

## Key recommendations to the HDG on the draft declaration of the 2019 Ministerial Segment

February 2019

As UN member states are currently negotiating the declaration to be adopted at the 2019 UN Ministerial Segment on drugs, the Civil Society Forum on Drugs (CSFD) wishes to offer the following recommendations to the EU and its member states, with the hope that these will be helpful for the next stage of the negotiations process.

We fully appreciate the challenges of the negotiations process around the draft declaration, as well as the willingness by member states to achieve a consensus by March 2019. However, we call on the EU and its member states to continue to champion the fundamental principles of evidence, human rights, health, development, and the role of civil society throughout the negotiations process – and to continue to promote UNGASS implementation and the achievement of the Sustainable Development Goals (SDGs) as the basis for the post-2019 global drug strategy.

As such, the CSFD believes that it would be counterproductive to adopt a resolution that significantly rolls back on progress made at the 2016 UNGASS. This means that, as the negotiations continue in the next few weeks, a decision might need to be made as to whether no consensus – and no declaration in March – is preferable to a weak outcome that would reverse the hard-fought gains of the UNGASS. That being said, we remain at your disposal for further discussions, or requests for specific language that would be helpful to the negotiations.

### 1. Taking stock of the past decade of global drug policy

The UNODC World Drug Report 2018<sup>1</sup> recognised that the commitment taken in 2009 by the international community to eradicate or significantly reduce the illicit drug market by 2019 has not been fulfilled. As such, the ‘Taking stock’ section of the 2019 declaration should acknowledge that the stated objectives of eradication by 2019 were not achieved in most parts of the world, and that punitive drug control efforts focusing purely on law enforcement have resulted in human rights violations such as the imposition of the death penalty for drug offences, the use of compulsory detention and corporal punishment, extrajudicial killings, disproportionate prison sentences, and an explosion of violence and corruption over the past decade.<sup>2</sup> These policies are not in line with the international human rights conventions and have had severe negative consequences on health, human rights, security and development – which constitute the overarching priorities of the UN system.

The ‘Taking stock’ section should also acknowledge positive experiences in several aspects of drug policy in various countries, including improved access to a comprehensive range of evidence-based health services for people who use drugs, reviews of drug laws to ensure more proportionate sentences and alternatives to coercive sanctions, moves towards the abolition of the death penalty, and successful sustainable development projects recognised by the UN as best practice, among others.

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<sup>1</sup> United Nations Office on Drugs and Crime (2018), *UNODC World Drug Report 2018*, <https://www.unodc.org/wdr2018/>

<sup>2</sup> See conclusions from the CSTF Global Civil Society Consultation 2018 (preliminary results and report), available here: <http://vngoc.org/wp-content/uploads/2018/12/Civil-Society-Survey-Preliminary-Results-5-Dec-2018.pdf>; see also: International Drug Policy Consortium (2018), *Taking stock: A decade of drug policy – A civil society shadow report*, <https://idpc.net/publications/2018/10/taking-stock-a-decade-of-drug-policy-a-civil-society-shadow-report>

## 2. Promoting a post-2019 drug control approach based on human rights and development

The CSFD recommends that post-2019, member states commit to limiting the ambition of eradicating the illicit drug market by re-directing drug control efforts towards sustainable development, comprehensive evidence-based healthcare services (including prevention, risk and harm reduction, treatment and recovery services), and policies aiming to address violence, corruption and organised crime. We therefore call on the EU to commit to a declaration, in March 2019, that makes those aspects a priority, in line with the SDGs – in particular Goal 1 (no poverty), Goal 3 (good health and well-being), Goal 5 (gender equality), Goal 8 (decent work and economic growth), Goal 16 (peace, justice and strong institutions) and Goal 17 (partnerships for the goals).<sup>3</sup>

The UNGASS Outcome Document<sup>4</sup> has made significant progress in recognising the need to refocus drug policies towards protecting health, promoting gender equality, focusing on children and youth, offering a wide range of drug services in the community and in prison, improving access to controlled medicines, ensuring proportionate penalties, and promoting socio-economic development in affected areas, among key other issues.

