

Review of Portuguese drug laws highlights help given to addicts

A new report in to Portugal's bold steps in decriminalising drug possession has highlighted some positive changes in drug use and associated harms. This includes a reduction in deaths from overdoses and in the number of new HIV cases amongst injecting drug users.

The report, produced by the Cato Institute, an American think tank, argues that there have been positive changes in Portugal since 2001, and that there is now an acceptance by many in Portugal that the system should continue and no new steps should be taken to reintroduce criminal penalties for possession.

Portugal decriminalised the personal possession of drugs in July 2001, introducing Law 30/2000, which decriminalised the possession, procurement and use of illicit substances. A distinction is made between personal use, "for one's own consumption", and the supply and trafficking of drugs, "possession of more than the average dose for ten days of use", an offence which incurs a criminal penalty.

Those caught in possession for personal use are referred to Commissions for the Dissuasion of Drug Addiction (Comissões para a Dissuasão da Toxicodependência – CDTs), specialists who decide on an appropriate course of treatment. No distinction is made between soft and hard drugs. Sanctions available range from fines to bans on associating with certain individuals and visiting locations related to drug use. In practice, it is expected that legal proceedings are "suspended", with offenders agreeing to engage with treatment.

At the time, critics resisted the move, fearing a surge in drug use and "drug tourism", people from other countries coming to Portugal to take advantage of a relaxation in the legal framework. Proponents of change, interested in advancing harm reduction and increasing access to treatment, saw decriminalisation as a means to achieve these ends.

One of the focuses of the report is lifetime prevalence rates, measuring how many people have used drugs over the course of their lifetime. Usage rates amongst 13 – 15 year-olds have decreased from 14.1% in 2001 to 10.6% in 2006. Amongst 16 – 18 year-olds, the rate dropped from a peak of 27.6% in 2001 to 21.6% in 2006. The report also stated that the rate of use of nearly all psychoactive substances has declined amongst these age groups. The report added that there has been a slight increase of some substances amongst the 15 – 24 age group.

These age groups are considered crucial as indicators of future behaviours in the adult population. The critical group here, 15 – 19 age group, has seen a decrease in prevalence rates since decriminalisation. This includes a decrease in the use of Heroin, down from 2.5% to 1.8%, the drug considered the most harmful by the Portuguese government and a key target of the new approach.

Treatment figures also highlighted improvements. One quote from the report argued that "The number of people in substitution treatment leapt from 6,040 in 1999 to 14,877 in 2003, an increase of 147% . . . The number of places in detoxification, therapeutic communities and half-way houses has also increased. . . . The national strategy has led directly to increases in the scale of treatment and prevention activities in Portugal."

The benefits of greater openness, earlier interventions and harm reduction strategies can be seen in a decrease in new case of HIV and AIDS infections amongst addicts. The report states that "between 1999 and 2003 there was a 17% reduction in the notifications of new, drug-related cases of HIV...There was also reductions in the numbers of tracked cases of Hepatitis C and B in treatment centres."

Furthermore, the report highlights reductions in drug-related mortality rates. Taking in to account an increase in toxicological examinations since 2002, positive results indicating drugs as a factor in deaths have decreased, from 280 in 2001 to 216 in 2006. In 2000, 281 deaths from opiates were recorded. This had fallen to 133 in 2006.

When compared to the EU, where levels of substance use, particularly Cocaine and Cannabis, are at record levels, Portuguese prevalence rates compare favourably. Lifetime prevalence rates for Cannabis in Portugal, at 8.2%, compares favourably with an EU average of 25%. Compared internationally, the USA, with more punitive measures to possession, has a lifetime prevalence rate of 42.4% for Cannabis.

A previous report by the Beckley Foundation Drug Policy Programme, a non-governmental initiative dedicated to providing a rigorous independent review of the effectiveness of national and international drug policies, also looked at some of the results. It highlighted similar findings to the Cato report.

These include a reduction in the use of Heroin amongst 16 – 18 year olds. The report states that there has been a decrease in the number of deaths related to the use of Heroin, with a reduction in drug-related deaths overall of 59% between 1999 and 2003. In the same time frame, there was a 17% reduction in the number of new, drug-related cases of HIV.

As well as health-related factors, the Beckley Foundation highlights benefits for the criminal justice system. There has been a reduction in the number of drug-related cases going to court, with referrals instead being made to the treatment commissions following arrest. The number of prisoners sentenced for drug offences declined from 44% in 1999 to 28% in 2005.