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NOTE

From: EU co-Presidency
To: Delegations

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Subject: Draft Sofia declaration

Delegations will find below a draft declaration for the XX High Level Meeting of the EU-CELAC Coordination and Cooperation Mechanism on Drugs to be held on 21-22 June 2018 in Sofia, containing the EU response to the comments from the CELAC delegations.

The changes proposed by the EU delegations in response to the CELAC comments are indicated in **bold underline** for new text and ~~strike through~~ for deleted text, compared to doc. 6589/1/18 REV 1.

XX High Level Meeting of the EU-CELAC

Coordination and Cooperation Mechanism on Drugs, 21-22 June 2018 in Sofia

1. **Having met** in Sofia on 21 and 22 June 2018, under the co-presidencies of Bulgaria and Suriname, at the XX High Level Meeting of the Coordination and Cooperation Mechanism on Drugs between the European Union and CELAC.

2. **WE REAFFIRM** the importance of the Coordination and Cooperation Mechanism on Drugs between CELAC and the European Union, as a bi-regional forum for dialogue and cooperation built on mutual understanding on the basis of the principle of common and shared responsibility, a balanced, comprehensive, integrated and evidence based approach, in full conformity with the three international drug control conventions and other relevant international instruments that constitute the cornerstone of the international drug control system, and with the purposes and the principles of the Charter of the United Nations, international law, and the Universal Declaration of Human Rights **at core**. ~~with full respect for the sovereignty and territorial integrity of States, the principle of non intervention in the internal affairs of States, all human rights, fundamental freedoms, the inherent dignity of all individuals and the principles of equal rights and mutual respect among States.~~

3. ~~**WE REAFFIRM** that the principle of common and shared responsibility guides all CELAC and EU States' actions to ensure their equal commitment to address the World Drug Problem in all its dimensions¹.~~

4. **WE EMPHASIZE** that bi-regional cooperation should complement efforts undertaken at local, national, bilateral, sub-regional, regional and multilateral levels and recognise the importance of ensuring that such cooperation, including **through the CND and, as appropriate, its subsidiary bodies**, the regular exchange of information, best practices and lessons learned among national practitioners from different fields and at all levels, aligns with agreed priorities and objectives and that it should take place under the principle of common and shared responsibility.

¹ The principle of common and shared responsibility is already referred to in paragraph 2.

MAKE THE FOLLOWING DECLARATION:

On bi-regional cooperation

4bis. WE COMMIT OURSELVES to work within this bi-regional framework on identifying and addressing the particular social and economic causes of the world drug problem from its origin, as a means to prevent its negative consequences.

5. [**CELAC**: *Under discussion*]

6. [**CELAC**: *Under discussion*]

7. **WE COMMIT** ourselves to join efforts to review and improve the Annual Report Questionnaire in light of the UNGASS recommendations.

8. **WE WELCOME** the 2030 Agenda for Sustainable Development, and we note that efforts to achieve the Sustainable Development Goals and to effectively address the World Drug Problem are complementary and mutually reinforcing.

8bis. WE WILL SEEK to further strengthen the relevant links between the UNGASS 2016 operational recommendations and the relevant Sustainable Development Goals.

9. **WE WELCOME** the activities conducted by the Cooperation Programme on Drugs Policies between Latin America, the Caribbean and the European Union (COPOLAD II), that builds upon the positive results achieved during COPOLAD I. We also take note of the efforts made by the EU and participating CELAC countries in the Cocaine Route Programme.

9bis. WE ALSO TAKE NOTE of the positive start of the new cooperation Programme for Assistance against Transnational Organised Crime "EL PAcCTO" between the EU and participating Latin American countries and the activities of the CARIFORUM Crime and Security Programme between the EU and participating Caribbean countries.

