 2022.

As part of its drug policy work, JPP is leading efforts to address the intersection of drug use, poverty, incarceration, and health inequities. The current punitive drug control framework disproportionately targets low-income individuals, increasing their risk of dependency, exposure to transmissible diseases, and long-term incarceration without access to rehabilitation. JPP conducts evidence-based research across provinces with incarcerated individuals to explore how drug policies contribute to rising imprisonment rates and worsening health conditions in prisons. JPP advocates for a shift from punitive approaches to a human rights and public health-centered framework. Through research, policy engagement, and judicial training, JPP promotes proportional sentencing, alternatives to incarceration, and fair legal representation.





## **Federal Judicial Academy**

The Federal Judicial Academy (FJA) is Pakistan's premier institution dedicated to judicial education, capacity-building, and researchdriven training for members of the judiciary and key stakeholders in the justice sector. Established in 1988, the Academy was granted formal legal status through the Federal Judicial Academy Act, 1997, and operates under the supervision of a Board of Governors chaired by the Chief Justice of Pakistan.

With a vision of fostering an independent and accountable judiciary, the FJA provides orientation and in-service training for judges, magistrates, law officers, and court personnel, while also hosting seminars, workshops, and symposia aimed at strengthening the judicial system. Through interactive learning methodologies, including lectures, panel discussions, case studies, and syndicate discussions, the Academy ensures that judicial officers are equipped with the competency, professionalism, and legal expertise required to uphold expeditious and affordable justice in line with the aspirations of the people of Pakistan.

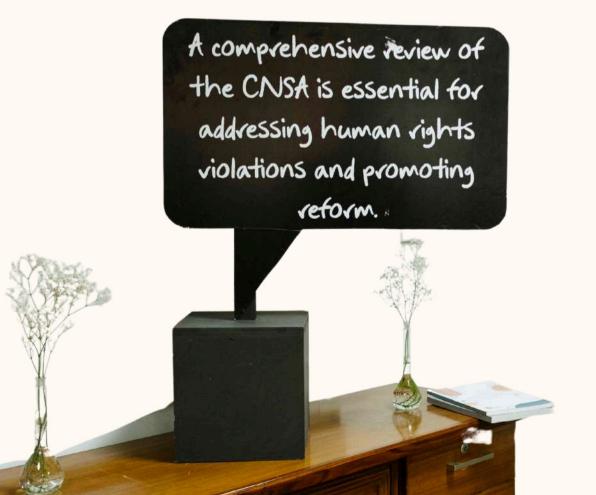
### **Executive Summary**

On January 29, 2025, Justice Project Pakistan (JPP), in collaboration with the International Centre on Human Rights and Drug Policy at the University of Essex and the UN Office of the High Commissioner for Human Rights (OHCHR), convened an expert workshop on upholding human rights in drug-related cases under the Control of Narcotic Substances Act, 1997 (CNSA). Hosted at the Federal Judicial Academy (FJA) in Islamabad, the workshop sought to equip Pakistan's judiciary with the knowledge and tools necessary to adopt a more proportionate and rehabilitative approach to narcotics cases. Discussions focused on Pakistan's international human rights obligations, judicial discretion, and alternative sentencing models, encouraging a more human-rights based approach to drug-related offences.

The training brought together 71 participants, including 50 male and 14 female district and sessions judges, magistrates, and judicial officers handling narcotics cases across Pakistan. Judges engaged with international experts, exploring best practices from other jurisdictions, particularly how international judges have applied the International Guidelines on Human Rights and Drug Policy to advocate for proportionate sentencing and alternatives to incarceration.

