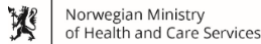
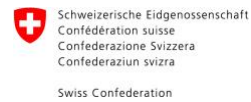


On behalf of



This report summarises the discussions and conclusions of the meeting, but does not reflect the institutional positions of the co-hosting parties

2ND BRANDENBURG FORUM IN GENEVA **“ALIGNING DRUG POLICIES WITH HUMAN RIGHTS”**

MEETING REPORT

EXECUTIVE SUMMARY

- The second Brandenburg Forum in Geneva took place on the 1st and 2nd June 2022, bringing together a broad range of member state representatives, civil society members, and UN officials and human rights experts, to discuss challenges and opportunities for aligning drug policy and human rights across the UN system.
- The Forum was opened with interventions by UN High-Commissioner for Human Rights H.E. Michelle Bachelet; H.E. Ruth Dreifuss, Commissioner at the Global Commission on Drug Policy; and H.E. Ambassador Ghislain D’Hoop, Chair of the UN Commission on Narcotic Drugs. High Commissioner Bachelet and Commissioner Dreifuss highlighted the role of the UN human rights system in tackling the widespread human rights violations connected to drug policies, while Ambassador D’Hoop underscored the importance of promoting human rights-centred debates in Vienna. Speaking after them, H.E. Ambassador Jürg Lauber of Switzerland stressed the complex, intersectional nature of drug control, which requires a comprehensive and holistic approach by international actors and at the UN.
- During the first day of the meeting, participants acknowledged the progress made in recent years in recognising and addressing the human rights impacts of drug policies, and reflected on the role of the Human Rights Council and UN human rights experts in driving such change. At the same time, some participants voiced their concerns about the need for sustainable funding and support for the work of the Office of the High Commissioner for Human Rights on the human rights impacts of drug policies, and the absence of a Human Rights Council resolution on drugs since 2018. The perceived side-lining of human rights concerns at the Commission on Narcotic Drugs was mentioned by many, and the under-utilisation of the UN Common Position on drug policy and its implementing Task Team was also frequently raised.
- Several common themes emerged consistently throughout the discussion, including: the importance of political will by Member States in driving progress in both the Human Rights Council and the Commission on Narcotic Drugs; the need to promote deeper cooperation between the UN human rights system and Vienna-based entities; the strategic importance of raising the human rights consequences of drug policies in all relevant processes in Geneva; and the need to meaningfully involve affected communities.
- During the second day, participants were divided in four breakout groups to discuss and formulate recommendations on ways forward. Each breakout group brought back to the plenary two recommendations. After a voting exercise in which all participants were invited to select their preferred actions, the top-voted priorities were:

Top-voted priorities for action in Geneva:

- Present a resolution in the Human Rights Council during the March 2023 session (25 votes)
- Establish an informal group of countries and civil society organizations to work on drugs and human rights in Geneva, and strengthen coordination with Vienna, as well as fostering dialogue with special procedures mandate holders (Clear leadership needed!) (23 votes)

Top-voted priority for action in Vienna:

- Use the 2022 CND inter-sessional meeting in September to establish a (Brandenburg) group of friends to better coordinate and formulate a clear strategy for mainstreaming human rights and drug policy into Vienna, as well as to help assure better coherence with Geneva

INTRODUCTION

The second Brandenburg Forum in Geneva (the Forum) – the first one to be held in person – took place on the 1st and 2nd June 2022 in Château de Bossey (Geneva, Switzerland), and is part of a series of high-profile Brandenburg Fora on Drugs and Development Policies that have been held in Germany since 2016. The Forum was organised by the Swiss Confederation, the GIZ Global Partnership on Drug Policies and Development (GPDPD) on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), the Office of the Commissioner of the German Federal Government for Drug and Addiction Policy, the Norwegian Ministry of Health and Care Services, the Government of the Netherlands, the Transnational Institute (TNI), and the International Drug Policy Consortium (IDPC).

Since 2016, the **‘Brandenburg Forum on Drugs and Development Policies’** has been organised annually under the framework of the GPDPD implemented by GIZ GmbH on behalf of BMZ. The Fora are co-hosted by the Office of the Commissioner of the German Federal Government for Drug and Addiction Policy, the Government of the Netherlands, the Norwegian Ministry of Health and Care Services, TNI and IDPC. They offer a unique and invaluable space for government officials, UN officials, international organisations and civil society experts to convene under the ‘Chatham House Rule’² and discuss critical issues related to global drug policy. This meeting report concerns the second edition of the ‘Brandenburg Forum in Geneva’, which focusses on enhancing coherence between Geneva and Vienna-based UN bodies, and is co-sponsored by Switzerland.

