



## *Less crime and less punishment*

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A report to be released today by think tank Australia21 - which includes, among others, the Foreign Affairs minister Bob Carr - seeks to shake up the debate around drug policy in Australia.

The report claims that the war on drugs has been a failure, and that "the prohibition of illicit drugs is killing and criminalising our children and we are letting it happen".

Across the world, there are increasing calls for policies that do not principally look at drug usage as a criminal issue, but rather as a question of health. Evidence is mounting that the decriminalisation of personal drug use does not lead to increases in usage, but instead dramatically increases the number of people seeking treatment for addiction, decreases disease transmission rates and hugely reduces the costs to the justice system of prosecuting and detaining personal drug users.

It is important to note that decriminalisation does not necessarily mean legalisation. Drug possession is still prohibited, but the difference is that rather than putting often already vulnerable people through the criminal justice system and into jails, people found with small amounts of illicit drugs instead have to attend counselling, rehab or something similar, and are often subject to a fine. Drug traffickers are still subject to jail terms and other penalties.

According to NSW Health, depending on the particular study, between 30 per cent and 80 per cent of people suffering a mental illness have a substance abuse problem. This is obviously linked to the high number of people with mental health issues going through the criminal justice system every year. Not only does the criminalisation of drug possession mean such people become more marginalised in society, finding it more difficult to find jobs and housing, but the fear of being caught means that they are less likely to seek treatment for the usually interlinked problems of mental illness and drug use.

It was 10 years ago that Portugal decided to decriminalise the possession of small amounts of drugs, and it has since enjoyed a marked improvement in drug-related problems. Critically, despite the drug usage rate staying more or less the same as pre-

decriminalisation, Portugal has seen less teen drug use, fewer HIV infections, and fewer AIDS cases.

The biggest area in which positive changes have taken place is in treatment. The number of addicts registered in drug-substitution programs in Portugal has increased from 6,000 in 1999 to over 24,000 in 2008. By contrast, the number of Portuguese who claim they have taken heroin at least once before increased from just 1 per cent to 1.1 per cent between 2001 and 2007. Portugal has one of the lowest rates of marijuana usage in Europe, and use of most other drugs has fallen.

According to a report released by the Cato Institute, a Washington, DC libertarian think tank, "the most substantial barrier to offering treatment to the addict population was the addicts' fear of arrest". Those found with drugs in Portugal will have them confiscated, and will be sent to a three-person commission usually consisting of a lawyer, a health professional and a social worker. The commission decides on an appropriate punishment, ranging from counselling to community work or fines. Thus, nobody caught carrying less than 10 days' personal supply of drugs can be arrested, put in jail, or given a criminal record.

By removing this fear of arrest, in the first five years of decriminalisation between 2001 and 2006, the number of people seeking treatment more than doubled, the number of new HIV cases caused by using dirty needles to inject heroin, cocaine and other illegal substances plummeted from nearly 1,400 in 2000 to about 400, and the number of deaths from street drug overdoses fell from around 400 to 290 annually. Addicts now account for just 20 per cent of Portuguese HIV cases, down from 56 per cent before decriminalisation.

Perhaps most importantly, the 10 years since decriminalisation have proven that the many hellish situations conjured up by opponents of the bill have not come to fruition. There were predictions that the drug use rate would skyrocket and Lisbon would become a drug tourism Mecca. Thankfully, neither of these things have occurred. In fact, the Cato report states:

*The data show that, judged by virtually every metric, the Portuguese decriminalization framework has been a resounding success.*

But the criminalisation of small amounts of drugs does not only hurt vulnerable individuals, it is also very expensive: illegal drug usage costs the Australian Government more than \$3 billion a year, with 75 per cent of this going towards law enforcement, and 18 per cent going towards prevention, treatment, and harm reduction. As has happened in Portugal, the funds saved in not going after personal drug users has freed up huge amounts of money which have been put towards treatment, helping to fuel the vast increase in people seeking help for addiction.

This has also meant that police are more able to focus time and funds on pursuing high-level dealers and criminal organisations, leading to an increase in the amount of drugs

seized by authorities. This has no doubt decreased the revenues of organised crime, which of course has a positive effect on broader society.

Prohibition fuels the growth of organised crime groups. Last year's Global Commission on Drug Policy Report, which included Kofi Annan, noted that increased law enforcement on drug crime was strongly linked to increased homicides and other violence. In recent years, several Latin American countries have even considered decriminalisation as a solution to the drug trafficking violence which has wreaked so much havoc and caused a few Mexican cities to become some of the most dangerous places in the world.

Although the ACT, Northern Territory, and South Australia have decriminalised small amounts of marijuana - with WA recently recriminalising it- marijuana is still by far the most prosecuted drug in Australia. At very least the remaining states (Victoria, NSW, Tasmania and Queensland) should decriminalise marijuana along the lines of what has already been achieved in other states.

For the sake of the many people unnecessarily and expensively drawn into the criminal justice system every year for drug-related offences, governments in Australia and elsewhere should seriously consider decriminalising the possession of small amounts of all drugs. Not only is this a more humane, evidence-based approach to drug policy, but it makes good economic sense.

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