The workshop featured insights from five distinguished panelists, including Mr. Zaved Mahmood (UN OHCHR), Ms. Julie Hannah and Ms. Rebecca Schleifer (International Centre on Human Rights and Drug Policy, University of Essex), and Dr. Rai Muhammad Khan and Mr. Muhammad Amir Munir (Directors at FJA). The event also marked the launch of a specialised e-course on the International Guidelines on Human Rights and Drug Policy, developed by JPP and experts from the International Centre on Human Rights and Drug Policy (University of Essex) as a comprehensive training resource for judges across Pakistan. Mr. Hayat Ali Shah, Director General of FJA, underscored the importance of judicial engagement in shaping policy, while Mr. Daniel Arsenault, Chargé D'affaires at the High Commission of Canada in Pakistan, described the e-course as "a watershed moment" in judicial capacity-building on narcotics cases.

By embedding human rights and public health considerations at every stage, this training sought to transform judicial approaches to narcotics cases. The knowledge imparted, discussions fostered, and networks built during the workshop will contribute to strengthening judicial reasoning, enhancing discretion in sentencing, and ensuring decisions align with Pakistan's constitutional and international human rights obligations.



## **Key Objectives**

Justice Project Pakistan conducted an expert workshop to introduce and launch a specialised judicial training e-course developed in collaboration with the University of Essex's International Centre on Human Rights and Drug Policy and the UN Office of the High Commissioner for Human Rights. This initiative builds on the outcomes of "Reimagining Justice: Public Health and Human Rights-Centered Drug Policy" Conference, Pakistan's first national-level dialogue on drug policy and human rights, which underscored the urgent need for judicial intervention through comprehensive sentencing guidelines for narcotics cases and a shift from punitive drug policies to a human rights and public health-based approach

Designed to equip Pakistan's judiciary with a robust understanding of human rights principles within the context of drug-related offences, the e-course integrates international best practices with Pakistan's legal framework to support more just and rehabilitative approaches to narcotics cases. With over 21,000 individuals currently incarcerated for drug offences in Pakistan, it is imperative that judicial actors are equipped with the necessary knowledge and tools to ensure fair trials, proportionate sentencing, and access to rehabilitation for accused individuals. This workshop brought together key judicial actors, international rights advocates to experts, and human introduce the International Guidelines on Human Rights and Drug Policy and explore their practical application within the Pakistani legal system. By examining case studies from jurisdictions such as Colombia, Albania, and Brazil, participants engaged in discussions on how to incorporate human rights considerations in sentencing, pre-trial detention, and rehabilitation for drug-related offences. The training provided members of the judiciary with a deeper understanding of the International Guidelines on Human Rights and Drug Policy and their relevance to Pakistan's legal framework. It fostered dialogue on the intersection of drug policy, human rights, and public health, ensuring judicial decisions reflect a balance between legal mandates and rehabilitative justice.

The workshop also provided practical strategies for judges handling narcotics cases, including sentencing considerations that uphold human rights. Strengthening collaboration between the judiciary and human rights experts was a key outcome of the training, aimed at advancing a more equitable and rights-based approach to drug-related offences. This initiative represents a significant step towards embedding human rights and public health principles within Pakistan's judicial practice, ensuring that judicial decision-making aligns with international standards and best serves justice.

# Speakers



**Daniel Arsenault** 

Chargé D'affaires, High Commission of Canada in Pakistan



Hayat Ali Shah

Director, Federal Judicial Academy



Dr. Rai Muhammad Khan Director, Federal Judicial Academy



Zaved Mahmood

Drug Policy and Human Rights Advisor, UN OHCHR



Julie Hannah

Director, International Centre on Human Rights and Drug Policy, University of Essex



#### **Rebecca Schleifer**

Fellow, International Centre on Human Rights and Drug Policy, University of Essex



M. Amir Munir

Director General, Federal Judicial Academy



Sarah Belal Executive Director, Justice Project Pakistan



### Welcome Remarks by Sarah Belal, JPP

The expert workshop commenced with opening remarks by Sarah Belal, Executive Director of Justice Project Pakistan (JPP), who welcomed participants and outlined the objectives of the training. She highlighted the critical role of judicial engagement in shaping policy discussions and ensuring that the judiciary plays an active part in reforming the legal response to drug-related offences. She emphasised the importance of equipping judges with international best practices to ensure a fair and rehabilitative approach to narcotics cases in Pakistan.



