

The Difference is Research



Components of good drug policy

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Medicine

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What would a good policy look like?

- No silver bullet or one recipe to “solve the drug problem”
- But there are key components for good drug policy

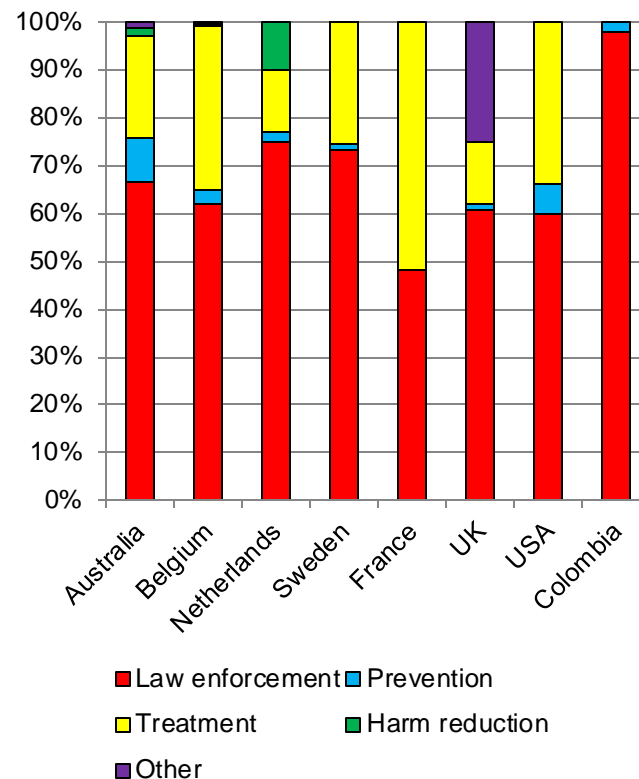


Sources: Babor et al, 2010; Ritter, Hughes, Hull, in press.

Overarching Drug Strategy and Drug Laws

- Strategy sets purpose and key areas of action e.g. supply reduction, treatment
- Best approaches
 - Focus on reducing harms
 - Comprehensive: Inclusive of alcohol and illicit
 - Evidence informed
 - Balanced expenditure
- Laws affect CJS usage and extent of health and social harms re drug use
- Best approaches:
 - Proportionate
 - Just
 - Enabling of other areas of action

Expenditure on drug policy across the globe



Sources: Ritter et al, 2013; Ritter
Ritter, Hughes, Hull, in press.

What works in drug policy?

What works? (Babor et al, 2010)

