



**CIVIL SOCIETY
FORUM
ON DRUGS
IN THE EU** 

Quality Standards_{of} Civil Society Involvement in Drug Policies

Report of the Civil Society Forum on Drugs

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COLOPHON

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More info via:

<http://www.civilsocietyforumondrugs.eu>

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ACRONYMS

CSFD	Civil Society Forum on Drugs
CSO	Civil Society Organisation
EDPQS	European Drug Prevention Quality Standards
EMCDDA	European Monitoring Centre on Drugs and Drug Addiction
EU	European Union
IDPC	International Drug Policy Consortium
LGBTQ	Lesbian, Gay, Bisexual, Transgender and Queer or Questioning

INTRODUCTION

This report is produced on behalf of the Civil Society Forum on Drugs (CSFD), an expert group of the European Commission, created in 2007 on the basis of the Commission Green Paper on the role of civil society in drugs policy in the EU¹. The CSFD membership comprises 45 civil society organisations (CSOs) from across Europe and representing a variety of fields of drug policy and stances within those fields².

One of the thematic working groups of the CSFD aims to assess and promote civil society involvement in the field of drug policy. In 2020, the working group conducted a literature review to assess existing guidelines and recommendations on how civil society can be involved in policy making in a meaningful way³. Based on the findings of the review, this report presents quality standards of civil society involvement to guide both decision-makers and civil society on how to create mechanisms that facilitate the building of dialogue and partnership between them.

According to the European Monitoring Centre on Drugs and Drug Addiction (EMCDDA), quality standards are generally accepted principles and a set of rules for the best/most appropriate implementation of interventions. They are used as benchmarks, based on professional consensus, to judge whether an activity is of high quality. An example is the European Drug Prevention Quality Standards (EDPQS), which aims to guide professionals on how to design, implement, monitor and evaluate interventions in drug prevention⁴.

Applying the EDPQS as a model, the CSFD has developed a similar planning-intervention-evaluation cycle with quality standards for civil society involvement in drug policy, which is the subject of this report. In this context, civil society involvement in policy processes is conceptualised as a specific intervention, undertaken as a joint effort of decision-makers and civil society (see Figure 1).

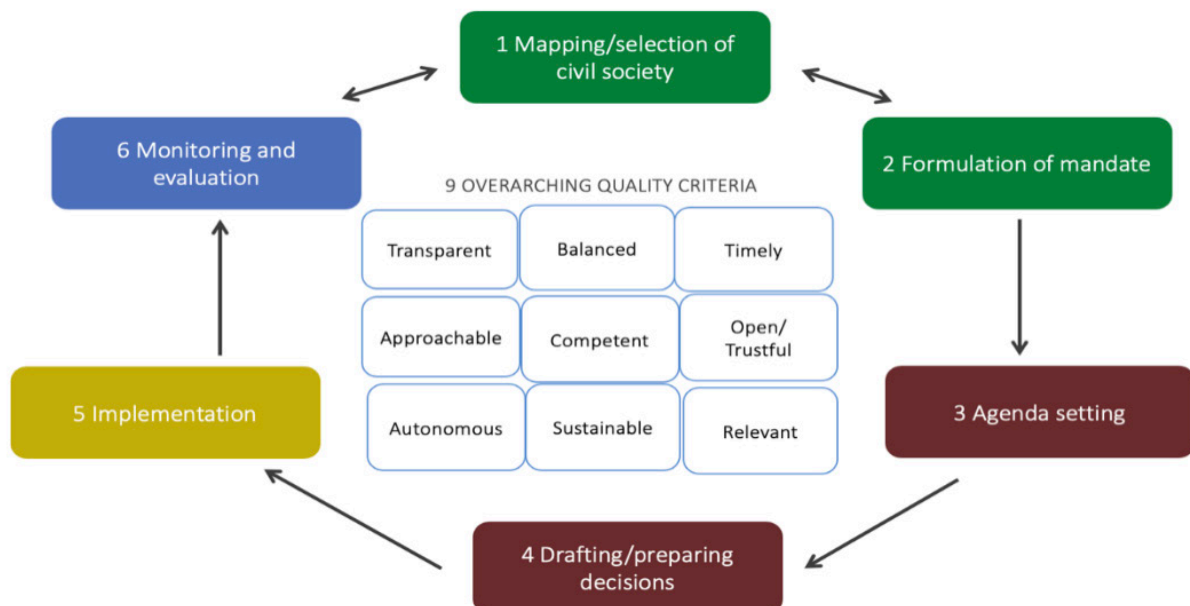


FIGURE 1: THE PLANNING-IMPLEMENTATION-EVALUATION CYCLE OF CIVIL SOCIETY INVOLVEMENT

¹ The Green Paper is available at this link.

² Learn more about CSFD at <http://www.civilsocietyforumondrugs.eu/>

³ This work is available at this link

⁴ The EMCDDA paper on EDPQS is available at this link

In addition to the steps of the cycle, the CSFD has adopted 9 overarching quality criteria, values and principles that should apply at each level of the civil society involvement process. The quality standards presented in this report are structured according to the steps of the cycle, with the overarching criteria applied.