Sarah Belal then introduced the international experts, acknowledging their significant contributions to human rights and drug policy reform.

Mr. Zaved Mahmood, Drug Policy and Human Rights Advisor at the UN OHCHR, was recognised for his extensive work on human rights issues related to drug policy, incarceration, and the death penalty. He has represented the OHCHR at the UN Commission on Narcotic Drugs in Vienna since 2017 and has advised on key human rights mechanisms, including commissions of inquiry and victim protection initiatives.

Julie Hannah, Director of the Ms. International Centre on Human Rights and Drug Policy at the University of Essex, was introduced as a leading expert on international drug control policy, human rights, and mental health, with extensive experience advising UN bodies and civil society actors. Sarah also introduced Ms. Rebecca Schleifer, senior fellow at the International Centre on Human Rights Policy. and Drug Following the introductions, Sarah invited Ms. Julie Hannah and Ms. Rebecca Schleifer to present on the International Guidelines on Human Rights and Drug Policy, setting the stage for an in-depth discussion on their application within Pakistan's judicial framework.

### Presentation on the International Guidelines on Human Rights and Drug Policy

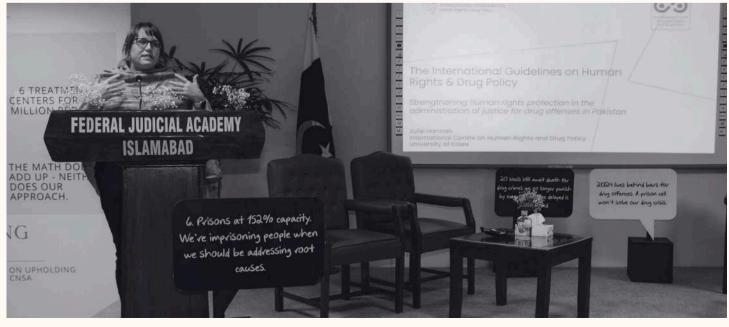
Julie Hannah, Director of the Ms. International Centre on Human Rights and Drug Policy at the University of Essex, introduced the International Guidelines on Human Rights and Drug Policy, explaining their significance and practical application. Ms. Hannah highlighted that these guidelines were developed through eight global consultations, involving government officials, civil societv organisations, individuals affected by drug policies, and experts from UN development programmes.

She emphasised that the Guidelines do not establish new rights but consolidate existing human rights obligations already enshrined in international treaties, which Pakistan, as a signatory, is bound to uphold.

Ms. Hannah stressed that drug policy extends far beyond criminal justice, impacting public health, development, and human rights, and that states have a dual responsibility-both to regulate international drug control and to ensure compliance with their human rights obligations. She noted that the Guidelines serve as a vital tool for judges seeking to uphold human rights in their judicial functions, providing a structured reference to guide fair and proportionate sentencing in narcotics cases.

She also pointed to the thematic reference guide on criminal justice included in the Guidelines, which offers judges practical legal reasoning even before a case reaches trial.

Citing international examples, Ms. Hannah shared that judges in Albania have successfully incorporated these Guidelines at the trial stage in courts of first instance, demonstrating their applicability in judicial decision-making.



Following Ms. Hannah, Ms. Rebecca Schleifer, global expert on health and human rights, highlighted the crucial role of judges in upholding human rights in drug-related cases and emphasised their direct contribution to the development of the E-course.

She noted that during a similar course delivered in Colombia in April, judges observed that most defendants in drug cases were impoverished individuals with minor roles in drug cultivation or use. Recognising this, the Colombian government passed a law in 2023 introducing alternatives to incarceration for women and older individuals due to their marginalised conditions, allowing for community service instead of prison sentences.