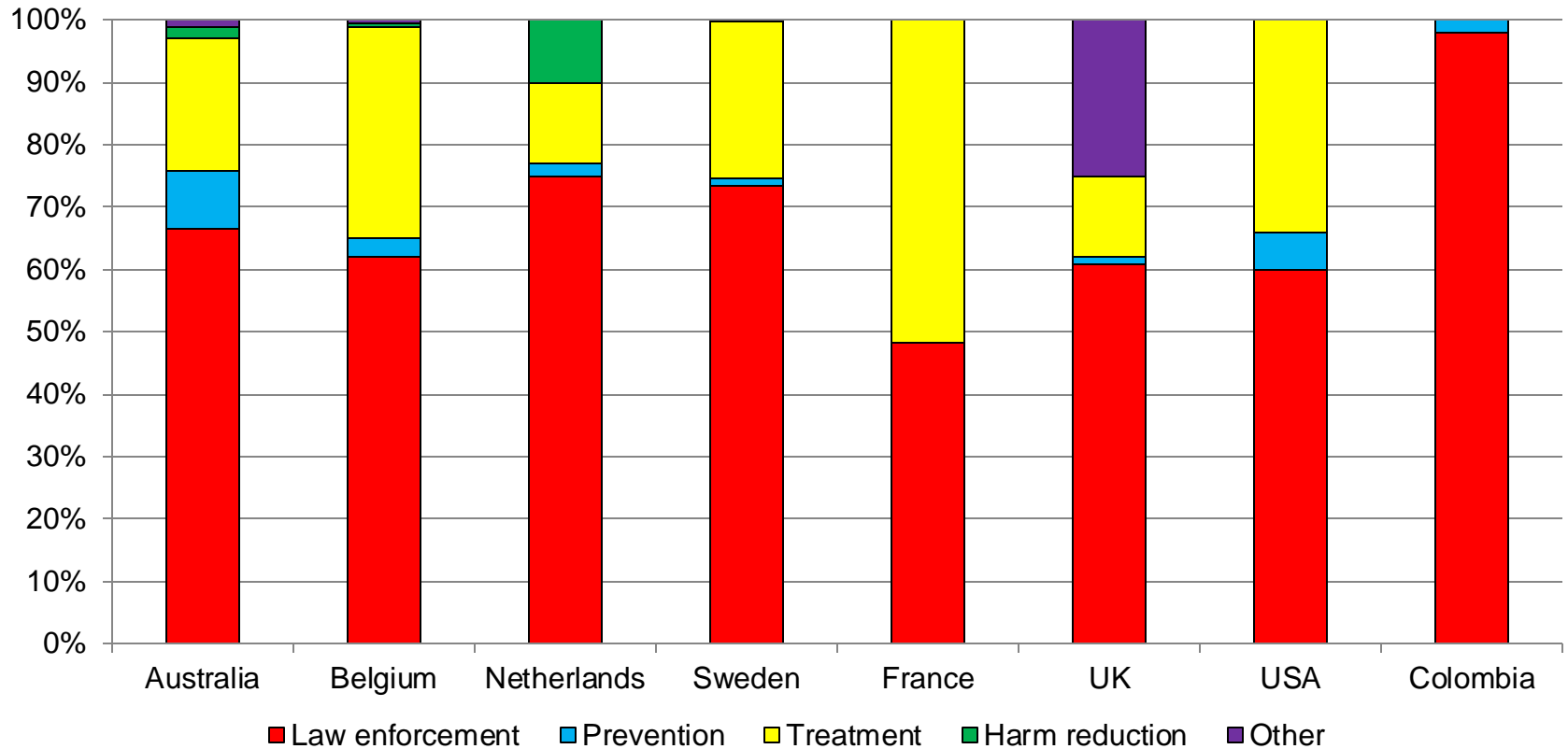
Area	Impacts	Other
Prevention e.g. mass media campaigns; school based drug education	**	Inexpensive; can still produce valuable long- term impacts
Treatment e.g. methadone maintenance; brief interventions	*****	
Harm reduction e.g. NSPs, naloxone, pill testing, drug consumption rooms	***	
Supply reduction and law enforcement e.g. border seizures; precursor controls	*	High risk of counter- productive impacts

Evidence-policy paradox (Babor et al, 2010, p.1143)

- “Current drug policy in most societies takes little or limited account of the (scientific) research.”
- “Unfortunately, policies that have shown little or no evidence of effectiveness continue to be the preferred options of many countries and international organizations.”

Lion-share of investment directed at areas with least amount of evidence

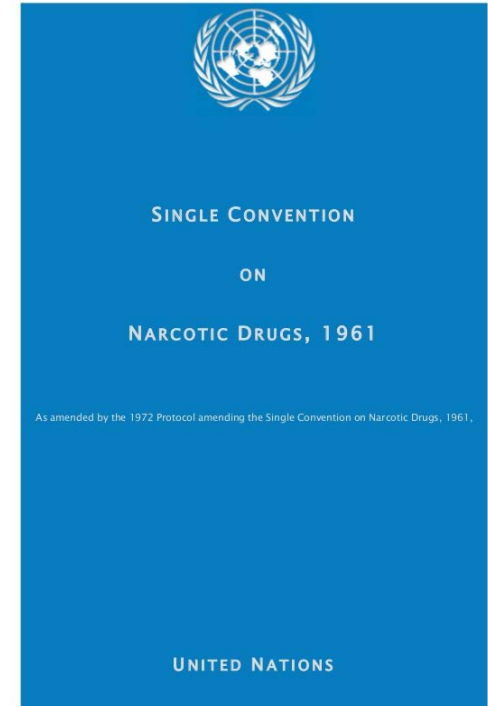
Expenditure on drug policy across the globe



Where do drug laws fit within this?