The CSFD firmly believes that what makes civil society involvement a high quality – that is, meaningful – exercise is mutual openness, transparency and trust on both sides. Civil society participation in the policy process should be balanced with regard to ideological and professional approaches, geographic representation, gender, age and should pro-actively involve the communities who are the most affected by drug policies, including people who use drugs. Involving civil society is not a cherry-picking and box-ticking exercise and it should not be used to rubber stamp decisions. The autonomy and right of dissent of civil society actors is an essential and integral part of meaningful engagement in democracies and should be both expected and respected as part of the process. The purpose of dissent is to ensure that policy is informed by views and experiences that are wider than those of the state actors alone and it should be seen in this light as a constructive contribution to the policy-making process. As in the case of drug demand and harm reduction interventions, civil society involvement is resource demanding. It requires sustainable funding from decision-makers. In order to have genuine civil society autonomy, it is crucial that the expression of dissent should not have any negative implications for continued or future funding of the CSOs who are involved.

This report is intended to serve as a helpful aid for both policy-makers and civil society participants in policy processes.

1. MAPPING AND SELECTING CIVIL SOCIETY PARTICIPANTS

The meaningful involvement of civil society goes beyond a simple consultation with ‘loyal’ and like-minded organisations cherry-picked by the decision maker. Instead, there should be a systematic effort made to identify the relevant civil society actors in the field, including professional service providers, advocacy groups and organisations led by the most affected communities, such as people who use drugs and their relatives. In this report, we will use the term ‘civil society actors’ to indicate all organisations and individuals participating in the policy process. Further, ‘civil society’ itself was conceptualised in the green paper as:

“the associational life operating in the space between the state and market, including individual participation, and the activities of non-governmental, voluntary and community organisations”⁵.

Selection of the actors for participation should include an open transparent call, with coherent selection criteria; criteria should not, insofar as possible, be unduly burdensome. Nonetheless, civil society actors who wish to be included should be willing to prove their competence and transparency in operations so as to be trustworthy and accepted partners. The details of process and criteria may vary from setting to setting but should always be fair, objective and inclusive. Policy-makers should pay particular attention to the following:

⁵ Cordroque 80, 30.11.2005.

1.1. CONDUCTING AN ASSESSMENT OF RELEVANT CIVIL SOCIETY ACTORS

1.1.1. FINDING AFFECTED COMMUNITIES

In any policy consultation process, it is critical that the voices of those who will be most affected by the policy in question are elevated and heard. In the drug policy sphere, these voices can include:

- organised groups of people who use drugs;
- organised groups of clients/patients of drug services (or, if no such formal organisations exist, those who access the services of professional organisations in the field);
- sub-groups that may be particularly affected, e.g. women, young people;
- groups of relatives/parents/families;
- self-help groups/therapeutic communities/recovery communities;
- organisations representing vulnerable communities highly affected (ethnic minorities, migrants, LGBTQ, prisoners etc.); and,
- diverse geographic regions, interests and approaches should be covered.

1.1.2. IDENTIFYING PROFESSIONALS AND RESEARCHERS

Equally, it is important to seek the input of experts in academia and professional organisations, but outside of state agencies, to lend their views. These groupings should include:

- professionals/researchers from law enforcement, health, social and other sectors – a multidisciplinary approach is important. Equally, it is important that service providers with on-the-ground expertise and academic researchers are both covered; and,
- where appropriate, various perspectives from within each domain should also be represented, e.g. human rights, mental health, gender, children, etc.

1.1.3. ASSESSING THE CATEGORIES OF CIVIL SOCIETY

Having identified the groups / types of people that are needed for the consultation, thought should be given to how these groups operate and connect to their constituencies – this can help policy-makers understand how best to reach them.

Useful elements to consider include whether the groups might be:

- registered organisations/professional networks;
- interest/lobby groups;
- faith-based communities;
- individual activists;
- informal communities/movements (e.g. online forums and sites); and,
- celebrities who can serve as ambassadors for the issue.

2. SELECTING RELEVANT CIVIL SOCIETY ACTORS

1.2.1. CREATING THE SELECTION CRITERIA AND PROCESS

As noted previously, objective criteria and a transparent process are important. Selection criteria should be designed to take account of the structure and forms of the group(s) to be involved, but may include, for instance, the following:

- organisational structure and governance;
- professional competence/expertise and/or lived experience;
- activity (recent);
- inclusive of representation across age groups, genders, and ethnic, racial and cultural identities;
- geographic representation;
- diverse worldviews/approaches; and,
- multidisciplinary.

Equally, thought should be given to the selection process, and this should be clear, transparent and in written form. Important considerations include:

- how, and in what format, applicants should submit their applications;
- what the timeline will be for selection;
- what the scoring or weighting should be for each category;
- who will ultimately decide on participation; for example, this might be by selection by the policy-makers, or by election of representatives from the civil society groupings themselves; and,
- how the decision will be communicated to the applicants.

1.2.2. PUBLISHING THE CALL AND SELECTING THE PARTICIPANTS

The call should be open and public, with particular attention paid to a methodology that stands the best chance of reaching the desired participants. As noted above, the eligibility and selection criteria should be clear and transparent, and the approval/rejection of applicants should be justified by those concrete criteria. Finally, for transparency purposes, it can be useful to publish a list of accepted applications. Applicants should be notified if their application was unsuccessful, with an explanation as to the reasons for rejection.