The Forum was attended by over 40 participants, and brought together government officials from 13 countries (Albania, Argentina, Belgium, Colombia, Czech Republic, Germany, Ghana, Greece, Mexico, Netherlands, Norway, Portugal, and Uruguay), as well as from the European Union. They were joined by representatives of the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), the Office of the High Commissioner for Human Rights (OHCHR), the UN Committee on Economic, Social and Cultural Rights (CESCR), the UN Working Group on Arbitrary Detention (WGAD), the UN Office on Drugs and Crime (UNODC) and experts from academia as well as relevant civil society organisations.

The Forum, held under the ‘Chatham House Rule’ and in an informal and interactive setting, provided an opportunity for constructive discussions on challenges, opportunities and priorities for further aligning drug policy and human rights, and on practical next steps.

WELCOMING ADDRESSES

The Forum began with high-level opening remarks by H.E. Michelle Bachelet, the UN High Commissioner for Human Rights (via video-message), H.E. Ruth Dreifuss, Commissioner at the Global Commission on Drug Policy and former President of Switzerland, and H.E. Ambassador Ghislain D’Hoop, Permanent Representative of Belgium to the UN in Vienna and current Chair of the UN Commission on Narcotic Drugs (also via video-message).

High Commissioner Bachelet [reiterated](#) the urgency of placing human rights at the centre of drug policies, and welcomed important progresses at the national level – such as the growing number of countries that have decriminalised drug possession for personal use. Areas for further improvement were identified, namely: access to controlled medicines, availability and funding of harm reduction services, the abolition of the death penalty for drug offences, and reform of drug laws to tackle inequality and discrimination, particularly against racial minorities. After pointing to supporting resources, such as the UN Common Position on drug policies, High Commissioner Bachelet called for further engagement of the Human Rights Council on drug policy, possibly by requesting her Office – through a resolution – to regularly report on the implementation of UNGASS 2016.



H.E. Ambassador Jürg Lauber of Switzerland addresses the plenary of the Forum

Recent progress in aligning drug policy with human rights was acknowledged by H.E. Ruth Dreifuss, who also pointed to the many violations witnessed around the globe in connection to drug control – from widespread stigma and discrimination to torture and extrajudicial killings – as signals of the ‘failure of the existing drug control system’. Commissioner Dreifuss stressed the relevance of Geneva-based bodies and their potential to influence drug policy reform, which should be fully pursued, including at the Human Rights Council and by fostering better coordination with Vienna-based entities. She closed her speech by encouraging participants to apply the lessons learned from the COVID-19 pandemic on the importance of public health for democratic societies, and the inclusion of all stakeholders, including affected communities.

On his part, H.E. Ambassador D’Hoop focused his remarks on the importance of multilateralism in addressing the world drug situation. As an example of the progress that can be made within multilateral settings, Ambassador D’Hoop highlighted the new initiative to scale up the implementation of international commitments on the availability and access to controlled substances for medicinal use, which was launched at the 2022 Commission on Narcotic Drugs (CND), noting that he expects increased attention to this critical issue in the coming sessions. He also drew the attention of participants to the upcoming opportunities to promote human rights in Vienna, including the September 2022 CND intersessional meeting on drug responses not aligned with human rights obligations.

INTRODUCTION AND SETTING THE SCENE

Participants were then welcomed by H.E. Ambassador Jürg Lauber, Permanent Representative of Switzerland to the UN in Geneva, and Daniel Brombacher, Head of the GPDPD, who introduced attendees to the origins and the objective of the Forum. Ambassador Lauber stressed the complex, multifaceted challenges drugs pose to States and organizations which require a comprehensive and holistic response – not only at the national level but also by international actors and at the UN. The experience of Switzerland has shown that ‘it is not only a legal obligation and an ethical imperative to comply with human rights in drug policy, but it is also more successful. Although some challenges remain, Ambassador Lauber expressed optimism that evidence-based approaches to drugs that are compliant with international human rights obligations are gaining ground, and praised the Forum as an opportunity to exchange openly and informally on next steps towards that goal: ‘If states, UN institutions, academia and civil society join forces, we can improve the lives of millions of people’.

