



EU Civil Society Forum on Drugs

**Briefing Paper on EU Drug Policy,
the EU Drug Action Plan
and the need for Civil Society Involvement**



Colophon

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More information via:

www.civilsocietyforumondrugs.eu



Author:

Katrin Schiffer and Roberto Perez Gayo

Editing and review:

Peter Sarosi, Marcus Keane, Lucia Goberna,
Jiri Richter, Thanasis Apostolou

Support:

All members of the working group 3 of the European Civil Society Forum on Drugs.

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De Regenboog Groep / Correlation Network

PO Box 10887

1001 EW Amsterdam

The Netherlands

Phone: +31 20 5707829

administration@correlation-net.org

www.correlation-net.org



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Introduction

Nowadays, civil society is playing an increasingly important role in the European Union. The involvement of Civil Society Organizations (CSO) is considered to be one of the cornerstones in the formulation and implementation of drug policies.

Meaningful civil society involvement requires specific structures and mechanisms. Therefore, the European Commission (EC) established the Civil Society Forum on Drugs (CSFD) in 2006. The CSFD supports the EC in developing and implementing European drug policies, by providing inside knowledge and practical advice.

A good example for the work of the CSFD is the development of the EU Drug Strategy (2013-2020), and the two consecutive Action Plans. The first Action Plan was evaluated and showed the need for the development of a second Action Plan. The second Action Plan (2017-2020) translates the goals of the seven-year EU Drug Strategy into concrete actions with clear responsibilities and performance indicators. The CSFD contributed significantly to the development of this policy documents, by providing input, suggestions and advice.

The Action Plan is a comprehensive guidance document and can serve as well as an excellent tool for advocacy on the national level. National CSO can use it to assess the level of implementation and advocate for drug policies, which are in line with the EU Drug Action Plan.

Unfortunately, both the EU Drug Action Plan and the activities of the European Civil Society Forum on Drugs (CSFD) are insufficiently linked to civil society engagement on





the national level. Many CSOs are unaware on what is happening on the European level and consider Europe to be far removed from their daily reality. This is unfortunate. Both levels would benefit of a more effective exchange of knowledge and a combined approach in regard to policy making and advocacy.

This policy paper addresses this information gap and provides:

1. A practical overview of the mechanisms and principles for meaningful civil society involvement (CSI) in drug policy-making processes
2. An analysis of the EU Action plan for CSOs, including:
3.
 - a. The content and potential impact of the EU Drug Action Plan
 - b. What the CSFD is doing and what kind of influence it has on the development and implementation of EU drug policies.
4. Recommendations for the development of national advocacy activities

1

Meaningful Civil Society Involvement (CSI)

1.1. Why is civil society involvement important?

The importance of civil society involvement (CSI) in drug policy-making and decision-making processes is widely recognized and promoted as best practice. This has been acknowledged by many major agencies and political institutions (e.g.: 'WHO – the role of civil society in health,' 'EU Drug Strategy 2012', 'EC green paper 2006'). Consequently, CSI represents a vital component of a well-functioning democracy.

Civil Society is broad

Civil society organisations (CSO) represent a variety of issues, interests and groups. Objectives, organisational structures and activities differ. CSOs can be small single-issue grassroots organisations, international advocacy organizations, self-help groups, think tanks or academics institutions. CSOs are diverse. They offer solutions to a variety of issues, and represent the perspectives and needs of all different parts of society. CSO do not necessarily agree, in fact they can have completely opposite ideological stances.

Civil Society protects Human Rights

CSOs have a watchdog function and contribute to the protection of civil and human rights. They represent diverse parts of society, address injustice and inequality and speak on behalf of those, who are very often unheard.

Civil Society contributes to effective drug policies CSOs can play a vital role when it comes to the design, development, implementation and monitoring of drug policy. They are in direct contact with people who use drugs and therefore can raise issues, concerns and needs for this collective. They know their problems and needs and understand which kind of impact certain policies have on the life of individuals.

Consequently, CSO can provide relevant information and contribute to the development of feasible and effective policies. Ideally, these policies are based on the daily reality, existing evidence and the specific needs of people who use drugs.

Civil Society promotes accountability

Civil society plays an important role in promoting the rule of law and accountability. It empowers vulnerable groups and combats stigma and discrimination. The watchdog function of CSOs holds policy and decision makers accountable and is therefore an indispensable component of democracies.

