



The Portuguese decriminalisation of illicit drug use: What the AOD field should know

Medicine

National Drug and Alcohol Research Centre

Drug Policy Modelling Program

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The 2012 UK drugs debate

Richard Branson - reported to the Home Affairs Select Committee on behalf of the Global Commission on Drugs Policy :

“Governments around the world have started to recognise the waste and the human toll of our existing approach. There are models to look at such as Portugal, where decriminalisation 10 years ago has led to a large reduction in heroin use and other drug use, and massive drops in property crimes, HIV infections and violence.”



Melanie Phillips - reported on BBC's Question Time:

“Richard Branson is not only wrong; he's dangerously wrong. For example he's so dangerous he's persuaded some of these good people ... that Portugal since it decriminalised drugs has had great success... The very opposite is the case..... With increased drug use, drug-related homicides and infectious diseases. ”

The Portuguese reform

Law enacted 1 July 2001: Use, possession and acquisition of *all* illicit drugs deemed a public order offence.

Aim:

1. To provide a humanistic response to drug use
2. To remove users from the CJS
3. To discourage and/or treat drug use

Detected users sanctioned through Commissions for the Dissuasion of Drug Addiction (CDTs) which:

- Identify frequency and pattern of use
- Refer dependent people to treatment
- Provide alternate sanction for occasional users

Introduced as part of a new national drug strategy which expanded policy options for treatment, harm reduction, social integration and supply reduction



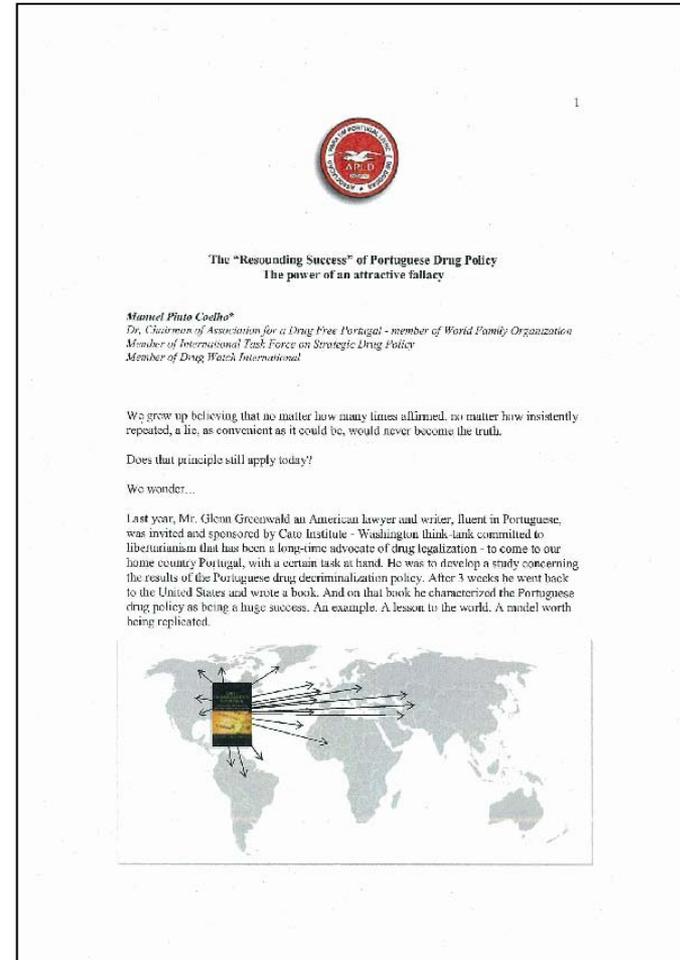
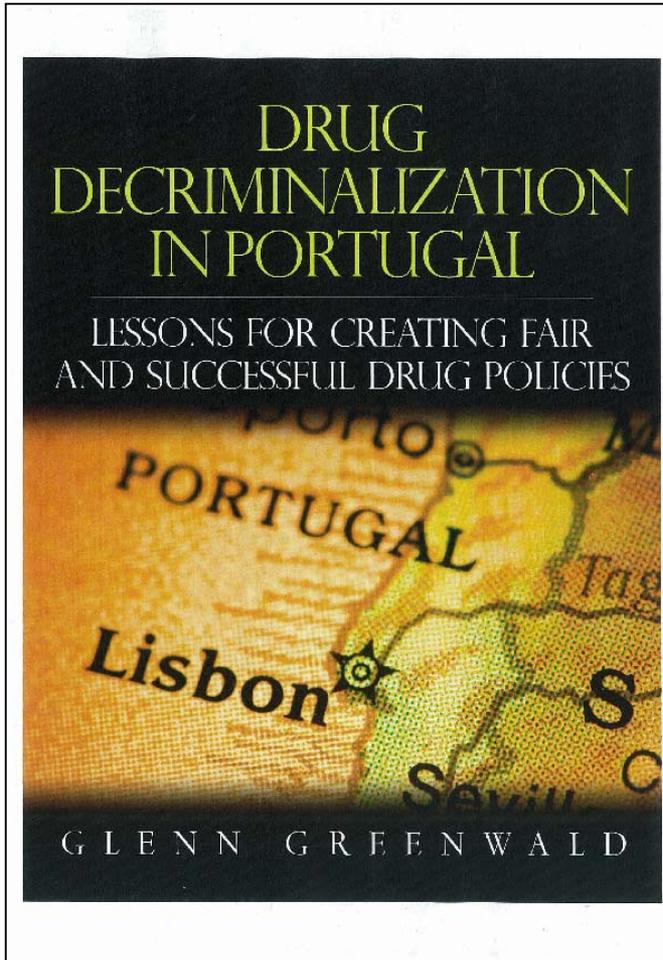
Key accounts on the reform