3. KEY CONSIDERATIONS FOR CIVIL SOCIETY ACTORS

Policy processes are not a one-way street. Civil society actors interested in participating need to show that they are bringing added value to the table – in effect, that they are a relevant actor who should be involved in a meaningful way in decision-making. Doing so will require the actor to show this is the case. The exact parameters of this may vary dependent on whether the actor is incorporated or unincorporated, an individual or a group, and so on. However, considering the basic model of a civil society organisation as an example, CSOs should expect to show that they are:

1.3.1. COMPETENT

- there are documented activities of the organisation on current health/social services and/or advocacy work in the field of drug policies;
- the staff/membership includes either trained professionals working in relevant fields or has peers/affected community representatives with lived experience;
- the organisation respects the culture of evidence; and,
- the organisation makes genuine efforts to monitor/evaluate the outcomes/impact of its work.

1.3.2. TRANSPARENT AND ACCOUNTABLE

- if the organisation is officially registered, it fulfils the requirements of domestic laws (if they are compatible with international human rights standards) and of its own founding document; and,
- the organisation reveals its financial report on its website, with the names of its main donors.

1.3.3. OPEN, ACTIVE AND AVAILABLE

- the organisation has a website and/or social media site(s) with regular updates on its work;
- the organisation has no negative record about being unresponsive to emails/phone calls and/or not attending meetings to which it was invited and agreed to attend;
- the organisation is willing to participate in open and fair debates and dialogue and respects the diversity of opinions; and,
- the organisation is committed to engage in a professional, respectful, inclusive manner in the debates and avoids using offensive language.

MAPPING AND SELECTING CIVIL SOCIETY PARTICIPANTS – QUALITY STANDARDS

FOR POLICY-MAKERS:

1. An assessment of relevant civil society actors is conducted:
 - 1.1. Communities most affected by the planned policy interventions are found.
 - 1.2. Professionals and academic researchers are identified with relevant expertise.
 - 1.3. Civil society actors are assessed.
2. Relevant civil society actors are selected to participate in policy-making:
 - 2.1. Selection criteria and process are created.
 - 2.2. An open call is published and applications are selected.

MAPPING AND SELECTING CIVIL SOCIETY PARTICIPANTS – QUALITY STANDARDS

FOR CIVIL SOCIETY ACTORS:

1. The actor is relevant, knowledgeable and able to contribute in a meaningful way to decision-making:
 - 1.1. The actor is competent.
 - 1.2. The actor is transparent and accountable.
 - 1.3. The actor has a record of being open, active and available.

2. MANDATE FORMULATION

There are two issues in formulating a mandate for policy processes. First, the consultative body or process itself needs a mandate. This is more an issue for the policy-makers who are designing the process, but it is a relevant concern for civil society participants also, not least to ensure that they are not (or, if they are, that they are aware of that fact) simply participating in a body that has no real policy-making power, but is rather a deliberative body that makes recommendations, with policy decisions ultimately being taken elsewhere. A clear mandate defines the formal or informal status of the civil society involvement forum/mechanism. At a minimum, it prescribes the forum's main tasks and objectives, its composition and procedural rules, its management, reporting and relations with governmental institutions. Both decision-makers and civil society participants are bound to follow this mandate. A well-formulated mandate can prevent future conflicts that can arise due to conflicting interpretations of tasks and roles. The mandate should ensure the professional integrity and autonomy of civil society actors.

Second, the participants in policy processes need to have a clear mandate for their participation in the process. This should be defined in advance, and aspects of the mandate may come from the selection process – if, for example, an actor is selected as a representative of a particular group, it may be seen as contributing on behalf of that group. After all, civil society actors channel views and positions into the process from the perspective of different collective interests in society in a way that is complementary to the political debate based on representation. Nonetheless, it's important to remember that even closely knit groupings are rarely homogenous and, for this reason, civil society actors who are participating in policy processes should give thought to what their underlying mandate is, where it comes from, and how it relates to the mandate of other civil society actors in the process.

2.1. CREATING A CLEAR MANDATE

There is general agreement that collaborative action between civil society and public authorities leads to a more dynamic, efficient and effective development and implementation of policies and action plans. The key question in defining a mandate for the process is how that collaboration is going to work in reality. In an ideal world, the mandate will be collaboratively designed; this gives legitimacy to the process which is in the interest of all participants. However, in reality, the ground rules for engagement are often set in advance by the public authorities; nonetheless, the process for setting such rules should be clear to civil society actors engaged in the process, and those actors should also be active participants in defining the mandate as much as is possible.

2.1.1 DEVELOPING A DRAFT MANDATE

The decision-maker should first develop a draft mandate, which includes:

- the formal/informal status, legal standing of the forum;
- its main tasks and objectives;
- the time period/length of the mandate;
- composition and selection rules;
- procedural rules, including the decision-making process (by vote, consensus, etc.);
- management/financial resources;
- relationship with other governmental bodies; and,
- reporting.

2.1.2. THE DRAFT IS PRESENTED TO, AND DISCUSSED WITH, CIVIL SOCIETY

Civil society actors must have an opportunity to discuss the content of the mandate and propose changes. The discussion should address whether the mandate:

- gives clear instructions and has no ambiguities;
- defines the main tasks and objectives appropriately;
- respects the professional integrity and autonomy of participants;
- foresees and prevents possible future conflicts;
- ensures that the process is inclusive; and,
- is shared with civil society in a transparent manner, with adequate exchange of key information.

