

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

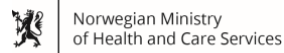
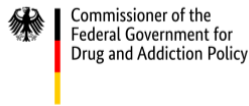
## **3RD BRANDENBURG FORUM IN GENEVA**

### **“CONSOLIDATING PROGRESS FOR HUMAN RIGHTS IN DRUG POLICY”**

#### **MEETING REPORT**

#### **EXECUTIVE SUMMARY**

- The third Brandenburg Forum in Geneva (the Forum) took place on 7<sup>th</sup> June 2023, bringing together a broad range of Member State delegates, civil society representatives, UN officials and human rights experts, to discuss challenges and opportunities for consolidating the recent progress in addressing the human rights implications of drug policy across the United Nations (UN) level.
- The Forum was opened with interventions by the co-hosts of the Forum and by high-level attendees. The speakers highlighted that the 2022 Forum had been critical in building momentum towards the Human Rights Council Resolution on human rights in drug policy that was finally adopted in April 2023 ([HRC Resolution 52/24](#)). The Resolution requested a [report](#) from OHCHR on human rights challenges in drug policy, which will be a key contribution from the UN human rights system to the mid-term review of the 2019 Ministerial Declaration on drugs, scheduled for March 2024 at the CND.
- The morning session of the Forum featured discussions on strengthening the role of the Human Rights Council (HRC) in drug policy debates. Reflecting on lessons learnt during the negotiations of HRC Resolution 52/24, participants recognised that drug policy will be a polarising issue at the HRC, and pointed to the importance of building coalitions from the start, setting up a transparent process, defining clear objectives and red lines, and engaging in constant outreach, including to non-like-minded delegations. A need for closer cooperation between like-minded Geneva and Vienna delegations was mentioned – including in the upcoming mid-term review. Noting that delegations from Africa or Asia are absent from the core group of Member States that lead on the human rights impacts of drug policies at the Human Rights Council – including by tabling HRC Resolution 52/24 – Do, attendants called for efforts to facilitate cross-regional engagement through thematic dialogues. Strategies to ensure the presence of drug policies at the HRC were also discussed.
- In the afternoon session, participants discussed different approaches to consolidate the systematicity of contributions by human rights mechanisms on drug policy. Although there has been great progress in the last year, participants agreed that so far interventions are reactive and may have blind spots. Participants reflected on barriers to accessing the know-how and networks necessary to operate in the human rights system, and the need to invest in civil society advocacy, particularly for activists from under-represented regions. At the same time, many pointed to the need to keep building up evidence-based knowledge on drug policy among treaty bodies and special mandates, dispelling preconceived notions, providing thematic briefings, information in country reviews or visits, and individual cases.



- Following the standard Brandenburg Forum methodology, after each panel participants were divided in four breakout groups to discuss and formulate concrete recommendations for the way forward. Each breakout group brought back to the plenary two recommendations. After a voting exercise at the end of the day, the top-voted priorities were:

Top-voted priorities on “strengthening the role of the Human Rights Council in drug policy”:

- Organise regional briefings to engage Member States in regional groups which may need support in establishing a human rights-based approach to drug policies, with a prior mapping of strategic themes and Member States, and involving regional stakeholders and civil society. (23 votes)
- Ensure widest dissemination possible of OHCHR report, including sharing it with national stakeholders, and OHCHR presenting the report at the Autumn 2023 CND intersessional, organising events a broad range of Member States and involving the UN system coordination Task Team on the Implementation of the UN System Common Position on drug-related matters. (20 votes).
- Mainstream drug policy language into relevant HRC resolutions, with prior mapping of issues, and influencing special mandates to integrate drug policy issues into their reports. (20 votes).

Top-voted priorities on “promoting the involvement of human rights bodies in drug policy”:

- Promote a one-UN approach to drugs, including a stronger role for the Task Team, and consolidate cooperation between UNODC and OHCHR (examples: OHCHR input to World Drug Report, joint work plan, memoranda of understanding, etc.). (29 votes).
- Build on the core group, systematise recommendations on drug policies through the Universal Periodic Review. (25 votes).