Year	Account
2002	RAND report –‘Guidelines for implementing and evaluating the Portuguese drug policy’
2007	Beckley Foundation report –‘The effects of decriminalization of drug use in Portugal’
2009	Cato report–‘Drug decriminalization in Portugal: lessons for creating fair and successful drug policies’
2009	First Pinto piece in Portuguese blog–‘Descriminalização das drogas em Portugal–O retrato factual’
2010	British Journal of Criminology article by Hughes and Stevens published–‘What can we learn from the Portuguese decriminalization of illicit drugs?’
2010	Pinto main report –‘The “resounding success” of Portuguese drug policy: the power of an attractive fallacy’
2010	British Medical Journal commissioned piece published–‘Drug decriminalisation in Portugal’

Two most prominent accounts of the reform

"The resounding success"

"The disastrous failure"



By Glenn Greenwald for the Cato Institute (a United States libertarian think tank) - 2009

By Dr Manuel Pinto Coelho - Association for a Drug Free Portugal - 2010

Accounts of the reform: Drug use

“The resounding success”

Key conclusions:

- Reform elicited ‘no adverse effects on drug usage rates’
- Key evidence: among both students in the 7-9th and the 10-12th grades, there were reductions in lifetime prevalence for ‘virtually every substance’.

“The disastrous failure”

