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RELEASE

Release
Drugs, The Law & Your Rights

DRUG DECRIMINALISATION: TEN YEARS ON

Legal model

Thresholds

Activity

Decision maker

Substances

Outcome

Decriminalisation year range 1976 - 2025




View map & data for:



NOT THAT YOU NEED A REMINDER BUT...

The definition of decriminalisation is “the removal of criminal sanctions for the possession and/or use of drugs – and in some cases other activities such as social supply and cultivation - sometimes civil sanctions are applied, some models simply do not have any penalties”.



No criminal record



Does not include an escalated approach – essentially criminalises drug dependency and fails to recognise the impact of overpolicing

TEN YEARS ON WHERE WE ARE

In 2015 **27** Countries and **18** jurisdictions had ended criminal sanctions for possession (and other related activities)

2015

2025

By 2025 **39** countries have some form of decriminalisation (this includes US states that have decriminalised possession of cannabis and Canada where BC decriminalised possession of 4 drugs). Now there are **26** Jurisdictions.

WHERE HAVE THESE CHANGES OCCURRED

US states – cannabis legalisation incorporates model of decriminalisation in respect of cannabis not sourced from the legal market (note youth use in US has fallen from 23% in 2013 to 17% in 2023, CDC, USA).

A number of Caribbean countries have decriminalised cannabis possession and cultivation for personal use

But as in 2015 most countries have decriminalised all drugs, not just cannabis.

DECRIMINALISATION DEVELOPMENTS OVER THE LAST DECADE

British Columbia - methamphetamine, cocaine, heroin, and MDMA (2.5g)

Colombia – public drug use

Brazil – decriminalisation of cannabis & creative use of the requirement to punish

South Africa – cannabis possession and cultivation decriminalise

Oregon – a success story and scapegoat!

Portugal adapting its response

BRITISH COLUMBIA

2023 Exemption
provided by Federal
Government to British
Columbia

Initially applied to all
possession offences
involving the four
specified drugs except
in vicinity of specific
locations

No punishment model

Police can now
“intervene” & seize
drugs in public spaces

In 2024, media &
political backlash –
public use criminalised
although police
guidance in place.

COLOMBIA

Decriminalised drug possession in 1994 through a constitutional decision

Constitutional court decision on public drug use 2023 (C-127/23)

Police not allowed to criminalise public use/ possession

Ministry of Justice instructs local municipals to develop policing strategies aligned with decriminalisation policies

BRAZIL

Supreme court decision in 2024
decriminalises cannabis possession

Court instructs government to implement
alternative sanctions to criminalisation

Referrals to “Legal Aid” clinics to ensure
people’s rights are materialised

SOUTH AFRICA

2018 Constitutional Court decriminalises private use of cannabis, invalidated the criminal law, no sanctions for activity (MoJ v Prince)

2020 Cannabis for Private Purposes Bill proposes thresholds of 600g for an individual & 1.2kg for a couple (does not become law)

Cannabis for Private Purposes Act 2024 (no thresholds, waiting regulations)

Automatic expungement of records

OREGON

Ballot initiative Measure 110
1) decriminalises possession
of all drugs & 2) diverts a
percentage of cannabis
taxation to health (including
drug treatment) and housing
services

Police cannot search people
for drugs, but if caught in
possession where another
offence alleged to have
taken place, police can refer
people to helpline

Legal change happens as
COVID19 hits. Money for
services does not get
approved until late 2022.

Success if we look at what
decriminalisation can do –
reduce arrests, reduce
burden on police & wider
CJS, increase number of
people referred

THE BACKLASH

The Washington Post
Democracy Dies in Darkness

Once hailed for decriminalizing drugs, Portugal is now having doubts

July 7, 2023 More than 2 years ago

11 min Summary 3,144



The New York Times

OPINION
BRET STEPHENS

The Hard-Drug Decriminalization Disaster

Aug. 1, 2023



<https://www.bbc.com/news/world-us-canada-68716519>

Oregon recriminalises drug possession after overdoses rocket

2 April 2024



GETTY IMAGES

Public sightings of people more openly consuming drugs became more common after the passage of Measure 110

Brandon Drenon
BBC News

Oregon has approved a state law that recriminalises drug possession.