2.2. DEFINING CIVIL SOCIETY MANDATES

It is also important for individual civil society actors to understand their mandate and where it comes from, as this will inform how they engage with the policy process. Equally, it is important for civil society actors to also recognise that they are individually part of a larger grouping – that of all civil society actors participating in the process and that, as a result, there is also a shared mandate with other civil society participants. If this is the case, the civil society actor will be empowered to further execute their role and follow clear guidelines while engaging in the policy process as a result.

2.1.1 DEFINING AN INDIVIDUAL MANDATE

Each civil society actor coming to the table should understand what their mandate is, and where it comes from. This will likely be different for each actor, but examples of the types of mandates civil society actors might have include:

- Membership-based organisations or networks often represent their members and speak with formal authority on their behalf; members can be organisations or individuals; and,
- Individual organisations can derive their mandate in less formal ways, such as from the groups, individuals, or the causes that they represent.

There are many different types of civil society actor - self-organised grassroots groups, faith- and community-based organisations without a formalised network structure, single issue initiatives, lobby groups, informal umbrella groups, and so on. Being clear about the mandate is important, both for the actor itself and for those with whom it hopes to work.

2.1.2 DEFINING A COLLECTIVE MANDATE

As much as each individual civil society actor has its mandate, all actors involved in the same policy process can have a collective mandate. Having a collective mandate strengthens the positions of all participants in the process and it makes sense to develop one. In forming a collective mandate, civil society actors should come together to:

- Work out common positions between them, creating a ‘mandate for the action’;
- Capture the ‘mandate for the action’ in a mandate document that sets out key shared positions and information on each actor that is party to the mandate and on the constituents they represent; and,
- Agree on how any “controversial” topics – usually those on which the CSOs themselves are not aligned – are to be treated.

The ‘mandate for the action’ can then be used, if needed, to provide interlocutors with a clear understanding of whom they are engaging, on standing on common themes, and on whose behalf the actors are speaking. When a collective mandate is formed, the forum can better function as a mechanism to drive towards a common set of goals, tasks and objectives.

FORMULATING A MANDATE – QUALITY STANDARDS

FOR POLICY-MAKERS:

1. Decision-makers involve civil society in the development of a common mandate for the civil society involvement mechanism/forum.
 - 1.1. The decision-maker creates a draft mandate.
 - 1.2. The draft is presented to, and discussed with, civil society.
 - 2.2. An open call is published and applications are selected.

FORMULATING A MANDATE – QUALITY STANDARDS

FOR CIVIL SOCIETY ACTORS:

1. Decision-makers involve civil society in the development of a common mandate for the civil society involvement mechanism/forum.
 - 1.1. Each civil society actor is clear on its individual mandate.
 - 1.2. All civil society actors are clear on their collective mandate.
 - 2.2. A written 'mandate for the action' document is in place.

3. AGENDA SETTING

Civil society involvement can be understood in a narrow sense by decision-makers; that is, they are solely seen as a mechanism to help policy-makers to implement decisions. But civil society is more than a mere tool of implementation. One of its greatest strengths is innovation, creativity and a vibrant connection to the most affected communities. It can enrich decision-makers with new ideas and new perspectives for future processes. Civil society can serve as a connector between the policy and the actual needs. It can add authenticity and legitimacy to policy processes. Thus, civil society can also positively contribute to the agenda setting. This includes identifying areas where new decisions are most needed, recommending alternatives to current policies, scaling-up or abolishing existing policies/interventions and introducing and discussing new policies/interventions. It is beneficial for governments to involve civil society in the agenda setting because it greatly increases the legitimacy of the whole decision-making process and generates shared ownership and responsibility. Within this, civil society actors also need to be realistic and recognise the constraints that may be on governmental actors in the process – they may be bound by a national strategy, for example, or there may be budgetary issues which make immediate action unlikely. Nonetheless, if the mandate is clear, CSOs will understand clearly the landscape and the limits of what is achievable and, accordingly, should be able to participate within the context of agenda setting. If the involvement of civil society in the agenda setting process is too limited, there is a risk that the legitimacy of the process is questioned, something which policy-makers naturally want to avoid.

3.1 CONSULTING CIVIL SOCIETY IN POLICY-MAKING AGENDA SETTING

Regardless as to the limits of the mandate or agenda setting in a broad context, it is important that civil society is consulted appropriately. As previously noted, shared agenda setting lends legitimacy to the process and creates a dynamic of shared ownership which is in the interest of everyone. As with other aspects of the process, it is also important that civil society actors engage with each other around the agenda given that it is likely that they will have different priorities depending on their own individual mandates.

3.1.1. CONSULTATION TIMING

Democratically elected policy-making bodies and representatives, such as governments, parliaments and local councils, should use civil society involvement forums to consult with civil society and ask for their contribution to assess needs, identify priority areas and propose changes in current policies ahead of the next decision-making cycle (e.g. legislative session, fiscal year, etc.). In such circumstances, the decision-maker should ensure that civil society actors:

- can express their views without restrictions and limitations (no taboo topics);
- are asked to provide their input and evidence in evaluating existing policies;
- can propose alternatives to current policies;
- have sufficient time to prepare their interventions;
- have the opportunity to discuss the proposals that the decision-maker has received;
- participate in a transparent and balanced process where each participant is provided equal time and opportunity to contribute; and,
- are provided with adequate justification regarding proposals that are rejected.

