

The 8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty

ABOUT THE PRINCIPLES



The unjustified criminalization of individuals and sometimes entire communities, including already marginalized or disadvantaged groups, is increasingly impeding progress in advancing human rights in many areas, including: racial and gender equality; reproductive autonomy; disability; economic justice; civil liberties; sexual orientation; gender identity; education; youth development; and public health. With this in mind, the Principles were elaborated aiming to respond to growing trends of overcriminalization and seek to offer guidance on the application of criminal law in a way that upholds human rights.

In a 2018 meeting convened by the International Commission of Jurists (ICJ) – together with the Joint UN Programme on HIV/AIDS (UNAIDS) and the Office of the High Commissioner for Human Rights – experts discussed the role of jurists in addressing the harmful human rights impact of criminal laws proscribing sexual and reproductive health and rights, consensual sexual activity, gender identity, gender expression, HIV non-disclosure, exposure and transmission; and drug use and the possession of drugs for personal use.

This convening endorsed the call by civil society and other stakeholders for the elaboration of a set of jurists' principles to assist legislatures, the courts, administrative and prosecutorial authorities and advocates to address the detrimental human rights impact of criminalization in the above-mentioned areas. Subsequently, the need for such a set of principles to also address the criminalization of conduct associated with homelessness and poverty was identified. Following this initial expert meeting, the ICJ produced successive drafts of the Principles, until a wide range of expert jurists, academics, legal practitioners, human rights defenders and various civil society organizations across the world reviewed and eventually endorsed *the 8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty*.

What is their purpose?



- To offer a clear, accessible and operational legal framework and practical legal guidance on the application of criminal law to conduct associated with sexual and reproductive health and rights, including abortion; consensual sexual activities, including in such contexts as sex outside marriage, same-sex sexual relations, adolescent sexual activity and sex work; gender identity and gender expression; HIV non-disclosure, exposure or transmission; drug use and the possession of drugs for personal use; and homelessness and poverty.
- To address the detrimental impact of the criminalization of this conduct on health, equality and other human rights.
- To potentially assist in considering which other conduct should not be criminalized, or whether the content and scope of a given criminal law provision or a penalty under other legal instruments comply with general principles of criminal law and international human rights law and standards.



Who are they for?



- Legislators at all levels;
- administration officials with delegated legislative powers;
- judges presiding over criminal cases;
- prosecutors and legal practitioners;
- judicial benches in higher courts;
- actors in the criminal justice system;
- academics;
- human rights defenders;
- national human rights institutions;
- oversight bodies;
- legal service providers;
- victim's groups;
- civil society organizations;
- policymakers.

Where can I find them?

Visit our website to download a copy of the Principles: tinyurl.com/The8MarchPrinciples

