

National Drug Board
Presidency of the Republic
URUGUAY

Uruguayan Position before UNGASS 2016: Strategic axes for a comprehensive approach to drug policy

Uruguayan contribution to the outcome document of UNGASS
to be prepared by the Commission on Narcotic Drugs
for the Special Session of the UN Assembly
World Drug Problem 2016

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Table of Contents

Introduction 3

Drug Policy Approach 5

Axes for a comprehensive approach to drug policy..... 6

I. Human Rights, gender and citizenship..... 6

II. Integrated health..... 6

III. Justice and coexistence..... 7

IV. Markets: control, regulation and alternative development..... 8

V. International cooperation..... 9

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Uruguay has the honor of addressing the Permanent Missions of Colombia and El Salvador, in their capacity as representatives of GRULAC to kindly convey to the Board in charge of the preparatory process for the Special Session of the United Nations General Assembly on Drugs in 2016 (UNGASS 2016), the contributions presented herein. The country is grateful to the Board for the constructive dialogue in compiling inputs for the UNGASS 2016 discussion on drug policy and in promoting them as widely as possible while effectively communicating with participating States of the Special Assembly.

Uruguay addresses the international community to state its commitment to safeguarding health and welfare of humankind as the ultimate goal of the conventions. A commitment, moreover, to ensure access to medical and scientific uses of controlled substances. International conventions are privileged tools for channeling common action among States. Since the adoption of the 1954, 1972 and 1988 Conventions there have been profound changes in the world and the situation regarding the world drug problem. The prominence of other instruments of international law such as Human Rights, are part of an indispensable framework for international drug control system, including the Strategy and Action Plan as expressed in CND resolution 51/12 of 2008. Therein it is (reaffirmed) "that action against the world drug problem is a common and shared responsibility requiring an integrated and balanced approach in full conformity with the purposes and principles of the Charter of the United Nations and other provisions, of international law, and particularly with full respect for the sovereignty and territorial integrity of States, non-intervention in the internal affairs of States and all human rights and fundamental freedoms and on the basis of the principles of equal rights and mutual respect".

New approaches and initiatives sovereignly adopted in different countries, based on scientific evidence, have been courageous responses to particular situations in the different countries. They respond to a search stemming from the diversity that comes from national, cultural, institutional, and religious traditions, and the respect of all relevant international instruments.

This scenario motivates to identify successes and failures in implementing drug policy internationally, capitalizing the learning experience, offering innovative alternatives for effective responses to the world drug problem and establishing agreements that limit the infringements that policy implementation has caused.

Thoroughly reviewing the framework of international instruments on drugs, their goals and objectives, is the urgent opportunity UNGASS offers to adapt the instruments to new realities.

We need a demanding assessment to see the real state of a complex, multifaceted problem balance, which generates social suffering and violence, to which our responses have not always been comprehensive

Uruguay alongside other states promotes a broad, open debate involving all positions and analyzing all options. We reaffirm the statement by the Secretary General of United Nations Ban Ki Moon urging Member States to use this opportunity of the process towards UNGASS 2016, to conduct a broad and open debate to consider all options "

In our region dialogue and debate have generated relevant inputs towards UNGASS 2016. The Sixth Summit of Heads of State of the Americas in 2012 in Cartagena de Indias, put a stop along the way to revise the model known as "War of Drugs". It gave a mandate to the OAS Secretary General to prepare a "Report on the Drug Problem in the Americas" was an excellent product. It contains an analytical report on the real state of the region, and also the design of four possible scenarios for the future. Recently the Brasilia Declaration by Drugs Authorities of MERCOSUR, as the Quito Declaration issued at the Second Ministerial CELAC Meeting provide relevant inputs. UNASUR advances toward a shared regional vision based on the principle of unity in diversity.

The contributions of civil society in this review process are substantial and should be especially recognized, valued and promoted. This national contribution has been enriched by contributions from relevant organizations of civil society.

Drug Policy Approach

The approach towards drug policy should be based on the pillars of public health, Human Rights, gender, coexistence and quality. Disorders related to problematic drug use are preventable, treatable and reversible.

Five axes with a view to agreeing by 2019 a comprehensive approach to drug policy arise, these are: I. Human Rights, gender and citizenship; II. Integrated health; III. Justice and coexistence; IV. Markets: control, regulation and alternative development; and V. International

Uruguay advocates and encourages a comprehensive and balanced approach to drug policy, focusing on individuals and communities, while having at the same time a due alignment with international Human Rights instruments.