Judges in Colombia found the Guidelines particularly useful in understanding their obligation to apply such alternatives, a challenge also faced in Pakistan, where many drug-related cases remain ineligible for non-custodial sentencing. She stated that lower court judges were initially hesitant to exercise discretion due to fears of appellate reversals, but the Guidelines provided them with a strong legal foundation to justify rehabilitative sentencing approaches.

She further cited a 2019 Colombian court ruling that halted the fumigation of coca crops, using the Guidelines' provisions on public health environmental and protections as a legal basis. This decision, explained, was made she possible because the Guidelines were developed with judicial input, ensuring their practical relevance in courts. Stressing that every Guideline is backed by UN jurisprudence, she encouraged Pakistani judges to incorporate them into their strengthen reasoning, helping legal arguments for proportionate sentencing and alternative measures in narcotics cases.

# PANEL DISCUSSION WITH JUDGES ON ISSUES PERTAINING TO DRUG OFFENCES

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> 6. Prisons at 152% capacity. We're imprisoning people when we should be addressing root causes.

21824 lives behind bars for drug offences. A prison cell won't solve our drug crisis 10

The panel discussion, moderated by Sarah Belal, provided an opportunity for in-depth engagement judicial on discretion, sentencing policies, and the human rights implications of drug-related cases. Sarah opened the discussion by posing a broad question to the panel and participants, asking what they the considered to be the most important fundamental right in the context of narcotics cases and how it should inform judicial decision-making.

Ms. Rebecca Schleifer emphasised the right to an adequate standard of living as a fundamental protection in drug cases, noting that many individuals facing imprisonment are not major traffickers economically but rather vulnerable individuals caught in cycles of poverty. She cited Colombia's recent legislative shift, which introduced alternatives to incarceration for women and older individuals involved in drug-related offences. She explained that lower court judges in Colombia had initially hesitated to apply discretion, fearing appellate reversals, but the guidelines provided them with a strong legal foundation to justify rehabilitative sentencing.

Ms. Julie Hannah highlighted how Albanian courts have successfully applied the International Guidelines on Human Rights and Drug Policy to strengthen due process protections, encouraging Pakistani judges to incorporate similar reasoning into their judgments. She pointed out that judges in other jurisdictions have used these guidelines to challenge harsh sentencing policies and advance alternative measures to incarceration.

Mr. Zaved Mahmood then traced the history of drug criminalisation to the 1925 Convention, explaining Opium how colonial policies influenced modern drug laws, including Pakistan's Control of Narcotic Substances Act (CNSA), 1997. He noted that while many countries, including Thailand and Malaysia, have moved towards decriminalisation for medicinal purposes, Pakistan continues follow а punitive model that to significantly limits judicial discretion, undermining judicial independence.

Dr. Rai Muhammad Khan, Director at the Federal Judicial Academv (FJA). addressed the broader issue of sentencing policies, arguing that once narcotics are seized, part of the legal objective is already achieved, and sentencing should therefore be proportionate rather than excessively punitive. He stressed the need for evidence-based policymaking, ensuring that sentencing decisions balance legal enforcement with public health considerations.

Mr. Muhammad Amir Munir, Director at the Federal Judicial Academy, highlighted the right to dignity as central to narcotics cases, stating that mandatory sentencing affects disproportionately vulnerable groups. He argued that focusing on dignity within the CNSA could shift the legal approach from punitive measures to a more rehabilitative framework. He further pointed out that judicial training should not only focus on statutory interpretations but also on a broader of understanding human rights obligations, equipping judges to apply a more balanced approach to drug-related offences.

Following the panel discussion, participants shared their perspectives on key challenges in narcotics cases. reflecting on judicial discretion. procedural gaps in investigations, and barriers to fair trials. A significant issue raised during the discussion was the lack of transparency in custodial death investigations involving individuals accused of narcotics offences. Sarah asked whether participant judges had encountered custodial deaths in drugrelated cases and whether courts intervene in such instances. A participant magistrate from Gujrat shared a case where he had personally visited the scene of a custodial death, recorded witness statements, and examined medical reports to assess whether the detainee had suffered abuse in custody.