3.1.2. INCLUDING CIVIL SOCIETY MECHANISMS

When policy-makers are developing the agenda for the next decision-making cycle, such an agenda should include the mechanism for civil society inclusion. The agenda should:

- be aligned with the decision-making cycle (calendar), with a clear timeline;
- be in line with the mandate and overall objective of the forum; and,
- provide opportunities that reflect the need for civil society to participate in the preparation, drafting, implementation and monitoring/evaluation processes, as well as having the opportunity to review and respond to the agenda and propose new items, if needed.

3.2. RESPONDING TO THE AGENDA FOR CIVIL SOCIETY ACTORS

It's important to remember that civil society actors also have responsibilities regarding their mandate and should tailor their input accordingly. They should always act in line with the formal mandate of the forum, and should also make efforts to reach out to their constituencies, assess their needs, collect ideas and proposals and communicate these in a structured, adequate way. Non-exhaustive ways of achieving this include:

- international/national/regional networks/umbrella organisations can circulate a call among their member organisations to provide input;
- CSOs can organise meetings and forums to collect input from professionals, the most affected populations and people with lived experience with special regard to vulnerable groups, such as women, youth, prisoners, homeless people, ethnic minorities and migrants and other disadvantaged groups affected by policy decisions;
- like-minded civil society actors can consider and document their shared views on the agenda, make joint position papers to amplify their voice and make their input more structured and efficient when communicating with decision-makers;
- the evidence proposed to decision-makers should be easily digestible for those who are not drug policy experts;
- civil society representatives should provide their feedback to the agenda in a timely manner; and,
- civil society actors should respect the right of other organisations to present opposing views.

AGENDA SETTING – QUALITY STANDARDS

FOR POLICY-MAKERS:

1. Civil society is consulted in setting the agenda of policy-making.
 - 1.1. A consultation with civil society precedes the selection of priorities for the next decision-making cycle.
 - 1.2. The agenda drafted by the decision-maker is discussed with civil society and adjusted to the objectives of the forum/mechanism.

AGENDA SETTING – QUALITY STANDARDS

FOR CIVIL SOCIETY ACTORS:

1. Civil society gives a competent, balanced and transparent contribution to the agenda.
 - 1.1. Civil society input is based on the input of different civil society actors in the field.
 - 1.2. Civil society input is transparent and open about opposing views among different civil society actors.

4. DRAFTING AND PREPARING POLICY DECISIONS

Any policy decision-making process that does not include meaningful consultation with civil society is inherently flawed. Civil society provides a rich resource hub of expertise, lived-experience and knowledge for policy-makers. Including civil society in policy processes can give legitimacy to government policy and insights that are not otherwise available. However, engagement must be meaningful and focus on an open, balanced and sustainable dialogue or partnership with civil society actors.

4.1. MEANINGFULLY INVOLVING CIVIL SOCIETY

It is important that civil society input into the process is meaningful. A strong mandate and agenda should ensure that this is the case, but other aspects are also relevant. Civil society should be consulted from the very beginning of the decision-making cycle rather than just being used to help implement policies based on the current paradigm. Decision-makers and civil society should be open to discussing a wide range of policy options. The process of civil society involvement is as important as the content and substance of the policy. This process should be transparent and open, its deliverables should be clear to all parties and the professional autonomy and integrity of all partners should be respected. Equally, all parties must respect the mandates at play – for example, civil society actors cannot, and should not, expect that their input will be prioritised over that of democratically elected representatives acting within their remit who take their mandate directly from the electorate.

4.1.1. AGREEING GOALS AND OBJECTIVES

Decision-makers should always seek to clarify the evidence and arguments it considered when deciding to maintain, change or abolish certain policies rather than simply presenting civil society actors with a *fait accompli*, even though the latter may be more expedient. Being able to point to a clear process and assessment strengthens the decision-maker's position in terms of explaining the rationale behind the policy to the electorate, and increases the likelihood of the decision enjoying the legitimacy of backing from civil society actors. Ways of ensuring that this is the case include:

- Assessing the views of civil society actors about the outputs and impact of policies during the evaluation of previous policy interventions;
- Taking these views into consideration when planning and designing new policy interventions, including their theoretical basis, goals and objectives, not only the specific drafting/codification; and,
- Decision-makers engaging in discussion across a comprehensive spectrum of policy options (e.g. diverse regulatory options, multidisciplinary approaches and measures), including any recommended by civil society actors.

4.1.2. CREATING AND PRESENTING A ROADMAP FOR THE DECISION-MAKING PROCESS

Once the general policy agenda is set, it should be refined into a roadmap to ensure that each participant is aware of the steps of the decision-making process and where civil society is able to give an input into this process.

The roadmap should be shared and discussed with civil society actors and describe:

- The overarching strategic objectives of the planned interventions;
- Available resources to implement the interventions;
- The responsibilities and tasks of all involved parties, including civil society; and,
- Planned steps and milestones with clear timeline and deliverables of the planning, drafting and decision-making process.

