

# EURO-LATIN AMERICAN PARLIAMENTARY ASSEMBLY



## RESOLUTION:

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

based on the Report by the Committee on Political Affairs, Security and Human Rights

EP Co-rapporteur: Bogusław Sonik (PPE)  
LAC Co-rapporteur: Sonia Escudero (Parlatino).

**Friday, 25 January 2013 – Santiago, Chile**

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**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,
- 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 Central American Security Strategy adopted on 8 April 2011,

- 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, and the High Level Seminar on ‘The fight against drug trafficking and organised crime in the EU and LAC’ held in Mexico City from 21 to 23 February 2012,
  - having regard to the working document on fighting drug trafficking and organised crime in the European Union and Latin America presented by Bogusław 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 (Parlatino) 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 is a complex one that combines issues relating to public health, social development and public security – the safety of individuals being a particular concern – as evidenced by the high number of crimes and deaths connected to drug trafficking and its links with other illegal activities, for which reason tackling this problem politically requires a multi-faceted, multi-disciplinary approach;
  - 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 drug trafficking threatens regional security, and a more consistent legal framework is needed to harmonise and facilitate carrying out the fight in each country under a more comprehensive shared strategy;
  - E. whereas offences linked to drug trafficking and organised crime are a major public order problem in the world, with the potential to destabilise government institutions and even some states, and whereas organised crime openly challenges the authorities, using the considerable proceeds involved, which foster corruption, to infiltrate on occasion the various levels of the state and ally them with the illegal organisations concerned; whereas this is causing hitherto unknown levels of violence with tens of thousands of lives lost each year and an explosion in the prison population, meaning 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;

- F. whereas organised criminal groups are becoming increasingly complex and structured business organisations capable of penetrating economic and financial markets and of distorting them in their pursuit of legal economic environments into which to channel illegally acquired income, often by means of sophisticated money-laundering operations; whereas international drug dealing profits from the existence of tax havens and the lax checks on electronic commerce;
- G. Whereas murder, firearms, people trafficking, corruption 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 sometimes subsidise the activities of terrorist organisations;
- H. whereas terrorist groups are not alone in frequently using drugs money to finance their activities;
- I. 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;
- J. whereas both organised crime and terrorism constitute one of the greatest threats to public security;
- K. 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; whereas these threats include money laundering, the flow of illegal drugs and illicit funds, and trafficking in migrants and weapons: businesses involving both legal and illegal activities that can even end up providing funding for politics;
- L. whereas the use of money originating from drug dealing to fund legal activities makes the latter dependent upon such drug dealing;
- M. whereas poverty and social exclusion, lack or inadequacy of education, lack of opportunities and the crisis in social and family values, as well as the quick profits involved, are still causing many people, particularly the young, to become involved in drugs;
- N. whereas drug trafficking, corruption and organised crime are among the main obstacles to countries' productivity and economic growth;
- O. whereas the cultivation of plants that can be turned into drugs has enabled poor farmers to make a living, and continues to do so; whereas this production would not have any significant economic value without the buyers and without laboratory processing;

- P. 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 own and their family's 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;
- Q. whereas young people are being incorporated from an early age into drug trafficking networks, and it can be deduced that this is a result of their lack of opportunities, poverty, family disunity and lack of values;
- R. 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;
- S. whereas the drug cartels organise and exercise control over criminal gangs operating in smuggling, arms and people trafficking, prostitution, youth gangs, car theft and the financing of activities in the informal economy, which has led to a confusion between common and organised crime that makes it difficult for the competent judicial structures to combat each of these activities;
- T. 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, incorporating a holistic view of the problem, further strengthening of the state and its institutions, creation of decent jobs, fighting poverty, more and better education, and social development policies;
- U. whereas these policies have not always produced the hoped-for results: the number of hectares of coca crops have not always fallen, there is usually a major adverse environmental impact, crop locations have changed, neither supply nor consumption figures have fallen, many drug users are choosing to take different drugs, in particular synthetic drugs and even medical ones, and 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, primarily in the more developed countries, is continuing to grow;
- V. 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 health-endangering, economic and white-collar crime, i.e. money laundering and the existence of uncontrolled and unregulated 'tax havens' which profit from granting tax breaks and maintaining banking secrecy;
- W. 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;

- X. 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 and accessibility 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, or to get involved in their trafficking or distribution, leading to a continuous increase in demand;
- Y. 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 and a public health approach encouraged;
- Z. 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 and those responsible for people and arms trafficking and money laundering;
- AA. 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;
- AB. whereas greater social investment is required to improve the living conditions of large sections of the population in the countries concerned and in transit countries, and more human, social and financial resources are needed to prevent drug addiction and treat and rehabilitate drug addicts;
- AC. 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 sound empirical and scientific evidence that is systematic, available and verifiable;
- AD. 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;
- AE. whereas the development and implementation of these policies ought to have the support of multilateral specialised organisations and 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;

