

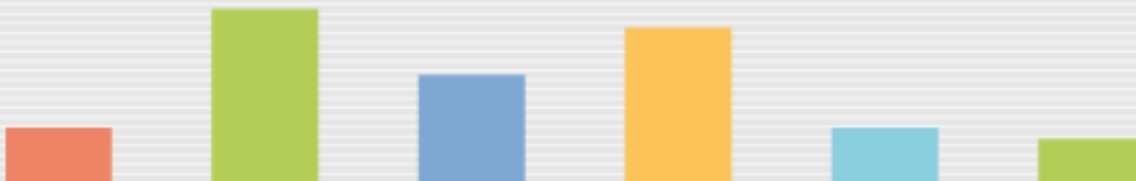


European Monitoring Centre
for Drugs and Drug Addiction

Changing drug laws – what are the main choices?

Brendan Hughes
EMCDDA

Citizens' Assembly
Dublin, 2 September 2023



Why?



WHY change a policy – what's your objective?

Why reduce penalties?

- Encourage those with addiction to treatment (PT, PL)
- Save law enforcement resources (BE, UK)
- Non-drug related reasons (SI, LT, LV)
- Save prison resources (supply offences - GR, RO)

Why increase penalties?

- Send a message (DK, IT, UK)
- Give law enforcement more powers (AT, SE)

Why regulate cannabis?

- Concentrate on serious crime
