

Diplomacy or Denialism: The language that the UNGASS Outcome Document overlooked

Preamble:

[*Noting the*] widespread recognition from several quarters, including UN Member States and entities and civil society, of the collateral harms of current drug policies, and that new approaches are both urgent and necessary.



[*Reaffirming*] the obligation of Member States to implement the international drug control conventions with full respect for the inherent dignity of all individuals, all human rights and fundamental freedoms, in particular the right to life, to health, to the protection of the child, to non-discrimination, and the right not to be subjected to arbitrary arrest, detention, torture or cruel, inhuman or degrading treatment or punishment.



[*Recognising*] that the targets set in the Political Declaration on HIV and AIDS, Intensifying our efforts to eliminate HIV/AIDS, to reduce HIV transmission among people who inject drugs by 50% by 2015, has been missed, and we underline the importance of combating HIV among people who use drugs.



[*Also recognising that*] countries which have adequately invested in evidence-informed risk and harm reduction programmes aimed at preventing the spread of HIV through injecting drug use have remarkably reduced HIV transmission among people who inject drugs and their sexual partners.



[*Recalling that*] more than eighty percent of the world's population carries a huge burden of avoidable pain and suffering with little or no access to such medications. This state of affairs persists despite the fact that the avoidance of ill health and access to essential medicines is a key objective and obligation of the global drug control regime.



[*Also recalling*] that the world drug problem remains a common and shared responsibility that requires effective and increased international cooperation and demands an integrated, multidisciplinary, mutually reinforcing and balanced approach to drug supply, demand reduction and harm reduction strategies, as well as ensuring the availability of controlled substances for medical and scientific use, while reducing the illicit use of narcotic drugs and psychotropic substances.



[*Acknowledging that*] it is necessary to review the relevance of maintaining a world free of drugs as an objective, noting that we are very far from meeting the targets established in the current Political Declaration and Plan of Action by 2019.



1. Drugs and health

Consider the consumption of drugs and drug addiction as public health problems that have socio-economic root causes and consequences. People who use drugs must be given support, and must benefit from treatment, health services and protection.... In this regard, the integration of the drug treatment and prevention services within broader health programs should become an imperative for all Member States.



African Union

[Highlight] the urgency to implement and scale up comprehensive harm reduction services and evidence-based drug dependence treatment, and to ensure that these services are gender-sensitive and are also made available to young people who require them. *[Urge]* governments to make these health services available in prisons and other closed settings and underlined how denying people who use drugs access to harm reduction programmes is a violation of their right to health... There should never be non-consensual medical treatment in relation to drug dependence and compulsory or coercive drug treatment can also undermine recovery.



President of
the General
Assembly

Undertake a rebalancing of investments in drug control to ensure that the resources needed for public health services are fully funded, including harm reduction for HIV infection, antiretroviral therapy, drug dependence treatment and treatment for hepatitis, tuberculosis and other health conditions.



UNAIDS

Include the mandate of developing and implementing an action plan that tackles the problem of access to internationally controlled medicines.



Panama

[Ensure that] the international scheduling of substances at the Commission on Narcotic Drugs should prioritise scientific evidence provided by the WHO recommendations, in order to ensure that scheduling decisions do not undermine public health objectives.



European
Union

2. Drugs and crime

Eliminate the paradigm of criminalization in drug policies, giving way to a policy based on human rights, health, development and education... Encourage the discussion on experiences with depenalization and/or decriminalization of drug use with a more human perspective.



Ecuador

[Highlight that], according to the Conventions, drug related criminal offences, including those involving the possession, purchase or cultivation of illicit drugs when committed by drug users, do not automatically require the imposition of conviction and punishment... Accordingly, there is no obligation stemming from the conventions to incarcerate drug users having committed minor offences.



International
Narcotics
Control Board

Declare that people who use drugs should receive support, treatment and protection, rather than be punished. Encourage the consideration of alternatives to incarceration and other criminal justice reform for drug-related offences with a view to deterring crime, achieving the rehabilitation and reintegration into society of drug users, advancing the wellbeing of individuals and communities and reducing overcrowding in prisons.