International drug controls

- International drug control centres around three UN Conventions:
 - 1961 Single Convention on Narcotic Drugs, as amended by its 1972 protocol
 - 1971 Convention on Psychotropic Substances
 - 1988 Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- These prohibit the production, supply, possession and use of illicit drugs, such as methamphetamine, cocaine and cannabis
- Main aim: to reduce illicit use and supply



What have experts said about the international drug treaties? (Room and Reuter, 2012)

- “The system has failed to achieve its original goals of elimination of illicit markets and the non-medical use of controlled drugs.”
- “Arguably worsened the human health and wellbeing of drug users.”
- Emphasis on criminalisation of drug use has
 - Increased imprisonment for minor offences
 - Contributed to spread of HIV
 - Caused harm to drug users and their families

Alternative approaches to drug laws



Prohibition

Possession & supply is a criminal offence and criminal penalties are applied in practice

e.g. Sweden

De facto decriminalisation

Possession & supply is a criminal offence but laws are not applied in practice e.g. due to police guidelines

e.g. Australian drug diversion programs, Netherlands

De jure decriminalisation

Criminal penalties are removed by law. Optional use of civil penalties or other sanctions. Drugs still seized i.e. not 'legal'

e.g. Portugal

Legalisation

Legal to possess, distribute and produce

e.g. Colorado and Washington State in USA and Uruguay – cannabis only

Multiple options within each approach

e.g. Options for cannabis legalisation (Caulkins, Kilmer et al. 2015)



Home growing

Social clubs

**Local retail
sales only e.g.
Dutch model**

**Government
monopoly**

**Public authority –
near monopoly**

**Non-profit
organisations**

**For benefit
companies**

**Commercial
sales – for-profit
companies**

What has been learnt from international experimentation with drug laws?

Key lessons (e.g. Babor et al, 2010; Room et al, 2010; Hughes, Ritter et al, 2016)

- Proviso:
 - Impacts of legalisation and regulation of drugs not yet clear
 - But, 25 countries have decriminalised use and possession of illicit drugs (most for cannabis alone)
- **What have we learnt about decriminalisation of drug use and possession?**
 1. Removal of or lessening of criminal penalties has not led to an increase in drug use
 2. Saves criminal justice system resources
 3. Ameliorates adverse social impacts for people who use drugs e.g. improves employment prospects
 4. May increase number of people in contact with CJS (net-widening)
 5. But devil is in the detail: specific choice of model matters and where/how implemented matters

