

MEETING REPORT

1ST BRANDENBURG FORUM (BBF) IN GENEVA

“BUILDING BRIDGES BETWEEN THE DRUG POLICY AND HUMAN RIGHTS REGIMES OF THE UNITED NATIONS”

The 1st ‘Brandenburg Forum (BBF) in Geneva’ took place on 11th February 2021, within the framework of the Global Partnership on Drug Policies and Development (GPDPD).¹ The event has originally been conceived as an in-person meeting in 2020 but, in response to the global COVID-19 pandemic and related restrictions, it was delayed and then adapted to work as an interactive, three-hour online meeting instead. The Forum was co-hosted by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), the German Federal Drug Commissioner, the Government of the Netherlands, the Norwegian Ministry of Health and Care Services, the Swiss Federal Office of Public Health, the Transnational Institute (TNI), and the International Drug Policy Consortium (IDPC).

The Forum, held under the ‘Chatham House Rule’ in order to facilitate openness,² sought to build upon the series of high-profile Brandenburg Forums on Drugs and Development Policies held in Germany since 2016³ – providing a trusted space for important discussion and debate to strengthen the drug policy focus within the key health and human rights bodies in Geneva. The online nature of the Forum allowed the co-hosts to bring together a diverse group of 72 participants (38 women and 34 men) from around the world. This included representatives from the United Nations (UN)

Since 2016, the ‘Brandenburg Fora on Drugs and Development Policies’ are organised annually under the framework of the GPDPD implemented by GIZ GmbH on behalf of the BMZ. The Fora are cosponsored by the Office of the German Federal Drug Commissioner, 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 representatives, international organisations and civil society experts to convene under ‘Chatham House Rule’² and discuss critical issues related to global drug policy. Initiated following the 2016 UNGASS on drugs, the Fora are now a recognisable brand and invites are heavily sought-after given the opportunity to strategise with diverse stakeholders around the post-UNGASS processes, and to plan for the annual session of the Commission on Narcotic Drugs (CND) in Vienna.³

¹ GPDPD is commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented under political patronage of the German Federal Government’s Drug Commissioner. For more information, please visit www.gdpdp.org

² “When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed”: <https://www.chathamhouse.org/about-us/chatham-house-rule>

³ <https://www.gdpdp.org/en/drug-policy/international-drug-policies-with-perspective/brandenburg-forum-on-drugs-and-development-policies>

Office of the High Commissioner for Human Rights (OHCHR), the World Health Organisation (WHO), the International Narcotics Control Board (INCB), the UN Human Rights Committee, the UN Working Group on Arbitrary Detention, the UN Development Programme (UNDP), the UN Office on Drugs and Crime (UNODC), and the Joint UN Programme on HIV/AIDS (UNAIDS). Furthermore, there were representatives from other intergovernmental bodies, a number of experts from relevant civil society and community-led organisations, and 38 government officials from 14 countries (Albania, Argentina, Finland, France, Germany, Jamaica, Mexico, the Netherlands, Norway, Portugal, Sweden, Switzerland, Thailand and Uruguay).

PART 1: WELCOMING REMARKS

The event began with warm welcomes from Swiss Ambassador H.E. Felix Baumann the Federal Drug Commissioner of Germany Daniela Ludwig MP, and senior officials from the Governments of Norway and the Netherlands. Ambassador Baumann reiterated Switzerland’s belief that the multifaceted world drug situation “cannot be discussed without its health and human rights aspects”, and highlighted the importance of cooperation between UN entities – especially in light of the UN system common position on drug-related matters⁴ and the 2030 Agenda for Sustainable Development.⁵ The Federal Drug Commissioner of Germany further highlighted the International Guidelines on Human Rights and Drug Policy⁶ (whose development was supported by GPPD and the Swiss Government as well as UNDP) and its reference in the European Union Drug Strategy 2021-2025⁷ (adopted under the German Presidency of the EU Council) as sending out a “strong signal to those violating fundamental human rights” in the name of drug control. Several participants underlined how the COVID-19 pandemic has put a magnifying glass on different societal problems we face.

The platform was then handed to the Rt. Hon. Helen Clark, former Prime Minister of New Zealand, and current Chair of the Global Commission on Drug Policy. [Her statement](#) asserted that the so-called ‘unintended consequences’ of drug policies continue to have profound human rights and health implications – from preventable HIV and hepatitis C infections and overdose deaths due to the lack of harm reduction services, to extreme state responses such as extrajudicial killings, the death penalty, torture and corporal punishment. It was posited that a balanced approach to drug policy cannot be achieved while the debate remains siloed between drug control, health and human rights, and between Vienna and Geneva –the UN system common position was also highlighted as a step toward resolving these issues.