A presentation of GPDPD and of the ‘Brandenburg Forum model’ followed, with Mr. Brombacher tracing its origins back to 2016, as an initial debriefing event from the UNGASS 2016. The success of this meeting moved the co-hosts to hold the meetings annually. Because the yearly Brandenburg-based events are largely focused on the global drug control regime, in 2021 organisers agreed to convene an additional forum focused on the Geneva setting, with a stronger focus on the alignment of drug policies with human rights and in close cooperation with Switzerland.

OVERVIEW OF KEY DOCUMENTS AND MOMENTS ON DRUG POLICY AND HUMAN RIGHTS

Ann Fordham, Executive Director of IDPC, provided the audience with an overview of key milestones in international fora towards aligning drug control and human rights, and outlined some challenges and opportunities ahead.

At the outset, Ms. Fordham underscored the important and accelerating progress witnessed over the past decade, fuelled in significant part by the growing engagement of the UN human rights system. Ms. Fordham reviewed ‘previously unthinkable’ developments in Vienna, from the first (and only) CND resolution on human rights in 2008 up to the 2019 Ministerial Declaration. In-between, the 2016 UNGASS Outcome Document was identified as a ‘high point’ and a ‘catalysing moment for political change’, switching the political discourse on drugs towards health and human rights, with an impact on domestic policies. The shifting position of the International Narcotics Control Board (INCB) was also highlighted.

‘More recent, and faster’ progress in Geneva includes two resolutions in 2015 and 2018, and an ever-growing corpus of reports, statements, and bold recommendations on drug policy reform. Among others, the 2021 WGAD study was praised as an example of how rights experts can take ownership over the intersection of drug policy with human rights, starting many important conversations.

Ongoing challenges were then highlighted. In Vienna, human rights references in CND resolutions remain mostly abstract and non-operational, and UNODC was described as staying worryingly silent on human rights violations connected to drug control, placing the agency ‘out of step with the rest of the UN system’. The Common Position on drug policy and the UN Task Team also remain underutilised. In Geneva, no new resolution on drug policy has been adopted since the one in 2018, which did not provide OHCHR with a long-term funding to engage with and contribute to the work of CND; as a result, drug policy risks being deprioritised in the work of OHCHR, if now new resolution is agreed.

The presentation was followed by responses from representatives of Member State. They reflected on the politicised and polarised nature of the discussion in Vienna-based drug policymaking fora, where human rights are often side-lined. The presentation of the report by the UN Working Group on Arbitrary Detention at the last CND was identified as a ‘watershed moment’ in mainstreaming the

conversation on human rights, and the UN Common Position was appreciated as an instrument which should be further capitalised upon. When it comes to progress in Geneva, the need for more coordination, evidence, and political will to revamp and possibly expand the group of states supporting progressive drug policies within the UN human rights system was highlighted.

A rich and constructive discussion among attendees followed, with several interventions agreeing on the need and scope for a stronger role of the Human Rights Council and of human rights mechanisms on drug matters, including but not limited to a new resolution; the importance of treaty bodies, special procedures, and the UN Common Position were also mentioned, amongst others. The mandate of UNODC, and its ability to fully integrate a human rights and health perspective into its work, was also debated, with some participants highlighting the overarching preoccupation of the agency, and of CND, with supply reduction.

DISCUSSION: DRUG POLICY AND HUMAN RIGHTS

The first day of the Forum ended with a panel discussion, which gathered insights into key issues and opportunities toward human rights-centred drug policies from differing perspectives – community, civil society, academia, government, and the UN. The essential need to ensure the meaningful engagement of communities for a more just but also effective response was emphasised by several panellists. Recent developments, including the 2021 Political Declaration on HIV/AIDS, provide opportunities for new and ambitious targets on which to focus advocacy efforts and increase community-led responses, and a new Human Rights Council resolution should converge with these goals. The role of criminalisation in driving rights violations was also reiterated, together with the need to avoid pathologising and disempowering language when talking about people who use drugs.