One model of note: the Portuguese decriminalisation of illicit drugs

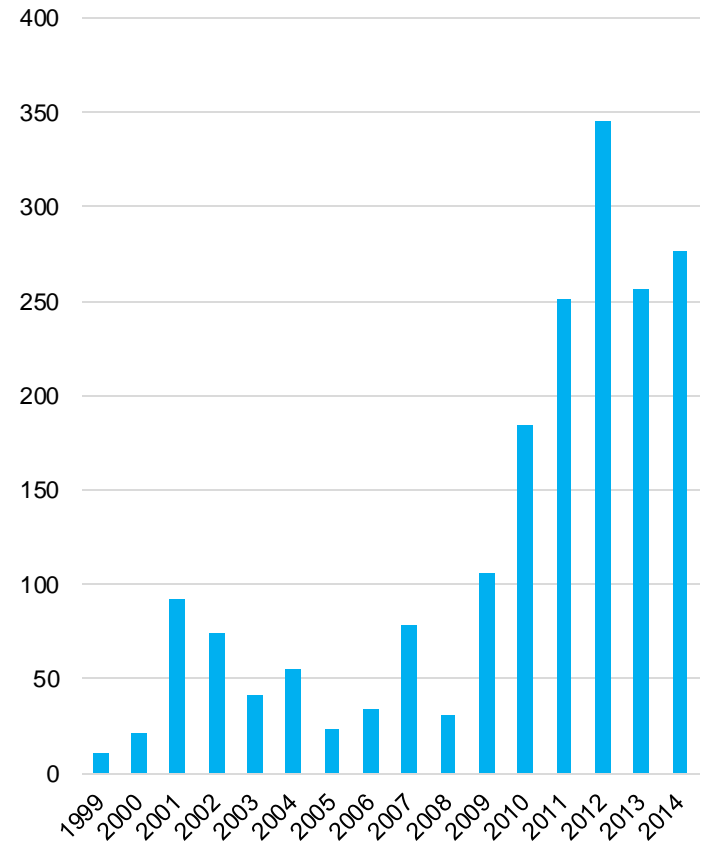
Portuguese decriminalisation of illicit drugs

- Commonly discussed

Points to note:

- Decriminalisation – not legalisation
- There are some erroneous accounts about the reform
- Did not just change drug law – also expanded investment in treatment, prevention, harm reduction etc

Media mentions: Portugal and decriminalization 1999-2014

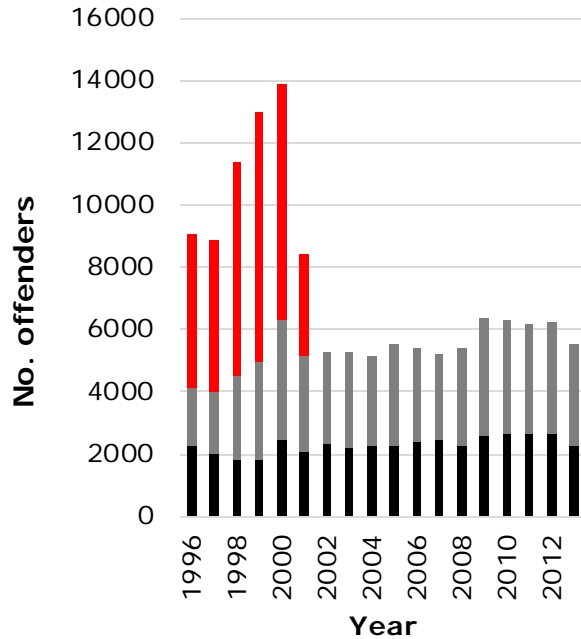


The Portuguese reform

- On 1 July 2001 decriminalised the use, possession and acquisition of *all* illicit drugs
- Key goal:
 1. to treat drug use as a health and social issue
 2. to provide a more humanistic and pragmatic response
- Set up a new system of response:
 - Replaced criminal penalties with administrative sanctions
 - Detected offenders referred to Commissions for the Dissuasion of Drug Addiction (CDTs)
- Introduced as part of a new national drug strategy that expanded treatment, harm reduction and social re-integration including guaranteed minimum income and support with employment assistance