PART 2 – OPENING REMARKS

Participants then received an impactful [keynote address](#) from Ms. Ilze Brands Kehris – the UN Assistant Secretary-General for Human Rights, and Head of the OHCHR New York Office. Reflecting on the impact of the COVID-19 pandemic, Ms. Brands Kehris highlighted the millions of people who use drugs facing impeded access to health and social services, but also how services in some settings had adapted positively to the challenges by lowering thresholds or adapting models of delivery. Her statement further elaborated concern regarding compulsory drug detention centres and the “long-standing general crisis of the global prison situation”. Data show that one-fifth of the global prison population are detained for drug-related offences, with particularly worrying increases in the incarceration of women for minor drug-related offences. Addressing impunity for serious human rights violations was also cited by Ms. Brands Kehris as a “critical challenge to ensure justice for thousands victims of these wars”.

Ms. Brands Kehris also lauded the International Guidelines on Human Rights and Drug Policy (launched in March 2019) as “the best tool at our disposal to support States in the implementation of their human rights commitments of UNGASS 2016”. She closed her remarks by acknowledging the UN system common position on drug-related matters, with its public health and human rights lens, as a “framework to work together to

⁴ See Annex I: https://unsceb.org/sites/default/files/imported_files/CEB-2018-2-SoD.pdf

⁵ <https://sdgs.un.org/2030agenda>

⁶ <https://www.undp.org/content/undp/en/home/librarypage/hiv-aids/international-guidelines-on-human-rights-and-drug-policy.html>

⁷ <https://data.consilium.europa.eu/doc/document/ST-14178-2020-INIT/en/pdf>

ensure that no one is left behind” and reminded participants of “our common responsibility to put human rights at the center of all policy and decision-making processes”.

This was then followed by a presentation from UNODC, discussing research findings related to human rights from the [World Drug Report 2020](#). The presentation emphasized the discrimination, marginalization and stigma suffered by people who use drug use, and especially groups such as women, Indigenous and ethnic groups, and immigrants and displaced persons. The [new UNODC strategy](#) was promoted as an opportunity for the Office to strengthen its commitment to human rights, and to mainstream human rights across all of the agency’s work.

PART 3 – SETTING THE SCENE

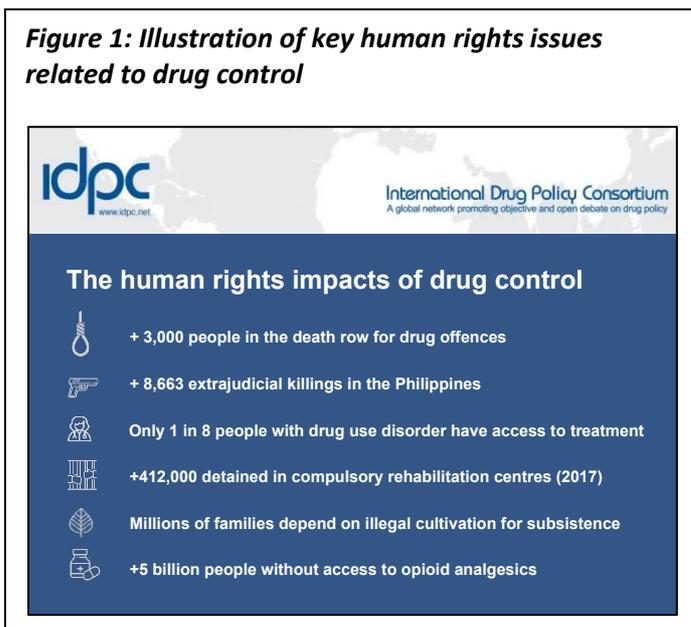
An overview of the progress and ongoing challenges related to drug policy and human rights at the UN level was provided by IDPC. A series of serious and systematic human rights violations committed in the name of drug control were highlighted (Figure 1). The impacts of these are disproportionately felt by marginalised groups, such as those discriminated against on the basis of race, ethnicity, sexual orientation or gender identity, including those living in situations of poverty such as smallholder farmers that cultivate crops for illegal drug markets.

