



Portugal succeeds with drug law liberalization

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Portugal, it turns out, isn't an out-of-control drug haven.

Fears that it would become a magnet for "drug tourists" after decriminalizing all narcotic use in 2001 were groundless, according to a recent study by the U.S.-based Cato Institute.

The government in Lisbon was pilloried by other members of the European Union when it struck down laws making it a crime to possess small amounts of everything from marijuana to heroin and cocaine.

The move was reportedly denounced as "pure lunacy" in media reports across Europe. Paulo Portas, a Portuguese opposition politician, reportedly warned that such radical decriminalization would draw young partiers from across the globe in search of "sun, beaches and any drug you like."

But according to Glenn Greenwald, the study's author, the streets are not littered with the lost souls of foreigners. In fact, drug use by the locals has declined in the past seven years -- especially among teens.

In 2001, 26% of Portuguese aged 16 to 18 had smoked pot. By 2006, that number had dropped to 19%. Over the same time period, ecstasy, cocaine and amphetamine (speed) use was cut in half.

"In virtually every category of significance, Portugal, since decriminalization, has outperformed the vast majority of other states that continue to adhere to a criminalization regime," Greenwald writes.

"None of the nightmare scenarios touted... from rampant increases in drug usage among the young to the transformation of Lisbon into a haven for 'drug tourists' has occurred."

What the naysayers didn't understand was that removing small-time possession and use from the Criminal Code wasn't the same thing as permitting it.

Greenwald explains: "Decriminalization means that either non-criminal sanctions (such as fines or treatment requirements) are imposed, or that no penal sanctions can be."

In Portugal, drugs are still illegal and traffickers are still criminals. Anyone caught with more than what they have determined to be a 10-day personal supply faces jail.

But if you're caught with a personal supply, it's an administrative offence: you can get a ticket and a summons to appear before a government-appointed "dissuasion commission," a tribunal made up of people with legal, medical or social work backgrounds.

If the commission finds any suggestion that the person before it is actually a drug dealer, the case is referred to criminal court.

The commission can order people into rehab, impose fines or community service. They are not jailed and get no criminal record.

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Police, the study says, initially resisted the new approach, but over the years the number of citations handed out has steadily increased. In 2008, police sent about 7,500 people to dissuasion commissions.

Interestingly, the number of people going into rehab or other treatment has quadrupled to 24,000 in the last decade, while the number of people using drugs has declined.

"Drug-related pathologies -- such as sexually transmitted diseases and deaths due to usage -- have decreased dramatically," Greenwald says. "Drug policy experts attribute those positive trends to the enhanced ability of the Portuguese government to offer treatment programs to its citizens."

Maybe it's time Ottawa considered the Portuguese example.

Says Greenwald, "the Portuguese decriminalization framework has been a resounding success. Within this success lie self-evident lessons that should guide drug policy debates around the world."

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