10. [CELAC: Under discussion]

10bis. ~~WE TAKE NOTE of the negative impact on cooperation of unilateral lists and certifications on drug trafficking and other related matters that are contrary to international law.~~

On demand reduction and related measures, including prevention, and treatment as well as other health-related issues

11. **WE REITERATE** our commitment to promote the health, welfare and well-being of all individuals, families, communities and society as a whole, and facilitate healthy lifestyles through effective, comprehensive, ~~scientific~~, evidence-based demand reduction measures at all levels, covering, prevention, early intervention, treatment, care, recovery, rehabilitation and social reintegration activities, as well as **risk and harm reduction measures** ~~initiatives and measures~~ aimed at minimizing the adverse public health, and social consequences of drug abuse.

12. **WE ENCOURAGE** the development and adoption of policies, ~~according to national legislation~~, that incorporate a holistic, strengthened, balanced, ~~scientific~~² evidence-based and multidisciplinary approach, in accordance with national legislation and the three international drug control conventions, with the objective of reducing the impact of drug abuse on public health, and preventing the stigmatization, marginalization, and discrimination of persons with substance use disorders.

13. **WE ACKNOWLEDGE** that prevention is one of the main health responses to the world drug problem, and that policies and effective prevention interventions, should be developed and implemented in an integrated manner, taking account of the specific needs of target groups and centered on and tailored to the needs of individuals, families and communities as part of comprehensive and balanced national drug policies with the full respect of human rights. WE REAFFIRM our commitment to investing in and working towards delivering ~~scientific~~ evidence-based prevention programs in a range of settings, including in families, schools, workplaces and communities.

² In the EU understanding of the concept, it is preferable to stick to the concept of "evidence-based", rather than use a more broader concept of "scientific evidence-based"

14. **WE COMMIT** ourselves to take effective and practical primary prevention measures that protect people, in particular people in vulnerable situation, from drug use initiation by providing them with accurate information about the risks of drug abuse by promoting skills and opportunities to choose healthy lifestyles and by developing supportive parenting and healthy social environments and by ensuring equal access to education and vocational training.

15. WE SUPPORT the principle of equal access to public health services **of quality, without financial hardship as set by the Universal Health Coverage**³, which should guarantee broad coverage, as well as basic treatment, respecting human rights. We also welcome bi-regional cooperation respecting national legislation and in accordance with the three international drug control conventions, and in the context of comprehensive and balanced drug demand reduction efforts, giving consideration, ~~as appropriate,~~ to effective **risk and harm reduction** measures ~~aimed at minimizing the adverse public health and social consequences of drug abuse,~~ including but not limited to appropriate medication-assisted therapy programmes, injecting equipment programmes, as well as anti-retroviral therapy and other relevant interventions that prevent the transmission of HIV, viral hepatitis and other blood-borne diseases associated with drug use as well as considering access to such interventions including in treatment and outreach services, prisons and other custodial settings, and promoting in that regard the use, as appropriate, of the WHO, UNODC, UNAIDS Technical Guide for Countries to Set Targets for Universal Access to HIV Prevention, Treatment and Care for Injecting Drug Users.

We also encourage measures of prevention, vaccination, diagnosis and treatment of viral hepatitis.⁴ We further agree to cooperate on and share and promote best practices, research and ~~scientific~~ evidence-based programmes on prevention, early intervention, treatment, and social reintegration and rehabilitation to better address the World Drug Problem.

On ensuring the availability of and access to controlled substances exclusively for medical and scientific purposes, while preventing their diversion

³ Universal health coverage (UHC) means that all people can obtain the quality health services they need without suffering financial hardship. This concept is at the heart of the WHO work.

⁴ According to the UNODC's 2017 World Drug Report report, the number of deaths attributable to hepatitis C among people who use drugs is greater than that from other causes of deaths related to drug use, with approximately 220,000 deaths resulting from hepatitis C compared to 60,000 from HIV. The report also highlights the need to accelerate accessibility to the treatment of hepatitis C.

