

A Common Approach to Soft Drugs

The Alliance of Liberals and Democrats for Europe Party convening in Amsterdam, the Netherlands on 1 to 3 December 2017:

Is convinced that:

- it is time for Europe to affirm a common approach to the issue of drugs and offer more efficient solutions to it. Decriminalisation is possible, it gives results that the “war on drugs” has never achieved, and is not in conflict with international conventions on narcotics.

Keeps in mind that:

- in 2004 the European Council, with framework Decision 2004/757/GAI, laid down the minimum norms ruling the elements constituting criminal acts and the applicable penalties on the subject of illicit drug trafficking. The purpose of such provision was to provide the European Member States with a shared regulatory framework, useful to a united approach in the struggle against drug trafficking, with the presupposition that such crime represents “a threat to health, safety and quality of the life of citizens on the European Union, in addition to the legal economy, stability and security of the Member States”. The Decision identifies the conducts of which each State must recognise penal significance, like the cultivation of the cannabis plant (art. 2.1(b)), as well as the transfer of drugs for whatsoever condition (art.2.1(a)); however, it excludes from the penal consequence personal consumption, ascribing further definitions to the discretion of the national legislators (Premises, point 4);
- since 2004, the emanation of this Act did not contribute minimally to reducing the illicit diffusion of narcotics. Moreover, as stressed by the Europol and the EMCDDA (European Monitoring Centre for Drugs and Drugs Additions) in the EU drug markets report: “Europe is entering a new important phase in relation to the developments of availability and consumption of drugs [...] the modern European market of drugs is increasingly innovative and dynamic, as it is able to reflect and exploit the broadest changes that have occurred in modern forms of communication and commerce”. [1]

Emphasises that:

- the UN High Commissioner for Human Rights (OHCHR), in a report published in September 2015, affirmed: “the right to health should be protected by ensuring that persons who use drugs have access to health-related information and treatment on a non-discriminatory basis”. In order to remove the obstacles to the right of health, the

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OHCHR considers necessary to “take into consideration also the decriminalisation of the personal consumption and possession of drugs”;

- eventually, in October 2015, UNODC (United Nations Office on Drugs and Crime), in a note sent to the national governments, affirms that “decriminalisation of the personal use and possession is permitted by international conventions”. The call of the UNODC to the Member States is to consider the decriminalisation of the personal use and possession as a measure to “promote the right to health and reduce the overcrowding in prisons”, and as a “key element to respond to HIV spread among people who consume drugs”. [3]

Notes with satisfaction that:

- currently, in many Europeans and non-European Member States, there is a reconsideration of the long-time prohibitionist policy.

Expects that:

- after the Special Session on Drugs at the UN General Assembly (UNGASS, April 2016) it seems useful and important that also the European Union starts a common policy aimed at going beyond the current one. In this sense, some first requests of change are positive, already forwarded by the EU as well as before the UN Commission on Narcotic Drugs (CND), such as the refusal to death penalty for crimes connected to the drug smuggling or the introduction of policies of damage and risk reduction;
- the European Union will consider a transparent revision on the effectiveness of the current policies on drugs, also in light of article 168 TFEU – according to which “in the definition and in the implementation of all the policies and activities of the Union, it is granted a high level of human health protection” – and of the article 35 of the Charter of Fundamental Rights of the European Union, dedicated to the protection of health.

Calls on all member parties of ALDE to promote and support in their respective countries norms and policies that:

- allow and invite the Member States to gradually decriminalise the possession and consumption of drugs in amounts of personal use of soft drugs;
- the EU to follow closely the Canadian reforms on their drug policy and watch the consequences it has on the number of user, and the effect of illegal drug trafficking;
- grant the right to health, also through policies of reduction of risks and damages, that may include the distribution of sterile syringes,

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substitutive therapies in progression and/or in maintenance, with also the administration of substances under medical control;

- grant the right to a free scientific research soft drugs and its active ingredients;
- allow and invite Member States to completely decriminalise cultivation, transport and transfer of soft drug in a state-controlled setting;
- the EU Member States to reinvest the money saved by ending the war on drugs and the measures it entails into rehabilitation projects;
- a certificate of origin for the import of drugs or their basic materials to avoid terrorist financing;
- modify the Framework Decision 2004/757/GAI on the basis of those principles;
- promote policies in terms of drugs that are based on the full respect of human rights, as listed in the Universal Declaration and in the ICCPR and ICESCR;
- promote at international level such principles, and in particular within the UN for the Special Session on drugs of the General Assembly in 2016;
- prescribe an assessment of the current world system of control of drugs, also to aim at a revision of the International Conventions.

Sources:

[1] <https://www.europol.europa.eu/content/eu-drug-markets-report-strategic-analysis>

[2] http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_65_AEV.docx

[3] <https://www.virgin.com/richard-branson/finally-a-change-in-course-on-drug-policy>

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