Uruguay believes that it is part of the shared responsibility for drug policy and of the strengthening the rule of law, to generate an open and ongoing dialogue between governments, academia and civil society which contributes to a better understanding of the drug problem, its challenges and new alternatives.

We promote the responsible application of drug policies, ensuring their monitoring, evaluation and integration of the results of the emerging evidence in the search for alternatives to improve the quality and results to address the world drug problem.

Axes for a comprehensive approach to drug policy

- **Human Rights, Gender and Citizenship**

Integrating the Human Rights, Gender and Citizenship approach must be performed transversely to drug policy.

We reaffirm the statement from the 2010 Hemispheric Drug Strategy of CICAD / OAS2 with regard to the following principles:

"Full respect for International Law and the Universal

Declaration of Human Rights, observing the principles of sovereignty and territorial integrity of States, non-intervention in the internal affairs of States, fundamental freedoms and the inherent dignity of persons and equal rights and mutual respect among States. "

"In addressing the world drug problem, special emphasis should be put on their impact on poverty and marginalization, and on promoting the implementation of policies and actions that favor social inclusion and the reduction of those vulnerabilities."

"Policies, measures and interventions to address the world drug problem must take into account the gender component."

"The participation of civil society is of the utmost importance because it can provide, depending on each case, experience and knowledge to the development and implementation of policies and programs to address the world drug problem. In this regard, Member States should encourage a broad and open debate so that all sectors of society may become aware of the various aspects of the phenomenon and thus contribute to the strengthening of national strategies. "

II. Integrated Health

§ Guaranteeing access, availability and quality of care and treatment for drugs.

The strategies for care and treatment should be based on scientific evidence in order to ensure quality standards, therapy evaluation and continuous improvement. Both from the perspective of rights and of available scientific evidence the effectiveness of the implementation of measures of compulsory admission is questioned.

Implement, strengthen and ensure the accessibility and quality of care systems and treatment for drug users going from low-threshold schemes to those with a higher level of complexity.

Remove the imposition of compulsory drug treatment in accordance with the joint United Nations Declaration concerning rehabilitation centers and drug arrest.

§ Promoting harm reduction strategies for drug use

Premature deaths and morbidity associated with drug use are unacceptable, insofar as there are effective evidence-based interventions that could avoid them or mitigate their impact. Strategies to reduce the harms of drug use should be expanded according to recommendations presented by the UNODC, UNAIDS and available

§ Guaranteeing accessibility, availability and use of controlled substances for medical and scientific purposes

It has been repeatedly pointed out by the international system of drug control and the Member States, that there are great difficulties in ensuring an adequate access to controlled medicines, especially those for pain relief and palliative care in many parts of the world. The medical use of narcotic drugs is indispensable, and thus it is essential to offer guarantees on their availability for these purposes and to promote the development of scientific research for the generation and validation of new medicinal products and treatments.

Uruguay encourages the joining of efforts of the International Narcotics Control Board and the World Health Organization, UNODC and UNDP and other agencies to: continue to support Member States in conducting assessments of drug need and availability; promote all necessary measures to ensure their accessibility and supply for medical and scientific purposes; systematically review and update lists of narcotics; and promote scientific research and development of their use.

We also encourage the ensuring of adequate funding of a specialized program led by WHO, in collaboration with UNODC and other relevant agencies to help countries to assess and address the obstacles to the adequate availability of controlled drugs.

Uruguay calls for the support of WHO recommendations regarding full consideration of the importance of access for medical purposes in decisions relating to the classification of substances.

III. Justice and coexistence

§ Decriminalize personal possession and use of drugs.

We reaffirm that the criminalization of drug use and possession for personal use goes against the right to freedom and autonomy. Decisions about lifestyle, opinions and private actions are part of the field of individual rights, insofar as they do not attack public order or harm others.

We recall that Drug Conventions do not establish drug offenses or drug use sanctions nor do they require States to penalize their possession, purchase or cultivation of narcotic drugs or psychotropic substances for personal use.

