

‘Global trends in decriminalisation:  
A quiet revolution ’

Niamh Eastwood

Release

9<sup>th</sup> May 2014

# Better Drug Laws Campaign

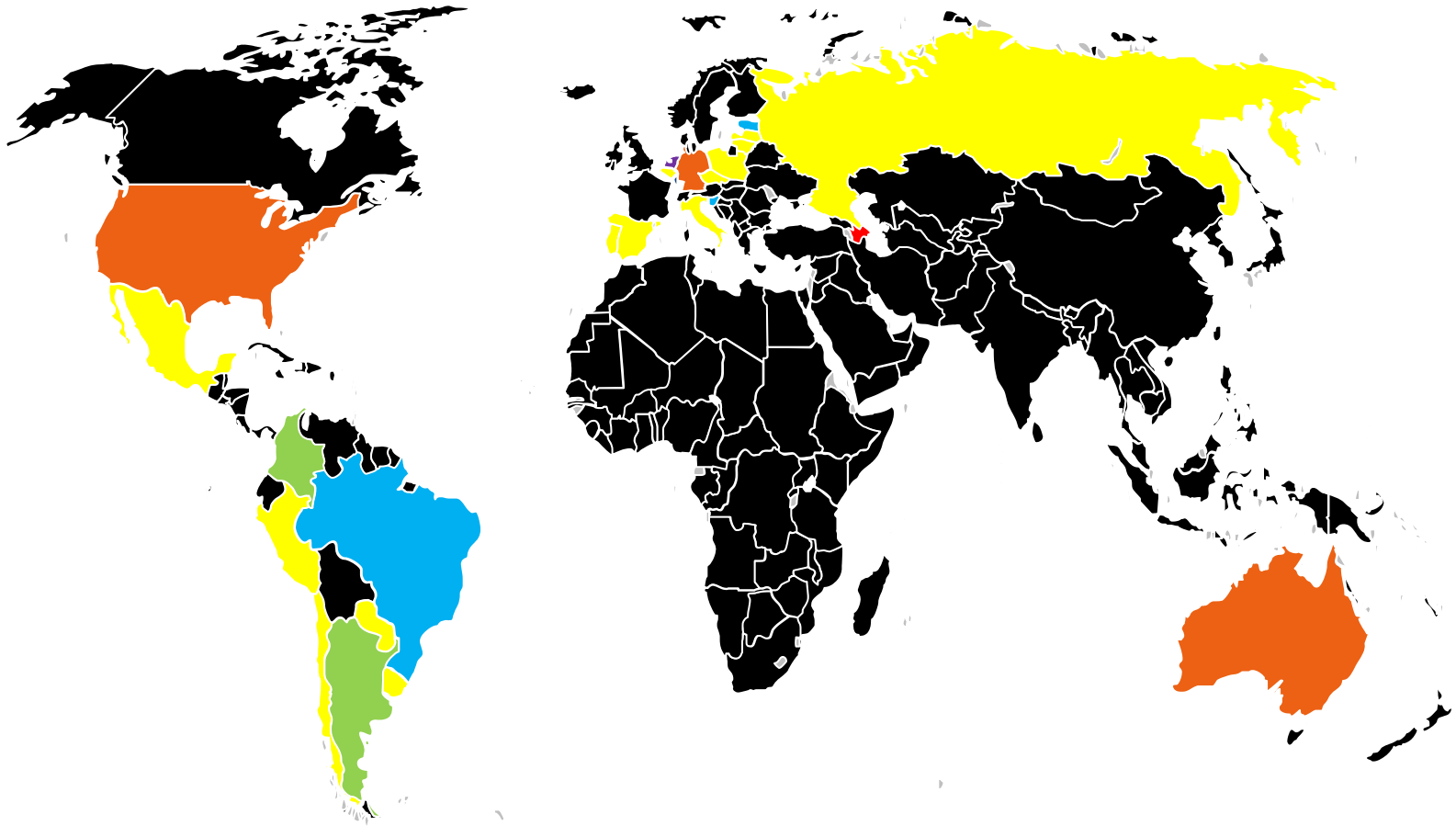


# Purpose of decriminalisation paper

- Portugal well evidenced
- Other jurisdictions not discussed or used as advocacy examples
- Challenge the fallacy that decriminalisation results in increased drug use

# Definition of decriminalisation

- No criminal record
- Included 'de jure' and 'de facto' models
  - 'de jure' schemes included any type of legislative process that decriminalised possession including discretionary schemes
- Ignored escalated approaches e.g UK
- Included states where only cannabis decriminalised



Orange = states have decriminalised some cannabis offences

Green = possession deemed unconstitutional - no statutory response.

