

Portuguese Drug Reformers Look Beyond Decriminalization [FEATURE]

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Portugal's policy of decriminalizing the use and possession of all drugs is winning well-deserved praise, but decriminalization is only a halfway step to ending drug prohibition, not the end of the road for reform, European activists say.

The Portuguese government has garnered well-earned plaudits for its nine-year-old policy of the decriminalization of drug possession, first last year from [Glenn Greenwald](#) [14] in a [White Paper commissioned by the Cato Institute](#) [15], and just last month in a new academic study in the [British Journal of Criminology](#) [16]. But while they applaud the Portuguese government for embracing decriminalization, some drug user advocates there are saying there is more to be done.



Lisbon, capital of Portugal

Portugal broke new ground back in July 2001 when it decriminalized the possession of up to a 10-day supply of all illicit drugs. Under the new policy, drug users caught with drugs are not arrested, but are instead referred to regional "committees for the dissuasion of addiction." Those committees are empowered to impose warnings or administrative penalties, including fines, restrictions on driving, and referral to treatment.

But in most cases, the committees simply suspend the proceedings, meaning that, in effect, no punishment is meted out. The decriminalization policy has been accompanied by increased investment in treatment and harm reduction services, including methadone maintenance for people addicted to heroin.

As Greenwald found last year, and researchers Dr. Caitlin Hughes and Professor Alex Stevens last month, decriminalization is working. Hughes and Stevens found that while there had been a modest increase in drug use by adults, it was in line with increases reported by other southern European countries.

While drug use increased modestly, Hughes and Stevens were able to report that the harms associated with drug use had decreased under decriminalization. They found a reduction in the rate of spread of HIV/AIDS, a reduction in drug-related deaths, and a reduction in drug use by adolescents. They also found that drug seizures had increased under decriminalization.

"Contrary to predictions, the Portuguese decriminalization did not lead to major increases in drug use," the researchers concluded. "Indeed, evidence indicates reductions in problematic use, drug-related harms and criminal justice overcrowding."

For Hughes and Stevens, the Portuguese experiment was also significant because it showed that decriminalization reduces harm for all drugs, not just marijuana. "Such effects can be observed when decriminalizing all drugs," they wrote. "This is important, as decriminalization is commonly restricted to cannabis alone."

Speaking in New York last week, Stevens elaborated: "The evidence from Portugal suggests that we could end the criminalization of users of all types of drugs -- and not just marijuana -- without increasing drug use and harms. It also shows the importance of continued investment in treatment services and harm reduction to reduce drug-related deaths and HIV."

But while Portugal's decriminalization is gathering praise from abroad, the view from the ground is a bit more nuanced. Decriminalization has improved the lives of drug users, but much remains to be done, said Jorge Roque, a Portuguese attorney who works with the [European Coalition for Just and Effective Drug Policies](#) [17] (ENCOD), the [International Network of People Who Use Drugs](#) [18] (INPUD), and the Portuguese group Diferença Real, which attempts to improve conditions for drug users there.

"Decriminalization allowed drug users to stop being persecuted by the police and helped many of them realize they are not criminals simply because they chose to use drugs," said Roque. "And many people are now receiving help from the drug attendance centers," where addicted drug users may be sent after being caught. "Many drug users are trying hard to stay within the law, because if one isn't a criminal just for using drugs and one can pay for his drugs through his job, he doesn't want to be identified as a criminal, which was impossible before decriminalization."

Decriminalization has also led to changes in policing, said Roque. "After some time, the police shifted from arresting drug users to going after small-time dealers," he noted. "The police realized that arresting the small-timers is the best way to catch the big sharks," he said, alluding to the continuing black market drug trade. "The black market remains. Decriminalization didn't stop that," Roque said.

"The majority of drug-related crime wasn't caused by using a drug," the attorney continued, "but by committing an offense to buy drugs. Decriminalization is an important step, but it is only a step. Drug distribution is still forbidden in Portugal, and that means traffickers have a monopoly on the drug supply, and as a result, the prices are very high. So many people commit small thefts to buy their drugs, and the police try to control them and the drug neighborhoods with all the usual abuses."

The Portuguese government should not be sitting on its laurels, Roque said. While it deserves praise for what it has done, it has not done enough, he said.

"We are completely happy that the government decriminalized drug use, but the drug situation is very complex and touches on many different aspects -- legal, political, health, social, economic, morality -- and we have some demands that we think the government is not addressing because it is satisfied with what it has done with decriminalization," said Roque.

That point was echoed by Joep Oomen, head of ENCOD. If the Portuguese government stops with just decriminalization, it will be just as hypocritical as any other government, he said.

"By decriminalizing the use and possession of small quantities of illegal drugs, Portugal has reduced the immediate damage of drug prohibition," Oomen said. "The police don't persecute users and petty dealers as much, and problematic users find their way to health services. But decriminalization has not solved the main problem of prohibition: Drugs continue to be distributed by traffickers who inflate the price, impose criminal marketing methods, and have minimal concern for product quality or the safety of consumers. If Portuguese authorities do not take the next step toward legal regulation of the market, their policies will remain as hypocritical as those of any other country," he said.

But that's unlikely any time in the near future, said Roque. Even other drug reforms this side of ending prohibition are now stalled, he said.

"After all the international news reporting on the success of decriminalization in Portugal, the politicians' egos are so big they think they don't need to do anything else," said Roque. "But many drug users want to see safe injection sites, heroin maintenance programs, and the like, instead of just decriminalizing use. Similarly, the cannabis reform bill is still stuck in parliament waiting for approval. The government says it is busy with the international financial crisis and now our own public deficit, and can't do anything, even though this could mean revenues for the government."

With its drug decriminalization policy, Portugal has indeed become a beacon to the world, a model of progressive drug reform that could and should be emulated elsewhere. But as Roque and Oomen make clear, decriminalization is only half the battle.

Portugal

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