

Portugal is the most apparent example of what decriminalization looks like. They decriminalized all forms of substance use in 2001. By 2012, these are the numbers<sup>2</sup>:

## Fast Facts

- Drug use has declined among those aged 15- 24, the population most at risk of initiating drug use
- Between 2000 and 2005 (the most recent years for which data are available) rates of problematic drug use and injecting drug use decreased
- Deaths due to drug use decreased from approximately 80 in 2001 to 16 in 2012
- The number of newly diagnosed HIV infections among people injecting drugs fell from 1,016 in 2001 to 56 in 2012
- New cases of AIDS fell from 568 to 38 in the same period
- A similar downward trend has been observed for cases of Hepatitis C and B

## Resources

<sup>(1)</sup> <http://decrim.idpc.net/>

<sup>(2)</sup> Transform Drug Policy. Drug Decriminalization in Portugal: Setting the record Straight. <http://www.tdpf.org.uk/blog/drug-decriminalisation-portugal-setting-record-straight>

<sup>(3)</sup> <http://www.heretohelp.bc.ca/factsheet/understanding-substance-use-a-health-promotion-perspective#addiction>

<sup>(4)</sup> <http://www.cha.nshealth.ca/addiction/forParentsRiskAndProtectiveFactors.asp>

<sup>(5)</sup> Nutt, D. J., King, L. A., & Phillips, L. D. (2010). Drug harms in the UK: A multicriteria decision analysis. *The Lancet*, 376(9752), 1558-1565. doi:10.1016/s0140-6736(10)61462-6

<sup>(7)</sup> <http://www.undrugcontrol.info/en/home/tag/72-czech-republic>

# Alternative Approaches

## Decriminalization

Decriminalisation refers to the repeal of laws and policies that define drug use and/or the possession of drugs for personal use as a criminal offence.<sup>1</sup>

Trafficking and production are still considered criminal activities. Drug use becomes and administrative, rather than a criminal offence and is moved to the jurisdiction of public health.

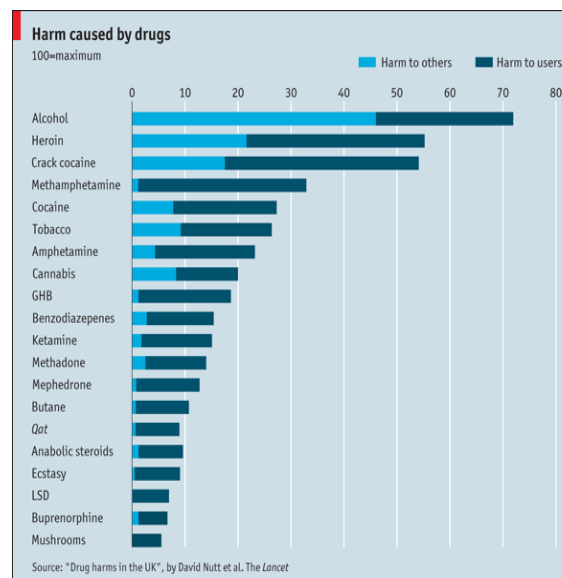


# Shifting Focus

Decriminalization is not about simply making drug use legal... It is about shifting focus to the public health concerns that are more relevant to solving the problems associated with drug use. The use of controlled substances is not so much the cause of social ills as a symptom of them.

Problematic substance use is motivated by emotional and physical abuse, loneliness, depression, trauma, poverty as well as genetic factors<sup>34</sup>. While some substances certainly lend themselves to addiction more readily than others, it is difficult to claim that problematic use is a consequence of use alone. It is necessary to implement social programs that fill the care gaps left by punitive approaches to drug policy when adopting decriminalization. Ensuring social supports can address the conditions that are conducive to the development of problematic substance use.

Not to mention, drug legislation does not accurately represent the relative harms and benefits of recreationally used substances<sup>5</sup>. Punishing people with legislation that is simply wrong about what its legislating is unjust!



# Models

Decriminalization is implemented in a variety way around the world. There are so far 21 countries that have adopted models that fit one of the following descriptions.<sup>1</sup>

## De Jure (by law):

### No Offence:

- Simple possession and consumption is not punishable
- Clear distinction is made between personal use and intent to supply
- Police do not have authority in absence of intent to supply
- Applicable sanctions: confiscation
- Example: Uruguay

### Police Discretion

- Possession is an administrative offence
- Police can determine if the offense is worth applying sanctions
- Applicable sanctions: confiscation, warning or fine
- Example: Spain

### Administrative Decision

- Possession is an administrative offense
- Police can detain people for possession and refer them to an administrative body -
- Only intent to supply is criminal
- Applicable sanctions: confiscation, warning or fine, referral to treatment (states can implement "discussion committees" comprised of legal, health and social work professionals"
- Example: Portugal, Czech Republic

### Criminal Justice Decision

- Possession is an administrative offence
- Police can detain for possession but have no authority to determine nature of offence – this responsibility is referred to prosecutors or the judiciary
- Applicable Sanctions: confiscation, warning or fine, referral to treatment
- Example: Germany, Peru, Estonia

### De Facto (by non-enforcement of laws):

### No Sanction

- Possession is criminal but police and prosecution are given instructions not to intervene based on discretionary powers
- Police do not have authority to detain if there is no indication of intent to supply
- Applicable Sanctions: confiscation
- Example: The Netherlands

### Criminal Justice Diversion

- Possession is criminal but legislation provides alternative sanctions to prison
- Police can arrest but have no authority to determine nature of offence
- Applicable Sanctions: confiscation, warning or fine, obligatory treatment, community service
- Example: Some US states