16. **WE CONTINUE** to bi-regionally support all efforts to promote, in line with the UNGASS 2016 Outcome Document, the availability of, affordability of and accessibility to controlled substances for medical and scientific purposes exclusively, including for the relief of pain and suffering, in accordance with the three international drug control conventions and defined by national legislation, while preventing their diversion, abuse, misuse and trafficking. We will further focus our efforts by examining, as appropriate, domestic legislation and regulatory and administrative mechanisms, as well as procedures including domestic distribution channels, with the aim of simplifying and streamlining those processes and removing unduly restrictive impediments, when present, without undermining the capacities to ensure traceability

17. **WE ENCOURAGE** to strengthen the systems, scientific evidence-based information and research for assessing legitimate needs for medical use in order to make a correct and adequate provision of all necessary prescriptions, especially those used to relieve pain and to treat critical illnesses and/or terminal ones, and in this way establish a more effective tool to guarantee access and avoid diversion to illicit channels

On supply reduction and related measures: effective law enforcement, responses to drug related crime, countering money laundering and promoting judicial cooperation

18. **WE STRESS** the need to implement joint preventive and law enforcement measures, where appropriate, to identify, disrupt and dismantle transnational organised crime groups involved in drugs trafficking, as well as all other forms of criminal activity that may be linked to the trafficking in narcotic drugs and psychotropic substances, such as money-laundering, trafficking in persons, smuggling of migrants, and arms trafficking **or financing of terrorist groups and activities**⁵.

⁵ The UNODC World Drug Report 2017 states that "It is well established that there are terrorists and non-State armed groups profiting from the drug trade". Also, Security Council resolutions express concern about terrorist groups profiting from drug trafficking, among other forms of transnational organized crime.

19. **WE WILL CONTINUE** joint actions and cooperation, where appropriate, aimed notably at sharing information and [transferring technologies]⁶ among law enforcement authorities in order to better trace international money laundering and precursors deviation routes, and we are committed to strengthening judicial cooperation and mutual legal assistance to better identify, investigate, prosecute and sanction individuals and organisations, in particular financial entities engaged in money laundering and other drug-related criminal activities in accordance with national and international legal frameworks including, where possible, the seizure and recovery of the assets involved

20. **WE REITERATE** our commitment to protecting the safety and assuring the security of individuals, societies and communities by cooperating at all levels and focusing our efforts to prevent and counter the illicit cultivation, production, manufacture and trafficking of narcotic and synthetic drugs, as well as drug-related crime and violence

21. **WE RECOGNIZE** that each State faces different challenges that require a customized approach and reaffirm the continuing need for cooperation and support, with a continued commitment to working together to develop comprehensive capacities and strategies to counter the challenges posed by new and existing drug trafficking routes and new technologies and methods used by traffickers, including the provision of technical assistance, to, *inter alia*, enhance their capacities [to conduct scientific and strategic research through national observatories on drugs, as well as]⁷ to effectively address and counter the World Drug Problem.

22. **WE RECOGNIZE** the challenge presented by the misuse of the Internet, and especially darknet, for drug related criminal activities, driven by the exploitation of the opportunities presented by new technologies. We also recognise that tailored answers are needed to effectively address the situation and in this regard, we encourage countries to coordinate at the political and technical levels, to share information and best practices and to make the best of the technical assistance and capacity-building offered, including training ~~and acquisition of equipment~~ to anticipate the early and effective detection, to prevent, address and counter the use of the Internet, including darknet, by drug trafficking networks and transnational criminal organisations.

⁶ The EU side would like to get a clarification on what this "transfer of technologies" refers to and to which level the reference is made.