## INTRODUCTION

The 3<sup>rd</sup> Brandenburg Forum in Geneva took place on 7<sup>th</sup> June 2023 in the Palais Wilson in Geneva, and is part of a series of high-profile [Brandenburg Fora on Drugs and Development Policies](#) that have been held since 2016. The Forum was organised by the Swiss Confederation, the GIZ Global Partnership on Drug Policies and Development (GPPD) 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).

The Forum was attended by 43 participants, and brought together government officials from 14 countries (Albania, Argentina, Colombia, France, Ghana, Guatemala, Greece, Israel, Mexico, Netherlands, Panama, Portugal, South Africa, and Switzerland), as well as from the European Union. They were joined by a broad range of representatives of the the Office of the High Commissioner for Human Rights (OHCHR), as well as representatives of the Joint United Nations Programme on HIV/AIDS (UNAIDS), UN human rights mechanisms, and experts from academia and civil society.

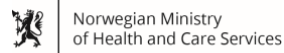
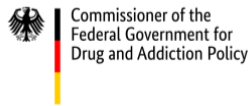
Since 2016, the ‘**Brandenburg Forum on Drugs and Development Policies**’ has been organised annually under the framework of the GPPD implemented by GIZ on behalf of BMZ. The main Fora held in Brandenburg are co-hosted by the Office of the Commissioner of the German Federal Government for Drug and Addiction Policy, the Government of the Netherlands, the Norwegian Ministry of Health and Care Services, TNI and IDPC, whilst the Geneva meetings are also co-hosted by the Swiss Confederation. They offer a unique space for government and UN officials, international organisations and civil society experts to convene under the ‘Chatham House Rule’ and discuss critical issues related to global drug policy.

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 consolidating the recent progress made by the UN human rights system in addressing the human rights impacts of drug policies.

## OPENING REMARKS: SETTING THE SCENE

The Forum was opened with welcoming remarks from the representative of BMZ and the Federal Commissioner for Drug and Addiction Policy, who highlighted that the convening is a unique opportunity to take advantage of the current – and unprecedented – juncture in the alignment of drug policies and human rights. The welcome was followed by opening remarks by representatives of several Member States and other stakeholders present at the Forum, who highlighted the following elements:

- The overly punitive approach to drug laws has failed to achieve a ‘drug-free world’. Instead it has had significant negative consequences for human rights, health and society. This failure has underpinned recent developments at the UN system, including [UN General Assembly resolution 77/238](#) on the world drug situation (from December 2022), and especially [Human Rights Council Resolution 52/24](#), the most ambitious and progressive UN text on human rights and drug policy to date. The OHCHR has also taken a leading role, and at the 2023 CND the UN



High Commissioner for Human Rights Volker Türk [called](#) for transformative change in global drug policy.

- The 2022 Forum set a clear goal – to have a new resolution at the HRC, and to strengthen the contributions of the human rights system. The Forum has proved its capacity to help achieve these objectives, thanks to the tireless leadership of the core group and co-sponsoring delegations, as well as the involvement of human rights experts and civil society.
- One of the key aims of this new edition of the Forum should be to identify how the recommendations from the HRC resolution can be operationalised. As examples of priority areas, speakers mentioned access to alternatives to incarceration, the elimination of racial profiling in law enforcement, or the situation of children whose parents use drugs.
- The human rights dimension of drug policies also occupies an important position in the work of the Commission on Narcotic Drugs (CND), and has been recognised in the 2019 Ministerial Declaration on Drugs. In March 2023, the CND [defined](#) the process for the mid-term review of the 2019 Ministerial Declaration. This included a call on all relevant entities in the UN system to participate actively in the process – a call that was heeded by HRC Resolution 52/24 and the related [OHCHR report](#) on human rights challenges in drug policy. Participants were urged to engage with the mid-term review, which will culminate in a high-level segment at CND in March 2024.

## MORNING SESSION: CONSOLIDATING PROGRESS AT THE HUMAN RIGHTS COUNCIL, BUILDING A SUSTAINABLE COALITION, AND IMPLEMENTING THE RESOLUTION

Building on the success of HRC Resolution 52/24, the morning session of the Forum sought to take stock of lessons learnt in the process of building a coalition for the HRC resolution, to define strategies for the implementation of the HRC text, and to identify upcoming opportunities in the agenda of the Council.

