

## Is Portugal's Liberal Drug Policy a Model for US?

LISBON, Portugal (Aug. 14) — Ten years ago, Portugal had some 100,000 heroin addicts — about 1 percent of its entire population. HIV infections from injecting drugs were among the highest in Europe.

Now the addict count has been cut nearly in half. HIV infections from drug use have fallen more than 90 percent. And the policy shift responsible for such a dramatic improvement in Portuguese life is something U.S. lawmakers — watching an escalating drug war on their southern border — might consider worthy of some attention: decriminalization.

Ten years ago this summer, Portugal became the first country in Europe to decriminalize all illegal drugs — marijuana, cocaine, methamphetamine and even heroin. Hefty fines and prison sentences still await drug traffickers and dealers, but users caught with less than a 10-day supply of any drug are no longer considered criminals. Instead, they're referred to a panel comprised of a drug-treatment specialist, a lawyer and a civil servant, who usually recommend treatment — and pay for it, too. If the users decline treatment and go back to abusing drugs, that's their prerogative.

Gael Cornier, AP

Men shoot-up together in the slum of Casal Ventoso, in Lisbon, Portugal, in 1999. Since then, the country has embarked on a unique take on its war on drugs.

But statistics show they're not doing that. Instead, about 45 percent of the 100,000 heroin addicts Portugal's Health Ministry recorded in 2000 had by 2008 decided to at least try to quit the habit, without the threat of jail time. And the number of new HIV cases among users fell from 2,508 in the year 2000 to 220 cases in 2008, Alun Jones, a spokesman for the U.N. Office on Drugs and Crime, told AOL News. "This was a major success," he said.

Some Americans have noticed. "The data show that, judged by virtually every metric, the Portuguese decriminalization frame-

work has been a resounding success," according to a 2009 report from Washington-based Cato Institute, a libertarian think tank. "None of the nightmare scenarios touted by pre-enactment decriminalization opponents — from rampant increases in drug usage among the young to the transformation of Lisbon into a haven for 'drug tourists' — has occurred."

The law's passage 10 years ago and implementation on July 1, 2001, was a surprising twist for Portugal, a traditionally conservative Catholic country that by the 1980s had unwittingly found itself at the crossroads of major drug trafficking routes between North Africa, South America and Europe. Even the Netherlands' drug laws are not as liberal as Portugal's. There's been a dramatic shift in the way Portugal and a growing number of other countries view drug abuse — as a public health issue rather than a law enforcement one.

Last week, former Mexican President Vicente Fox criticized his country's military-led, U.S.-backed war on drugs, which has left more than 28,000 people dead since December 2006. Instead, Fox said Mexico should consider legalizing the production, distribution and sale of drugs.

"Legalizing in this sense doesn't mean that drugs are good or don't hurt those who consume. Rather, we have to see it as a strategy to strike and break the economic structure that allows the mafias to generate huge profits in their business," Fox wrote on his blog.

Portugal wasn't trying to choke off cash flow to drug cartels as much as it was trying to extend drug treatment to the huge proportion of its citizens who were hooked on illicit substances — an economic drain on the country's free public health care system. Decriminalization is also different from legalization: Drugs in Portugal are technically still illegal, but the penalty is voluntary treatment rather than jail.

An informal survey of drug dealers on the streets of Portugal's capital Thursday by AOL News showed most of them aren't quite sure of the law's boundaries. "It's not illegal to have it in your pocket," said a 29-year-old dealer who refused to give his name. "But when the police come past I still throw it away," he said, pointing to a small gully in the cobblestone street where he hides his stash.

"The dealers refrain from their little sales pitch, 'Hash! Coke!' within a few meters of the police," said Marc Lupien, 47, who owns a bar in Lisbon's Bairro Alto neighborhood. "But since the decriminalization, I don't think they're really scared."

Within parts of Europe, Portugal's liberal drug policy has become a model for other nations. Spain and Italy have both dramatically reduced penalties for drug possession, and the Norwegian government sent two delegates to Portugal in May to study the local strategy. Denmark is also weighing whether to decriminalize drugs.

"For us, this is about the addicts leading a more dignified life," Danish opposition lawmaker Mette Frederiksen said in March, according to The Wall Street Journal. "We want to lower the death rates, the secondary symptoms and the criminality, so we look keenly to Portugal."

Americans might consider looking keenly across the Atlantic as well. The U.S. has long championed a fierce law enforcement policy toward drugs, but it still has some of the highest rates of drug use in the world, and more than a quarter of its prison inmates are behind bars for drug-related offenses. Per capita, more Americans have used cocaine than Portuguese have smoked marijuana.

But experts say decriminalization — let alone the legalization Mexico's Vicente Fox suggested — is a long shot in the U.S.

"The war on drugs is a real industry, es-

pecially where prisons have been privatized. There are lobbyists in D.C. that want drugs criminalized so that tax dollars go to these industries,” said Dr. Evan Wood, an AIDS expert at the University of British Columbia who lauded Portugal’s drug law at last month’s 18th International AIDS Conference in Vienna. “It’s created a political quagmire in the U.S., where it’s difficult to even open a discussion about the failure of the war on drugs without being branded ‘soft on crime.’”

“There’s a very strong consensus in the public health world that criminalizing people who use drugs is totally counterproductive,” Wood told AOL News. “And yet resources are still put toward chasing people and locking them up rather than things that work like addiction treatment. ... It’s incredibly frustrating.”

But the U.S. is not alone in its reticence to change tack. Even after 10 years, most of Europe has not followed suit, and Portugal retains its title for having the continent’s mildest penalties for drug use and possession. Many countries fear spikes in crime associated with drugs, and several United Nations bodies have criticized the decriminalization approach.

Jones, with the U.N. Office on Drugs and Crime, points out that even though Portugal has dramatically cut its rate of new HIV infections among drug users, the country still has one of the highest tallies of such infections in Europe.

Asked about whether he thinks Portugal’s decriminalization has worked, bar owner Lupien looked out into the crowded cobblestone street outside his tiny bar.

“Honestly, the way the policy might work is by taking the kick out of drugs,” he said. “Why do it if you don’t have that thrill of it being bad?”

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