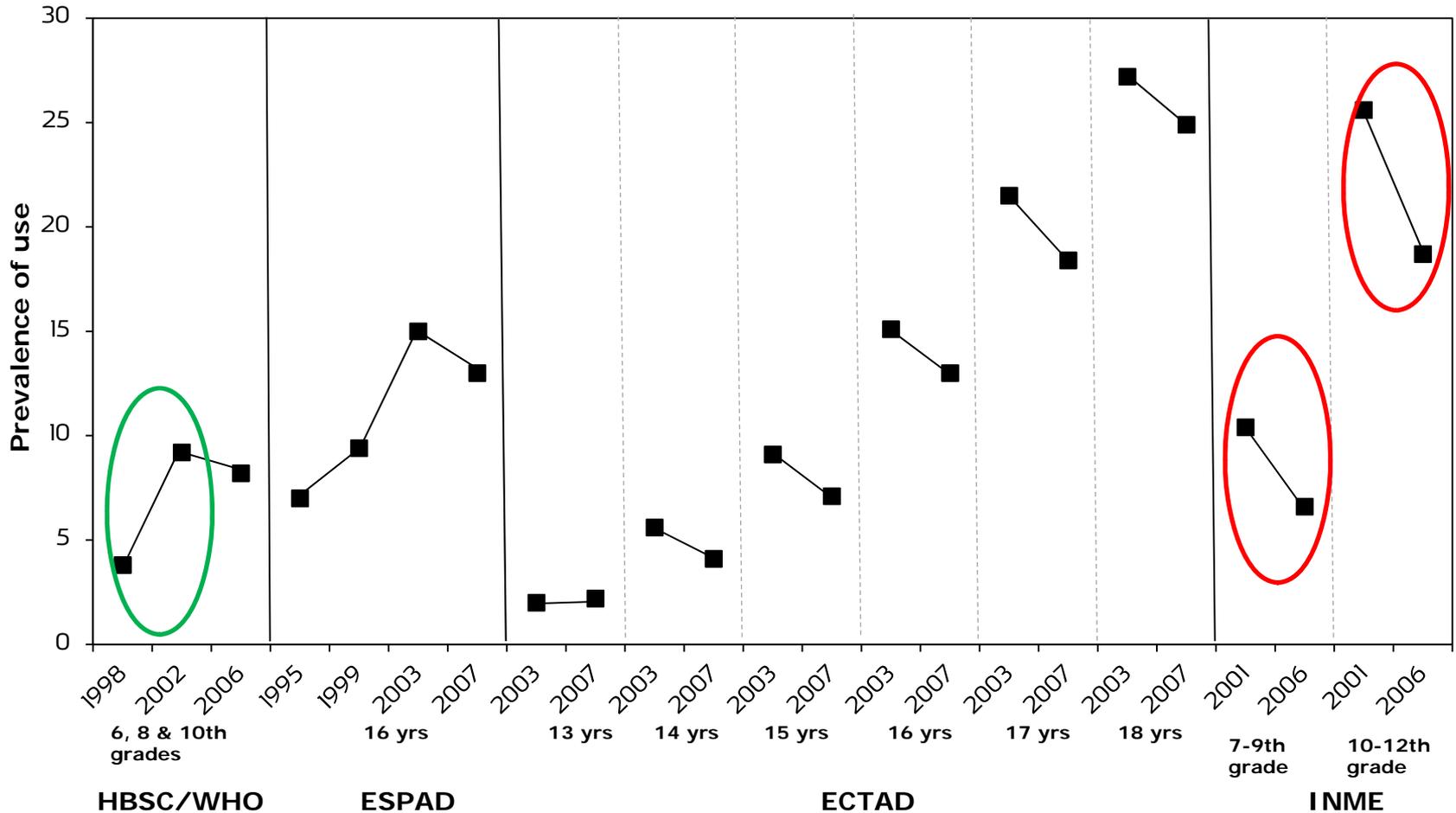
Key conclusions:

- No reductions in drug use
- Key evidence: among school students there was ‘an increase in every drug category with cannabis skyrocketing the charts with its 150% raise’.

Accounts compared to the evidence: Lifetime cannabis use

The disastrous failure

The resounding success



Accounts of the reform: Drug-related death

“The resounding success”

Key conclusions:

- **Marked reductions in deaths**
- **Key evidence: Total number decreased from 400 to 290 (between 1999 to 2006)**

“The disastrous failure”

