

Project “Strengthening NGO capacity and promoting public health and human rights oriented drug policy in South Eastern Europe”

REPORT

“The UNGASS 2016 and its significance for SEE”

Belgrade 1-3 October 2015

From 1-3 October 2015 a regional conference on “the UNGASS 2016 and its significance for SEE” has been organised by DIOGENIS Association, Drug policy Dialogue in SEE. The aim of the conference was to inform the participants about the preparations of the UNGASS by the Commission on Narcotic Drugs (CND) and the contributions to the discussion of the United Nations Office on drugs and Crime (UNODC) and other UN Entities, the contribution of the European Union to that of Non-Governmental organisations.

Five main issues have been presented and discussed at the meeting: a. The UNGASS, background, aims and expectations b. Drugs and Health c. Drugs and Crime d. Drugs and Human rights, drugs and Youth e. the UNGASS and the way forward. Several persons who attended the meeting had been asked to make a presentation on one of the issues. The presentations were followed by discussion where the participants had the opportunity to ask questions and present their opinion and comments. The meeting was concluded with a summary of the discussions and an indication of main points for the formulation of a statement of the NGOs that participated at the meeting.

a. The UNGASS, background, aims and expectations

Thanasis Apostolou made a short presentation about the background, the aims and the expectations regarding the United Nations General Assembly Special Session (UNGASS). The idea to hold a special Session of the General Assembly on drugs dates from 2009. In that year the General Assembly adopted resolution 64/182 which recommends that the General Assembly holds a special session to address the world drug problem; (1)

In 2009 at the high -level segment of the fifty second session of the Commission on Narcotic drugs the Political Declaration and Plan of Action on “International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem”, was adopted. The Political declaration of 2009 was adopted by the CND after an extensive discussion about the use of the terms Harm Reduction in the declaration. In the end the words harm reduction were not accepted. The alternative was the sentence “care and

related support services". Twenty eight (28) States have submitted at the end of the CND session a statement in which they explicitly declared that they will read the sentence "care and related support services" as "harm reduction services". They pointed out that many states, international organizations and NGOs call these services "harm reduction services". These different approaches are signs of a growing disagreement among states that are proposing the maintenance of the current drug policy and those that pursue policy innovation. The proposal to hold a General Assembly special session marks this slightly different approach between the CND and the UN General Assembly.

The CND has the lead of the preparations assisted by UNODC

At the General Assembly of the UN is since 2009 several times referred to this special session and the Commission on Narcotic drugs (CND) took over the initiative at the moment that it was clear that this special session will be held in 2016. A board has been appointed to lead the process to the UNGASS, make the agenda and discuss issues of content of the UN special session. A separate website was created for this event and UNODC was supporting the secretarial work. The Ngo's were from the beginning actively involved in the preparations. The two NGO committees of Vienna and New York decided to work together and the UN secretariat facilitated the creation of a Civil Society Task Force (CSTF) where the two NGO committees were co-operating.

The aims of the UNGASS

The first proposal of the board that prepared the UNGASS was submitted in the autumn 2014. In this proposal the board described the purpose of the UNGASS and proposed an Agenda about the items that would be discussed. The aim is to assess the achievements and challenges of the policy as has been implemented up to now at the national, regional and global levels and to discuss ways towards strengthening the operational implementation of the 2009 Political Declaration and Plan of Action. The main topics would be (1) "Drugs and Health," (2) "Drugs and Crime," (3) "Drugs and human rights, youth, women, children and communities," (4) "Cross-cutting issues: new challenges, threats and realities" and (5) "Alternative Development." These topics will be discussed in working groups.

Expectations

In general the UNGASS is seen as an opportunity for a serious assessment of the progress and the future challenges. In the official documents is declared that the three UN Drug Control conventions are the cornerstone of the global response to the world drug problem and they must continue to provide the international legal framework for addressing it. Many countries point out that besides the three UN conventions, other UN documents like the human rights declaration, have to be taken into consideration at the discussions. Several countries and in particular Latin American countries, civil society initiatives and NGOs want to see the UNGASS as an opportunity for a broad debate without restrictions, a debate which may include even the possibility of revising the three UN Conventions on narcotics Drugs. Open debate without restrictions is the only

way to set up a more humane and effective drug policy that will lead to the correction of the current "unintended consequences" of the system such as violence, corruption, money laundering, human rights violations and organized criminality. There is further a growing consensus that Drug policy must focus on public health and not on repression and punishment. Decriminalization of the users is gaining ground despite opposition of a small number of countries and NGOs. It is to be seen whether these different expectations would be reconciled in the outcome document of the UNGASS.