MORE COMPLEX PICTURE

Drug overdose deaths were increasing in Oregon but that was largely linked to the fact that fentanyl hit the state in 2021.

“ In this cohort study of fatal drug overdose and the spread of fentanyl through Oregon’s unregulated drug market, no association between M110 and fatal overdose rates was observed. Future evaluations of the health effects of drug policies should account for changes in the composition of unregulated drug markets.”

Zoorob MJ, Park JN, Kral AH, Lambdin BH, del Pozo B. Drug Decriminalization, Fentanyl, and Fatal Overdoses in Oregon. *JAMA Netw Open*. 2024;7(9):e2431612.
doi:10.1001/jamanetworkopen.2024.31612

THE HOMELESSNESS CRISIS ACROSS THE WORLD 273,274,275,276,277,278,279,280

The number of homeless people worldwide continues to rise, both in countries that have decriminalized drugs and those with strict criminalization policies. Decriminalization of drugs isn't the cause of the housing crisis; criminalization of drugs won't solve it either. The real cause of the housing crisis lies in housing policies and inequality, not drug policy reform. Without housing, people lack private space to use drugs.



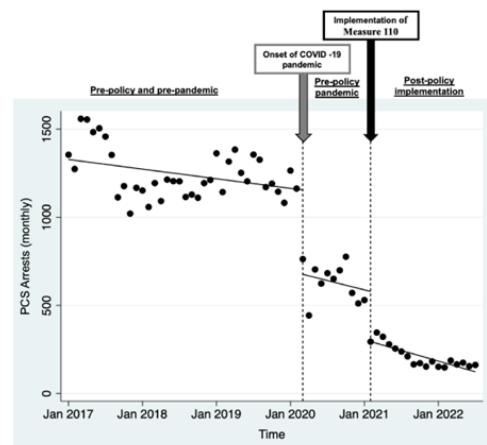
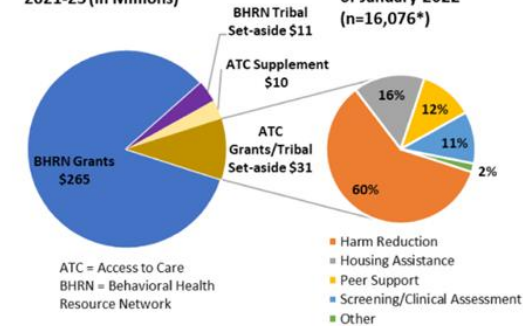


Figure 2. Interrupted time series analysis of drug possession arrests in Oregon, 2017–2022. Figure depicts monthly

Measure 110 Funding Allocations, 2021–23 (in Millions)



* Service-category specific information defined for 10,843 individuals. Percentages do not add to 100 due to rounding.

Figure 3. Measure 110 funding allocations, 2021–23 (in millions) and services accessed as of January 2022. Source: [Hawa, 2022; Oregon Health Authority, 2022a, 2022b.](#)

OREGON WAS A SUCCESS

MEANWHILE IN PORTUGAL WHAT WAS ACTUALLY HAPPENING WAS...

- 2006 Constitutional Court decision re-criminalises possession of drugs above the ten-day threshold
- 2024 Parliament votes for law that essentially reverses the 2006 court decision, meaning those caught above threshold can be referred to Dissuasion Committee
- Parliament also votes to add synthetic opioids to the list of drugs that are decriminalised

DECRIMINALISATION WORKS

- United Nations common position – UNAIDS guidance recommends no punishment and reducing police contact
- Research from British Columbia prior to drug decriminalization 83% of people reported “police-related barriers” to accessing harm reduction services, this fell to 65% after drug decriminalization was implemented. Reflects research cited in Higher Education Policy Institute (UK)
- Drug deaths lower in EU countries that have decriminalised drugs
- Drug use does not go up & positive health, social & economic outcomes

DECRIMINALISATION ONLY PART OF THE SOLUTION SAFER SUPPLY





ECONOMIC & SOCIAL JUSTICE

THANKS!
QUESTIONS?

OVER
1.5 MILLION
CRIMINAL
RECORDS
FOR DRUG
POSSESSION



THESE
POLITICIANS
DIDN'T GET A
SINGLE **ONE**