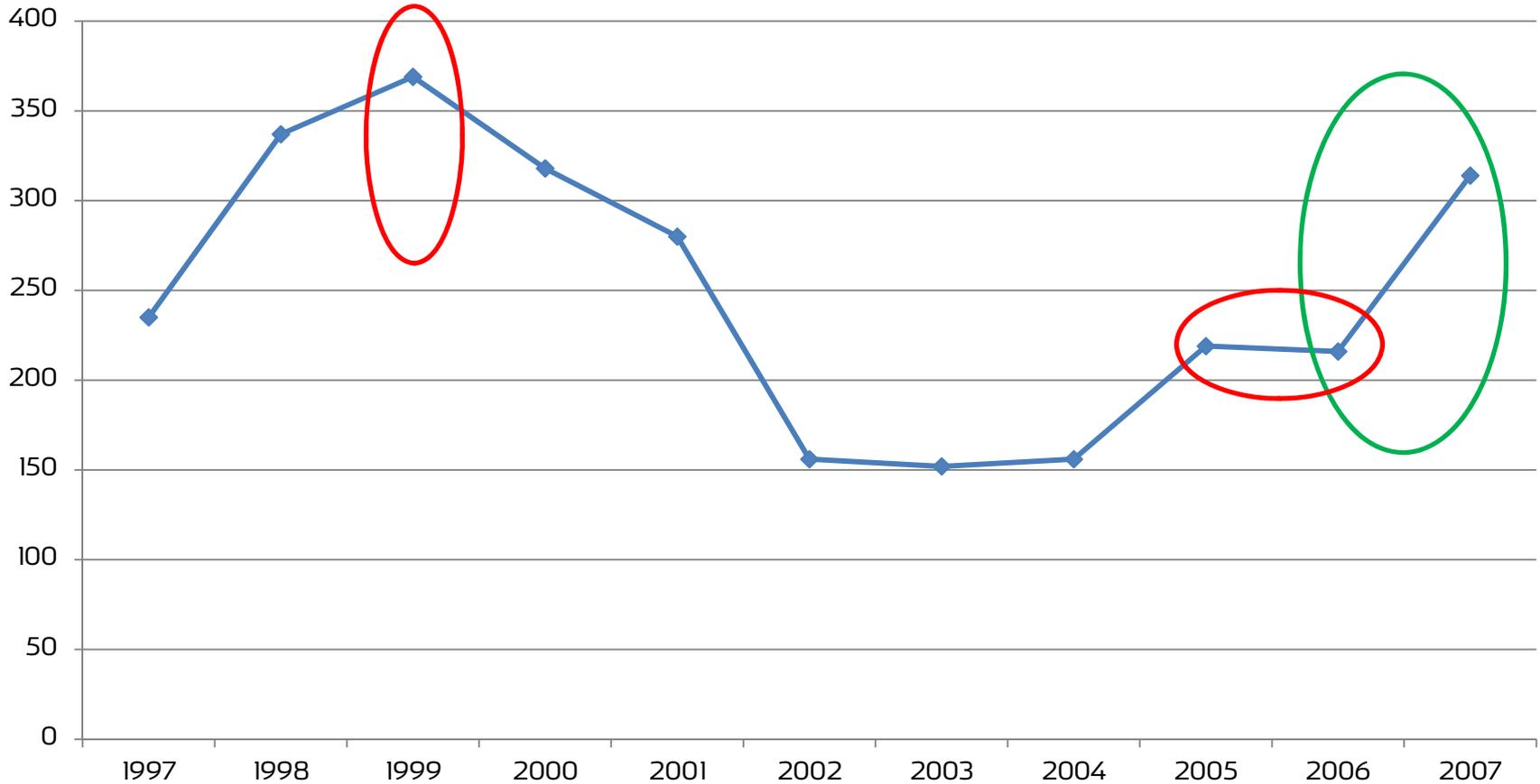
Key conclusions:

- **No decrease: ‘the opposite occurred’**
- **Key evidence: 45% increase