The priorities of the UNGASS 2016

Drugs and Health.

The discussion about the topics that will be the main focus of the UNGASS, took place on the basis of documents per item that have been sent to participants beforehand. Each document contained opinions of member states that they already have submitted to the board which is appointed by the CND to co-ordinate the preparations of the UNGASS. Some participants were asked to comment on the respective topic and deliver some input for the discussion. On the issue of drugs and health Andrej Kastelic, MD, PhD, director of the CENTER FOR TREATMENT OF DRUG ADDICTION of the University Psychiatric Hospital, Ljubljana, SLOVENIA pointed out that the main challenges in the area of Health are: Dependant drug users should be first and foremost considered as people in need of attention, care and treatment to improve their health condition and social integration, tackling marginalization and stigmatization. For the SEE region it is needed to further develop substitution treatment and harm reduction services including needle exchange in prisons, the realisation of drug consumption rooms and the implementation in practice of quality standards for treatment. The new psychoactive substances is an area of concern. A challenge for the coming years is the real balance in available resources. The "balanced approach" in drug policy means a better share of resources between the actors in the drugs field. In the discussion is referred to the lack of an adequate treatment for minors. In some countries in SEE there is a growing number of children who use drugs. Also the good relationship with the police can help in the realisation of the shift from repression to health centred policies.

Drugs and Crime

Input and Comments on proposals about Drugs and crime have been presented by Atanas Rusev and Dimitar Marcov, Research fellows, of the Center for the Study of Democracy in Bulgaria. The question was whether they could point out which points of the contributions of member states and other actors, which were sent to participants as preparation for this meeting are important

Key points of their input were:

-There is recognition and acknowledgement of existing and emerging challenges, however what we see in contributions is "one-size fits all" and "more of the same", which apparently does not work.

-Several major challenges that are emerging and need to be addressed: illicit crop cultivation (cannabis), NPS, internet sales, diverging national responses to a transnational phenomenon (diverging criminal justice frameworks and procedures)

-Cannabis: The shift from outdoor to indoor growing make alternative development approach obsolete, the growing acceptance in many countries of medical marijuana use and recreational use gets in sharp Illicit crop cultivation is also relevant for SEE region mainly in regards to cannabis cultivation. Outdoor cultivation has been proliferating for quite some time in certain regions in Albania, Bulgaria, the Former Yugoslav Republic of Macedonia and Serbia for more than a decade. It is not sure whether these lessons learned are even close to feasible. They also are totally outdated in relation to indoor growing and controversial with the idea to fight illicit crop cultivation

-NPS challenge the existing strategies for precursor control and criminalisation through establishing lists of controlled substances, the rapid introduction of new NPS at the illicit markets pose the dilemma between risk to outlaw substances with important medicinal/ industrial application vs safety and public health risks

-Internet sales – are challenges to legislators, investigators and prosecutors

-Common transnational threat is addressed by diverse national criminal justice frameworks and multiple criminal justice bodies. The problem is especially acute in the EU. The reality is that we have a common space with free movement of goods and free movement of people and yet we still have no common criminal justice framework and 28 different institutional law enforcement systems. Organised crime does not recognise internal frontiers but criminal law and practice do. The deficiency of such an approach was clearly demonstrated with the recent migrant crisis. No cooperation efforts and information sharing can help in closing this gap effectively enough. There is need of additional efforts for collecting and analysing data about the supply reductions interventions, need of broader application of the principle for introduction of evidence-based interventions

Drugs and Human rights, drugs and Youth

Human rights and drugs

Input for this session has been provided by Tijana Zegura, Director of Harm Reduction Programme, Juventas, Montenegro (Human rights and drugs) and Jovana Arsenijevic, director NGO Re-Generation, Serbia (Drugs and Youth)

Tijana referred to the following points:

- States Parties should consider abolishing the death penalty in all circumstances, including for drug-related offences, and implement effective drugs policies based on respect for human dignity, liberty, democracy, equality, solidarity, the rule of law and human rights.

-States Parties should ensure that their legal framework for drug-related offences is in line with international recommendations concerning the principle of proportionality.

-States Parties should consider developing and implementing, when appropriate, alternatives to incarceration and coercive sanctions that are applicable to persons who have committed drug-related offences of a minor, non-violent nature, with a view of promoting their rehabilitation and social reintegration.