Participants raised concerns about high conviction rates in narcotics cases. despite glaring flaws in investigations and evidence collection. Dr. Rai Muhammad Khan pointed out that many convictions rely on weak forensic evidence, improper case filings, and procedural violations, leading to high rates of acquittal upon А narcotics judge appeal. from Balochistan noted that many accused individuals lack the legal representation necessary to challenge flawed evidence, resulting in harsh sentences despite unreliable testimonies. Ms. Schleifer noted that this trend is common in jurisdictions with excessively punitive drug laws, citing Colombia as an example where the judiciary has begun to use human rights-based legal reasoning to evidence scrutinise and push for alternatives to imprisonment in cases where guilt is uncertain or the accused played only a minor role.



A key concern was raised regarding the removal of probation options following the 2022 Amendment to the CNSA, which has further restricted judicial discretion in sentencing. Before the Amendment, courts could grant probation to persons charged with minor drug-related offences, allowing them to avoid incarceration and reintegrate into society.

Mr. Amir Munir argued that the lack of sentencing flexibility disproportionately affects vulnerable individuals, including those with dependent families, economic hardships, or health conditions. He called for a review of the 2022 Amendment to restore judicial discretion, particularly in cases involving first-time offenders, individuals coerced into trafficking, or those with documented rehabilitation needs. Mr. Mahmood reinforced this concern. stating that judicial independence is compromised when judges are bound by mandatory sentencing laws, preventing them from delivering justice on a case-by-case basis. He pointed out that several countries that once had strict drug sentencing laws have since revised them to reintroduce judicial discretion, recognising that blanket punishments often lead to unjust outcomes.

Other participants highlighted procedural shortcomings in drug cases, particularly enforcement in law practices. А magistrate from Gujrat shared an incident where a man was falsely accused of possessing 80 grams of charas after police allegedly planted the drugs to extort money. Upon cross-examining the investigating officer, the judge identified inconsistencies in the evidence and subsequently acquitted the accused.

discussion The also addressed international best practices for handling narcotics cases. In response to question about judicial approaches in other jurisdictions, Ms. Hannah cited Albania's experience, where judges have strengthened due process protections to ensure fair sentencing. Ms. Schleifer encouraged Pakistani judges to reference the Guidelines in their judgments, which could serve as a foundation for legal arguments advocating for alternative sentencing models. Mr. Mahmood elaborated on global trends in sentencing reform, sharing that Sri Lankan judges have increasingly used their sentencing powers to refer offenders to communityrehabilitation instead based of imprisonment. He further noted that the UNODC Country Director in Pakistan had expressed interest in engaging with Pakistani judges to explore similar alternative sentencing mechanisms.

As the discussion concluded, Ms. Belal encouraged participants to document their experiences and share case studies where judicial discretion could have led to fairer outcomes. She emphasised that these insights would contribute to the ongoing development of the e-course on drug-related cases, ensuring that Pakistan's legal community continues to build a knowledge base that supports proportionate and just sentencing in narcotics cases.

# JUDICIAL TRAINING COURSE LAUNCH



The second session of the event marked the official pre-launch of the judicial training e-course, developed to equip judges with a deeper understanding of international human rights obligations and use of judicial discretion in narcotics cases. The session commenced with Ms. Shazia Munawar Makhdoom, Additional Director FJA, welcoming the Director General of FJA, Mr. Hayat Ali Shah, and Mr. Daniel Arsenault, Chargé D'affaires at the High Commission of Canada in Pakistan. The formal proceedings began with the national anthem, setting the stage for the introduction of the ecourse.

### Welcome Remarks by the Director General, Federal Judicial Academy

Mr. Hayat Ali Shah, Director General of the FJA, in his welcome remarks, expressed appreciation for JPP for this initiative, noting that during the break participants described this workshop as a unique experience where they were "trained, and not simply instructed." He highlighted the importance of such interactive training sessions, which go beyond law and procedure to critically with policy considerations. engage Emphasising the judiciary's role in shaping legal frameworks, he stated,

"Judges are rarely involved in the process of policymaking, yet they are on the frontlines of justice and must be included in these discussions."

