



**Euro-Latin American Parliamentary Assembly
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EURO-LATIN AMERICAN PARLIAMENTARY ASSEMBLY

Committee on Political Affairs, Security and Human Rights

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PROVISIONAL

DRAFT MOTION FOR A RESOLUTION

Fighting drug trafficking and organised crime in the European Union and Latin America

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LAC Co-rapporteur: Sonia Escudero (Parlatino)

Fighting drug trafficking and organised crime in the European Union and Latin America

The Euro-Latin American Parliamentary Assembly,

- having regard to the World Drug Report 2011 of the United Nations Office on Drugs and Crime (UNODC),
- having regard to the declarations made at the six summits of Heads of State or Government of Latin America, the Caribbean and the European Union, held respectively in Rio de Janeiro (28-29 June 1999), Madrid (17-18 May 2002), Guadalajara (28-29 May 2004), Vienna (11-13 May 2006), Lima (15-17 May 2008) and Madrid (17-18 May 2010),
- having regard to the Madrid Action Plan (2010-2012) adopted at the EU-LAC summit in Madrid on 18 May 2010, and having regard to the declarations approved during the European Union-Latin American and Caribbean interparliamentary conferences held between July 1974 (the Bogotá Conference) and May 2005 (the Lima Conference),
- having regard to the Latin America and Caribbean-European Union Coordination and Cooperation Mechanism on Drugs, and specifically the Port of Spain Declaration adopted at its Ninth High-Level Meeting (22-23 May 2007), the Quito Declaration adopted at its Eleventh High-Level Meeting (27 May 2009), and the Madrid Declaration adopted at its Twelfth High-Level Meeting (27 April 2010),
- having regard to the Latin America-European Union Programme of Cooperation on anti-drug policies (COPOLAD), which is designed to help make such policies more coherent, more balanced and more effective,
- having regard to the programme to prevent the diversion of drug precursors in the Latin American and Caribbean region (PRELAC),
- having regard to the European Union Drugs Action Plan (2009-2012),
- having regard to the 2010 Annual Report on the state of the drugs problem in Europe by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),
- having regard to the report published in June 2011 by the Global Commission on Drug Policy,
- having regard to the debates on the worldwide drugs problem held within the Euro-Latin American Parliamentary Assembly (EUROLAT)'s Committee on Political Affairs, Security and Human Rights on 4 and 5 November 2010 in Cuenca, Ecuador, and on 17 and 18 May 2011 in Montevideo, Uruguay,
- having regard to the working document on fighting drug trafficking and organised crime in the European Union and Latin America presented by Boguslaw Sonik MEP in the Euro-Latin American Parliamentary Assembly's Committee on Political Affairs, Security and Human Rights,

- having regard to the working document on fighting drug trafficking and organised crime in the European Union and Latin America presented by Senator Sonia Escudero in the Euro-Latin American Parliamentary Assembly’s Committee on Political Affairs, Security and Human Rights,
- A. whereas ‘public health, public and individual security and the welfare of humankind’ must be the primary objective of a global policy on drugs;
- B. whereas the problem of illegal drugs with which humanity has been grappling for the last 50 years is a complex one that combines issues relating to public health and public security, as evidenced by the high number of crimes and deaths connected to drug trafficking and its links with other illegal activities, and therefore a multi-faceted, multi-disciplinary approach to this problem is needed if it is to be dealt with politically;
- C. whereas the high profits involved are the cornerstone of the drugs trade, particularly for the top intermediaries, who benefit just as much from the lack of give-and-take in the product they are trafficking as they do from the fact that drugs are highly addictive, and whereas the shape of the illegal drugs trade generally echoes the traditional pattern of asymmetrical relations between countries;
- D. whereas offences linked to drug trafficking and organised crime are a major public order problem in the world, and whereas organised crime openly challenges the authorities, infiltrating sometimes various levels of the state and allying them with the illegal organisations concerned; whereas this is causing hitherto unknown levels of violence and means that security has to be stepped up, it is ratcheting up production costs, spoiling projects that could help create jobs and prosperity for society as a whole and driving foreign investment away;
- E. whereas murder, firearms, people trafficking and the drugs trade are all interlinked because drugs finance the arms purchases that fuel the warfare between criminal organisations and gangs fighting for control of territory and trafficking, and very often subsidise the activities of terrorist organisations;
- F. whereas global criminal activity is transforming international organised crime and standing the rules of the game on their head, creating new players and reconfiguring access to and the availability of power in international politics and the international economy, and whereas an increasingly major role is being played by networks of strongly profit-motivated individuals who have no links to a specific country and who are empowered by globalisation;
- G. whereas an unwanted side-effect of the opening-up of national borders – which has occurred as a result of the processes of regionalisation and globalisation – has been the fact that criminal threats have become transnational, and whereas these threats include money laundering and flows of illegal drugs and illicit funds: businesses involving both legal and illegal activities that can even end up providing funding for politics;