Despite their clear connections, it was stated that the international human rights and drug control systems have traditionally worked in silos. However, as a result of strong commitment from supportive member states as well as

sustained advocacy from civil society, significant progress has been made in recent years to bridge the divides. The first CND resolution on the promotion of human rights arrived in 2008, and human rights language in UN drugs declarations has continued to progress since⁸ (arguably best demonstrated by the [2016 UNGASS Outcome Document](#)), as has the overall visibility of the human rights regime in Vienna. At the same time, Geneva-based UN human rights mandates have increasingly acknowledged drug policy issues – which are no longer seen as the sole domain of Vienna-based agencies

Three particular recent developments which represent significant strides towards greater UN coherence on drug policy and human rights were highlighted: the [UN system common position on drug-related matters](#) (where the Chief Executives of 31 UN entities made joint commitments under the auspices of the UN Secretary General); the aforementioned International Guidelines on Human Rights and Drug Policy; and a stronger focus on a range of key human rights issues from the INCB. Yet challenges clearly remain, and these may include the lack of a systematic inclusion of human rights concerns related to drug policies in the agenda of Geneva-based bodies, the gap between international guideline documents and some national policies , and a continued reliance on drug-related data tools which lack emphasis on human rights. As some participants stated, stronger support of the UN common position by member states within the CND may also be needed, as well as a more active role for the ‘Task Team’ that is mandated. The potential conflicts between the drug control system and Indigenous rights, cultural rights and racial justice were also highlighted.

Figure 1: Illustration of key human rights issues related to drug control



⁸ <https://idpc.net/publications/2017/09/edging-forward-how-the-un-s-language-on-drugs-has-advanced-since-1990>

The presentation closed with an outline of some of the forthcoming opportunities for action, with the aim of invigorating the group discussions which followed. Current affairs – from the COVID-19 pandemic to the global debates around racial justice and reparation – are opportunities to further demonstrate the need for policy reform, while upcoming meetings in 2021 such as CND, the Human Rights Council and the High-Level Meeting on HIV/AIDS are key moments for further progress to be made (see Annex 1).

PART 4 – BREAKOUT GROUPS TO EXPLORE OPPORTUNITIES AND THE WAY FORWARD

As has become a core element of the Brandenburg Forum model, participants were then divided into four smaller, pre-assigned groups in order to facilitate more interactivity and discussions. Each group was assigned a chairperson and a notetaker, and was asked to reflect on the presentations above while exploring key upcoming opportunities for further progress on drug policies and human rights – focused on processes in Vienna (one group), in Geneva (two groups), and on inter-agency UN coordination (one group). The target was for each group to settle on three tangible recommendations for future action – these could be recommendations for the GPDPD programme, the Forum co-hosts, for member states, for UN agencies, for civil society, or any combination of these.

As anticipated, the group discussions were rich and covered a huge range of topics, ideas and proposals. Some common themes across groups included the opportunities to further align the Vienna- and Geneva-based discussions on drugs and human rights, the important role that civil society and others (including regional bodies) have played in bringing human rights issues and language to Vienna, and the symbolic importance of increasing the visibility of UN human rights mandates across all fora. It was generally agreed that like-minded member states and civil society should strengthen their collaboration in Geneva in order to ensure that drug-related matters are systematically included in the work of the Human Rights Council, the Universal Periodic Reviews and special mandates. There was also an acknowledgement of the need to bridge the gaps between supportive and less-supportive member states, reaching out to engage the latter in a constructive way. However, several participants felt that given the current situation, with negotiations taking place online rather than in-person, presented some risks – for example if a CND resolution on human rights did not reach consensus it could end up representing a regression from previously agreed language.

The potential strengthening of the visibility and impact of the UN system common position was also discussed by all four groups, for example through inclusion in strategic UN documents such as the [UNODC Strategy 2021-2025](#). Several participants also noted the considerable potential to make the common position a stand-alone, translated document much more accessible to the public. It was also suggested that the Task Team itself could be better resourced in terms of funding, dedicated staff capacity and activities. Several of the groups also discussed the challenges of progressing human rights and drug policy issues at the multilateral level.

Once the breakout discussions had closed, the four chairs were invited to briefly summarise their discussions and outline the three recommendations from their group. These recommendations were then uploaded into an online voting platform and each participant was provided with a secure code in order to vote anonymously for the three recommendations which they deemed as the highest priorities for collective work over the coming 12-24 months. The voting platform used also allowed participants to see the results appear on the screen ‘live’ as the votes came in (see Annex 2). The purpose of this exercise – again mirroring a successful model from previous in-person Brandenburg Forums – was to help the participants, co-hosts and GPDPD partners to understand the collective priorities for future actions.