- Save law enforcement resources
- Raise tax revenue
- Limit access for children
- Product quality control

Why not?

- Increase use, addiction, use of other drugs
- Increase trafficking
- Increase road crashes
- Reduce productivity
- Sends the wrong message

EVALUATION
depends on
OBJECTIVE



Legal terms applied to drug control

Decriminalisation: reducing the size (significance) of the penalty

Depenalisation: removing the application of the penalty

Diversion: from punitive to rehabilitative response

Legalisation (Regulation): permitting some form of supply

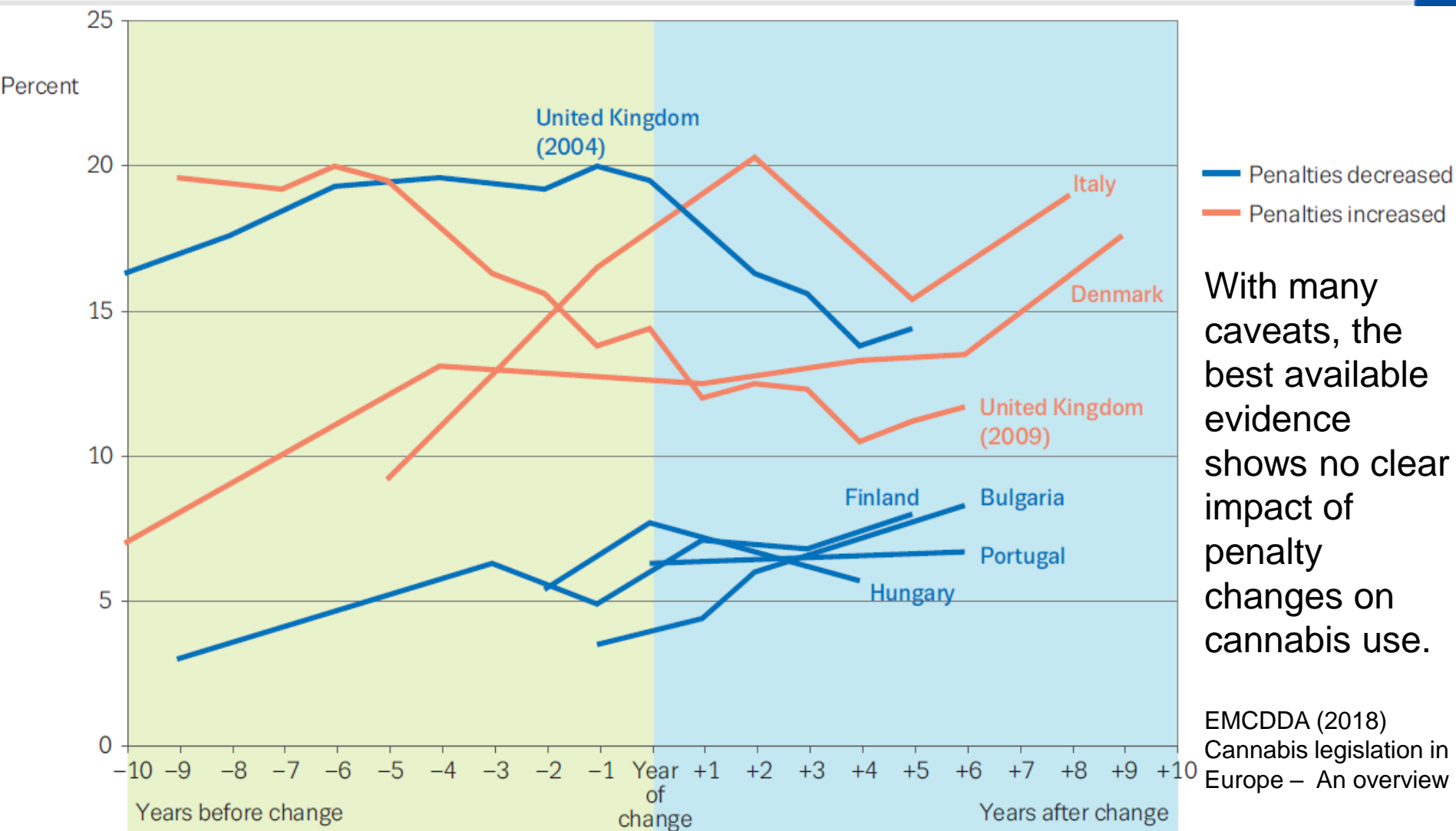
Moving away from... but moving towards what??