[Highlight that], instead of persecuting the weakest links in the drug sales and consumption chain, the fight against organized crime must give priority to policies, which aim at dismantling the mechanics and structures that control the illegal drug trafficking and related businesses of criminal organizations, including the international financial system related to money laundering.



Warn about the specific risks presented by the existence of tax havens or jurisdictions with financial or corporate opacity that could be used for laundering money from the illegal drug trade and related crimes, and encourage the countries to take the necessary measures to counter this problem.



3. Drugs and human rights

[Highlight that] human rights violations continue to occur in implementation of drug control policies by States. Violations of the right to life, the right to health, the prohibition of torture and other forms of ill treatment, the prohibition of arbitrary detention, the right to equality and non-discriminations, the rights of indigenous peoples and the rights of children are all sources of serious concern.



[Commit that] criminal justice responses should be effective, fair, humane and accountable, and adhere to the principle of proportionality. Member States are encouraged to review their drug sentencing policies and practices and to facilitate collaboration between justice and public health authorities, with a view to advancing the well-being of individuals and communities, deterring crime, reducing overcrowding in prisons, and strengthen social ties within affected communities.



End compulsory treatment policies, and commit to treatments based on scientific evidence.



[Commit to] 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, as an absolute priority.



Promote inclusive policies by ensuring the participation of individuals in decisions regarding their own lives, and promote the active participation and involvement of people who use drugs, families, clients of drug-related services and their organizations.



European
Union

Take account of the particular needs and characteristics of women affected by the drugs problem, [which] entails the identification and approach to risk factors and conditions that perpetuate the vulnerability of women in the illegal drugs market, and the definition of a set of indicators which will allow the inclusion of the needs proper to women in drugs policy to be guaranteed and verified.



Colombia

[*Recognise that*] indigenous peoples have a right to follow their traditional, cultural and religious practices. Where drug use is part of these practices, the right of use for such narrowly defined purposes should in principle be protected, subject to limitations provided for in human rights law.



Office of
the United
Nations High
Commissioner
for Human
Rights

4. New challenges

Request from the UN Secretary General the creation of a Consultative Group of Experts with the task of developing operational recommendations to improve the functioning and harmony of the drug control system in the UN, according to the review of achievements and challenges in 2019, covering key issues such as: drug control architecture of the UN and collaboration among different agencies; harmonization of drug control and Human Rights and development principles; inconsistencies in treaties identified by WHO, UNODC and INCB regarding criteria and procedures for classification of substances and obstacles to the availability of controlled substances for medical use; and flexibility of the conventions and legal questions that have arisen with respect to traditional uses of coca leaf and cannabis regulation, exploring possible options to resolve them in accordance with International Law. The group membership should represent a balanced selection of experts from Member States and regional organizations, relevant UN agencies, civil society and academia.



Uruguay

Realign drug control with the broader agenda of the United Nations and promote system-wide coherence.



Switzerland

Commit to a formal revision of the metrics used to evaluate drug control policies, and to prioritize indicators that provide specific evidence on the impact of drugs and drug policies on communities.



International
Centre for
Science in Drug
Policy

Review the application of prohibitionist measures of cannabis cultivation with regard to the protection of public health and the prevention of illicit trafficking. In turn, we advocate for the joint study of the regulation and control of the cannabis market as a plausible alternative to achieve objectives.



Uruguay

5. Drugs and development

[Highlight that] addressing the development dimensions of drug control policies requires a paradigm shift that takes into consideration all the elements that have an impact on human development and how they interact, while acknowledging diverse social, economic and cultural contexts... [including] the possible use of metrics to evaluate the developmental impact of drug control policies, and UNDP's engagement in efforts to promote UN system wide coherence.



Address the problem of small farmers holistically, which means taking into consideration and attending to the social dimensions of the phenomenon.



Implement an integrated sustainable development approach in areas affected by illicit drug cultivation and adjacent areas, including conflict resolution, peace promotion, strengthening the rule of law and respect for human rights, promoting human security, fostering economic growth and alternative livelihoods, improving land governance and protecting the environment.