Civil Society fosters innovation

CSOs are able and willing to experiment. They move faster and more direct than the governments and act as an agent of change. Due to their structure (often small with multi-skilled staff) the nature of their work (frequently including education and research) and their autonomous nature (not beholden to constituents, bureaucracies or customers), CSOs are able to be dynamic, flexible and responsive to new situations.

1.2. Civil Society Involvement mechanisms

In 2009, upon a recommendation of the Council of Europe's Forum for the Future of Democracy, the Conference of INGOs drafted a Code of Good Practice on Civil Participation in the Decision-Making Process. The principal objective of the Code of Good Practice is the definition of a set of principles and guidelines for CSOs participation in decision-making processes that are to be implemented at the local and national level in Council of Europe member states.

Based on the degrees, in which CSOs influence and participate political decision-making process, the Code sets out four levels of participation:

Information

This is the lowest level in the framework. It usually consists of a one-way provision of information from the public authorities, and no interaction with CSOs is required or expected.

Consultation

Public authorities may ask CSOs for their opinion on a specific topic of development. Although this level implies a higher degree of involvement and influence, the initiative and themes originate with the public authorities.

Dialogue

This is the third level and can be initiated by either the public authorities or by CSOs. It can be either broad (a regular exchange of views concerning mutual interests and potentially shared objectives) or collaborative (a more empowered dialogue focusing on specific policy development)

Partnership

This is the highest level of engagement, whereby CSOs and public authorities cooperate closely together while ensuring that NGOs continue to be independent with the right to campaign and act irrespective of the partnership situation. Partnership can include activities such a provision of services, participatory forums and the establishment of co-decision-making bodies. The following table sets out examples of activity under each level of participation.

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Levels of participation						
PARTNERSHIP	<ul style="list-style-type: none"> • Working group or committee 	<ul style="list-style-type: none"> • Co-drafting 	<ul style="list-style-type: none"> • Joint decision-making • Co-decision making 	<ul style="list-style-type: none"> • Strategic partnerships 	<ul style="list-style-type: none"> • Working groups or committee 	<ul style="list-style-type: none"> • Working groups or committee
DIALOGUE	<ul style="list-style-type: none"> • Hearings and public forums • Citizens' forums and future councils • Key government contact 	<ul style="list-style-type: none"> • Hearings and Q&A panels • Expert seminars • Multi-stakeholder committees and advisory bodies 	<ul style="list-style-type: none"> • Open plenary or committee sessions 	<ul style="list-style-type: none"> • Capacity-building seminars • Training seminars 	<ul style="list-style-type: none"> • Working groups or committee 	<ul style="list-style-type: none"> • Seminars and deliberative forums
CONSULTATION	<ul style="list-style-type: none"> • Petitioning • Consultation online or other techniques 	<ul style="list-style-type: none"> • Hearings and Q&A panels • Expert seminars • Multi-stakeholder committees and advisory bodies 	<ul style="list-style-type: none"> • Open plenary or committee sessions 	<ul style="list-style-type: none"> • Events • Conferences • Forums • Seminars 	<ul style="list-style-type: none"> • Feedback mechanisms 	<ul style="list-style-type: none"> • Conferences or meetings • Online consultation
INFORMATION	<ul style="list-style-type: none"> • Easy and open information access • Research • Campaigning and lobbying • Website for key documents 	<ul style="list-style-type: none"> • Open and free access to policy documents • Website for key documents • Campaigns and lobbying • Web casts • Research input 	<ul style="list-style-type: none"> • Campaigning and lobbying 	<ul style="list-style-type: none"> • Open access to information • Website for information access • E-mail alerts • FAQ • Public tendering • Procedures 	<ul style="list-style-type: none"> • Open access to information • Evidence gathering • Evaluations • Research studies 	<ul style="list-style-type: none"> • Open access to information
Steps in the political decision making process	AGENDA SETTING	DRAFTING	DECISION	IMPLEMENTATION	MONITORING	REFORMULATION

Source: Code of good practice for Civil Participation in the Decision-Making Process (2017)

1.3. Basic principles for meaningful Civil Society Involvement

Civil participation in political decision-making is distinct from political activities when compared with direct engagement in political parties and from lobbying in relation to business interests¹. As a result, specific key conditions are required to secure an active and meaningful participation of CSOs in drug policy-making processes.

Supportive political and public environment

Formalized structures that promote and articulate CSO's participation are required in order to foster equal CSI in drug policy-making processes to those organizations who wish to contribute. This includes a professional infrastructure of rules, services, institutions and accountability procedures².