EMCDDA on YouTube:
What is decriminalisation?



Cannabis use before and after changes in legislation in selected countries

use in previous 12 months among young adults (age 15-34)



With many caveats, the best available evidence shows no clear impact of penalty changes on cannabis use.

EMCDDA (2018)
Cannabis legislation in Europe – An overview



Alternatives to punishment – why?

Choose alternatives to punishment to affect:

- **Individual:** e.g. treat addiction
- **Society:** reduce drug-related crime / disease
- **State structures:** reduce pressure on criminal justice system

But – *what is success?*



Are rehabilitative alternatives better?

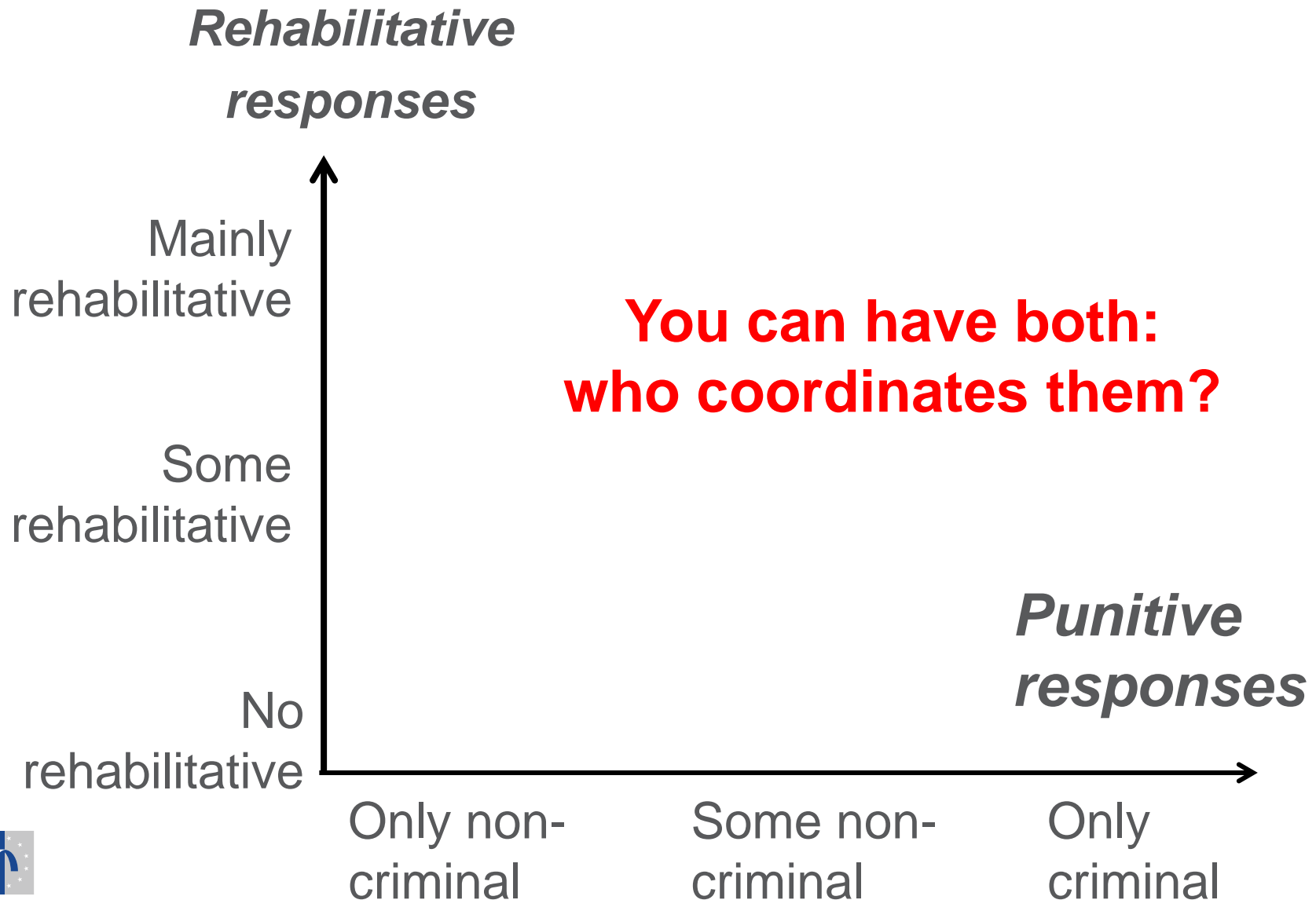
“This Drug Court is only allowed to continue because we constantly collect and submit statistics on recidivism rates, drug use rates, and cost-benefit calculations.

Yet,
when I was just locking offenders up,
nobody asked me for any of those.”

Judge Jo-Ann Ferdinand, Presiding Judge of Brooklyn Treatment Court, NYC
in EMCDDA (2015): Alternatives to punishment for drug-using offenders



Punishment or rehabilitative?



Penalties for drug law offences in Europe at a glance

On this page you can examine and compare the penalties, or rehabilitative responses, for the core offences of drug use, possession for personal use, and supply-related offences, across countries in Europe. It also allows you to see how those penalties vary according to the type or quantity of the drug, and the addiction or recidivism of the offender.

↓ Do
Click h
used o

↓ Select countries

Select up to 5 countries/candidates/partners to compare.

- Algeria
- Armenia
- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark

↓ Penalties at a glance

[Drug use](#)

[Possession](#)

[Supply](#)

[Drugs controlled](#)