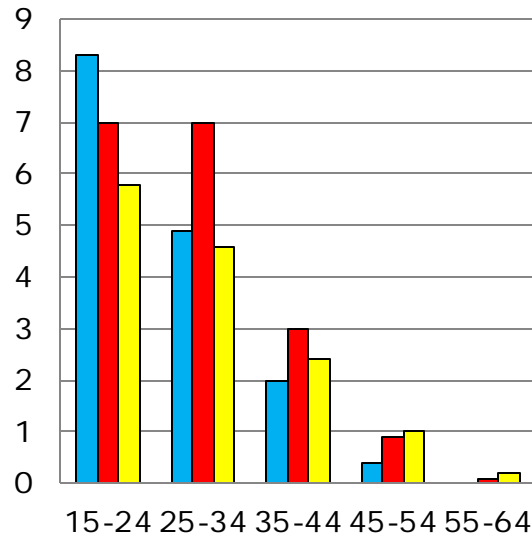
Trends post reform

Trends in criminal charges



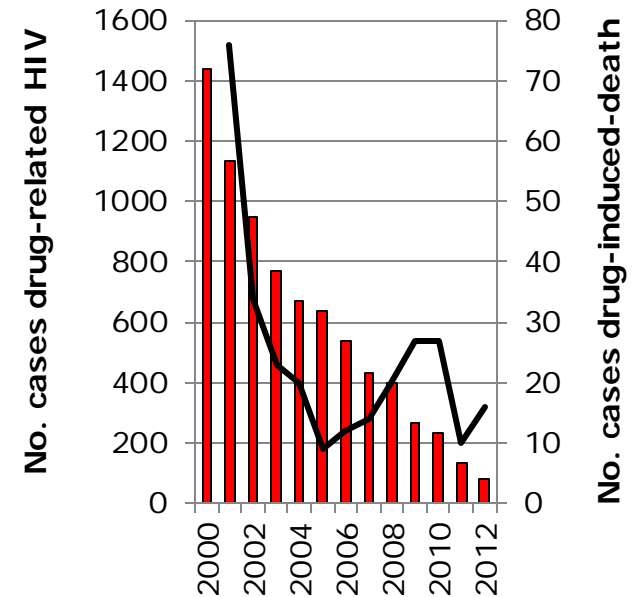
- Consumer
- Trafficker-consumer
- Trafficker

Trends in recent drug use



- 2001
- 2007
- 2012

Trends in drug-related HIV and deaths



- Drug-related HIV
- Drug-induced deaths

Key impacts (Hughes & Stevens, 2010; 2012; Gonçalves et al, 2015)

- Fourteen years post the Portuguese reform there is evidence of:
 - Reduced burden on criminal justice system
 - Small increases in recent drug use (amongst sub populations)
 - Reductions in problematic drug use
 - Reduction in drug-related harms
 - Increase in treatment access and employment assistance
 - Reduction in social costs of responding to drugs
- Other impacts on public policy:
 - Bipartisan response to drugs
 - Drugs less stigmatised and sensational in public debates
 - Strong links between drug policy and other policy areas e.g. social welfare front and centre
- Impacts not attributable solely to drug law reform but suggests:
 - Decriminalisation can have positive impacts when applied to all illicit drugs
 - Drug law reform can be a tool to enable a more public-health approach towards drugs

How does the current Australian response compare?

Portugal	Australia
Objective of humanism and pragmatism	Objective of harm minimisation
People who use drugs avoid criminal sanctions for use and possession	People who use drugs often receive criminal sanctions for use or possession of minor quantities of drugs
Laws designed to enable treatment, harm reduction and social responses	Laws often conflict with treatment, harm reduction and social responses
Drugs readily discussed in public debate: sophisticated debate	Polarised debate
Bipartisan issue	?

Current Australian drug laws on use/possession

- Use and possession is a criminal offence in most parts of Australia
- Mixture of de jure and de facto decriminalisation across the country
- But many gaps in the system: many people continue to be charged and sent to court for possession of small quantities of drugs

STATE	De jure reform		De facto reform	
	Cannabis	Other illicit	Cannabis	Other illicit
NSW			✓	
Qld			✓	
Vic			✓	✓
SA	✓			✓
WA			✓	✓
Tas			✓	✓
ACT	✓		✓	✓
NT	✓			✓

For further details see DPMP briefing paper on decriminalisation: Hughes et al. (2016).

Implications

- No one silver bullet
- Many avenues by which to build good drug policy:
 - Attend to the evidence on what works
 - Focus on reducing harms and avoiding unintended policy consequences
 - Invest more in treatment and harm reduction
 - Ensure drug policy is not considered in isolation: remember social welfare and human rights
 - Re-consider dominant legal framework: inc potential benefits of removing criminal penalties for drug use and possession across all states/territories

Thank you!

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