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Drug decriminalization policy pays off

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Next month, Californians will vote on Proposition 19, a measure to legalize marijuana. Because no state has ever taken such a step, voters are being subjected to a stream of fear-mongering assertions, unaccompanied by evidence, about what is likely to happen if drug prohibition is repealed.

But it need not — and should not — be that way.

Ten years ago, Portugal became the first Western nation to pass full-scale, nationwide decriminalization. That law, passed Oct. 1, 2000, abolished criminal sanctions for all narcotics — not just marijuana but also “hard drugs” like heroin and cocaine.

This applies only to drugs for personal use; drug trafficking remains a criminal offense. There is now a decade’s worth of empirical data on what actually happens — and does not happen — when criminal sanctions against drug possession are lifted.

Individuals caught with drugs in Portugal are no longer arrested or treated as criminals. Instead, they are sent to a tribunal of health professionals, where they are offered the opportunity, but are not compelled, to seek government-provided treatment.

For those found to be addicts, tribunals have the power to impose noncriminal sanctions. But in practice, the overriding goal is to direct people to treatment.

By any metric, Portugal’s drug-decriminalization scheme has been a resounding success. Drug usage in many categories has decreased in absolute terms, including for key demographic groups, like 15-to-19-year-olds. Where usage rates have increased, the increases have been modest — far less than in most other European Union nations, which continue to use a criminalization approach.

Portugal, whose drug problems were among the worst in Europe, now has the lowest usage rate for marijuana and one of the lowest for cocaine. Drug-related pathologies, including HIV transmission, hepatitis transmission and drug-related deaths, have declined significantly.

Beyond the data, Portugal’s success with decriminalization is illustrated by the absence of political agitation for a return to criminalization. As one might expect for a socially conservative and predominantly Roman Catholic country, the decriminalization proposal sparked intense controversy a decade ago.

Many politicians insisted that a vast parade of horrors would be unleashed, including massive increases in drug use among youth and the conversion of Lisbon into a “drug haven for tourists.”

But none of those scary scenarios occurred. Portuguese citizens, able to compare the out-of-control drug problems of the 1990s with the vastly improved situation now, have little

desire to return to the days of criminalization. No influential politician advocates doing so.

Though Portugal's population is far smaller than that of the United States, more than 10 million people is hardly insignificant. But far more relevant than population size is that Portugal in the 1990s — like the U.S. today — had an exploding drug problem. And the more the nation criminalized, the worse the problem became.

Decriminalization became politically tenable when the Portuguese Parliament convened a commission of apolitical experts charged with determining how the country could best address its spiraling drug problems. The commission found that decriminalization was the best policy for reducing drug-related harms, and events have now demonstrated the wisdom of that recommendation.

It may sound counterintuitive that decriminalization can improve drug problems. But Portuguese drug officials, with a decade of experience with decriminalization, understand the reasons for that causal relationship.

First, when a government threatens to turn drug users into criminals, a wall of fear divides officials and the citizenry and, thus, prevents effective treatment and education campaigns. Portugal's top drug official has said the stigma created by criminalizing drug use and the resulting fear of government were the biggest barriers to effective education and treatment programs in the 1990s.

Second, treating drug addiction as a health issue, not a criminal offense, means the right solutions can be found. Counseling is far more effective than prison in turning addicts into nonusers.

Third, when a government no longer spends inordinate amounts of money on arresting, prosecuting and imprisoning drug users, that money can instead be used on highly effective treatment programs, as well as services, like methadone clinics, to limit drug-related harms.

Whatever one's views on liberalizing drug laws, our debate should be grounded in empirical evidence — not speculation and fear-mongering. As California voters make a momentous decision on drug policy, Portugal's decade of decriminalization offers exactly the sort of rational examination that has been sorely lacking.

Glenn Greenwald, a contributing writer to Salon, is the author of the Cato Institute study "Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies."