



## **EUROPEAN UNION**

### **COMMON POSITION ON UNGASS 2016**

UNGASS 2016 is a key opportunity for the international community to take stock of the achievements of the international drug control system to date, to elaborate on the immense challenges that remain in the global, national and local response to the world drug problem and to find feasible, operational and sustainable solutions for the longer term within the framework of the international treaties.

The EU and its Member States firmly believe that the UNGASS 2016 outcome document should be a concise, yet comprehensive document, providing action-oriented recommendations towards the goals set in the 2009 Political Declaration and Plan of Action for 2019.

The EU and its Member States believe that the outcome of UNGASS 2016 should be grounded on the following principles:

#### **General Principles**

1. Relying on decades of experience with drug policies based upon an integrated, balanced and evidence-based approach, the EU and its Member States emphasise that drug policies have proved to be most effective when they strike an appropriate balance, in a coordinated manner, between supply and demand reduction measures. A drugs policy which does not combine evidence-based and integrated demand reduction with targeted actions to restrict supply will neither address the objectives set out in the Political Declaration 2009 and Plan of Action for 2019 nor tackle the remaining challenges in dealing with the world drug problem.

2. We underline that drug policies should be built upon a sound public health approach, based on scientific evidence and supported by reliable and objective monitoring systems and evaluation, in compliance with human rights recognized as such by international legal instruments.

### **International legal framework of the global response to the world drug problem**

1. The three UN Drug Control Conventions, which provide the international legal framework for addressing the drugs phenomenon, and the Universal Declaration on Human Rights are the cornerstones of the global response to the world drug problem. While recognizing that drug-related issues are of cross-cutting nature and cannot be solved by a single approach or through a predetermined set of policies, the EU and its Member States reiterate that the drug control treaties must be acknowledged and respected in developing and implementing national drug policies and laws, as well as regional and international programs.
2. We maintain a strong and unequivocal commitment to the UN conventions. There is sufficient scope and flexibility within the provisions of the UN Conventions to accommodate a wide range of approaches to drug policy in accordance with national and regional specificities.
3. Local, national and international initiatives of developing innovative approaches aiming to achieve experience- and evidence-based knowledge in order to attain a measurable reduction in illicit supply and demand of drugs as well as in drug-related harm, should be welcomed and promoted, provided these initiatives are undertaken in line with the principles of an integrated and balanced strategy to counter the drug problem, international law and common and shared responsibility.
4. The UNGASS should provide guidance on how the efforts to address the international drugs phenomenon could be incorporated in a clearer way in the work of relevant UN agencies, funds and programs. In the context of the Agenda 2030 for Sustainable Development, and notably its goals 3 and 16, a holistic approach is required to address effectively the world drug problem.

## **Human Rights**

5. Human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health, are an integral part of the international response to the world drug problem, in line with the key objective of the UN drug control conventions to protect health and welfare of mankind.
6. The EU and its Member States are opposed to the death penalty in all circumstances, including for drug-related offences, and reiterate that the death penalty undermines human dignity, while failing to act as deterrent to criminal behaviour. The abolition of the death penalty in all circumstances, including for drug-related crimes, as well as the abolition of other practices which are not in line with the principles of human dignity, liberty, democracy, equality, solidarity, the rule of law and human rights, is an absolute priority. Independently of the EU's principled opposition to the death penalty, the application of the death penalty for drug-related crimes does not meet the threshold of the most serious crimes as in Art. 6 (2) of the International Covenant on Civil and Political Rights (ICCPR).
7. The EU and its Member States call upon States Parties and international organisations which provide finance, equipment, training and intelligence to law enforcement units of States that continue to apply the death penalty for drug-related offences, to advocate, within the framework of this cooperation and their bilateral dialogue, for enhanced human rights protection and the effective implementation of a moratorium on executions, as a first step towards the abolition of the death penalty.
8. The right of the drug user to give an informed consent to treatment should be the paramount principle guiding States Parties in the implementation of drug dependence treatment programmes and informed consent should be sought as soon as possible. Exceptions should be envisaged only in exceptional circumstances presenting high risk for oneself and others; even in those cases the treatment should nonetheless follow human rights, ethical and scientific standards as for voluntary-based treatment.

9. We invite States Parties within the framework of their national legal systems and in compliance with international law and standards, notably the international recommendations for proportionality, to develop and implement, when appropriate, alternatives to incarceration and coercive sanctions applicable to persons having committed minor, non-violent drug-related offences.