The ‘Way forward’ section of the 2019 declaration should reiterate member states’ commitment to implement the 2016 UNGASS Outcome Document, in particular the need to ensure that all drug policies and programmes are designed and implemented in full conformity with international human rights law. This section should also include a strong focus on the 2030 Agenda for Sustainable Development. We recommend the inclusion of the following paragraphs:

- ‘We welcome the 2030 Agenda for Sustainable Development, and we note that efforts to achieve the Sustainable Development Goals and to effectively address the world drug problem are complementary and mutually reinforcing’ (preamble of the UNGASS Outcome Document)
- ‘We reiterate our commitment to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies’ (para 4 of the UNGASS Outcome Document)
- ‘Promote and implement effective criminal justice responses to drug-related crimes to bring perpetrators to justice that ensure legal guarantees and due process safeguards pertaining to criminal justice proceedings, including practical measures to uphold the prohibition of arbitrary arrest and detention and of torture and other cruel, inhuman or degrading treatment or punishment and to eliminate impunity, in accordance with relevant and applicable international law and taking into account United Nations standards and norms on crime prevention and criminal justice, and ensure timely access to legal aid and the right to a fair trial’ (para 4.o of the UNGASS Outcome Document)

## 3. Revising data collection tools

We welcome the commitment, by the EU and its member states, to improve and streamline data collection tools related to drug policy, in particular the Annual Report Questionnaire (ARQ). We welcome also the decision, by the UN Statistical Commission at its 50<sup>th</sup> session in early March,<sup>5</sup> to identify new drug-related indicators based on the SDGs, as announced by Ms Angela Me of UNODC at the CND intersessional meeting on 16<sup>th</sup> January 2019.

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<sup>3</sup> For more information about the Sustainable Development Goals, see: <https://sustainabledevelopment.un.org/sdgs>

<sup>4</sup> Available here: <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf>

<sup>5</sup> See agenda item 3(q) of the 50<sup>th</sup> session of the UN Statistical Commission: <https://unstats.un.org/unsd/statcom/50th-session/documents/>

The paragraph(s) related to data collection, and particularly the review of the ARQ, included in the ‘Way forward’ section of the 2019 declaration should include a clear reference to measuring progress towards UNGASS implementation, as well as the achievement of the SDGs. This paragraph should also stress the importance of focusing on evidence and sharing of best practice of what works and what does not and might result in harmful effects. We recommend that these elements form the basis of the second expert meeting on the ARQ planned for July 2019.<sup>6</sup> We also call on the EU to ensure that expert group meeting – and the process of reviewing the ARQ – meaningfully involve civil society and academic experts, alongside governments and international and regional agencies.

We propose the following paragraph for inclusion in the ‘Way forward’ section of the zero draft:

- ‘Promote and improve the systematic collection of information and gathering of evidence as well as the sharing, at the national and international levels, of reliable and comparable data on drug use and epidemiology, including on social, economic and other risk factors, and promote, as appropriate, through the Commission on Narcotic Drugs and the World Health Assembly, the use of internationally recognized standards, such as the International Standards on Drug Use Prevention, and the exchange of best practices, to formulate effective drug use prevention strategies and programmes in cooperation with the United Nations Office on Drugs and Crime, the World Health Organization and other relevant United Nations entities’ (para 1.o of the UNGASS Outcome Document)

#### **4. Ensuring the meaningful participation of civil society**

The participation of civil society has greatly improved over the past ten years, especially since the 2016 UNGASS. Nevertheless, civil society still faces important push back from various UN member states at the CND. As a champion of meaningful civil society engagement in drug policy, we call on the EU and its member states to continue to promote and protect NGO participation in global drug policy post-2019. We recommend the following paragraph for inclusion in the ‘Way forward’ section of the 2019 declaration:

- ‘We recognize that civil society, as well as the scientific community and academia, plays an important role in addressing and countering the world drug problem, and note that affected populations and representatives of civil society entities, where appropriate, should be enabled to play a participatory role in the formulation, implementation, and the providing of relevant scientific evidence in support of, as appropriate, the evaluation of drug control policies and programmes, and we recognize the importance of cooperation with the private sector in this regard’ (preamble of the UNGASS Outcome Document)

#### **5. Ensuring the participation of all relevant international and regional organisations**

The participation of other relevant UN agencies not based in Vienna, including the WHO, UNDP, OHCHR, UNAIDS, UNICEF, Interpol, UN Women, as well as Europol and the EMCDDA, among others, is critical to ensure that drug policies are not developed and implemented in contradiction to the broad priorities of the UN of protecting human rights, development and peace and security. Their meaningful engagement is also essential for the collection of data related to drugs and human rights, security, development, women, children, health,