between 2006 and 2007 (from 216 to 314)**

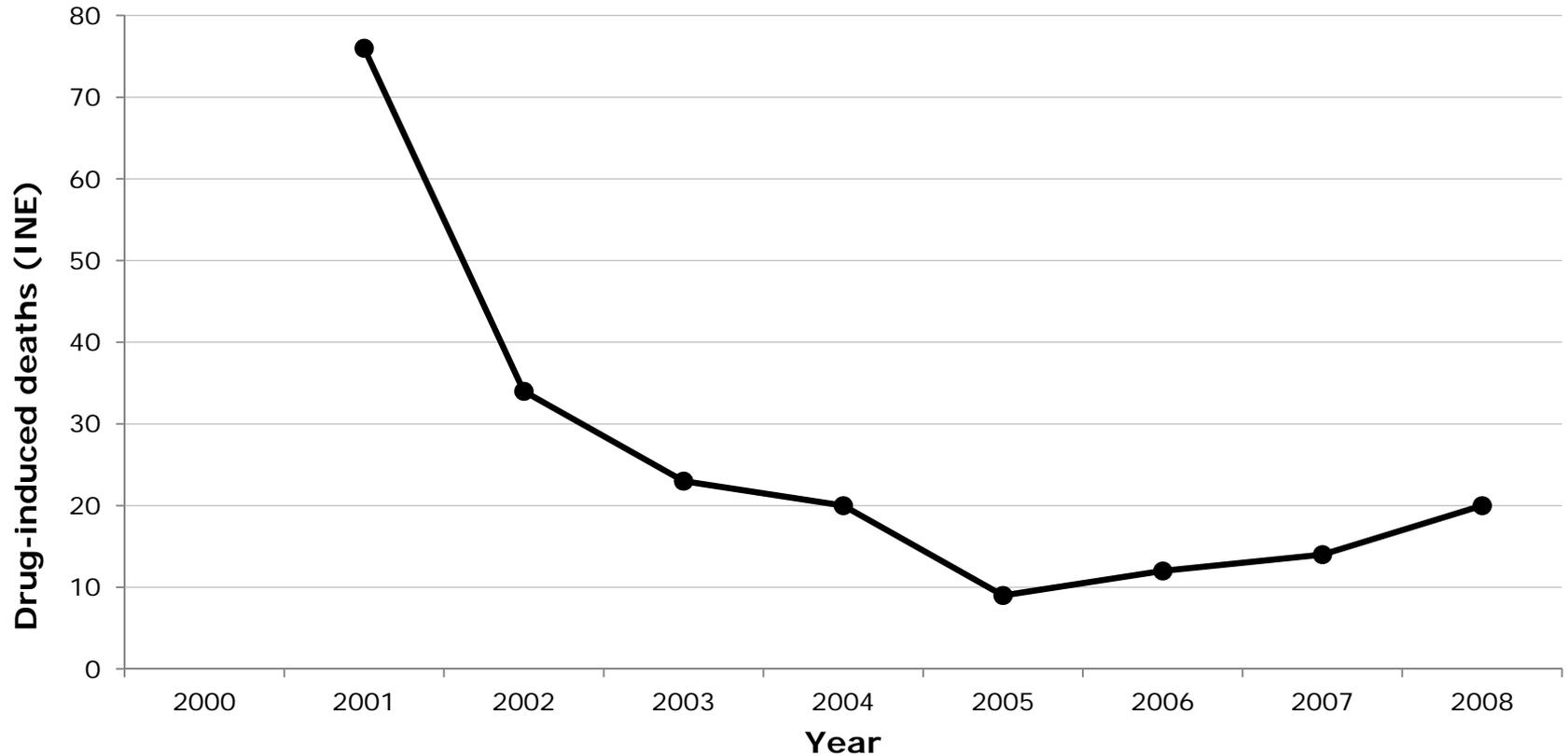
Accounts of the reform: Drug-related death (INML data)