⁷ The EU side would like to get a clarification on what kind of research the reference is made to and proposes to consider a possibility to make this reference more general, not only referring to drug supply side

23. **WE COMMIT** to strengthen national, regional and international monitoring of chemicals used in the illicit manufacture of drugs and new psychoactive substances, with a view to more effectively preventing the diversion of and trafficking in those chemicals, while ensuring that the legitimate trade in and use of those chemicals are not adversely affected, including by using national, sub-regional, regional and international reporting systems with the support of the existing and future programmes and International Narcotics Control Board tools such as Projects Prism and Cohesion, the Precursors Incident Communication System and Pre- Export Notification Online (PEN Online) system

24. *[moved to para 9 and 9bis]*

~~24bis. WE RECOGNIZE that the supply of and demand for drugs reinforce each other and that drug trafficking has multiple and severe negative impacts on transit countries, and we therefore call upon all participants of this bi-regional mechanism, based on the principle of common and shared responsibility, to continue to develop and implement effective prevention strategies, while simultaneously developing and implementing supply reduction strategies.~~

On drugs and human rights, youth, women, children, vulnerable members of society and communities

25. **WE REITERATE** our commitment to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies. We also agree to ensure that our national drug policies, as part of an evidence-based, comprehensive, integrated and balanced approach fully respect all human rights and fundamental freedoms and protect the health, safety and well-being of individuals, families, vulnerable groups of society, communities and society as a whole, without any discrimination on any ground, including, inter alia, racial, ethnic or religious.

26. **WE HIGHLIGHT**, in line with the 2030 Agenda and the UN General Assembly Resolution S-30/1, the need to mainstream a gender perspective and ensure the involvement of women in all stages of the development, implementation, monitoring and evaluation of drug policies and programmes, develop and disseminate gender-sensitive and age-appropriate measures. It must not be treated as an isolated issue or a separate track and should take into account the specific needs and circumstances faced by women and girls with regard to the World Drug Problem and, as States parties, implement the Convention on the Elimination of All Forms of Discrimination against Women.

27. **WE WILL ENSURE** that measures to prevent the illicit cultivation and eradication of plants containing narcotic and psychotropic substances respect fundamental human rights, take due account of traditional licit uses, where there is historic evidence of such use, and the protection of the environment, in accordance with the three international drug conventions, and also take into account, as appropriate and in accordance with national drug control legislation, the United Nations Declaration on the Rights of Indigenous Peoples

On proportionate and effective policies and responses, as well as legal guarantees and safeguards pertaining to criminal justice proceedings and the justice sector

28. **WE AGREE** to promote proportionate national sentencing policies, practices and guidelines for drug-related offences, in accordance with the provisions of the drug control conventions and national legislation, whereby the severity of penalties is proportionate to the gravity of offences and whereby both mitigating and aggravating factors, ~~including a gender perspective~~⁸ are taken into account, while attaching great importance to human dignity and human rights (*Para 32 Buenos Aires Declaration*)

⁸ The EU side notes the need to respect the principle of equality before the law.

29. **WE ENCOURAGE**, in line with national legislations, to consider the development, adoption and implementation of alternative or additional measures to **coercive sanctions** ~~conviction and punishment~~ in the application of justice concerning drug related offences, consistent with the three United Nations drug control conventions, international law and relevant UN standards. We invite the participants of this bi-regional mechanism to consider evidence-based treatment, care, rehabilitation and recovery and social re-integration practices and community-based support services for drug dependent persons in prisons, as appropriate, as well as the transition from penitentiary institutions to the community, securing continuum of care.

30. WE NOTE that in our respective regions we have different legal systems with different sanctions for drug-related offences **and**. ~~However~~, we do note that we aim for proportionate sanctions within national legislations and with full respect for the international framework.⁹ However, **WE REGRET that the UNGASS outcome document lacks any reference towards the abolition of the death penalty, as the death penalty undermines human dignity, while failing to act as a deterrent to criminal behaviour. Therefore we urge all States to engage in this debate in the course of future discussions. We reaffirm our common regional position that death penalty should be globally abolished and we condemn the use of the capital punishment in all circumstances.**

On cross-cutting issues in addressing and countering the world drug problem: evolving reality, trends and existing circumstances, emerging and persistent challenges and threats, including new psychoactive substances, in conformity with the three international drug control conventions and other relevant international instruments

31. **WE RECOGNIZE** that there are persistent, new, and evolving challenges that should be addressed in conformity with the three international drug conventions, which allow for sufficient flexibility for State parties to design and implement national drug policies according to their priorities and needs, consistent with the principle of common and shared responsibility and applicable international law

