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**CORDROGUE 22
SAN 70
RELEX 186**

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	WK 13479/2018 REV 3
Subject:	Draft Council conclusions on promoting the use of alternatives to coercive sanctions for drug using offenders

1. The action 22 of the EU Action Plan on Drugs 2017-2020 requests Members States and working parties of the Council to provide and apply, where appropriate and in accordance with their legal frameworks, alternatives to coercive sanctions for drug using offenders, such as education, treatment, suspension of investigation or prosecution, rehabilitation and recovery, aftercare and social reintegration. The Action Plan also requests concerned parties to increase monitoring, implementation and evaluation of alternatives to coercive sanctions.
2. The study carried out by the European Commission in 2016 concludes that all EU Member States have at least one alternative to coercive sanctions available, and most have more than one. However, the study also concludes that despite the commendable efforts made by the Member States to foster the use of alternatives to coercive sanctions, common barriers exist to the use of such alternatives in practice across Member States and the data about their use required to evaluate and improve them, particularly in relation to completion rates and the needs of those receiving such alternatives, is limited.

3. Discussions on the promotion of alternatives to coercive sanctions are also gaining more importance in the international fora, including through the UNGASS 2016 Outcome Document, which represents the most recent global consensus in drug policies, and which recommends, amongst others, to encourage the development, adoption and implementation of alternative or additional measures with regard to conviction or punishment in cases of an appropriate nature, in accordance with the three international drug control conventions and taking into account, as appropriate, relevant UN standards and rules.
4. Against this background, in July 2017 the Estonian Presidency initiated the debates on the promotion of alternatives to coercive sanctions by presenting a Presidency paper outlining certain issues for discussion (doc. 10776/17). In September 2017, the Presidency issued another Presidency paper summarising the debates and providing a number of recommendations on promoting the alternatives to coercive sanctions (doc. WK 9399/2017). The revised version of this Presidency paper was discussed at the Horizontal Working Party on Drugs (HDG) meeting on 11-12 October 2017 and as a result of these discussions, at the HDG meeting on 28 November 2017, the Presidency presented the proposal for the Council conclusions on the issue (doc. 13479/2017).
5. The working party discussed the draft Council conclusions on promotion of alternatives to coercive sanctions at its meetings on 11-12 January, 8-9 February and 1 March 2018, where the working party endorsed the revised text of the Council conclusions, outlined in doc. 6441/18 CORDROGUE 21 SAN 71 RELEX 185.
6. Consequently, COREPER is invited to confirm the agreement on the text of the draft Conclusions as set out in doc. 6441/18 CORDROGUE 21 SAN 71 RELEX 185 and to submit it to the Council for approval.