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<sup>6</sup> For more information, see the previous contribution of the CSFD, proposing new targets and indicators for the post-2019 global drug policy, in line with the seven UNGASS chapters and the Sustainable Development Goals:

<https://www.dropbox.com/s/2rku0pwyinjck0x/2018-01%20CSFD%20recommendations%20on%202019%20evaluation%20and%20indicators.pdf?dl=0>

etc. Their continued engagement in global drug policy in the post-2019 period should feature prominently in the 'Way forward' section of the 2019 declaration, using the following paragraphs:

- 'We reaffirm the need to strengthen cooperation between the United Nations Office on Drugs and Crime and other United Nations entities, within their respective mandates, in their efforts to support Member States in the implementation of international drug control treaties in accordance with applicable human rights obligations and to promote protection of and respect for human rights and the dignity of all individuals in the context of drug programmes, strategies and policies' (preamble of the UNGASS Outcome Document)
- 'Encourage the Commission on Narcotic Drugs and the United Nations Office on Drugs and Crime to further increase cooperation and collaboration with all relevant United Nations entities and international financial institutions, within their respective mandates, when assisting Member States in designing and implementing comprehensive, integrated and balanced national drug strategies, policies and programmes' (para 6.e of the UNGASS Outcome Document).

The Civil Society Forum on Drugs (CSFD) is an [expert group of the European Commission](#) that was created in 2007 on the basis of the [Commission Green Paper](#) on the role of civil society in drugs policy in the EU. It provides a broad platform for a structured dialogue between the Commission and European civil society, and supports drug policy formulation and implementation through practical advice. The CSFD is consistent with the [EU Strategy on Drugs 2013-2020](#) and the new [Action Plan on Drugs 2017-2020](#) both of which require the active and meaningful participation and involvement of civil society in the development and implementation of drug policies, at national, EU and international level. Its membership comprises 45 CSOs from across Europe and representing a variety of fields of drug policy, and a variety of stances within those fields:

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| 1. ABD - Associació Benestar i Desenvolupament             | 22. FEDITO BXL  |
| 2. AFEW International                                      | 23. Forum Droghe  |
| 3. AIDES   | 24. FUNDACIÓN ATENEA                                      |
| 4. Ana Liffey Drug Project                                 | 25. GAT - Grupo de Ativistas em Tratamentos               |
| 5. APDES - Agência Piaget para o Desenvolvimento           | 26. HRI - Harm Reduction International                    |
| 6. APH - Association Proyecto Hombre                       | 27. IDPC - International Drug Policy Consortium           |
| 7. ARAS - Romanian Association Against AIDS                | 28. INPUD - International Network of People who use Drugs |
| 8. Citywide Drugs Crisis Campaign                          | 29. IREFREA - Instituto Europeo de Estudios en Prevención |
| 9. De Regenboog Groep                                      | 30. MAT - Magyar Addiktológiai Társaság                   |
| 10. Dianova International                                  | 31. Médicos del Mundo España                              |
| 11. Diogenis Drug Policy Dialogue                          | 32. PARSEC Consortium                                     |
| 12. EAPC - European Association for Palliative Care        | 33. Polish Drug Policy Network                            |
| 13. EATG - European AIDS Treatment Group                   | 34. Prekursor Foundation for Social Policy                |
| 14. ECAD - European Cities Network for Drug Free Societies | 35. Proslavi Oporavak                                     |
| 15. EFSU - European Forum for Urban Security               | 36. Romanian Harm Reduction Network                       |
| 16. ENLACE   | 37. Rights Reporter Foundation                            |
| 17. EURAD  | 38. San Patrignano  |
| 18. EuroTC - European Treatment Centres for Drug Addiction | 39. SANANIM   |
| 19. EUSPR - European Society for Prevention Research       | 40. SDF - Scottish Drugs Forum                            |
| 20. FAD - Fundación de Ayuda contra la Drogadicción        | 41. UNAD  |
| 21. Federation Addiction                                   | 42. UTRIP   |
|  | 43. WFAD - World Federation Against Drugs                 |
|  | 44. WOCAD   |
|  | 45. YODA - Youth Organisations for Drug Action            |