However, a thriving and vibrant civil society space requires more than the mere implementation of a structure. Raising awareness on the important role of CSOs is fundamental as well³.

Inclusion in public decision-making processes

Empowerment of CSOs in drug policy-making processes requires encouragement and commitment to the use of public consultation and participation mechanisms beyond ad-hoc and time-limited fora. To achieve this, it is necessary that governments diversify the structures, methods, mechanisms, and tools for public participation, ensuring its accessibility.

A key aspect for it is to invest on capacity building for CSO participation so that the CSOs professionals can be actively involved in the policy formulation but also in the project development and service provision.

Transparency

Acting in the public interest requires openness, responsibility, clarity and accountability from both CSO's and public authorities, with transparency at all stages. The transparency of public-decision making process decision should be in accordance with the established rules. Particularly relevant for CSI is the assurance of access to appropriate information, making sure that all documents and information are accessible, comprehensive, in an appropriate format, without restrictions on analysis and re-use, and that the purpose of the policy-making processes remains clear. Decisions and other documents adopted by public authorities need to be available, as well as timely feedback on the result of public consultations.

Accountability

Meaningful CSI requires that policy-making process incorporate mechanisms by which the roles, participation, and results can be adequately assessed and feedback into the process itself.



1. Council of Europe, Committee of Ministers (2017). Guidelines for civil participation in political decision making.

2. Concluding Paper 'Structured Dialogue for an efficient partnership in development' (2011)

3. Council of Europe, Steering Committee for Human Rights (2017). Analysis on the impact of current national legislation, policies and practices on the activities of civil society organizations

Long-term support and resources

CSO's need funding in order to carry out their works. As a result, their activities depend on legislation and policies that facilitate the soliciting and transfer of funds. This may be done, for example, by providing programs which offer financial support, either for a general nature or for the organization of specific programs. Special care should be taken to ensure that reliance on government funding does not compromise the independence of CSOs.

Shared spaces for dialogue and cooperation

Governments should commit to supporting the development of mechanisms for social dialog forums in which CSOs are included.

A good practice to this regard pointed out by the Pompidou Group is the establishment of coordinating bodies between governmental bodies and CSO. For instance, this being a contact person for CSO at the ministry of coordination body, joint structures such as multi-stakeholder committees, work groups, etc.



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Mechanisms, Structure and Focus of the EU Drug Policy

2.1. European Civil Society Forum on Drugs (CSFD)

The involvement of civil society is one of the cornerstones of European drugs policy as presented in the Commission's Green Paper of 26 June 2006 on the role of civil society in drugs policy in the European Union.

The CSFD is a broad platform for a structured dialogue between the European Commission (EC) and European civil society which supports policy formulation and implementation through practical advice.

The CSFD currently has 45 members, representing different stakeholders and different policy options. All members of the CSFD have drug-related activities as the core focus of their agenda. Many are established in the form of transnational networks covering a number of eligible countries. In selecting members, the EC seeks to maintain both a geographical balance and the balance between different areas of activities in the drugs field.

The CSFD generally meets in plenary twice annually, with the plenary being financed and organised by the EC. The CSFD membership is renewed on a regular basis. The current CSFD operates from 2018 until 2021.

The CSFD has compiled four working groups to organize the work within the CSFD in the most effective way. These groups focus on the following topics:

- quality standards on drugs demand reduction
- institutional relations with the EU and international structures
- input in EU drug strategy and action plan
- civil society engagement in national drug policies

The CSFD and each working groups are chaired by a chairperson, elected by the members of the CSFD⁴. Together, the chair, vice chair and the chairs of each of the working groups comprise the core group, which has a governance role in relation to the CSFD.

Sources & Further Information:

Specific information on the activities and results of CSFD and the different working groups can be found on:
www.civilsocietyforumondrugs.eu

4. Retrieved from: http://europa.eu/rapid/press-release_IP-17-601_en.htm

2.2. EU Drug Action Plan (2017-2020)

In July 2017, the European Commission published the new Action Plan on Drugs (2017 – 2020). This three-year Action Plan translates the goals of the seven-year EU Drug Strategy (2013 - 20) into concrete actions with clear responsibilities and performance indicators. This is the second action plan linked to the current drug strategy, the previous one (2013 – 2016) having been evaluated by external evaluators in 2016.

The new Action Plan represents an example of meaningful and structural involvement of Civil Society in its preparations, with the CFSD having been included and having a significant impact on the outcome.