Yellow= statutory decriminalisation of drug possession

Purple – de facto decriminalisation

Blue – de-penalisation

# Positive examples of decriminalisation (1)

- ***Portugal introduction of decriminalisation of all drugs in 2001 & investment in public health led to:***
  - Decrease in use amongst vulnerable groups including problematic users and young people;
  - Reductions in the number of young people becoming dependent on harder drugs such as heroin.
  - The estimated numbers of injecting drug users in Portugal also decreased by over 40 per cent during that period.
  - Increases in the number of drug-dependent individuals in treatment.
  - Significant reductions in transmission of HIV and tuberculosis.
  - Significant decrease in the number of drug-related deaths and the increased investment in harm-reduction services.
  - Reduced number of criminal drug offences from approximately 14,000 per year to an average of 5,000 to 5,500 per year after decriminalisation & reduced prison population
  - Reduced burden on criminal justice system allowing police to focus on more serious crime
  - Improved relationship between the community and police.

# Positive examples of decriminalisation (2)

- ***Czech Republic – 2002 Cost benefit Analysis of criminal justice approach:***
  1. Penalisation of drug use had not affected the availability of illicit drugs;
  2. There was an increase in the levels of drug use within the country;
  3. The social costs of illicit drug use increased significantly.

# Positive examples of decriminalisation (3)

- ***Australia (4 states have decriminalised cannabis possession) & have shown a capacity to keep individuals out of the criminal justice system. A comparative study showed individuals who were given criminal penalties suffered:***
  - Negative employment, relationship and accommodation consequences
  - Increased likelihood of further contact with criminal justice system



# Positive examples of decriminalisation (4)

- ***USA – 17 states have decriminalised possession of cannabis***
  - No significant difference in cannabis prevalence amongst states
  - Economic savings: CA introduced cannabis decriminalisation in 1976, in the first six months of implementation enforcement savings of \$12.6 million.

# Implementation Problems

- Threshold quantity to determine personal possession
- The role of the decision maker
- Sanctions

# Recommended Model of Decriminalisation

- Threshold amounts should reflect realistic assessment of consumption rates for a specific drug & include problematic use. Should not be determinative factor.
- Police should determine offence as dealt with expediently and diverting the person away from the criminal justice system as soon as possible.
- Sanctions – comprehensive response but no action against those caught for the first time within a prescribed period

# Why campaign for decriminalisation of drug possession?

- Reduces immediate harms for people who use drugs
  - Criminalisation
  - Stigmatisation
  - Barriers to integration
- Hypocrisy of the policy

# Narcopolitics

A  
♦

**BILL CLINTON**  
President, USA  
1993-2002



"I experimented with marijuana one time or two and didn't like it. I didn't inhale."

♦  
A

J  
O  
K  
E  
R

**GEORGE W. BUSH**  
President, USA  
2001-2008



"I wouldn't answer the marijuana questions; You know why? Because I don't want some little kid doing what I tried."

B  
E  
K  
O  
J

A  
♥

**BARACK OBAMA**  
President, USA  
2009-



"Pot had helped, and booze; maybe a little blow when you could afford it... I inhaled frequently. That was the point."

♥  
A

**Release**  
Drugs, The Law & Human Rights

# What decriminalisation does not achieve

- Little evidenced impact on supply side
- Drug related violence
- Destabilisation of states ('narco-states')
- Trade still in the hands of organised crime

# Incremental Change

- Decriminalisation is part of an incremental reform process:
  - Netherlands
  - Spain
  - Czech Republic
  - Washington & Colorado
  - Uruguay

# Calls for drug policy reform

- Global Commission on Drug Policy
- Colombia, Guatemala & Mexico Governments
- Organisation of American States
- UNGASS 2016 – the really big drug policy meeting in New York



# Release

**Drugs, The Law & Human Rights**