The plenary session of the Forum unfurls during the afternoon of the 1st June 2022

The panellist providing a civil society perspective stressed the ‘requirement and responsibility’ to believe that change at local level is possible, as this has been demonstrated by previously unthinkable developments in response to COVID-19. In Geneva, four pathways for promoting human rights-centered drug policies were identified: (a) the ongoing agenda on racial justice, with its acknowledgment of the discriminatory enforcement of drug control across the world; (b) implementation of WGAD recommendations; (c) resolutions touching upon drug-related issues, such as administration of justice or health; and (d) a specific resolution on drugs providing sustainable funding and support for OHCHR to work on the human rights consequences of drug policies, and building formal connections between Geneva and Vienna. The academic panellist focused on efforts to disseminate the International Guidelines on Human Rights and Drug Policy. These include past and upcoming regional and national dialogues, some followed up by targeted engagement with judicial officials, all of which providing a blueprint for a replicable methodology. These initiatives also proved the value of the Guidelines as a non-controversial entry point for engagement with stakeholders.

After recalling the efforts that led to the two Human Rights Council Resolutions on drugs and summarising obstacles in parallel New York and Vienna processes, the government panellist outlined two potential strategies for Geneva: (a) take advantage of existing opportunities (such as joint statements and side events) to maintain the issue on the agenda; and/or (b) table a new dedicated resolution at the Human Rights Council. The latter would help build consensus and strengthen OHCHR’s work in this area, while contributing to bridging the gap between Geneva and Vienna, but would require strong political will and dedication, considering the resistance by some States.

A last panellist contributing from a UN perspective expressed concern for the widespread human rights violations that continue around the world in the context of drug policies. Several avenues for promoting human rights-centred drug policies were identified, including treaty bodies (with a need to focus on the implementation of recommendations, and on maximising available resources) and the UN Common Position on drug policy. The broad range of connections between drugs and human rights was highlighted, which means that the drug-related issues can be raised across different sessions and resolutions. Lastly, it was recalled that the 2018 resolution clearly mandates the High Commissioner and human rights mechanisms to engage with CND.

Once again, an insightful discussion ensued among participants, who agreed upon the importance of pursuing, in Geneva, both strategies outlined by several panellists: on one side, continue mainstreaming drug policy as a human rights issue, by interweaving drugs in all relevant discussions; on the other side, pursuing a new resolution strengthening the role of Geneva-based bodies and promoting deeper cooperation with Vienna-based entities. Attendees also agreed upon the importance of political will, at a time where consensus is being increasingly broken, and of bold strategies; recent progresses at the national as well as the international levels provide a solid basis on which to build commitment. Another critical point emerging from the exchange was the importance of meaningfully involving communities in these discussions, including in the Brandenburg Fora.

BREAKOUT GROUPS: BRAINSTORMING ON OPPORTUNITIES AND WAYS FORWARD

The second day was dedicated to breakout discussions and formulation of recommendations on ways forward. In line with previous iterations of the Forum, participants were divided into four small groups, to consider ideas and strategies for drug policy and human rights in Vienna (group 1), Geneva – with a focus on the Human Rights Council (group 2), other human rights mechanisms in Geneva and beyond (group 3), and promoting UN System coherence (group 4). Guided by a moderator and with the support of a note-taker, each group was tasked with agreeing on two recommendations for priority actions for the coming 12 – 24 months, to be then submitted to the plenary for voting.

The confidential and informal setting of the groups allowed for productive exchanges on a variety of opportunities, challenges, and visions, with some recurrent themes emerging.

Several groups acknowledged existing gaps and silos within the UN and within different government departments, as well as between the national and international levels; the urgency of increasing awareness and understanding of the different aspects of drug policy was highlighted. This requires rethinking traditional and artificial divisions between different 'sides' of the drug phenomenon, to allow for a more coherent, holistic and effective approach. Specifically on the UN, it was noted that despite some recent progress on system-wide coherence, some pushback is being witnessed, partly linked to attempts to weaken multilateralism. Groups thus concluded that this is a crucial moment to coordinate, and to involve UN agencies beyond UNODC and OHCHR; the UN Common Position and Task Team were identified as useful, while somewhat underutilised, tools in that regard.

