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Emily Mothersbaugh

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A Policy Analysis of the Effectiveness of Portugal's Drug Decriminalization Policy

Emily Mothersbaugh

Longwood University CRIM 461 Senior Seminar



Abstract

The objective of this research is to examine the effectiveness of Portugal's Decriminalization Policy in reducing rates of addiction, HIV/AIDS/Hepatitis, drug use, drug related deaths, and interaction of drug users with law enforcement. A systematic review of studies conducted to assess the impact of this policy on stated outcomes indicates that the policy is an effective means of reducing these rates of addiction, disease, deaths, use of drugs, and interaction with the law. In addition, this policy has also impacted the drug markets of Portugal, and decreased levels of drug-related crime.



Introduction

During the mid to late 1990's, Portugal experiences a growing drug problem which peaked in 1999, as they had the highest rate of AIDS and second highest rate of HIV in the European Union among drug-using populations (Drug Decriminalization in Portugal, 2019). Data from the 1990's revealed that one out of 100 citizens were addicted to heroin and overdose deaths were as high as 369 (McCarthy, n.d.). Along with the rise in drug-related diseases and overdoses, the general population of Portugal highly emphasized concern over the social and economic effects that the prevalence of drug use (mainly heroin) was having on the efficiency of the country (Drug Decriminalization in Portugal, 2019). To combat these problems, the Portuguese government developed the Commission for the National Strategy for Drug Control (Comissão para a Estratégia Nacional de Combate à Droga) in 1998, which was tasked with determining drug intervention, prevention, and treatment strategies (Soares, 2016). The following year, the government established the Estratégia Nacional de Luta Contra a Droga e a Toxicodependência, which ultimately brought about the decriminalization of drugs (Soares, 2016).

Drug decriminalization includes the removal of criminal penalties for drug use, possession, and lower level drug sales (Drug Decriminalization, n.d.). Prior to the new policy, Portugal had relied on incarceration and fines as deterrents for drug use, but found them unsuccessful. In July of 2001 the decriminalization of drugs was put in effect by the president of the Republic, Portuguese Parliament, and Council of Ministers (Van Het Loo, Van Beusekom, & Kahan, 2002). This new policy would categorize drug offenses as strictly administrative offenses, rather than criminal, and centered the program on a public health approach. This new change applied to all drugs, both "hard" and "soft," and operated under emphasis of "harm reduction." The Portuguese Institute for Drugs and Addiction (IPDT) was in charge of the decriminalization program, as well as harm reduction strategies. This program aimed to decrease supply and demand, lessen impacts on society, and promote better outlets for treatment and prevention efforts (Van Het Loo et al., 2002). The ultimate aim of the program was to decrease addiction and prevalence of HIV/AIDS among drug users, as well as reduce stigma in order to reach more addicts.

Contact

Emily Mothersbaugh
Longwood University Criminal Justice Department
Email: emily.mothersbaugh@live.longwood.edu

Studies Demonstrating Effectiveness

Studies analyzing effectiveness collected data on outcomes such as rates of addiction/treatment rates, rates of drug use, drug-related deaths, rates of HIV/AIDS and Hepatitis B & C among drug users, as well as intervention with the law. Overall, research has found that the policy decreased addiction rates, problematic drug use (PDU), Drug related deaths, and significantly decreased the prevalence of HIV/AIDS and Hepatitis among drug users. Most studies show that the policy was effective.

Laqueur (2015) studied data from IDT and explains the importance of treatment programs in correspondence with the decriminalization of drugs. To analyze the rates of addiction before and after decriminalization, Laqueur operationalized addiction rates as rates of treatment for addiction, under the pretense that increase in treatment for addiction would equate to a decrease in addiction rates and positively impact the lives of those who suffer from addiction (specifically heroin addicts). Using data from the IDT, the study compared rates of treatment in 1998 to 2000, as well as 2008. In 1998, 23,654 users of drugs took part in some form of unspecified treatment. In 2000, the number of users in treatment grew to 29,204, which saw exponential growth following decriminalization in 2001.

Greenwald (2009) focused on how decriminalization impacted rates of drug use, specifically whether or not rates increased, decreased or remained the same following the new policy. The study has seen decreases in drug use within various age groups, mostly those in highschool (ages thirteen to eighteen). The data from this comparison (2001 vs 2006) comes from a national Epidemiological study conducted by the Instituto da Droga e da Toxicodependência de Portugal (IDTP) on general populations, school populations, and prison populations.



Studies Demonstrating Ineffectiveness

Few sources find the policy to be ineffective in some outcomes, such as drug use. The APLD report, published by Dr. Manuel Pinto Coelho (2010) boasts that no decrease in drug use was seen following decriminalization. He deduced that the "slight increases" of use described by Greenwald (2009) was actually a significant increase, and no decreases were seen among other (younger) age groups. His conclusion was based on data suggesting a 50% increase in drug use between the years of 2001 and 2007 for demographics aged 20-24 years, and that overall ages 15-64 failed to see any amount of decrease across all drugs. The data for this research was outsourced and collected from a secondary source. Additionally, other studies focusing on drug-related deaths, such as Domoslowski (2011), label this variable as a major drawback of the policy. Data used for this study specifically found that there was an increase in deaths both directly and indirectly caused by drugs following decriminalization. Data from 2008 and 2009 reveals an increase from 20 drug-related deaths to 27 in one single year (Domoslowski, 2011).

Summative Analysis

The majority of evidence on effectiveness of Portugal's decriminalization policy shows progress in decreasing drug use, drug addiction, drug related deaths, interactions with the law, and HIV/AIDS rates, some major drawbacks have also been highlighted. One of these issues was the impact the policy would have on the economy and the welfare of society. Decriminalization impacted the drug market, rendering it inevitable that the economy of the country as a whole would also be impacted. In 2014, Murkin conducted research on how the policy impacted many aspects of Portugal, one of them being economics. Some of the documented changes included an economic recession seen following decriminalization as well as budget cuts to social programs, such as the National Health Service, and abolishment of other programs that were created to combat and treat addiction (Murkin, 2014).

Additionally, an impact on production in the form of profit loss was documented; likely due to the increase in access to drug treatment programs. Gonçalves, Lourenço, & da Silva conducted a study (2015) which analyzed the impacts that decriminalization had on society, as drug use impacts the well-being and health of all aspects of social life, such as taking resources (money) that could be applied elsewhere. These costs are both private and public such as IDT and EMCDDA, and also seen as a loss of productivity.



Conclusions

In sum, the increasing rates of drug addiction, drug use, rates of infection of HIV/AIDS and Hepatitis, drug-related deaths as well as a high prevalence of drug users' interaction with the law in the 1990's encouraged the enactment of Law No. 30, Decree-Law No. 130-A in April of 2001, and Decree-Law No. 183 in 2001.

The Portuguese Government aimed to implement The Commission for the National Strategy for Drug Control to oversee all intervention strategies involving drug possession and use, and later the National Strategy for the Fight Against Drugs and Drug Addiction which developed the decriminalization policy.

The policy worked on the basis that individuals caught using or possessing drugs would have direct access to treatment without any cost and would be treated as citizens with a health problem rather than criminals.

The policy increased the amount of treatment centers, as well as availability to other resources such as shelter centers and needle-exchange programs to promote a cleaner route of injection. Overall, the research regarding the effectiveness of this policy has shown evidence of success in terms of the policy reducing addiction rates, drug-related deaths, HIV/AIDS rates, and drug use. Thus, the decriminalization of drugs is a sound criminal justice policy implemented by some countries facing drug-related problems.

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