4.2. ENSURING THE DRAFTING PROCESS IS TRANSPARENT

It is a function of civil society to provide oversight to governing processes, thereby lending legitimacy to decision-makers. However, this can only be accomplished if civil society actors are provided with adequate documents, drafts, information and schedules. Secrecy rules, and the limiting of the information flow, are major obstacles to effective and efficient involvement of civil society. The independence and autonomy of civil society actors should be respected and they should not be regarded as subordinates to government bodies.

4.2.1. ENSURING TRANSPARENCY

The draft policy document, together with all assessments and reports that were used in the drafting process, should be made available to civil society representatives involved in the policy process, but also to the public at large. In particular, it is important that:

- The schedule, list of members, contact information and recordings of all decision-making bodies adopting the policy document are publicly available;
- Civil society actors involved in the policy process are given the opportunity to comment and suggest changes before the document is made public, and have an adequate timeframe in which to do so;
- Civil society actors are provided with an adequate timeframe to respond to the document before it is adopted; and,
- The decision-maker is approachable by email or telephone during the consultation process to respond to consultation-related questions from civil society representatives.

4.2.2. ENSURING AUTONOMY

It is also important that the role of civil society as autonomous actors in policy processes is considered and that they are free to participate and criticise constructively without fear of repercussion. In particular:

- The decision-maker should acknowledge the autonomy of civil society representatives to criticise policy documents without any repercussions (e.g. excluding them from future consultations or punishing them by cutting their funding, intimidation, etc.);
- Civil society representatives should be able to communicate directly with members of all decision-making/governmental bodies and/or authorities that are involved in the adoption of the document during the consultation process;
- Civil society representatives should be consulted to improve the communication/dissemination of policy documents but should not be required to have the same message as the decision-maker in this regard.

4.3. ENGAGING FROM A CIVIL SOCIETY PERSPECTIVE

As with other areas, the onus is not just on decision-makers but also on civil society. Civil society actors involved in the policy process must engage in a serious and professional way, with a focus on collaboration and shared ownership. To be effective, policy processes should be collaborative, not oppositional. In particular, civil society representatives should:

- Be approachable to calls from decision-makers and attend consultation calls/meetings;
- Respond to requests from decision-makers to give input on draft documents in a timely and appropriate manner (keeping to deadlines, following instructions about format/content, etc.);
- Respect the request of decision-makers to keep draft documents confidential before the final document is published (if necessary, by signing a confidentiality agreement);
- Provide relevant and credible information and insights to the consultation process; civil society actors can bring insights that policy-makers do not have – evidence should support these insights, if possible, and contributions are presented in a structured and credible way;
- Respect the autonomy of the decision-maker and/or other parties to express their competing views and positions; and,
- Be secure in their mandate and only provide input in accordance with that mandate.

DRAFTING AND PREPARING POLICY DECISIONS – QUALITY STANDARDS

FOR POLICY-MAKERS:

1. Decisions are prepared with the meaningful involvement of civil society.
 - 1.1. The goals and objectives of the agenda are discussed with civil society.
 - 1.2. A roadmap of the decision-making process is presented by the decision-maker.
2. The drafting/codification process is transparent and includes consultation with civil society.
 - 2.1. Civil society actors have access to all relevant information and documents needed to give meaningful input into decision-making.
 - 2.2. Civil society actors are able to participate in the consultation as autonomous actors, representing their positions independently.
 - 2.3. Civil society actors provide timely, credible and confidential responses to calls for consultation.

DRAFTING AND PREPARING POLICY DECISIONS – QUALITY STANDARDS

FOR CIVIL SOCIETY ACTORS:

1. Civil society engages in a serious and professional way by ensuring a collaborative approach.
 - 1.1. Civil Society is approachable and responds in a timely and appropriate manner.
 - 1.2. Civil society sticks to agreements and requests for confidentiality.
 - 1.3. Different views and opinions are respected
 - 1.4. Civil society input is reliable, competent and credible.

5. IMPLEMENTATION OF POLICY DECISIONS

Civil society organisations, community groups and activists play an important role, not only in consultations and drafting drug policy strategies but also in implementation. There can be flexibilities in delivery and cost-savings to states by using civil society organisations to provide services, rather than implementing solely through state institutions and/or authorities. In several EU member states, the majority of drug prevention and harm reduction programmes and services are provided by civil society organisations. However, civil society can only perform in this role effectively if it receives sustainable funding, support to build new capacities, professional guidelines and protocols, and related support. Without such support, important health and social services will be disrupted and service providers will not be able to respond to new challenges in an adequate and flexible way. Similarly, other interventions that are necessarily reserved to state actors - such as law enforcement actions - should be implemented with the involvement and mobilisation of local communities to ensure that they are a good fit and serve the communities in which they are implemented, rather than repressing them or otherwise contributing unnecessarily to broader harms, such as criminalisation.

5.1. INVOLVING CIVIL SOCIETY ACTORS IN IMPLEMENTATION

As noted above, ‘implementation’ in this context means two things. First, that where appropriate, services are outsourced to, or delivered in partnership with, civil society actors who have existing relationships with affected communities and who can reach or engage people in ways that the state might find difficult. Examples might include social and health services in the areas of prevention, harm reduction, treatment, recovery and aftercare. Second, that where actions are necessarily reserved to state agencies, civil society actors should be consulted to help inform such interventions and to avoid any unnecessary harms that might otherwise result. As noted previously, adopting such approaches can increase the legitimacy of interventions among affected communities, as well as reducing costs and increasing flexibility.