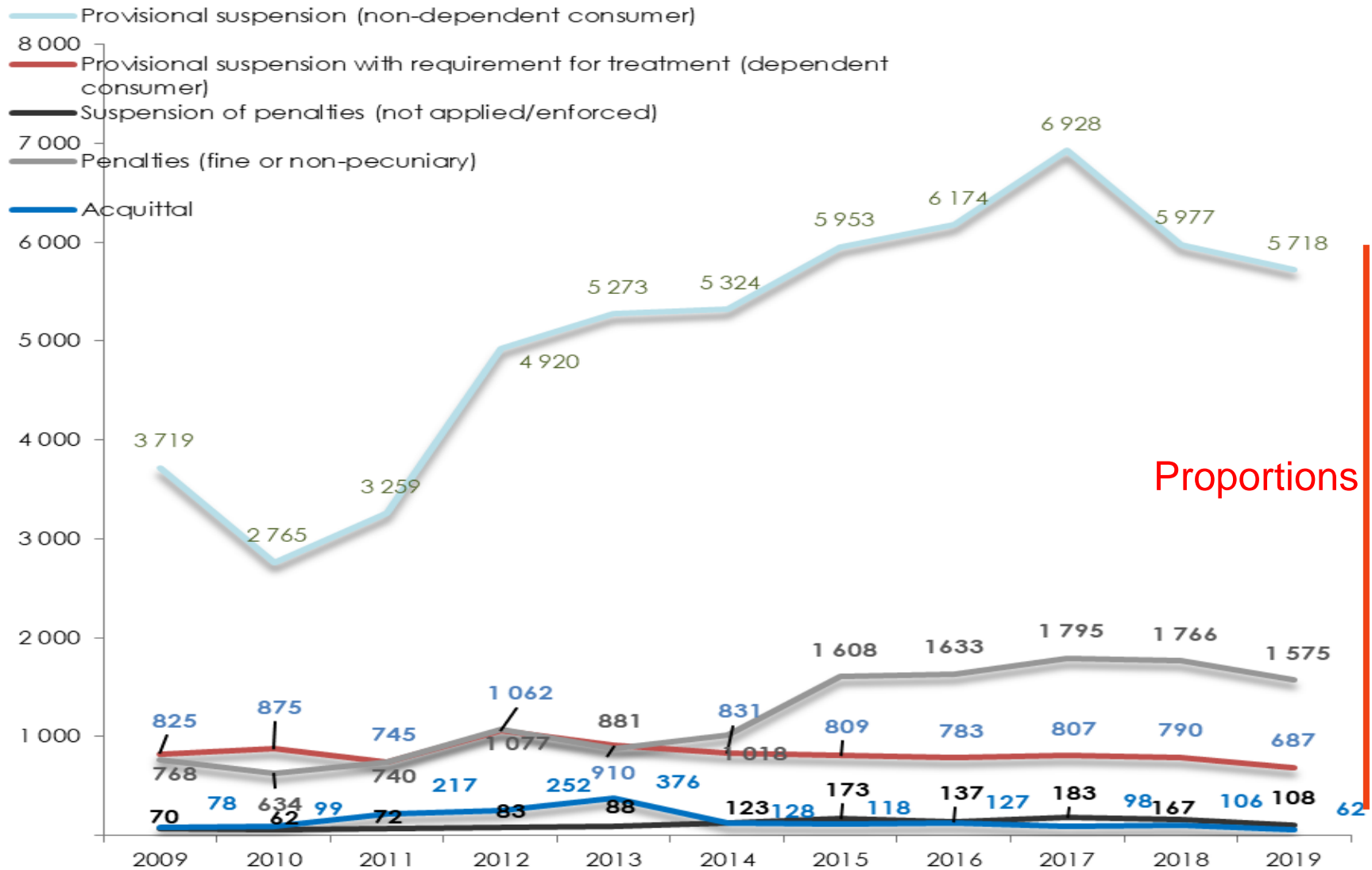
Penalties for drug use

About half the countries in the European Union specify drug use or consumption as a specific offence.

Select one or more questions and at least one country.

- What is the punishment for the offence?
- What are the alternatives to punishment for the offence?
- Penalty varies by drug?
- Penalty varies by quantity?
- Penalty (response) varies for addiction?
- Penalty varies for recidivism?

Type of outcome, use over time - PT



Is the (legal) system flexible enough to respond to so many variations of situations, and still produce a “just” result?





European Monitoring Centre
for Drugs and Drug Addiction

Thank you for listening

Changing drug laws – what are the main options?

Brendan Hughes
EMCDDA

Citizens' Assembly
Dublin, 2 September 2023