The resounding success

The disastrous failure



The new indicator of drug-induced deaths



Accounts on how post-reform Portugal compares with other European neighbours?

“The resounding success”

Key conclusions:

- Success is very much at odds with Europe
- Key evidence: **Most EU states have double, triple, quadruple, or even higher cocaine rates** than Portugal’s, including some with the harshest criminalization schemes in the EU.
- For the period 2001-2005, Portugal—for the 15-64 age group—has the **absolute lowest lifetime prevalence rate for cannabis** in the EU

“The disastrous failure”

Key conclusions:

- Failed very poorly relative to the rest of Europe
- Key evidence: behind Luxembourg, Portugal has the **highest rate of IV heroin dependents in Europe**
- Only European country that experienced a rise in ‘**drug-related homicides**’ between 2001 and 2006

Evidence on 'drug-related homicides' ?

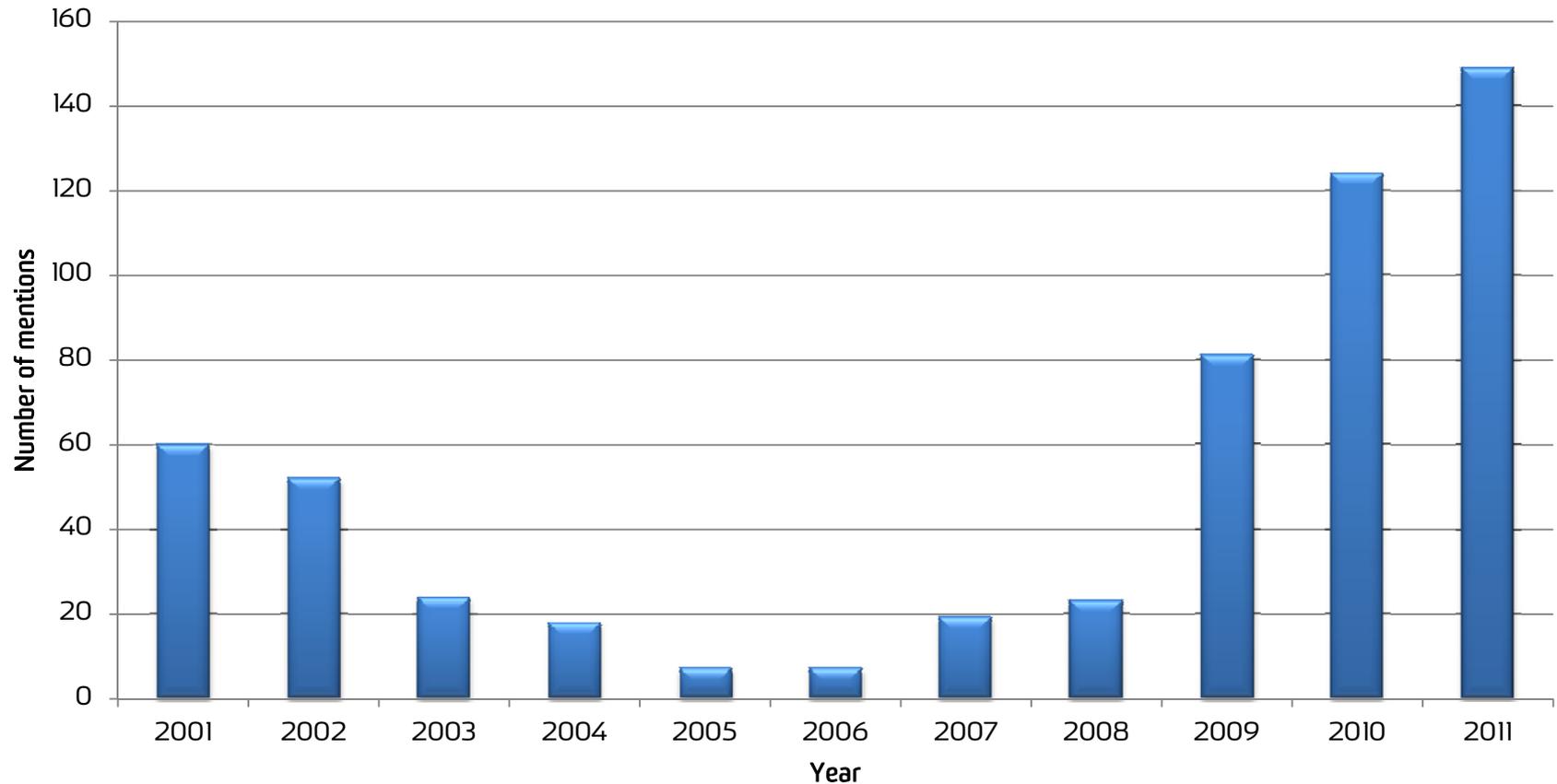
No data is collected on this indicator

Based on a false attribution to the 2009 World Drug Report:

While cocaine seizures in a number of European countries increased sharply during that period, in 2006, Portugal suddenly had the sixth-highest cocaine seizure total in the world. **The number of murders increased 40% during this same period of time, a fact that might be related to the trafficking activity.** Although the rate remains low and Lisbon is one of Europe's safest cities, Portugal was the only European country to show a significant increase in murder during this period.

So why should we care?

Media counts: Portugal, drug & decriminalisation



Fuelled erroneous policy advice such as in the 2012 UK drugs debate

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Affect framing and contribute towards evidence fatigue and missed opportunities

- Framing of debates: Affects how this reform is spoken of (e.g. emphasis upon rankings not trends)
- Evidence fatigue: Provides **easy grounds to discredit or disengage** with the full extent of the available evidence
- Missed opportunities to inform policy e.g. US Office for National Drug Control Policy:

“Supporting analysis is not definitive . . . Core drug use claims are not conclusive . . . For now, this much can be said—drug legalization advocates’ claims regarding the impact of Portugal’s drug policy have significantly exceeded the existing scientific basis”

Conclusion

- The selective uses of data and divergent conclusions are perhaps to be expected for law reforms, given potential for promoting or blocking drug law reform
- But naive to suggest it will only occur there.
- This case study provides ample grounds for questioning the implicit assumption that evidence will generate policies ‘devoid of dogma’
- What is clear that part of the reason for why these two accounts have been taken up is the attempts to ‘let the evidence speak for itself’
- This represents a challenge to the AOD arena - for researchers, advocates and policy makers - to ensure that evidence-informed accounts can be more than mere ammunition for the policy battlefield.

Thank You

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Hughes, C.E. & Stevens, A. (2010). What can we learn from the Portuguese decriminalisation of illicit drugs? *British Journal of Criminology*, 50(6): 999-1022.

Hughes, C.E. & Stevens, A. (2012). A resounding success or a disastrous failure: Re-examining the interpretation of evidence on the Portuguese decriminalisation of illicit drugs. *Drug and Alcohol Review*, 31(1): 101-113.