⁹ Paragraph 31 of Buenos Aires Declaration

32. **WE ARE AWARE** that synthetic drugs offer criminal organisations opportunities for illicit production and distribution among different channels, like the Internet. In this regard, we need to design and implement national drug policies, taking into account the priorities of States, as well as the persistent challenges, new and changing, within the framework of the three international drug control conventions, redesign, when appropriate, public policies in the area of drug trafficking and to assume the commitment to share information regarding synthetic drugs production, distribution and routes including developing early warning systems and enhancing capacity of national laboratories and law enforcement agencies for the detection and identification of synthetic drugs

33. **WE REAFFIRM** our commitment to increase the bi-regional dialogue and cooperation in order to address the main challenges, risks and threats related to the misuse of the Internet and the availability of new psychoactive substances. Sustained information exchange at the regional and bi-regional levels on effective prevention and treatment and related legislative responses to these threats to support the development of effective, evidence-based responses to the emerging challenge of new psychoactive substances with regard to their adverse social and health consequences is also required.

34. **WE PROMOTE** exchange of information to better understand the extent of adverse impacts, including the health, social and economic and safety impacts, of drug trafficking in small quantities in order to develop, where appropriate, effective responses to counter micro trafficking.

On strengthening international cooperation based on the principle of common and shared responsibility

35. **WE TAKE ACCOUNT OF** the possible need to develop, as appropriate, and by using already existing mechanisms, drug policy indicators and tools for the collection and analysis of accurate, evidence-based, reliable and comparable data on all relevant aspects of the World Drug Problem taking into consideration the relevant Sustainable Development Goals 2030 Agenda for Sustainable Development.

36. **WE HIGHLIGHT** the efforts made by the EU and participating CELAC countries in cooperation programmes and projects at bilateral, sub-regional, regional or **trans-continental** ~~inter-regional~~ levels, under which we cooperate on the reinforcement of balanced, integrated and evidence-based approach to the drugs phenomenon and the quality of the EU-CELAC cooperation activities

37. [*CELAC: Under discussion*]

On alternative development and cooperation on development-oriented balanced drug control policy, and on addressing socio-economic issues

38. **WE COMMIT** to continue efforts in the context of long-term and sustainable development programmes to address the most pressing drug-related socioeconomic factors, including unemployment and social marginalization **including the sustainable use of natural resources and conservation and recovery of biodiversity and ecosystem services in accordance to the Sustainable Development Goals** ~~as well as environmental aspects, such as conservation, recovery and sustainable use of biodiversity and ecosystem services.~~

39. **WE ENCOURAGE** the promotion of inclusive economic growth and support initiatives that contribute to poverty eradication and the sustainability of social and economic development, develop measures for rural development, improving infrastructure and social inclusion and protection, addressing the consequences of illicit crop cultivation and the manufacture and production of narcotic drugs and psychotropic substances on the environment, with the incorporation and participation of local communities, and consider taking voluntary measures to promote products, **including goods** and services stemming from alternative development, including preventive alternative development, as appropriate, to gain access to markets, consistent with applicable multilateral trade rules and with national and international law, within the framework of comprehensive and balanced drug control strategies ".

40. **WE REITERATE** our commitment to strengthen sub-regional, regional and international cooperation to support comprehensive and sustainable alternative development programmes, including, as appropriate, preventive alternative development, as an essential part of successful prevention and crop control strategies to increase the positive outcome of such programmes, especially in the areas affected by and at risk of illicit cultivation of crops used for the production of narcotic drugs and psychotropic substances, taking into account the United Nations Guiding Principles on Alternative Development and the operational recommendations related to alternative development included in the UNGASS 2016 Outcome Document.

41. [*CELAC: Under discussion*]

42. **WE AGREE** to convene the XXI High-Level Meeting of the Coordination and Cooperation Mechanism on Drugs between CELAC and the European Union in 2019 under the co- presidencies of Romania and