- There is a need to integrate a gender perspective into drug policies, both regarding demand and supply, by ensuring that national strategies and plans promote the full participation, protection and access to treatment, harm reduction and related services for women.

- Prevention strategies should also take into account the rights of children and young people to be protected from the dangers associated with drug use

-Tijana referred to the NGO contribution on human rights, pointing out that they call for a permanent process to be established within UN human rights mechanisms to monitor and assess the human rights impacts of the global drug control system, including analysis of human rights impacts for people who use drugs, people involved in drug markets, and general populations/communities affected by drug policies and drug markets, with special attention to vulnerable sub-populations such as prisoners, women, children and young people;

-She also referred to the acknowledgment of human rights of indigenous people. The right of indigenous people from the Andean-Amazon to practice culture and traditions is breached by the prohibition of coca chewing in the 1961 Single Convention

-Concluding she said that Human Rights and Health is an issue that has to do with very concrete situations of everyday life of drug users. Reference was made to lack of human rights and public health based legislation. For example people who use drugs cannot take a paid leave during treatment, as other patients, there is discrimination of young people approaching health institutions, discrimination of women and lack of health protection of minors. Unofficial „waiting lists“ for entering OST, ARV, Hepatitis C as well as health protection in prisons and police detention are issues that affect human rights.

Drugs ad youth

Jovana Arsenijevic, presented the issue of drugs and Youth. She started with the convention on the rights of the child that stipulates that “States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties.” Conventional approaches to drug policy, particularly supply reduction efforts, have been ineffective in reducing the accessibility of illegal drugs among youth. Youth have pretty unrestricted access to illegal drugs. Drug use in recreational party setting, are accompanied risk behavior patterns.

She referred to research data that indicate this risk behavior. Every 10th person tried a substance and did not know what the substance was, 25% of all persons that are using stimulants do not drink water while using on the parties, 67% of all persons used stimulants while drinking alcoholic beverages, 52% of all young people that are snorting psychoactive substances are sharing sniffing tools with other people, 83% are using banknotes, 86% had sexual intercourse under the influence of alcohol, and 53% had sex while using drugs. Jovana reported about Challenges that young IDUs face in Serbia: Discrimination. Lack of availability of information regarding drug use and health in general, lack of accessibility to health and social services and specifically tailored harm reduction and treatment services. In 2014 NGO Re Generation conducted a research "Clubbing and youth health" among party goers in Serbia. More than 3000 people, from 15 to 35 years old, took part in on-line survey. Results show that recreational drug use is very common. Challenges of harm reduction youth programs in Serbia are: Lack of nightlife outreach programs, of drug testing programs on parties and festivals, accessibility of needle exchange programs to young injecting drug users and lack of specific programs for young, both recreational and problematic users drug users

UNGASS and the way forward

This session was devoted to some reflections about the way forward in International drug control policy.

The expectation is that member states will reaffirm their commitment that the transnational nature of the drugs issue has to be faced in cooperation among the member states.

The UNGASS takes place 3 years before the evaluation of the political declaration of 2009. That means that the UNGASS can provide good guidelines for reflection in order to take decision in 2019.

Several states wish to have an open dialogue about all issues concerning drugs and express their concern about the current drug control system. An open discussion could result in innovative practices and introduce ways to tackle more effectively problems that exist, but cannot be solved with the current policy. Other states are not willing to change and are hesitating to discuss reforms of the current system. This different approach among the states members of the United Nations remains a difficult point to find consensus. Most of the countries that are in favour of maintaining the current system think that the drug control conventions have to be interpreted properly since their spirit and content are meant to promote health and the welfare of mankind.

There is consensus that policies and programmes must be based on scientific knowledge, evidence, monitoring and evaluation. A new approach that has been introduced the last decades is the respect of human rights. Although there is difference of opinions about the death penalty for offences related to drugs, the majority of the countries is against the death penalty.

There is now more understanding for the health issue in Drug policy. Up to now the focus was more on the criminal aspect. Now the criminal aspect is more directed towards criminal side of drug trafficking and public health focuses on evidence based measures for prevention, harm reduction treatment and rehabilitation.

The challenge of the New Psychoactive substances is a common concern. The everyday practice is different as far as the scheduling of these substances, but the discussion is open and the challenge to respond rapidly is evident.

Further it is expected that the UNGASS will repeat the usual calls for co-operation, regionally and internationally, the share of information, data and analysis.