### **The role of civil society in global drugs policy**

10. The EU and its Member States attach great importance to the role of civil society and the scientific community, in formulating, implementing, monitoring and evaluating drug policies at local, national and international level, especially in the field of drug demand reduction, and believe that a meaningful and participatory role should be recognized for civil society in international drugs policy. In this context, the experience of individuals and groups affected by the use of illicit drugs should be taken into account.

### **Demand reduction and related measures, including prevention and treatment, as well as health-related issues**

11. The EU and its Member States believe that effective, targeted, multidisciplinary and evidence-based drug demand reduction policies should include prevention, early detection and intervention, risk and harm reduction, treatment, rehabilitation, social reintegration and recovery, and build upon continuity of service delivery.
12. The EU considers that prevention in all its forms and based on thorough need assessments constitutes an integral pillar of any effective drugs strategy. There is a need to improve the availability and effectiveness of evaluated and evidence-based prevention measures to achieve a reduction in demand among the general public and in various settings and target groups.
13. Noting that the key objective of the international drug control system is the protection of public health, we emphasise that dependant drug users should be first and foremost considered as people in need of attention, care and treatment in order to improve their health condition and enhance social integration, tackling marginalization and stigmatization.

14. In this context, States Parties should make sure that access to risk and harm reduction measures is guaranteed, as such measures have proved effective in reducing the number of direct and indirect drug-related deaths and notably blood-borne infectious diseases associated with drug use. The technical guidance issued by the World Health Organisation (WHO), United Nations Office on Drugs and Crime (UNODC) and UNAIDS is of particular relevance in this context

#### **Access and availability of drug demand reduction measures**

15. We urge States Parties to make drug demand reduction measures and drug dependence treatment offers accessible, without discrimination, to all members of society, including the most vulnerable members, in order to guarantee broad availability, coverage and access.
16. The EU and its Member States consider it essential that all those who need drug treatment, including offenders dependent on drugs, receive high quality care. This can contribute to their recovery from substance use disorders and reduce the likelihood of future illegal activities. Treatment should include both medical and non-medical treatment options, be tailored to the individual needs of drug users and respond to new patterns of use.
17. Concerned about the remaining restrictions on the availability of opioid substitution treatment in some parts of the world, we consider that access to such treatment needs to be increased given its evidence-based efficiency.
18. We also note that access to drug treatment services and other health care measures in prison as well as the diversity and coverage of drug demand reduction measures in prison settings need to be substantially improved. Guaranteeing continuity of treatment to drug users during imprisonment and after release is essential to achieve a quality of care equivalent to that provided in the community.

## **Availability of controlled substances for medical and scientific purposes**

19. The underlying principles of the international drug control treaties allow ensuring the adequate availability of narcotic drugs and psychotropic substances for medical and scientific requirements while preventing their inappropriate use and abuse. In this context, the EU and its Member States stress the important roles of the WHO, the International Narcotics Control Board (INCB), and the UNODC in improving access to and availability of these substances and propose that specific recommendations to achieve this aim should be agreed at UNGASS.
20. As regards psychoactive substances with proven legitimate medical or scientific use, a thorough and careful assessment, on a case by case basis, is crucial before a decision on international control measures under the UN convention is taken, with a view of avoiding undue restrictions on legitimate use of such substances. The international scheduling of substances at the Commission on Narcotic Drugs (CND) should prioritize scientific evidence provided by the WHO recommendations, in order to ensure that scheduling decisions do not undermine public health objectives.

## **Supply Reduction and related measures**

21. Drug supply reduction measures should be led by a multidisciplinary approach and based upon effective coordination of drug-related policies in support of the objective of a balanced approach. Improving public safety, while bearing in mind public health aspects, should guide criminal justice policies, preventing and reducing violence and other harmful consequences.
22. In accordance with national and international legal frameworks, international cooperation needs to be strengthened in order to identify, disrupt and dismantle transnational organised criminal groups involved in any illicit activities relating to drugs trafficking, including money laundering and corruption. To this end, implementation of law enforcement and judicial cooperation mechanisms, as well as mutual legal assistance instruments applicable to drug trafficking and related crimes could be promoted, while ensuring that the strengthening of international cooperation is in accordance with international human rights standards.