The final recommendations, in order of priority in terms of the numbers of ‘votes’ received, are listed overleaf.

1st

- Create an informal ‘group of friends’ in Geneva, including member states, UN representatives and civil society experts, to raise drug issues consistently across bodies and procedures in a coordinated way.

2nd

- Develop and submit a Human Rights Council resolution on human rights best practices and challenges related to the world drug situation. This would build on resolutions [28/28](#) and [37/42](#) by requesting a regular biannual report by the OHCHR on drug policies and human rights (thereby removing the need for repeated resolutions in the future), and also requesting that the reports are shared formally with the CND.

3rd

- Support the request being made by Switzerland and others to include a regular CND agenda item specifically focused on the Task Team on the implementation of the UN system common position – to ensure follow-up and focus every year in Vienna starting with the 65th CND (2022).

=4th

- Support the OHCHR to ensure a permanent presence in Vienna, such as creating a new Liaison Officer position to work more closely with UNODC and other Vienna-based stakeholders on human rights issues.
- Make existing human rights obligations more concrete and understandable for those working in the law enforcement sector, such as through events and webinars together with civil society to translate human rights language into reality on the ground.

=5th

- Create a civil society focal point that can mobilise action on drug policy in Geneva.
- Establish regular workshops focused on education, understanding and learning exchange between diplomats from both Vienna and Geneva.

=6th

- Create a UN-wide campaign that concisely explains the human rights issues connected to drug policies, what is at stake and what the ramifications of inaction will be (taking inspiration from the UN’s existing global campaign against homophobia and transphobia: ‘UN Free & Equal’⁹).
- Increase the budget for human rights institutions to strengthen their presence in engage in Vienna.

=7th

- Create an initiative for like-minded donors around drug policy and human rights to strengthen this work.

=8th

- Develop a concrete funding proposal that includes practical proposals for the dissemination of the UN system common position (including translation), to improve its accessibility and impact.

⁹ <https://www.unfe.org/>

Annex 1:

1st Brandenburg Forum (BBF) in Geneva
“Building Bridges between the drug policy and human rights regimes of the United Nations”

Timeline of opportunities on human rights and drug policies

Date	Location	Opportunity
22 Feb - 23 March 2021	Geneva	Human Rights Council, 46th session. Potential opportunities: - Biennial high-level panel on the death penalty - Reference to Philippines in Item 2 statement
7 - 12 March 2021	Kyoto	14th UN Congress on Crime Prevention and Criminal Justice
12 - 16 April 2021	Vienna	Commission on Narcotic Drugs, 64th session
3 May - 14 May 2021	Geneva	38th session UPR ¹
17 - 21 May 2021	Vienna	Commission on Crime Prevention and Criminal Justice, 30th session
24 May - 1 June 2021	Geneva	World Health Assembly
21 June - 9 July 2021	Geneva	Human Rights Council, 47th session. Potential opportunities: - WGAD report on arbitrary detention and drug policies. - OHCHR report on law enforcement & people of African descent
26 June 2021	Global	International Day Against Drug Abuse and Illicit Trafficking
13 Sept - 1 Oct 2021	Geneva	Human Rights Council, 48th session. Potential opportunities: - OHCHR update on technical cooperation with the Philippines
Q3 2021	Vienna	Commission on Narcotic Drugs, Intersessional Meeting. Focus: Links between drug trafficking and organised crime, use of technologies for drug-related activities
1-12 November 2021	Geneva	39th session UPR ²
1 December 2021	Global	World AIDS Day
10 December 2021	Global	International Human Rights Day
9-10 December 2021	Vienna	Commission on Narcotic Drugs, 64th session reconvened
Q1 2022	Vienna	Commission on Narcotic Drugs, 65th session
Q3 2022	Vienna	Commission on Narcotic Drugs. Intersessional Meeting (focus: responses to drugs not in conformity with human rights obligations)

¹ Countries under review: Belgium, Denmark, Estonia, Latvia, Mozambique, Namibia, Niger, Palau, Paraguay, Seychelles, Sierra Leone, Solomon Islands, Somalia, Singapore

² Countries under review: Antigua and Barbuda, Eswatini, Greece, Hungary, Ireland, Papua New Guinea, Saint Vincent and the Grenadines, Samoa, Sudan, Suriname, Tajikistan, Tanzania, Thailand, Trinidad and Tobago

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