One main issue that will be prominently on the agenda of the UNGASS is the availability of essential medicines for pain relief

Finally the member states are in favour of co-operating with civil society organisations the scientific and the business community on how to best deal with current and future challenges.

The UNGASS and its significance for South East Europe

This session has been held during the second day of the conference. A brain storming resulted to the following statement:

The participants express their appreciation for the initiative of the UN Member States, the international organizations, civil society and in particular, the NGOs to discuss and openly debate key issues concerning the drugs phenomenon. It is important that the UNGASS includes besides the review of progress in the implementation of the political declaration 2009, the “assessment of the achievements and challenges in countering the world drug problem, within the framework of the three international drug control conventions and other relevant United Nations instruments.”

The outcomes of the UNGASS should give a new impetus to the renewal of drug policies and practices in the world.

The political, economic and social situation in SEE countries makes it difficult to develop a coherent, comprehensive and workable drug policy. Drugs do not get the required priority on the political agenda of the countries in the region. The treatment of users, despite efforts in recent years to shift the focus from a punitive approach to an approach towards public health and respect for human rights, remains a responsibility of criminal justice with all the consequences of marginalization, stigma and social exclusion. In the countries of South East Europe, a large percentage of people who use drugs is imprisoned with no prospect of social integration. While scientific research and practical experience show that the inclusion of drug users and drug dependent people in harm reduction and treatment programs, is more effective and cheaper, governments do not adequately support these alternatives. On the contrary, in most countries, the providers of harm reduction services become less and in many cases, services are closing due to lack of funding. Organized crime and corruption related to drug trafficking is a huge problem in countries of the region located on trafficking routes for drugs, weapons and

human beings. Cooperation with the international community to counter these problems is necessary.

Participants propose that the Special Session on Drugs provides guidelines and commits the Member States to implement the following issues:

1. UN Member States commit themselves to put into practice the constantly repeated principle of a balanced approach between demand and supply reduction. For the countries in Southeast Europe this means that priority must be given to resource allocation for harm reduction programs and strengthening prevention, treatment and social integration.

2. The criminalization of drug users has proved to be counterproductive and harmful to society and individuals and should be repealed. The UN Office on Drugs and Crime mentions in the document “Drug policy provisions from the international drug control” that «International Conventions do not necessarily require the punishment for possession, purchase or cultivation of drugs for personal use». The Special Session should take a clear position and define the framework within which the member countries can address the decriminalization of drug users.

3. Harm reduction programs are recognized in strategic documents on drugs in most countries of Southeast Europe, but this recognition is not transposed in state legislation. Integration of harm reduction (including distribution and exchange of syringes and supervised consumption rooms) into national legislation is needed. 4. The use of so-called new psychoactive substances by young people is a priority and has to be addressed effectively. Training and education, along with the promotion of a healthy life style has to be supported.

5. Cannabis is the main substance used by young people. Cannabis as a prohibited substance is a matter of controversy. More and more countries make a distinction between cannabis and other psychotropic substances. Some countries have introduced legislation on cannabis. The Special Session on Drugs of 2016 cannot ignore these developments and should provide guidelines to address it. South East European countries face illicit production and trafficking of cannabis which have to be solved.

6. The meeting in Belgrade identified the lack of treatment programs for minors who use opioid drugs. It is an issue that needs immediate intervention especially for certain population groups in the countries of SE Europe.

The international community has the opportunity at the forthcoming Special Session of the UN General Assembly in 2016 to propose a framework of principles which will enable Member States and civil society to conduct meaningful dialogue on drugs accompanied by the application of methods and programs that have proven to be effective. The new social conditions and challenges require policies and legislation that are consistent with scientific knowledge, promotion of a healthy life styles and respect for fundamental human rights.

The Establishment of the Drug Policy Network South East Europe, presentation of the plan for a website, information about the procedure for registration of DPNSEE

The last session of the meeting in Belgrade was of importance for the organisational part of the Drug Policy Network in South East Europe. A presentation about the website of the umbrella organisation took place. The meeting was informed about the latest developments about the registration of the Umbrella organisation in SEE. After the difficulties to register in Skopje, it was decided to register in Belgrade. A lawyer is helping us to proceed in a way that we can meet the requirements to establish the formal organisation as soon as possible. This is necessary for the submission of the application by the European Commission before the deadline of 16 October. The meeting agreed that every organisation will submit the necessary documents needed for the registration.

Closing of the meeting.