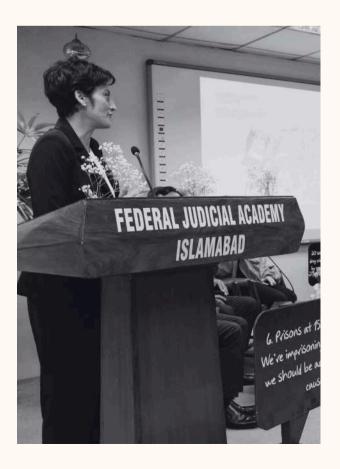


Drawing attention to the social impact of drug policies, Mr. Shah remarked on the growing prevalence of synthetic drugs in Khyber Pakhtunkhwa and the challenges faced by the judiciary in addressing addiction and rehabilitation. He stressed that Islamic principles provide guidance on handling drug-related offences, noting how early Islamic teachings focused not just on punishment but on eliminating the sources of addiction and integrating affected individuals back into society.He stressed the importance of treating substance dependence as a health issue rather than solely a criminal matter, underscoring society's responsibility to provide care and support. He concluded by commending JPP and the panel of international experts for leading this important discussion and providing a comprehensive training programme for the judiciary.

### Outlining the vision for the Judicial Training E-Course on the International Guidelines on Human Rights and Drug Policy

Sarah Belal, Executive Director of JPP, introduced the Judicial Training E-Course on the International Guidelines on Human Rights and Drug Policy, designed to help narcotics court judges align judicial practices with international human rights standards. The course aims to equip judges with the tools to ensure fair trials, proportionate sentencing, and a rights-based approach to systemic issues in narcotics cases.

She highlighted how the War on Drugs has mirrored the War on Terror in some ways, resulting in disproportionate punishments without addressing the socio-economic factors driving drugrelated offences.



The training e-course is structured around key themes that guide judicial reasoning in narcotics cases. Judges will explore the International Guidelines and its relevance to Pakistan's legal framework, focusing on fair trial rights, protections against arbitrary detention, and the need for sentencing proportionality. The e-course also delves into judicial discretion in sentencing, ensuring decisions consider mitigating factors rather than imposing blanket punishments. Another critical component is the emphasis on harm reduction, rehabilitation, and social reintegration, encouraging judges to adopt alternatives to incarceration that prioritise treatment over punitive measures. Case studies from Pakistan's narcotics courts. interactive discussions, and practical exercises ensure a grounded, contextspecific approach.

Sarah underscored the importance of judicial engagement in shaping a fair and humane response to drug-related offences, aligning sentencing practices with Pakistan's constitutional obligations and international human rights commitments. By integrating human rights-centred legal reasoning, the course aims to mitigate the disproportionate impact of punitive drug laws on marginalised communities and foster a judicial approach that upholds justice beyond mere retribution.

### Closing Remarks by Mr. Daniel Arsenault, High Commission of Canada in Pakistan

Mr. Daniel Arsenault, Chargé D'affaires at the High Commission of Canada in Pakistan, delivered the closing remarks, acknowledging Canada's commitment to supporting judicial capacity-building efforts in Pakistan. He commended the collaborative approach taken by JPP and emphasised the importance of providing judges with access to global expertise. He remarked,

"The launch of this e-course is a significant milestone in providing the judiciary with practical tools to address complex drug cases. The approach taken here, focusing on training judges rather than just enforcing stricter laws, is a model that should be replicated elsewhere."