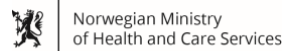
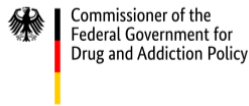
The session began with a panel comprising representatives from several missions to the UN in Geneva – including delegations both within and outside the core group – as well as a civil society representative. After the panel and a substantive plenary discussion, participants were divided in three smaller groups that were invited to brainstorm on what actions should be taken to bring to effect the following objectives: strengthening the Member State coalition at the Human Rights Council; implementing the HRC Resolution, including the OHCHR report; and future contributions of the Human Rights Council.

The following section summarises the main themes emerging through the plenary and breakout group sessions.

- **Building a coalition from the start.** Some participants stated that to bring a text on the human rights implications of drug policy to the Human Rights Council is challenging. It was made clear that it is essential to build coalitions early, starting with like-minded delegations, and integrating from the outset their inputs and concerns. It was underlined that support of co-

sponsors and like-minded delegations will be essential when negotiations become more demanding.

- **Setting objectives and red lines.** Participants recalled that it is important to define from the start objectives and red lines for the text. For instance, in the case of HRC Resolution 52/24, two of the main red lines were to include the term ‘harm reduction’ in the language of the resolution, and to give OHCHR a mandate to contribute to the mid-term review, and both of them were achieved.
- **‘Outreach, outreach, outreach’.** Participants made clear that while engaging with delegations that are less experienced in the area of drug policies it is essential to stay on a permanent outreach mode. It was discussed that delegations should be transparent about the process and opportunities to provide input, be willing to listen to others’ positions, and to understand their views.
- **Increasing cross-regional dialogue.** Several participants stated that having a human rights’ approach to drug policy is a polarising topic at the HRC. This may be seen in the composition of the core group, which comprises only European and Latin American delegations. It was underlined that greater efforts at cross-regional dialogue and at diversifying the like-minded coalition are necessary. In that regard, some panellists pointed to ideas such as organising cross-regional dialogues circumscribed to specific aspects of human rights in drug policy, such as the right to health. Participants mentioned that these dialogues could be co-hosted by a ‘Group of Friends’ and delegations from the relevant region, and integrate civil society and experts from that area.
- **Support from and to Vienna.** It was mentioned on several occasions that maintaining a fluid dialogue with Vienna delegations should also be a priority, to ensure that ‘agreed language’, processes, and priorities are coherent between both UN locations. Vienna delegations had an active and coordinated role in supporting Geneva missions during the negotiation of the resolution. It was pointed out that coordinated support from Geneva towards Vienna would be useful in negotiations around the mid-term review, and that the core group or a new ‘Group of Friends’ could be useful in that direction.
- **Keeping drug policy on the agenda of the HRC.** Some participants reflected on the need to ensure that the human rights dimension of drug policies comes to the agenda of the HRC on a periodic and recurring basis. To that effect, participants and breakout groups discussed ideas such as transforming or complementing the core group with a ‘Group of Friends’ – an informal coalition of interested delegations, civil society, and other stakeholders – that is more flexible and includes different regions, or systematising drug policy recommendations at the Universal Periodic Review (UPR).
- **Cooperation with civil society.** Participants pointed out that close co-operation with civil society was also essential in the build-up to the resolution, and during negotiations. While appreciating the tremendous efforts put into the resolution, civil society pointed out that there were still major gaps such as the lack of a standing mandate for the OHCHR to report on the human rights implications of drug policy on a regular basis, or the lack of an explicit call to abolish the death penalty for drug offences in the resolution itself.



- **Ensuring a strong reception for the OHCHR report.** Participants agreed that the main output of the resolution will be a report by OHCHR, to be presented at the 54<sup>th</sup> session of the Council in September 2023. It was reported that there have been over a hundred contributions by civil society and Member States to the preparation of that report. There were rich discussions amongst participants about how to best operationalise the resolution and the report. In general, there was a call on Member State delegations, civil society and UN bodies to ensure that the report is presented in Geneva, Vienna and New York. Engaging other important actors such as regional human rights mechanisms and national political institutions as part of the dissemination of the OHCHR report was also identified as a priority for the coming months.

