

Decriminalisation

**of drug consumption and possession for
personal use**

Challenges and experiences

Terminology

Depenalisation Something remains a criminal offence, but is no longer punished, e.g. now the case may be closed

Decriminalisation An offence is reclassified from criminal to non-criminal. It remains an offence and may be punished by the police or other agencies, rather than a court

Legalisation There is a move from a prohibited behaviour (criminal or not) to a permitted behaviour. This is usually used to describe supply, rather than possession, of drugs.

Why decriminalise?

- **Drastically reduces the number of people arrested, incarcerated or otherwise processed by the justice system**
- **Improves the cost-effectiveness of limited public health resources**
- **Redirects resources to prevent serious and violent crime**
- **An incentive to seek treatment**

Why decriminalise?

- **Improves treatment outcomes**
- **Removes barriers to the implementation of harm reduction practices**
- **Improves relationships between law enforcement agencies and the communities**

Why not decriminalise?

- **People more likely to experiment with drugs**
- **Treatment resources are not nearly large enough to handle the influx of new addicts**
- **May lead to a push for legalization**
- **Prices will fall and millions of new people may be tempted to experiment**
- **The fear of the unknown**

Is decriminalisation legally possible?

1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

It is “subject to the country’s constitutional principles and the basic concepts of its legal system.”

The European Convention on Human Rights

Everyone has the right to respect for his private and family life, his home and his correspondence’, with limits

Is decriminalisation legally possible?

Outcome Document of the 2016 United Nations General Assembly Special Session

Alternative or additional measures with regard to conviction or punishment in cases of an appropriate nature

Common United Nations system position on drug policy

Promote alternatives to conviction and punishment in appropriate cases

Was this used in some countries?

Georgia

- Everyone has the right to the free development of their personality

South Africa

- Everyone has the right to privacy which includes the right not to have [...] their possessions seized

Mexico

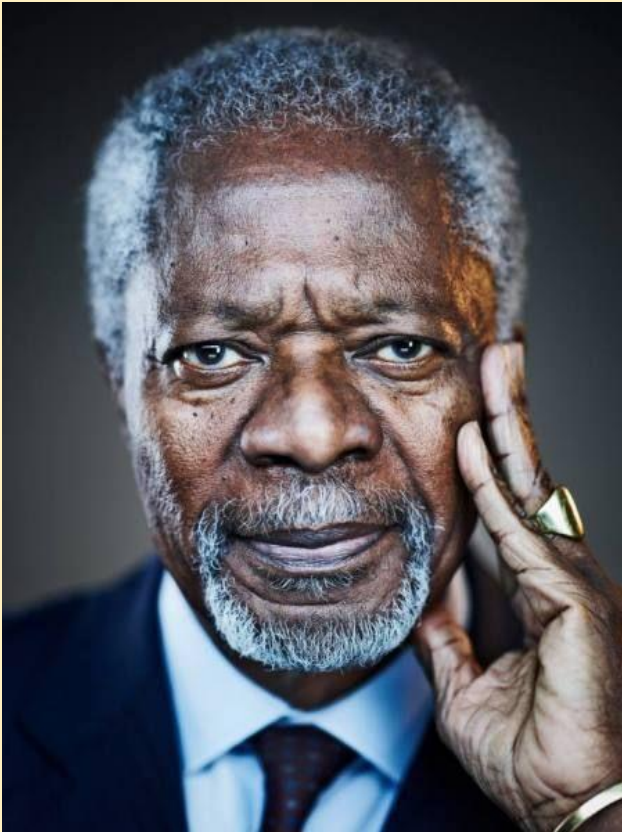
- Principle of free development of the personality

Who advocates for decriminalisation?

The Global Commission on Drug Policy

Advancing Drug Policy Reform: a new approach to decriminalization -
2016 Report

- **Optional imposition of civil penalties such as fines or administrative sanctions, or no penalty at all**
- **Principle of human dignity: no penalty whatsoever imposed for low level possession and/or consumption offenses**



As I have said before and I repeat here tonight:

I believe that drugs have destroyed many lives, but wrong government policies have destroyed many more.

A criminal record for a young person for a minor drug offence can be a far greater threat to their wellbeing than occasional drug use.