5.1.1. ENABLING THE PARTICIPATION OF CIVIL SOCIETY ACTORS

Governments should play an active role in fostering a strong civil society environment. Obstacles and barriers to civil society participation in the implementation of drug policies should be identified, assessed and addressed by comprehensive interventions. A non-exhaustive list of potential activities in this area includes:

- Capacity- and skill-building training around key organisational areas such as governance, fundraising and management;
- Networking, advocacy and partnership activities for, and among, civil society actors and the public and private sectors;
- Professional training for frontline organisations and their staff; and,
- A framework and guidance to civil society actors to ensure their abidance with human rights principles and minimum quality standards of demand and harm reduction services.

5.1.2. FUNDING CIVIL SOCIETY PARTICIPATION

In addition to training, civil society activities that are outsourced should be funded in a fair, transparent and sustainable way. In particular, there should be:

- A clear and disaggregated budget for activities related to drug policy implementation in the annual budget plan that enables civil society actors to plan ahead and understand the funding priorities of decision-makers;
- A transparent and accountable public funding process with open, timely public calls for applications and clear eligibility criteria tailored to the capacities of civil society actors;
- A clear, contractual basis for activities to be carried out and funding to be provided; contracts should be scheduled in a way that gives adequate time and resources to implement required interventions;

- A balanced, evidence-based approach to the use of public funds in drug policy interventions which is rights-based, does not disproportionately favour supply reduction approaches and provides adequate funding for a diverse spectrum of interventions, including those addressing specific needs, such as those related to gender, age, ethnicity, social status and sexual orientation;
- An open communication channel (e.g. hotline, chat, regular forums, etc.) with civil society on public procurement, grants, etc., with state actors available to respond to questions in a timely manner;
- Flexible funding mechanisms/microgrants to support community-led groups and activists from the most affected communities who have no administrative background; and,
- No requirement for civil society actors to share personal data of the clients who use demand/harm reduction interventions anonymously with state funders.

5.1.3. CONSULTING AROUND SUPPLY REDUCTION INTERVENTIONS

It is important that policing interventions that occur directly in communities (particularly at street level) are implemented sensitively, only when necessary, and with the consent of the community. In particular:

- Law enforcement agencies/public health institutions should invite civil society actors/community-led organisations to provide training to their officials to sensitise them about discrimination and the human rights protection of affected communities;
- Civil society should be involved in developing guidelines and protocols for law enforcement officials on encounters with people who use drugs;
- There should be co-operation between law enforcement/public health institutions and community-based service providers to promote alternatives to coercive measures;
- Law enforcement should not interrupt or block the operation of vital demand/harm reduction services in the name of drug control
- Law enforcement should not target low level drug offences in the vicinity of demand/harm reduction services as these actions will deter people from accessing such services; and,
- Community-based service providers are allowed to work within the penitentiary system and provide services to ensure the continuity of demand/harm reduction before and after detention/incarceration.

5.2. IMPLEMENTATION FROM THE CIVIL SOCIETY PERSPECTIVE

As with other stages of the policy process, implementation is not a one-way street. Civil society actors have significant responsibilities too and must ensure that their implementation activities are carried out in a transparent and accountable way and with full respect of human rights.

In particular, civil society actors should:

- Fulfil all necessary legal requirements and eligibility criteria for public funding, including providing public access to financial and narrative reports/audits;
- Engage actively with their stakeholders, including regular reporting of activities to membership/funders;
- Publicly publish information about their group and activities;
- Respect human rights principles and standards when implementing demand/harm reduction interventions and consult with their clients to ensure that their services are of good quality and are tailored to evolving needs and realities;
- Be approachable and respond to questions and requests from donors;
- Protect the personal data of their clients and only use such data with the full and informed consent of their clients and in line with GDPR and good data protection practices;
- Cooperate with all good faith efforts to create safer communities for everyone, including recognition of the need to be good neighbours in their community and by working with all stakeholders to ensure that the area around their service is as free from anti-social behaviour as possible; and,
- Is open for critical input and remarks from affected communities and other relevant stakeholders.

IMPLEMENTATION OF POLICY DECISIONS – QUALITY STANDARDS

FOR POLICY-MAKERS:

1. Civil society actors are involved in the implementation of policy actions.
 - 1.1. Decision-makers enable civil society to contribute to the implementation of drug policy interventions.
 - 1.2. Adequate and sustainable funding is provided to civil society actors to implement interventions in the field of drug policies.
 - 1.3. Law enforcement agencies consult affected communities and interested civil society actors about implementing supply reduction interventions.

IMPLEMENTATION OF POLICY DECISIONS – QUALITY STANDARDS

FOR CIVIL SOCIETY ACTORS:

1. Civil society actors implement drug policy interventions in a transparent and accountable way.
 - 1.1. Civil society fulfils all funding requirements and provides technical and financial accounting information.
 - 1.2. Civil society responds in an open and timely manner to questions from funders, affected communities and other relevant stakeholders.
 - 1.3. Information about implemented activities and interventions are disseminated and published.
 - 1.4. Civil society organisations are open for critical remarks and have established mechanisms and procedures which allow complaints from affected communities.

