



An Roinn Sláinte
Department of Health

Alternatives to Coercive Sanctions – the Irish Perspective

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Introduction

- Ireland's National Drugs Strategy: *Reducing Harm Supporting Recovery*
- Underpinned by the values of compassion, respect, equity, inclusion and partnership, the strategy promotes respect for the right of each individual to receive person-centred care based on his or her specific needs and to be involved in the development of their care plan.
- Ireland's approach reflects Action 49 of EU Drugs Action Plan which seeks to promote alternatives to coercive sanctions for people who use drugs.
- The Health Diversion Programme provides a health led and evidence based approach which connects people who use drugs with health services, provide a pathway to recovery, helping them to avoid a criminal conviction.



The Health Diversion Programme

- There are two stages in the health-led approach whereby a person is found by An Garda Síochána (our national police force) to be in possession of drugs for personal use;
 - On the **first occasion** the person would be referred to health services for a health screening and brief intervention.
 - On a **second occasion**, the police will have discretion to issue a caution, or another referral to the HSE for a further SAOR health screening and brief intervention can also take place.
 - On any **subsequent arrests** for possession of drugs for personal use, a person would not be included in the programme.
 - The Government has committed to review the programme to ensure that it is meeting all of its aims, following the first full year of implementation, and make any necessary changes.



How Did We Arrive Here?

- In 2017 the Government established a Working Group to Consider Alternative Approaches to the Possession of Drugs for Personal Use.
- The work programme consisted of meetings with experts from other countries, commissioning research on other jurisdictions and undertaking a public consultation, therefore providing a strong evidence base for the report's conclusions.
- The public consultation process received a response of over 20,000 people and included the views of many people who use drugs.
- The report completed by the Working Group was submitted to Government in April 2019 and, having reflected on a number of policy recommendations, the Government decided to adopt a health-led approach: the Health Diversion Programme.



The Health Diversion Programme

- There are three main principles underpinning this approach:
 1. That a person should be afforded the opportunity to avoid a criminal conviction for the possession of drugs for their personal use
 2. That a person should be supported to avoid, reduce, and recover from drug-related harm
 3. And finally, a person with problematic drug use should be referred to appropriate treatment or other support.
- An interdepartmental group was established to implement the Health Diversion Programme, which is chaired and led by the Department (or Ministry) of Health.
- Membership includes the Department of Justice, An Garda Síochána (our national police force), and the Health Service Executive.



The Health Diversion Programme

- The Health Diversion Programme does not represent the de facto legalisation of drugs. The legislation relevant to the personal possession of drugs (Section 3 of the Misuse of Drugs Act 1977/84) will remain in force.
- The concept of a criminal offence with an administrative or civil sanction is not compatible with the Irish legal system.
- The Health Diversion Programme enables the police to divert a person to health services following arrest.



Strategic Implementation Group 5: Alternatives to Coercive Sanctions

- As part of the recently completed mid-term review of the national drugs strategy, six strategic priorities were identified.
- These priorities will strengthen the health-led approach to drug use and align with the EU Drugs Strategy and Action Plan.
- The fifth strategic priority is to promote alternatives to coercive sanctions for drug related offences, and its focus will be on the rollout of the Health Diversion Programme.
- This priority aligns with the EU Drugs Strategy and Action Plan, 2021 – 2025.
- Other initiatives offering alternatives to coercive sanctions will also be supported. A particular emphasis will be on the exchange of best practice on alternatives to coercive sanctions with EU member states.



Thank You!