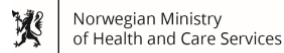
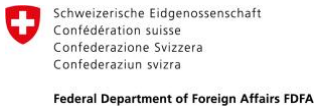
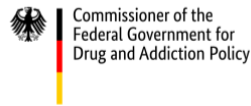
## AFTERNOON SESSION: CONSOLIDATING THE CONTRIBUTIONS OF HUMAN RIGHTS MECHANISMS

Participants agreed that the last twelve months had been a period of unprecedented progress in expanding the role of human rights mechanisms in drug policies, with new developments such as the decision by the UN Committee on Economic, Social, and Cultural Rights (CESCR) to start work on a General Comment on the impacts of drug policy on economic, social, and cultural rights, and the joint statements by human rights special mandates on the occasions of World Drug Day in 2022 and 2023.

The afternoon session of the Forum sought to explore how this progress can be consolidated and streamlined. After a panel session comprising a range of UN human rights mechanisms, including members of treaty bodies and of special mandates, as well as civil society, participants were again divided in three breakout groups that brainstormed on recommendations for actions concerning opportunities for future contributions by human rights mechanisms, strategies for better implementation at national level, and how to strengthen UN coherence on drug policy and human rights.

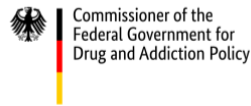
The main themes emerging from the plenary debates and the breakout groups were as follows:

- **Barriers to accessing human rights mechanisms.** There was broad agreement that historically there have been significant barriers for civil society organisations working on drug policy to access human rights mechanisms. Participants stated that it is important to have the networks and the know-how to engage with mechanisms. In that regard, participants emphasised the importance of ensuring that advocates from underrepresented countries/regions with less access to UN bodies and the human rights system are actively supported to attend and contribute to these processes.
- **Lack of mechanism focusing on the human rights dimension of drug policy.** Another challenge is the lack of a human rights mechanism with explicit and specific jurisdiction over the human rights impact of drug policies. At the same time, this also represents an opportunity, and the interest and involvement of more than 12 human rights mechanisms in a joint statement for World Drug Day in both 2022 and 2023 is a clear testimony to this – with many attendants hoping this statement will become a yearly tradition. In the breakout groups there was a broad discussion about the creation of a special mandate on the human rights implications of drug policy.



Participants noted that special procedures might be an easier entry point for increasing involvement that human rights treaty bodies, both because they are more agile, and because they do not require consensus. Some panellists pointed to the importance of organising a side event at the margins of the annual meeting of special procedures in 2024.

- **The need to build the knowledge of UN human rights experts on drug policy.** When it comes to treaty bodies, it was noted that with the exception of CESCR recommendations are limited and not systematic. Human rights experts might still be influenced by prejudices towards people involved in drug activities. At the same time, the specific experiences and main concerns of some regions – for instance, Latin America – are generally neglected, and issues such as militarisation and conflict have not received the attention they deserve. Civil society and Member States were encouraged to invest in building the knowledge of treaty bodies through thematic briefings, country reviews, and individual complaints with human rights mechanisms.
- **Lessons learnt from the experience of the Working Group on Arbitrary Detention.** Panellists reflected on the experience of the Working Group on Arbitrary Detention in presenting its landmark 2021 [study on arbitrary detention in drug policy](#). The Working Group found it a complex and difficult topic, and faced significant resistance in trying to integrate a human rights and health-based approach to drug responses. When the Working Group provided recommendations on the need for voluntary treatment or the closure of compulsory drug detention centres, there was a clear resistance by policy makers. Switching from a punitive to a restorative and community-based approach to drugs will require a long-term effort by all stakeholders to the Forum.
- **Translating international recommendations to national policy making remains a challenge.** Participants pointed to the positive experiences of countries in Latin America in drug policy reform, starting with the decriminalisation of drug use, but also through the growing case law of national courts and the contributions by the Inter-American Human Rights System . These examples should be presented as best practices and should be widespread in the UN human rights system. The breakout groups had a rich discussion on the existing challenges to disseminating international recommendations at national level, with participants proposing ideas such as establishing country-specific dialogues, including government, UN agencies, civil society, and establishing a link between human rights recommendations and the SDGs.
- **The need to increase UN system coherence and contributions to CND.** Throughout the afternoon session, participants discussed the lack of coherence between UN bodies with regards to human rights-based drug policies. To address it, some participants reiterated a call on human rights mechanisms to be more actively involved in debates at the CND. In that regard, it was pointed out that HRC resolution 52/24 does encourage mechanisms to continue their contribution to addressing the human rights implications of drug policy ‘through appropriate channels with the Commission on Narcotic Drugs’. In the breakout groups, participants also discussed ideas such as strengthening OHCHR-UNODC cooperation –