- H. whereas poverty and social exclusion, as well as the quick profits involved, are still causing many people to become involved in drugs trafficking, which is a lucrative business;
- I. whereas increasing numbers of women are becoming involved in drugs trafficking, because there are more and more women who, because they are living in poverty, are seeking to improve their socio-economic circumstances by working as drug mules and dealers, and whereas, given that 60% of female prisoners in Latin America have been convicted for drug dealing, women are now coming off worst in the process;
- J. whereas drugs trafficking is a crime that transcends national borders, and therefore no country can solve it by adopting exclusively national or isolationist policies; whereas, on the contrary, it needs to be addressed by means of international political, police and judicial cooperation;
- K. whereas anti-drugs policies, which have alternated between a ‘war on drugs’ approach and damage limitation, have not always produced the desired results and new imaginative approaches are therefore required;
- L. whereas these policies have not always produced the desired results: the number of hectares of coca crops being grown have not always fallen and there is usually a major adverse impact on the environment; whereas crop locations have changed; whereas supply and consumption figures have not always fallen; whereas drug users are choosing to take different drugs; and whereas countries that have traditionally been centres for production or transit have now become centres for the abuse of drugs, particularly low-quality, leftover substances; whereas, at the same time, the extensive black market funded by the profits made in meeting the demand for illegal drugs is continuing to grow;
- M. whereas these traditional approaches have tended to mean that the public security agenda focuses on high-profile offences such as murder, robbery, theft and assault, when drug trafficking is actually just as closely associated with economic and white-collar crime;
- N. whereas some of the principle opiate- and cocaine-producing countries are those that since 2001 have been the focus of the war on terror, but despite this production of both substances has not reduced substantially in all cases but on the contrary has remained fairly stable over the last few years;
- O. whereas the policy of criminalising the producers, small-scale dealers and users of illegal drugs has led to enormous sums of public money being used to heighten levels of stigmatisation and social fragmentation, filling prisons to bursting point but without curbing the availability of illegal drugs or the power of the drugs cartels, since it is easy to replace the intermediaries without disrupting supply, and given that the legal status of drugs, the risk of being caught and preventive campaigns are not factors that play a major role in an individual’s decision to start using drugs;

- P. whereas figures published by the United Nations Office on Drugs and Crime show that less than 10% of drug users can be classified as ‘problematic’ and as posing a risk to social order, and whereas the focus on repression in regard to drug users needs therefore to be reconsidered;
- Q. whereas the approach taken to drug users ought to put a stop to their social, and even in some cases criminal, stigmatisation and focus on damage limitation, public health protection and respect for human rights; whereas the way in which the law deals with those involved in growing, production and distribution at the lowest levels of the drugs trade should be different from the way in which it deals with members of violent criminal organisations;
- R. whereas a repressive policy and the social, and in some cases criminal, stigmatisation of drug users might become a hindrance to public health measures designed to combat HIV/AIDS, overdose deaths and other negative effects of drug use such as failure at school and social apathy among many young people;
- S. whereas more human, social and financial resources are needed to prevent drug addiction and treat and rehabilitate drug addicts;
- T. whereas satisfactory policies – i.e. those that successfully curb the damage caused to health, security and the welfare of society as a whole – can only be set up on the basis of solid empirical and scientific evidence;
- U. whereas the current international system for classifying illegal drugs was established more than 50 years ago and therefore needs to be reviewed and updated on the basis of sound scientific evidence which takes account of cultural traditions;
- V. whereas the development and implementation of these policies ought to be a joint responsibility shared by all countries, and whereas this should apply to producer, transit and destination countries, although this distinction is being rendered meaningless by the fact that the different stages of the criminal process are increasingly coinciding within a single country;
1. Calls for an agreement to be reached on the foundations for a global system which will foster the well-being of humanity by controlling potentially harmful substances, but with sufficient flexibility to allow countries to experiment with specific responses, as this is vital in order for lessons to be learned about the effectiveness of different approaches that take account of cultural traditions;
 2. Proposes that a global debate should be launched – with the involvement of producer, transit and consumer countries – covering the broadest possible spectrum of ideas for identifying policies to fight drugs and organised crime that are based on the scientific knowledge available and on experiences that help overcome any dogmatism;
 3. Suggests that policies on drugs should be the result of joint work by a broader range of multilateral agencies such as the UN Office on Drugs and Crime, the Joint UN Programme on HIV/AIDS, the World Health Organization, the UN Development

Programme, UNICEF, UN Women, the World Bank and the Office of the UN High Commissioner for Human Rights;