According to a statement from the European Commission , the new Action Plan on Drugs provides a strengthened response to the newly-emerging health and security challenges in the area of illicit drug use and trafficking. While maintaining and updating the core policy areas cross-cutting themes of the overall EU Drugs Strategy, the new Action Plan identifies new priority areas for action, including the monitoring of new psychoactive substances, as well as the use of new communication technologies for prevention of drug abuse and evidence gathering on the potential connection between drug trafficking and financing of terrorist groups, organized crime, migrant smuggling or trafficking in human beings.



In general terms, the EU Drug Action Plan 2017 - 2020 is articulated through the following five actions:

Drug Demand Reduction

The Action Plan sets for itself the goal to contribute to a measurable reduction in the use of an illicit drug, in problem drug use, in drug dependence and in drug-related health and social harms as well as contributing to a delay in the onset of drugs use.

Drug Supply Reduction

The Action Plan calls for a contribution to a measurable reduction of the availability and supply of illicit drugs in the EU.

Coordination

The Action Plan encourages coordination and coherence between the Council working groups through active discourse and analysis of developments and challenges in the field of drugs at EU and International Level, as well as calling for a more inclusive policy formulation process with the participation of Civil Society at both EU and national levels.

International Cooperation

The Action Plan aims to strengthen the dialogue and cooperation between the EU and third countries and international organizations on drugs issues in a comprehensive and balanced manner.

Information, research, monitoring, and evaluation

The Action Plan puts forward a series of actions aimed to contribute to a better dissemination of monitoring, research and evaluation results and a better understanding of all aspects of the drugs phenomenon and of the impact of interventions in order

to provide a sound and comprehensive evidence base for policies and actions.

The EU Civil Society Forum on Drugs contributed significantly to the development of this EU Drug Action Plan. One of the future activities of the Forum is to monitor and evaluate the implementation of this Action Plan at the national level.

2.3. Key areas for Civil Society Involvement

Although in most EU Member States civil society plays a key role in implementing drug policies, there is a great diversity in how these organisations are involved in the development of policies. Only a few member states have formal mechanisms for civil society involvement. Objective 9 of the new AP requires not only the participation of the CSFD in the formulation, implementation, monitoring and evaluation of drug policies at the European level, but also the involvement of civil society in policy-making at a national level. The AP also mentions that civil society should be involved in the preparations for the upcoming UN high-level meeting on drugs, to be held in Vienna in 2019.

Human Rights

To integrate international human rights standards into drug policies has been a civil society demand for a long time. Fortunately, the actual AP aims to create and implement tailored human rights guidelines and impact assessment tools for policymakers. This gives civil society an incredibly important opportunity to address system-wide incoherence when it comes to repressive law enforcement, criminally underfunded services and the human rights of people who use drugs.

Harm Reduction

Unlike the previous AP, this document lays great emphasis on scaling-up access to harm reduction programs – and not only the mainstream programs, such as opiate substitution and needle and syringe programs, but novel interventions such as naloxone distribution, drug consumption rooms, and drug checking are also mentioned. This is the first time that the EU has officially recognized these innovative programs.

Another impact of the involvement of civil society can be seen in the list of performance indicators. These indicators were often vague in previous documents, but are much clearer now, for example by adopting indicators from the WHO's technical guidelines, recommending the distribution of at least 200 sterile needles per injecting drug user per year. These indicators make governments more accountable.

Diversity

The lack of gender- and age-specific services is a huge barrier to access to any kind of treatment or harm reduction programs in the EU. Further, in many, mostly Western-European, member states, there is an increasingly aging population of drug users who need other kinds of social and health support than those aimed at young people, or underage kids.

Specific services for women and LGBTQ communities are equally missing, as well as programs for prisoners and asylum seekers, who often don't have access to even the basic services which are widely available in the community.

Next to this, gaps in specific treatment resources tackling an increasing number of psychiatric co-morbidities among people with drug dependence still are needed. The new AP addresses this problem and aims to close this gap, promoting a comprehensive community care, and creating specialized resources to ensure support for these users.





Quality Standards

Action 3.10 requires member states to involve civil society in the implementation of these quality standards. Although the AP does not mention it, the CSFD considers that quality standards should be implemented and monitored with the meaningful involvement of service clients. Further, it recommends the introduction of clear indicator to measure the implementation of quality standards for demand reduction.

