

Draft resolution 023

Title: A common approach on Drugs

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1 The Alliance of Liberals and Democrats for Europe Party convening in

2 Amsterdam, the Netherlands on 1 to 3 December 2017:

3 Is convinced that:

4 • it is time for Europe to affirm a common approach to the issue of drugs

5 and offer more efficient solutions to it. Decriminalisation is possible, it gives

6 results that the “war on drugs” has never achieved, and is not in conflict

7 with international conventions on narcotics.

8 Keeps in mind that:

9 • in 2004 the European Council, with framework Decision 2004/757/GAI, laid

10 down the minimum norms ruling the elements constituting criminal acts and

11 the applicable penalties on the subject of illicit drug trafficking. The

12 purpose of such provision was to provide the European Member States

13 with a shared regulatory framework, useful to a united approach in the

14 struggle against drug trafficking, with the presupposition that such crime

15 represents “a threat to health, safety and quality of the life of citizens on

16 the European Union, in addition to the legal economy, stability and security

17 of the Member States”. The Decision identifies the conducts of which each

18 State must recognise penal significance, like the cultivation of the cannabis

19 plant (art. 2.1(b)), as well as the transfer of drugs for whatsoever condition

20 (art.2.1(a)); however, it excludes from the penal consequence personal

21 consumption, ascribing further definitions to the discretion of the national

22 legislators (Premises, point 4);

23 • since 2004, the emanation of this Act did not contribute minimally to

24 reducing the illicit diffusion of narcotics. Moreover, as stressed by the

25 Europol and the EMCDDA (European Monitoring Centre for Drugs and

26 Drugs Additions) in the EU drug markets report: “Europe is entering a new

27 important phase in relation to the developments of availability and

28 consumption of drugs [...] the modern European market of drugs is

29 increasingly innovative and dynamic, as it is able to reflect and exploit the  
30 broadest changes that have occurred in modern forms of communication  
31 and commerce”. [1]

32 Emphasises that:

33 • the UN High Commissioner for Human Rights (OHCHR), in a report  
34 published in September 2015, affirmed: “the right to health should be  
35 protected by ensuring that persons who use drugs have access to

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36 health-related information and treatment on a non-discriminatory basis”. In  
37 order to remove the obstacles to the right of health, the OHCHR considers  
38 necessary to “take into consideration also the decriminalisation of the  
39 personal consumption and possession of drugs”;

40 • eventually, in October 2015, UNODC (United Nations Office on Drugs and  
41 Crime), in a note sent to the national governments, affirms that

42 “decriminalisation of the personal use and possession is permitted by  
43 international conventions”. The call of the UNODC to the Member States is  
44 to consider the decriminalisation of the personal use and possession as a  
45 measure to “promote the right to health and reduce the overcrowding in  
46 prisons”, and as a “key element to respond to HIV spread among people  
47 who consume drugs”. [3]

48 Notes with satisfaction that:

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

51 Expects that:

52 • after the Special Session on Drugs at the UN General Assembly  
53 (UNGASS, April 2016) it seems useful and important that also the  
54 European Union starts a common policy aimed at going beyond the current  
55 one. In this sense, some first requests of change are positive, already  
56 forwarded by the EU as well as before the UN Commission on Narcotic  
57 Drugs (CND), such as the refusal to death penalty for crimes connected to  
58 the drug smuggling or the introduction of policies of damage and risk  
59 reduction;

60 • the European Union will consider a transparent revision on the  
61 effectiveness of the current policies on drugs, also in light of article 168  
62 TFEU – according to which “in the definition and in the implementation of  
63 all the policies and activities of the Union, it is granted a high level of  
64 human health protection” – and of the article 35 of the Charter of  
65 Fundamental Rights of the European Union, dedicated to the protection of  
66 health.

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

- 69 • allow and invite the Member States to decriminalise the possess and  
70 personal consumption of all the substances prohibited by the three UN  
71 Conventions relating to drugs;
- 72 • grant the right to health, also through policies of reduction of risks and  
73 damages, that may include the distribution of sterile syringes, substitutive  
74 therapies in progression and/or in maintenance, with also the administration  
75 of substances under medical control;
- 76 • grant the right to a free scientific research on the substances listed in the  
77 international conventions charts;

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78 • allow and invite Member States to rule on cultivation, transfer and transport  
79 of cannabis;

80 • suspend the International European aid to Third Countries that prescribe  
81 death penalty for crimes related to the national laws on drugs, as well as  
82 those which promote the forced eradication of harvests with damages for  
83 the health of the interested communities and for the environment;

84 • modify the Framework Decision 2004/757/GAI on the basis of those  
85 principles;

86 • promote policies in terms of drugs that are based on the full respect of  
87 human rights, as listed in the Universal Declaration and in the ICCPR and  
88 ICESCR;

89 • promote at international level such principles, and in particular within the  
90 UN for the Special Session on drugs of the General Assembly in 2016;

91 • prescribe an assessment of the current world system of control of drugs,

92 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](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>