4. Takes the view that it is essential to create institutional fora within which government authorities, parliamentarians, intellectuals, judges, police officers and scientists from both regions can meet and hold discussions, so that parliamentarians can find out about developments in medicine, biology, sociology, criminology and any other discipline that might help in formulating properly founded legislative policies on drug trafficking and drug use, differentiating between illegal drugs in terms of the damage they do to health and society;
5. Sees it as vital that a comprehensive approach should be taken to formulating drugs policies, encouraging families, schools, public health specialists, parliamentarians, scientists, government authorities, judges, police officers and civil society leaders and activists, etc. to get involved and work with the relevant government agencies;
6. Recommends the promotion of inter-regional public policies that seek to introduce tight controls on all substances recognised as precursors for manufacturing illegal drugs and to standardise the legal definition of such substances;
7. Calls for the emerging threat posed by synthetic drugs to be addressed;
8. Considers it vital that, as opposed to the approach that in some cases criminalises, stigmatises and marginalises drug addicts, damage-limitation programmes be introduced, with punishments being replaced by therapy, healthcare and reintegration into society for those that need it;
9. Proposes that a system of measurements, statistics and models should be set up, based on empirical and scientific evidence, making it possible for drugs policies to be evaluated accurately using indicators such as the number of victims of drugs-related violence, the level of crime committed by users, the level of overdose deaths, the level of HIV or hepatitis C infection among users, and the financial sums involved in the drugs trade, etc.;
10. Recommends that more resources should be earmarked for prevention and social cohesion programmes that principally aim to help the most vulnerable social groups, avoiding simplistic messages and fostering inclusive educational approaches that are based on reliable information;
11. Suggests that gender should be taken into account in devising prevention and social cohesion programmes, given that women are one of the most at-risk groups in the illegal networks involved in the production, distribution and use of drugs, and given the links with other illegal activities such as human trafficking and prostitution;
12. Takes the view that, as the majority of users are young people, priority should be given to mounting innovative information and prevention campaigns that young people, in particular, can understand and take on board;
13. Suggests that possible alternative punishments be considered for small-scale drug dealers and street drug vendors, given that many of them are victims of violence and intimidation or are motivated by a desire to escape terrible poverty; takes the view that investment geared towards offering them alternative employment opportunities is more effective than long prison sentences, which are of course very costly;

14. Makes an urgent call for the system for classifying illegal drugs, which is 50 years old, to be reviewed on the basis of scientific data, bringing the levels of supervision into line with the level of damage caused;
15. Takes the view that, as the main aim is to combat and eradicate drug trafficking, account must be taken of the economic, political and cultural specificities of the Partnership countries, as well as respect for indigenous peoples, in the efforts it makes with a view to fostering integrated development policies within LAC-EU cooperation on drugs;
16. Calls for intensified transnational research into drug trafficking as a crime and the many variations that can arise when it is combined with other illegal activities such as arms trafficking, people trafficking, money laundering, the smuggling of other goods, etc., and points out that international political, judicial and police cooperation is vital in order to achieve this;
17. Proposes that repressive action should be aimed at violent national and transnational criminal organisations, with a view to curbing their influence and reach; points out that reducing violence should be a priority;
18. Draws attention to the need for absolutely rigorous state controls on the circulation of weapons, given the evidence that one of the pillars supporting the destructive power of organised criminal networks devoted to drug trafficking is the scale and sophistication of the weaponry available to them;
19. Recommends further legislative debate on the broad outlines of the draft Framework Law on illegal trafficking and consumption of narcotic and psychotropic substances produced by the Latin American Parliament's Committee on Citizens' Security and Combating and Preventing Terrorism, Drug Trafficking and Organised Crime, as well as any drafts on the topic emanating from the European Parliament;
20. Calls for continued exchanges of information between the relevant authorities in the European Union and the Latin American states at national, sub-regional, regional and bi-regional levels;
21. Welcomes the launch of the new COPOLAD programme, which focuses on cutting both demand and supply of drugs and seeks to step up cooperation between national agencies and others responsible for anti-drugs policies; with this in mind, supports the establishment of LAC-EU networks with a view to exchanging experience and best practices;
22. Calls for close political, judicial, police and scientific cooperation with a view to combating money laundering which encourages corruption;
23. Takes the view that LAC-EU cooperation within the United Nations – in the shape of joint initiatives to combat drug trafficking as a whole – is vital;

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24. Instructs its Co-Presidents to forward this resolution to the Council of the European Union and the European Commission, and to the parliaments of the Member States of

the European Union and all the countries of Latin America and the Caribbean, the Latin American Parliament, the Central American Parliament, the Andean Parliament and the Mercosur Parliament, the Secretariat of the Andean Community, the Committee of Permanent Representatives of Mercosur, the Permanent Secretariat of the Latin American Economic System and the Secretaries-General of the Organization of American States, the Union of South American Nations and the United Nations.