We encourage Member States still containing in their legislation elements of criminalization of drug use to assess the cost - benefit of the

§ Remove the death penalty as a criminal penalty in drug laws

The death penalty as a criminal sanction constitutes a cruel and inhuman punishment that violates directly and irreversibly the right to life. The application of this penalty is not acceptable and should be abolished in all countries. Although this punishment is still in force in some countries, in no case should crimes and offenses under drug laws be placed among the "most serious crimes" leading to its imposition.

We urge the United Nations to reaffirm actions towards the abolition of the use of the death penalty worldwide.

§ Applying the principle of proportionality of punishment

The punitive system established for offenses to drug laws favor the deprivation of liberty and violate the principle of proportionality. Moreover, most national regulations do not allow for a differential treatment of drug law enforcement in the case of minor crimes, micro-trafficking or when actions were performed under duress or situations of extreme social vulnerability.

We encourage a thorough review of criminal penalties in drug laws and the creation of mechanisms that guarantee the fundamental rights to justice and treatment of detainees.

§ Privileging health and social support rather than punishment for those involved in crimes related to personal use or social vulnerability

It is necessary to guarantee a greater application of alternative measures to deprivation of freedom available to drug users or socially vulnerable persons who have committed offenses. Including treatment, education and social integration measures, in accordance with the provisions of the Conventions.

§ Coordinating actions towards the strengthening of democratic institutions, prevention and control of corruption, organized crime, money laundering and related crimes

It is imperative to ensure the continuous coordination and cooperation of States in actions against organized crime, corruption, drug trafficking, money laundering and related crimes. In particular, it is essential to further develop actions to fight the association of drug offenses with trafficking and human trafficking, forced prostitution, arms trafficking and various forms of violence against people with greater social vulnerability.

IV. Markets: control, regulation and alternative development

§ Considering the adoption of policies for the control and regulation of the cannabis market, incorporating current monitoring and evaluation of the experiences in progress.

Uruguay declares that, in reference to cannabis and based on the available evidence, the most appropriate measure to protect public health and prevent cannabis in its various presentations from being smuggled, is the regulation and control of the market.

The ban on cultivation has generated greater inconvenience to public health and safety. In our experience, the prohibition, rather than avoiding it, has encouraged the smuggling of cannabis from the countries of the region by promoting the creation and financing of criminal organizations and linking a significant number of people in the criminal field; It has exposed users to the violence of illegal access providers and Access to other illicit substances; while at the same time making health care services less available and hindering responsible use prevention efforts.

The country urges for a review of the application of prohibitionist measures of cannabis cultivation with regard to the protection of public health and the prevention of illicit trafficking. In turn, we advocate for the joint study of the regulation and control of the cannabis market as a plausible alternative to achieve objectives.

The experiences on medical and scientific, religious and cultural uses of cannabis and as well as its industrial uses, reveal the importance of a comprehensive and proactive vision on the matter. Scientific research, monitoring and evaluation and the creation of best practices developed from these experiences should be incorporated into the international system to share their strengths and weaknesses.

V. International Cooperation

§ Promote consistency, integrity and updating of the Drug Control System within the United Nations System

Requesting from the Secretary General of the UN the formation of a Technical Group to present a guide of recommendations to ensure that actions within all relevant fora, mechanisms and institutions of the UN system, specialized in Human Rights, Health, Gender, HIV-AIDS, Development, Education and Culture, should be consistent, comprehensive and open to considering new visions and initiatives, emphasizing in coordination with other UN agencies.

Requesting from the Secretary General of the UN the formation of a Technical Working Group on Drugs within the framework of the United Nations Commission on Human Rights. Assigning tasks for receiving complaints and making recommendations, drafting reports on countries and generating guidelines that function as Guides for countries to ensure

Requesting from the UN Secretary General the creation of a Consultative Group of Experts with the task of developing operational recommendations to improve the functioning and harmony of the drug control system in the UN, according to the review of achievements and challenges in 2019, covering key issues such as: drug control architecture of the UN and collaboration among different agencies; harmonization of drug control and Human Rights and development principles; inconsistencies in treaties identified by WHO, UNODC and INCB regarding criteria and procedures for classification of substances and obstacles to the availability of controlled substances for medical use; and flexibility of the conventions and legal questions that have arisen with respect to traditional uses of coca leaf and cannabis regulation, exploring possible options to resolve them in accordance with International Law. The group membership should represent a balanced selection of experts from Member States and regional organizations, relevant UN agencies, civil society and academia.

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responding to the drug problem
with a commitment to health,
harmony and development

