

RECOMENDACIÓN 1085/1988, DE 4 DE OCTUBRE DE 1988, DE LA ASAMBLEA PARLAMENTARIA DEL CONSEJO DE EUROPA, RELATIVA A LA LUCHA CONTRA LAS DROGAS.

The Assembly,

1. Alarmed by an unprecedented increase in the number of drug addicts in member countries, a serious situation complicated by the advent of a deadly disease, AIDS, often transmitted by sharing intravenous injection equipment;
2. Observing that drug-taking is no longer confined to certain vulnerable categories of people, but is spreading to all sections of the population and involving more and more age-groups;
3. Disturbed by the fact that criminal organisations of a multinational nature have become so powerful as to attempt to impose their will on states and are enjoying the complicity of certain financial circles for laundering their receipts totalling 300 thousand million dollars a year;
4. Aware that the profits derived from growing traditional crops for illegal purposes, particularly in the countries of Latin America and South-East Asia, can amount to up to six times the income from those countries' official exports;
5. Concerned, therefore, by the reluctance of many countries to recognise openly the political dimension of the problem and by their persistence in treating drugs solely as a socio-cultural, health and police issue;
6. Considering that most policies pursued in European countries and the United States of America, whether liberal or repressive, have not had the desired success because of the lack of a common strategy and the inadequacy of co-operation arrangements;
7. Believing, therefore, that new situations call for new solutions and that only a uniform strategy of an innovative and imaginative kind, together with convergent measures and careful co-ordination, can enable the highly organised criminal organisations to be combated;
8. Noting some encouraging moves in Europe, especially within the Pompidou Group (Co-operation Group to combat drug abuse and illicit trafficking in drugs), towards acknowledgement of the need for action in an area where traffickers are most easily assailable, that is, the seizure and confiscation of their proceeds and assets;
9. Convinced that anti-drug strategies should be aimed at curbing both supply and demand, which should be regarded as two sides of the same indivisible problem, and that the achievement of such a balance depends on a better dialogue between all countries involved in the drugs problem, whether in the area of production, consumption, transit, traffic or in any other way;
10. Concerned at certain recent trends towards the legalisation of drugs, and believing that, surrender being no way to win a war, the dissuasive effects of prohibitions in society should not be underestimated;
11. Referring to its Recommendation 989 (1984) and to the parliamentary hearing held in January 1988;



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12. Recalling Recommendation 1044 (1986) on international crime, and stressing the importance of the proposals to the Committee of Ministers made therein;
13. Having regard to the report of the European Parliament's Committee of Inquiry; the proceedings of the international conference held in Vienna in 1987 under United Nations auspices; the conclusions of the last ministerial conference of the Pompidou Group; the final declaration of the Interparliamentary Conference of the Western Hemisphere (Caracas, November 1987); and various national and international initiatives,
14. Recommends that the Committee of Ministers urge the governments of member states:
 - i. to set up co-ordinating bodies to plan and direct the necessary action, and to promulgate specific legislation so that a single law governs several aspects of the problem, including trafficking, consumption and rehabilitation;
 - ii. to try to speed up the drafting of a United Nations convention of a maximalist kind and to study, *inter alia*, the possibility of introducing the notion of drug-trafficking offences as crimes against humanity, the abolition of release on bail in respect of such offences, the possibility of keeping illegal drugs consignments under surveillance until they reach their destination and the extradition of drug traffickers;
 - iii. to amend the international law of the sea so that ships known to be carrying drugs can be boarded in international waters;
 - iv. to do away with laws, regulations and practices which hinder the seizure of traffickers' property and funds;
 - v. to take all steps which will improve cooperation between administrative departments, for example by prescribing a right of pursuit;
 - vi. to improve the supervision of the production of and trading in substances (both essential chemicals and immediate precursors) used in the manufacture of illicit drugs;
 - vii. to ensure that crop substitution programmes, whether bilateral or administered by international agencies, take due account of the specific circumstances of the countries for which they are intended. It is also of fundamental importance that these countries receive advice and help for the access to world markets of substitute crops;
 - viii. to develop techniques for the effective destruction of drugs seized, in order to prevent them from getting back into circulation, and make arrangements for the rapid laboratory examination of samples from drug seizures even before judicial proceedings are instituted, so that the latter are not a hindrance to swift police action, as is at present the case in many countries;
 - ix. to consider arranging for the distribution of syringes and study the expediency of allowing the sale of disposable syringes only, so as to limit the effects of AIDS and reduce the number of deaths from infection;
 - x. to envisage introducing information, education and detection programmes at places of work, particularly in sectors that are sensitive from the points of view of national security, public health and environment;
15. Requests the Committee of Ministers:
 - i. to instruct its appropriate steering committee to work towards the European harmonisation of penalties for drug offences, the introduction of legislation that



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distinguishes between traffickers and users —though without invariably regarding users as innocent victims— and the prescribing of socio-medical treatment as an alternative to punishment whilst respecting the provisions of the European Convention on Human Rights;

ii. to instruct a multidisciplinary committee of experts to examine whether methadone is a worthwhile alternative in the treatment of drug addicts, having regard to the controversy concerning the relationship between the risks and effectiveness of this substitute therapy;

iii. to also instruct the committee of experts to take into consideration the rapid development of the use of new toxic substances, such as cocaine and crack, and to envisage new, appropriate, forms of treatment;

iv. to step up co-operation in prevention efforts between the Council of Europe, WHO and the European Community, in the framework of pilot projects aimed at health education in schools and the community, while keeping the Assembly duly informed on the progress of these projects;

v. to review the role of the Pompidou Group with a view to giving it responsibility for genuine political co-ordination and action at European level, which will no doubt mean making the group more open through an exchange of information and ideas with the Assembly and other organisations or groups of countries;

vi. to instruct the Pompidou Group or, if appropriate, a committee of experts to ascertain the effects of the risks incurred by traffickers and their expected profits on the scale of drug trafficking and on the growth of consumption;

vii. to reactivate the idea of a European outline agreement on the detection, seizure and confiscation of proceeds from drug trafficking, while keeping up its efforts in the United Nations context for the adoption of the United Nations convention.

1. Assembly debate on 4 October 1988 (10th Sitting) (see Doc. 5939, report of the Social, Health and