- AF. whereas, in particular, civil society can contribute its wide experience to some specific aspects of drug policy, such as prevention, provision of information, support for those emerging from dependence and social reintegration;
1. Calls for an agreement to be reached on the foundations for a global and comprehensive 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. Considers the non-medical and non-scientific use of certain substances for this, based on cultural and ancestral traditions, religious beliefs and traditional medicinal use;
  3. Notes that the escalation of violence related to drug trafficking, compounded by corruption, poverty and inequality, has reached alarming levels;
  4. Proposes that a global debate should be launched — with the involvement of producer, transit and consumer countries — covering the broadest possible spectrum of ideas and leading, on the one hand, to identifying policies to fight drugs and organised crime, and their root causes, that are based on the scientific knowledge available and on experiences that help overcome any dogmatism, and, on the other hand, to the adoption of strategies whereby States make use of their powers to introduce the reforms they consider necessary and achieve this following legislative procedures;
  5. Suggests that policies on drugs should be formulated whilst taking account of joint work by a broader range of multilateral agencies and international, multilateral, regional and national bodies and institutions;
  6. Takes the view that it is essential to create institutional fora within which government authorities, parliamentarians, intellectuals, representatives of civil society, 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;
  7. 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 including women's organisations, etc. to get involved and work with the relevant government agencies.
  8. 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 and health definition of such substances;
  9. Calls for the emerging threats posed by present and future synthetic drugs, as well as their chemical manipulation and/or adulteration, to be addressed;

10. 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;
11. 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 also the routes used for trafficking in persons and the financial sums involved in the drugs trade, etc.;
12. Calls on States to promote projects in high-risk schools and neighbourhoods to educate people about living within the law, with the aim of combating organised crime through a major educational project;
13. Recommends that more resources preferably be earmarked for preventive rehabilitation programmes and social cohesion and inclusion programmes that principally aim to help the most vulnerable social groups and that will gather pace with the implementation of alternative development programmes in areas where narcotic substances are produced and processed; points out that such programmes should firstly promote triangular projects relating to the establishment of infrastructure and sales channels for alternative crops that include new Latin American donors and secondly foster inclusive educational approaches that are based on reliable information
14. 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, sexual exploitation and prostitution;
15. Takes the view that priority should be given to mounting innovative educational, value-building, information and prevention campaigns that young people, in particular, can understand and take on board, so as to help them avoid the spiral of dependency;
16. 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;
17. 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;
18. 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;

19. 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 and 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; believes said research ought to establish public policies and alternatives for action in favour of facing up to the threats and challenges posed by the current complex situation, which results from the growth of transnational organised crime, the war on drugs and a great cross-border network of illegal non-state actors;
20. Proposes that repressive action should be aimed at violent national and transnational criminal organisations and the fortunes illicitly and illegally accumulated, with a view to curbing their influence and reach; points out that reducing violence should be a priority;
21. Urges governments to implement regional strategies to combat drug trafficking, control firearms and reform justice, and to allocate more resources to public health programmes and drug use prevention campaigns;
22. Calls for an increase in the fight against tax havens, focal points for tax evasion and the environment needed to launder money from drug trafficking and other illegal trade;
23. 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;
24. 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;
25. Recommends continuing EU cooperation with LAC on strengthening judicial systems and promoting support for reviewing and improving the prison system, promoting better links between EU anti-drug-trafficking programmes and projects and public security policies;
26. Recommends opening a composed, in-depth debate on the advisability of legalising drug consumption and on the possible consequences of doing so;
27. Recommends promoting the enactment of laws to facilitate the forfeiture of assets seized from criminals and money laundering, with the aim of preventing and hindering drug trafficking so that it becomes less and less profitable and increasingly difficult to carry out;

28. 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;
29. Calls for a greater exchange of experiences and legislative work by national, sub-regional and regional parliaments, in order to continue to tackle organised crime and drug trafficking in the best way;
30. Recommends that governments include security issues permanently on bilateral, bi-regional and multilateral cooperation agendas, in order to develop the democratic foundations of the rule of law in the structuring and functioning of the security sectors. Cooperation should include policy formulation, administration, legal frameworks and coordination of foreign policy principles;
31. Calls for cooperation on legal harmonisation and framework laws, within empowerment programmes aimed at carrying out the respective judicial reforms, with the help of delegates or observers at regional and sub-regional institutions with links to the judicial system, legal affairs and security;
32. Proposes support for specific projects and establishing a shared strategy for approving an international Treaty on Security, which will promote effective implementation of cooperation;
33. 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;
34. Calls for close political, judicial, police and scientific cooperation with a view to combating money laundering, the flow of illicit capital in national and international financial systems that distorts economies and encourages corruption;
35. 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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36. 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.