23. A continued commitment to develop collaborative and comprehensive capacities to counter the challenges posed by new and existing drug trafficking routes and new technologies and methods used by traffickers, is required. Intelligence-sharing, the strengthening of the international counter-narcotics and border control capacities and closer cooperation between existing law enforcement platforms should be promoted in this regard. Supply reduction strategies should build upon monitoring systems capable of assessing the magnitude of the drug market, new threats and developments and measuring the effects and achievements of drug supply reduction efforts.
24. While primarily focusing on individuals and organisations with a significant or controlling role in drug trafficking activities, supply reduction efforts should also include preventive measures which help addressing the vulnerabilities that drive, enable and perpetuate organised crime.
25. In addition, the full implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and its three Protocols as well as the United Nations Convention against Corruption is needed.
26. The approximation of national legal provisions in order to improve judicial cooperation mechanisms, mutual legal assistance and law enforcement instruments applicable to drug trafficking and related crimes should be encouraged and promoted where appropriate.
27. Particular attention should be paid to the spreading and diversification of precursors chemicals and their substitutes or alternative chemicals used to replace traditional precursors under international control. To this end, a better implementation of the existing legal provisions, stemming from the requirements set out in the 1988 United Nations Convention, and an increased use of the available tools should be pursued in order to prevent the diversion of these substances. Interagency cooperation and cooperation with the industrial sector are essential for an effective control and should thus be further strengthened.

## **Alternative development**

28. The EU and its Member States promote alternative development, including, where appropriate, preventive alternative development, as a long term and holistic approach to tackle the root causes and framework conditions of illicit cultivation of drug crops, such as poverty, poor infrastructure, limited access to sales market for licit products or the weakness of the rule of law. As long as these root causes of illicit cultivation of drug crops in rural producing areas persist, the sustainability and effects of any supply side intervention will be undermined.
29. Alternative development has the overall goal to establish viable economic alternatives to prohibited cultivation of crops in source countries. These economic alternatives should be developed and implemented in close cooperation with local, national and international actors, as well as allowing for the monitoring and evaluation of the efficiency of these policies.
30. Acknowledging that the efforts and funds designated to alternative development since 2009 have been insufficient, the EU and its Member States consider that States Parties should be encouraged to significantly increase long-term investment in sustainable crop control strategies targeting the illicit cultivation of crops in order to contribute to the sustainability of social and economic development and poverty eradication, while reinforcing related supply side interventions.

## **Drugs Policy and Children, Youth and Women**

31. Emphasizing the need “*to protect children from the illicit use of narcotic drugs and psychotropic substances*”, as indicated in article 33 of the Convention on the Rights of the Child, the EU and its Member States believe that access for young people to adequate evidence-based substance use disorder treatment tailored to their specific needs must be ensured, while developing and implementing appropriate prevention strategies aimed at the protection of children and young people from drug use and related harm.



32. Addressing the issues of gender aspects of drug policy and its health consequences deserves more attention worldwide. When implementing the Political Declaration 2009 and Plan of Action for 2019, it is important to recognize that men and women are affected in different ways by drug use and drug policies, and take into account these aspects in the international efforts to counter the world drug problem.

**New challenges, threats and realities in preventing and addressing the world drug problem**

33. New psychoactive substances being one of the emerging and common challenges for drugs policy, States Parties are encouraged to cooperate more closely to address this shared problem. This includes supporting the UNODC Early Warning Advisory on New Psychoactive Substances, which should be further developed and strengthened as a global tool for information sharing, by encouraging information exchange and synergies with regional warning systems such as the European Early Warning System on NPS, and by providing data to the WHO to support evidence-based assessments of substances for international control, as well as improving law enforcement cooperation, such as the International Narcotics Control Board's Project ION, with a view of restricting the supply of these substances.
  34. Information exchange on effective prevention, treatment and legislative responses to this threat to promote a balanced, evidence-based response is also required.
  35. The EU and its Member States are convinced that the international community needs to address proactively the role of new communication technologies, such as the Internet or the Darknet, in order to efficiently phase out marketing, trafficking and distribution of illicit drugs and new psychoactive substances on the Net. In that context, the EU and its Member States encourage all States Parties to enhance international cooperation in tackling this new challenge.
  36. The European Union and its Member States remain firmly committed to providing further input in preparation for UNGASS 2016 to ensure a successful UNGASS 2016.
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