including with contributions by OHCHR to the World Drug Report or a Memorandum of Understanding (MoU) – or encouraging an institutional visit by a special mandate to UNODC.

## **VOTING ON RECOMMENDATIONS, WAY FORWARD, AND CONCLUDING REMARKS**

Following the established methodology of the Brandenburg Fora, at the end of the afternoon session the plenary reconvened. The top two recommendations emerging from each of the six breakout groups were presented to the group. All participants then went on to vote for the actions that they felt should be prioritised by stakeholders in the coming year. The full results of the voting can be found in the Annex.

The co-hosts of the Forum will ensure that the top-voted recommendations are disseminated and promoted amongst relevant stakeholders, and that any progress made is recorded.

The Forum ended with closing remarks by some of the co-hosts. They noted that, thanks to the successes achieved since the last edition of the Forum, discussions this year had been extraordinarily rich and operational, laying down a range of concrete options and strategies to build a stronger and more systematic contribution by the UN human rights system to international drug policy debates. In that sense, they encouraged all stakeholders to be involved both in activities in Geneva as well as in the work of the CND, particularly with regard to the mid-term review of the 2019 Ministerial Declaration on drugs, seeking coherence between both. With these remarks and the appreciative interventions of several participants, the 3<sup>rd</sup> edition of the Brandenburg Forum Geneva was closed.



## ANNEX. RECOMMENDATIONS (BY NUMBER OF VOTES RECEIVED)

### Morning session – Consolidating the role of the Human Rights Council

- Organise regional briefings to engage Member States in regional groups which may need support in establishing a human rights-based approach to drug policies, with a prior mapping of strategic themes and Member States, and involving regional stakeholders and civil society. (23 votes)
- Ensure the widest dissemination possible of the new OHCHR report, including sharing it with national stakeholders, and OHCHR presenting the report at the Autumn 2023 CND intersessional, organising events with a broad range of Member States and involving the UN system coordination Task Team on drug-related matters. (20 votes)
- Mainstream drug policy language into relevant HRC resolutions, with prior mapping of issues, and influencing special mandates to integrate drug policy issues into their reports. (20 votes)
- Create a ‘Group of Friends’ beyond the existing core group to ensure that drug issues are present at the work of the HRC on a permanent basis, to facilitate Geneva-Vienna coordination, and possibly to organise regional briefings. (18 votes)
- Core group to ensure the outcome document of the mid-term review acknowledges OHCHR’s report and introduces [progressive] language from the HRC resolution into resolutions in Vienna and other multilateral forums. (16 votes)
- Promote UPR recommendations by creating a one-page checklist for Member States on drug policy and the links to progress towards the Sustainable Development Goals (SDGs). (16 votes)

### Afternoon session – Consolidating contributions by human rights mechanisms

- Promote a “one-UN” approach to drugs, a stronger role for the Task Team, and cement cooperation between UNODC and OHCHR. (29 votes)
- Building on the core group, systematise regular recommendations on drug policy during the UPR process. (25 votes)
- Encourage OHCHR (and civil society organisations) to sensitise the Human Rights Committee on the intersection of human rights and drug policy, and to advocate for the integration of drug policy on the Committee’s standing list of questions. (23 votes)
- Increase the presence of human rights mechanisms in Vienna and create a more welcoming environment through a proactive “Group of Friends”. (13 votes)
- Create a new human rights special mandate on drugs. (11 votes)
- Encourage special procedures to make an official visit to the UNODC in Vienna to discuss the human rights impacts of drug policy. (5 votes)
- Draft a civil society-led annual document summarising country-specific recommendations, and convene a dialogue with national government bodies, UN agencies and civil society to develop an implementation strategy. (5 votes)