Alternatives to Coercive Sanctions

While civil society almost unanimously supports it, there is, unfortunately, no consensus among member states about the decriminalization of drug use. However, the AP requires member states to apply alternatives to coercive sanctions. The CSFD recommends to member states that alternatives to coercive sanctions should include, where appropriate, a Restorative Justice approach, recognised to reduce reoffending and increase the satisfaction of victims. Moreover, alternatives to prison should be correctly evaluated in order to avoid a “net-widening” effect – that is, punishing more actions and persons than before. These measures should be gender-specific and should ensure that prison is used as a last resort and punitive measures are not used for the simple use or possession of drugs per se.

Evaluating Alternative Policies

There is a need for upcoming EU presidencies to create platforms and organize forums to enable civil society, the scientific community, and decision-makers to discuss alternative policies and their impact.

Further, the external evaluators of the previous Action Plan on Drugs pointed out that “the omission of a discussion on recent trends in cannabis policy was noted by a wide range of stakeholders and represented one of the most frequent items raised when exploring whether there are any issues not covered by the Strategy.” The CSFD recommends that the Commission provides a comprehensive analysis of developments relating to cannabis policy models (eg. cannabis social clubs in Spain) and their impacts, as originally requested.

3

The EU Action Plan as an Advocacy Tool: Recommendations for national advocacy

1. Compare the EU Drug Action Plan with your national Drug Policy

The Action Plan is a comprehensive document, which includes concrete actions and indicators. Comparing the Action Plan with your national drug strategy or action plan, will help to identify potential gaps and shortcomings and can support future advocacy actions. It will also make you understand how certain policy processes work, how decision-making is influenced and which kind of arguments can be used to advocate for a change.

The assessment on national level requires that you are well-informed and well connected in your country. You need to know which kind of services are available, how they are being delivered and how the coverage is. It is therefore essential to do this assessment in cooperation with other CSOs. This will support your future advocacy activities as well.

2. Advocacy

Once you have analysed the information, it is important to identify relevant areas for action. Although there might be many gaps in service delivery, it is wise to limit your advocacy actions and not to overload it with too many demands. Make an advocacy plan with feasible goals and find allies to support your case.

Find different arguments, which can support as well policy makers. As all EU Member States committed themselves to the EU Action Plan, you already have a powerful argument in hands. But pointing to the 'moral' responsibility of policy makers is not enough. Make sure that you come with solutions, which are realistic and which serve as well the short-term objectives of politicians: getting re-elected and finding political support from others.

3. Gather Evidence

When interacting with your government representatives, the importance of evidence in the work of CSOs comes quickly to the fore. However, not all evidence is as relevant for policy makers. Some interventions are evidence based, but are extremely emotive, resulting in a clash of ideologies, endless discussions and at the very end in political obstinancy and frustration. It is therefore key to collect a broad range of good arguments and evidence. This includes for example cost-effectiveness studies and evidence on the impact of an intervention on the health situation or the criminality in a certain neighbourhood. It includes as well best practice examples, relevant articles or research on the topics your advocacy is directed towards, as much as the results of the monitoring that your organization might carry out. The European Monitoring Centre for Drugs and Drug Addictions is a very useful, recognized and objective source and can support you in collecting evidence.

By ensuring that the knowledge you generate and have access to is relevant, objective, and practical, you will improve the legitimacy and credibility of your advocacy messages.

4. Build a network of CSOs and supporting allies

Successful participation in policy-making is most often the result of groups efficiently working together towards a common goal. Building intra-sectorial linkages is fundamental. Networks can help CSOs bypass obstacles to consensus, assemble coalitions for change, amplify evidence and mobilize resources. This is particularly relevant for CSOs focused on service delivery since (formal and informal) networks can enable them to have a more meaningful policy influence and support them in carrying their activities more effectively and efficiently. It is important to check as well which relevant CSFD members operate in your country, and establish contact with them.

5. Prepare a CS document

A CS document provides a practical roadmap for achieving your advocacy goals and is a critical part of the process. An action plan will help you to refine policy objectives, set policy-maker targets, clarify roles and responsibilities among partners, and determine strategies. Further, preparing a CS will help you understand the complex policy-making process, timeliness and will help guide your decision-making throughout.

6. Organize a dialogue with national policymakers

As part of your CS document, you should identify relevant decision-makers and influencers you want to target. The next step is to organize a dialogue in which the topics of concern can be discussed. Perhaps in your network, a relationship might have been already established. Use existing contact, prepare yourself and be friendly, unbiased and open in your communication.

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