

## European Civil Society Forum on Drugs support for Council Conclusions on alternatives to coercive sanctions for drug using offenders

*The European Civil Society Forum on Drugs,*

*Recalls:*

- **Paragraph 22.11 of the European Drug Strategy 2013-2020**, which states: “In order to prevent crime, avoid recidivism and enhance the efficiency and effectiveness of the criminal justice system while ensuring proportionality, the EU shall encourage, where appropriate, the use, monitoring and effective implementation of drug policies and programmes including arrest referral and appropriate alternatives to coercive sanctions (such as education, treatment, rehabilitation, aftercare and social reintegration) for drug-using offenders”.
- **Action 22 of Objective 5 of the European Union Action Plan on Drugs 2017-2020**, which states: “Member states to provide and apply, where appropriate and in accordance with their legal framework, alternatives to coercive sanctions for drug using offenders, such as:
  - a) Education
  - b) (Suspension of sentence with) treatment
  - c) Suspension of investigation or prosecution
  - d) Rehabilitation and recovery
  - e) Aftercare and social reintegration”.
- **Article 3 of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**, in particular:

**Paragraph 4(c):** “Notwithstanding the preceding subparagraphs, in appropriate cases of a minor nature, the Parties may provide, as alternatives to conviction or punishment, measures such as education, rehabilitation or social reintegration, as well as, when the offender is a drug abuser, treatment and aftercare”.

**Paragraph 4(d):** “The Parties may provide, either as an alternative to conviction or punishment, or in addition to conviction or punishment of an offence established in accordance with paragraph 2 of this article, measures for the treatment, education, aftercare, rehabilitation or social reintegration of the offender”.
- **Paragraph 4(j) of the 2016 UNGASS Outcome Document**, in which UN member states: “Encourage the development, adoption and implementation, with due regard for national, constitutional, legal and administrative systems, of alternative or additional measures with regard to conviction or punishment in cases of an appropriate nature, in accordance with the three international drug control conventions and taking into account, as appropriate, relevant United Nations standards and rules, such as the United Nations Standard Minimum Rules for Noncustodial Measures (the Tokyo Rules)”.

*Calls* on the European Horizontal Drugs Working Group to support the adoption, by the European Council, of Conclusions on the use of alternatives to coercive sanctions for drug using offenders, on the basis of the European Union report from 2016 entitled “Study on alternatives to coercive sanctions as response to drug law offences and drug-related crimes”.

*Stands ready* to support the European Commission, the European Horizontal Drugs Working Group, EU member states and EU candidate countries in the further development and effective implementation of alternatives to coercive sanctions for drug using offenders in the European Union.

Adopted in Brussels, on 28<sup>th</sup> November 2017