Support for a multipronged approach also emerged. On one side, participants expressed the need for new instruments to build consensus and strengthen commitments, such as new dedicated resolutions both at the Human Rights Council and at the CND. These would require strong political will and vision. The possible timing and content of a new Human Rights Council resolution was discussed in-depth, with 2023 identified as a possible moment, and an open-ended mandate to the High Commissioner for a biennial report, to be presented in an Interactive Dialogue or a Panel of the Council, mentioned as possible operative asks. Upcoming political moments on which to build momentum were also identified. In particular, the group highlighted two opportunities envisaged in the [CND multiyear workplan](#) adopted at the 2019 Ministerial Declaration: the thematic CND intersessional meeting on drug responses not aligned with human rights in September 2022, and the process leading to the 2024 mid-term review of the objectives set in the 2019 Ministerial Declaration, including a 2023 intersessional meeting focused on stock-taking.

On the other side, groups reiterated the importance of taking advantage of existing opportunities to mainstream human rights and drug policies in different processes, also in light of the intersectional, multifaceted nature of drug policy. Cited options included incorporating a dedicated section on the human rights consequences of drug policies at the World Drug Report, the UN's flagship publication on drugs, and coordinating joint statements by like-minded Member States at drug-connected debates at the Human Rights Council. Special Procedures and Treaty Bodies were also identified as important actors, to be regularly engaged with and supported to address drugs specifically.

With both approaches, participants stressed the importance of incorporating ways to 'build bridges' between Geneva and Vienna, for example by empowering human rights mechanisms to report to CND. Another recurrent theme was the necessity of enhancing cooperation, collaboration and coordination among like-minded states and with communities and civil society, for example by creating informal groups of countries and civil society in both Geneva and Vienna, and/or with members from different fora. This would also help identifying and strategizing opportunities, increasing technical expertise, and coordinating engagement with other States as well as human rights mechanisms and processes. Similarly, groups touched upon the critical work done by OHCHR in this area, which should be safeguarded and strengthened.

The participants then reconvened in the plenary, where the four moderators summarised the debates and presented each group's recommendations. These were printed and placed on a board, and each participant was given three adhesive dots to vote on their preferred recommendations. The objective of the voting process was to identify the actions that had the most potential for impact in the near future. The result of the vote can be found in the Annex to this document.

CLOSING REMARKS AND WAY FORWARD

The Forum ended with closing remarks by Burkhard Blienert, Commissioner of the German Federal Government for Drug and Addiction Policy (via video-message), and Martin Jelsma, Director of the Drugs and Democracy Programme at the Transnational Institute. Mr. Blienert expressed his commitment to bringing drug policy and human rights closer and to further outline the connection between the two, including in international fora; and identified alternative development as an essential area of work.

Mr. Jelsma closed on a positive message, expressing appreciation for the ‘incredible achievements’ and progress of the past few years, and sharing his hope that the Forum would be the starting point, rather than the end, of many initiatives. At the same time, he urged participants not to be complacent, pointing at ongoing attacks towards multilateralism and at the need for renewed political will.

ANNEX. RECOMMENDATIONS (BY NUMBER OF VOTES RECEIVED)

1st (25 votes):

Present a resolution in the Human Rights Council during the March 2023 session.

2nd (23 votes):

Establish an informal group of countries and civil society organizations to work on drugs and human rights in Geneva, and strengthen coordination with Vienna, as well as fostering dialogue with special procedures mandate holders (Clear leadership needed!).

3rd (21 votes):

Standing meeting on the side lines of the Annual Meeting of Special Rapporteurs, Independent Experts and Chairpersons of Working Groups of the Special Procedures of the Human Rights Council (annually, early June) - with a view to building a taskforce on drugs across treaty bodies and special procedures and placing drug policy on the LOI for treaty bodies (primarily CESCR).

4th (12 votes):

Use the 2022 CND inter-sessional meeting in September to establish a (Brandenburg) group of friends to better coordinate and formulate a clear strategy for mainstreaming human rights and drug policy into Vienna, as well as to help assure better coherence with Geneva.

5th (9 votes):

Resource the task team with dedicated staff members to undertake its work, including the producing of a report for the mid-term review on the last five years and on the imbalance of funding and efforts re anti-crime versus a rights-based approach.

6th (7 votes):

Explore the establishment of a community of good practices for exchange and learning – creating space for states, community, experts and UN for follow up on effective implementation of on resolutions, recommendations and jurisprudence.

7th (6 votes):

Develop a coherent strategy to approach mid-term review negotiations, as well as a prospective (stronger) human rights and drug policy CND resolution for the 2024 session.

8th (1 vote):

Dedicated resources, including personnel, to sensitise and mobilize action around the UN system common position in select regions and countries.