Reflecting on Canada's approach to drug policy, Mr. Arsenault explained that Canada's federal and provincial governments had implemented policies based four kev principles. on Compassion, which recognises substance use as a health issue rather than solely a criminal offence: equity, which acknowledges the disproportionate impact of drug laws on marginalised communities: collaboration. which ensures that stakeholders such as medical professionals and human rights advocates are actively involved in policy making; and legislation, which focuses on enacting reforms informed by datadriven outcomes. He cited Canada's experience with the decriminalisation of marijuana, highlighting the both successes and challenges of this approach and how different provinces had experimented with various models of drug policy.

Mr. Arsenault highlighted Canada's commitment to supporting local initiatives aimed at strengthening judicial capacity, stating,

"It's a pleasure that The Canada Fund for Local Initiatives is funding this unique initiative for the judiciary. We should acknowledge the innovation JPP has shown to bring us together. I hope you take away from this information and implement it in your careers. This course is a watershed moment."

He further emphasised the importance of fostering dialogue between Canada and Pakistan, adding, "As a government representative here in Pakistan, I try to find more ways to build links between Canada and Pakistan. We try to take up narratives where Pakistan is taking forward in issues such as decriminalisation and removal of capital punishment." In response to a question from Ms. Samara Zafar, Civil Judge, regarding the social reintegration of individuals released from incarceration.

Mr. Arsenault acknowledged the longterm impact of criminal records and the stigma attached to former prisoners. Sharing a personal anecdote, he stated that his young cousin was convicted of drug possession, and even today, in her 40s, that record follows her showing that the consequences of incarceration last far beyond the sentence itself. He stressed the need for public advocacy, legal reforms, and communitybased support systems to prevent individuals from being permanently marginalised after serving their sentences.

The session concluded with Ms. Shazia thanking all the participants for their engagement and contributions. She reiterated the significance of the training, expressing hope that the insights gained from the discussions and the e-course will lead to more balanced and rights-based judicial approaches to drug-related cases in Pakistan.

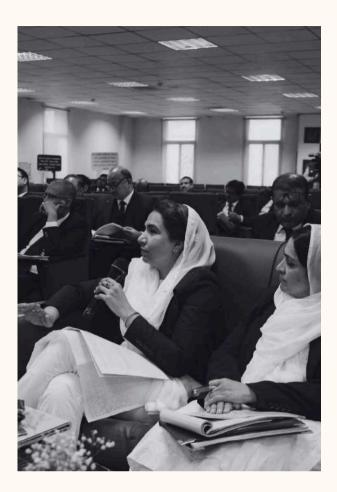




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This expert workshop and the launch of the judicial training e-course marked a significant step toward embedding human rights-based approaches in Pakistan's judicial response to drugrelated offences. Through in-depth discussions, participants gained valuable insights into international legal standards, judicial discretion, and alternative sentencing models, equipping them with practical tools to address systemic in narcotics cases. challenges The sessions facilitated meaningful exchanges between the judiciary, international experts, and human rights advocates, reinforcing the need to balance legal enforcement with human rights and public health considerations.

Beyond the knowledge imparted, this training fostered critical dialogue and strengthened judicial capacity in applying the International Guidelines on Human Rights and Drug Policy within Pakistan's legal framework. The participation of judges from across Pakistan. representatives from the Federal Judicial Academy, and experts from UN OHCHR and the University of Essex underscored a collective commitment to rethinking punitive drug laws and integrating rehabilitative and proportionate sentencing mechanisms. The e-course, introduced as part of this initiative, ensures that these discussions will have a lasting impact by providing judges with structured learning resources, case studies, and legal reasoning strategies to inform their judicial practice.



As Pakistan continues to grapple with high incarceration rates for drug-related offences and limited judicial discretion in sentencing under the CNSA, this ecourse represents an important step toward reforming legal practices and aligning them with international human rights obligations. The strategies, legal frameworks. and cross-jurisdictional experiences shared during this workshop will serve as a foundation for future judicial engagement on drug policy reform. Moving forward, continued collaboration among judges, policymakers, and human rights advocates will be crucial in ensuring that Pakistan's criminal iustice system principles of fairness. upholds proportionality, and rehabilitation in narcotics cases.