6. MONITORING AND EVALUATION

Civil society actors are often the best positioned entities in society to provide on-the-ground, real-time insights to policy-makers about what is working and what is not in relation to the policy context, particularly because in many instances they are directly raising the voices of those most affected by drug policies. As such, inputs by civil society into the monitoring and evaluation processes undertaken by governments or external evaluators is vital. In addition, and aside from this functional role, civil society also has a more general role in providing democratic oversight of government policy by constantly monitoring the implementation of policies, documenting their impact upon individuals, communities and societies, pointing to compliance or otherwise with human rights standards, and thereby bringing policies closer to citizens.

6.1. ENSURING MEANINGFUL INPUT INTO MONITORING AND IMPLEMENTATION

The input of civil society into monitoring and evaluation of drug policy interventions is essential. However, it must also be meaningful. Evaluation processes should be designed to capture the real and genuine views of civil society actors which can then inform the next cycle of policy formulation.

6.1.1. ASSESSING CIVIL SOCIETY INPUT INTO MONITORING

It is important that the views of civil society are systematically assessed during, and after, the implementation phase of policy interventions. Key issues relevant to achieving this include the following:

- A clear structure for monitoring should be designed, which specifies the role of civil society;
- Civil society actors should be involved in identifying the measurable indicators that will be used to monitor drug policy actions;
- A clear structure and reporting procedure for monitoring is created which specifies the role of civil society in providing both quantitative and qualitative data and analysis;
- Indicators should include both hard (number of interventions, cost) and soft (compliance with human rights-centred standards, customer satisfaction) measures; and,
- A special emphasis should be given to the views of the most affected communities, that is, communities of people who use drugs and their relatives.

6.1.2. CONSULTING CIVIL SOCIETY IN EVALUATIONS

Ideally, policy interventions should be evaluated by an independent third party and not by those who were directly involved in the implementation and monitoring activities.

Regardless of the entity that is carrying out the intervention, input should be sought from a broad range of civil society actors, including those who were not involved in implementation and monitoring. Key issues in this regard include the following:

- The institution/organisation responsible for the evaluation should consult with civil society before finalising their research method;
- Consultation with civil society (survey, focus groups, interviews, etc.) should be part of the evaluation;
- There should be an open and transparent call for civil society participation during the evaluation, directed towards ensuring that a wide range of civil society actors with diverse professional competencies and world views are consulted to ensure a multidisciplinary approach;
- There should be a particular focus on consulting affected communities;
- Selection of civil society actors should be balanced with due regard given to factors such as gender, race/ethnicity and age;

- The evaluation findings should be reported and published, including civil society views, regardless of the results;
- Civil society actors are informed about the timeline and milestones of the evaluation process and provided access to the evaluation report and other deliverables in a timely manner; and,
- The evaluation should be outcome-orientated and should assess the human rights impacts of interventions, evaluated in consultation with civil society.

6.1.3. LEARNING FROM THE EVALUATION PROCESS

Once there has been an evaluation, it is important to learn from it. The findings should be analysed and any learnings transferred to the next policy cycle. Important factors here include:

- Open discussion on evaluation findings, with the inclusion of civil society actors, to determine whether the policy intervention was effective and whether it should be maintained, scaled-up/down, modified or stopped in the next policy cycle; and,
- A wide range of policy options are discussed, including alternatives to current policies, before making a decision on the continuation/end of the policy actions.

6.1.4. PARTICIPATION FROM A CIVIL SOCIETY PERSPECTIVE

When a call is announced for civil society to participate in the evaluation of policy documents and/or actions, civil society actors should:

- Respond to the call and submit their position before the given deadline, following the format and instructions for the evaluation;
- Monitor and evaluate implemented activities and interventions to assess the effectiveness and impact of an intervention;
- Be approachable, engage professionally with the decision-maker and provide all necessary information and data that prove its competence and its efforts to comply with legal requirements;
- Engage their membership/constituencies, when relevant, in a balanced way to assess their views, sensitive to the diverse needs and lived experiences and differences in age, gender, race and ethnicity, etc.;
- Use their professional expertise to produce the best available evidence that is relevant to the policy-maker and to the community they serve; and,
- Be a constructive partner of decision-makers and avoid confrontational tactics if its efforts are to be heard; only consider using more confrontational advocacy tactics if conciliatory methods to be heard are unsuccessful.

MONITORING AND EVALUATION – QUALITY STANDARDS

FOR POLICY-MAKERS:

1. Civil society provides relevant and meaningful input to the monitoring and evaluation of drug policies.
 - 1.1. The views of civil society are systematically assessed and monitored during and after the implementation of drug policy interventions.
 - 1.2. Civil society is consulted regularly to monitor and evaluate drug policies.
 - 1.3. Evaluation findings are carefully analysed and discussed with civil society before revising/designing new policy actions/documents.

IMPLEMENTATION OF POLICY DECISIONS – QUALITY STANDARDS

FOR CIVIL SOCIETY ACTORS:

1. Civil society contributes in a competent and professional way to the evaluation of drug policies.
 - 1.1. Civil society organisations monitor and evaluate activities which are implemented.
 - 1.2. Civil society actors give timely and competent input into the evaluation of policies.
 - 1.3. Involved civil society actors engage with other civil society stakeholders to contribute in a balanced way.

