

Drug Decriminalization in Portugal: A Health-Centered Approach

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Portugal enacted one of the most extensive drug law reforms in the world when it decriminalized low-level possession and use of all illicit drugs more than a decade ago. Results of the Portuguese experience demonstrate that drug decriminalization – alongside a serious investment in treatment and harm reduction services – can significantly improve public safety and health.

The Portuguese Decriminalization Model

In 2001, Portuguese legislators enacted a comprehensive form of decriminalization – eliminating criminal penalties for low-level possession and consumption of all illicit drugs and reclassifying these activities as administrative violations. A person caught with personal-use amounts of any drug in Portugal is no longer arrested, but rather ordered to appear before a local “dissuasion commission” – comprised of one official from the legal arena and two from the health or social service arenas – who determine whether and to what extent the person is addicted to drugs. The commission can refer that person to a voluntary treatment program, pay a fine or impose other administrative sanctions. While drug use and possession no longer trigger criminal sanctions, they remain illegal. Further, drug trafficking offenses remain illegal and are still processed through the criminal justice system.¹

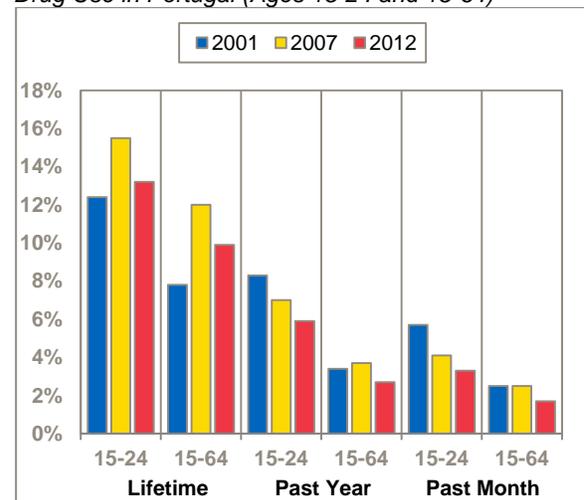
Benefits of the Portuguese Approach

Independent research of the Portuguese policy has shown remarkably promising outcomes:²

No major increases in drug use. Rates of illicit drug use have mostly remained flat. Slight increases in lifetime use of some drugs have occurred but appear to be part of a regional trend – and likely reflective of increased experimentation, since rates of current drug use have not changed significantly.³ Portugal’s drug

use rates remain below the European average⁴ – and far lower than the United States.⁵

Drug Use in Portugal (Ages 15-24 and 15-64)



Source: Balsa et al., IDP, 2013.⁶

Reduced problematic and adolescent drug use.

More importantly, adolescent drug use, as well as problematic drug use – or use by people deemed to be dependent or who inject – has decreased since 2003.⁷

A 2013 study of European Union member-states confirms that countries like Portugal that have decriminalized drug possession have not experienced increases in monthly rates of use – and in fact tend to have lower rates than countries with punitive policies.⁸

“Portugal remains among the countries with the lowest prevalence of use for most of the substances.”⁹

— Institute on Drugs & Drug Addiction, 2013.

Fewer people arrested and incarcerated for drugs.

The number of people arrested and sent to criminal courts for drug offenses declined by more than 60 percent after decriminalization. Importantly, the number of people referred for administrative offenses under the new law has remained constant (around 6,000 or 7,000 per year), “indicating no overall increase in the amount of formal contact that drug offenders are having with Portuguese police and so no net-widening.”¹⁰ The vast majority of cases that come before Portugal’s dissuasion commissions are deemed non-problematic and dismissed without sanction.¹¹

The percentage of people in Portugal’s prison system for drugs also decreased by about half, from 44 percent in 1999 to 21 percent in 2008.¹² The overall quantity of illicit drugs seized by Portuguese law enforcement increased, too¹³ – possibly a result of public safety resources newly freed up by decriminalization, allowing law enforcement to target “the sharks, not the small fish” in the supply chain.¹⁴

“We came to the conclusion that the criminal system was not best suited to deal with this situation... The best option should be referring them to treatment... We do not force or coerce anyone. If they are willing to go by themselves, it’s because they actually want to, so the success rate is really high... We can surely say that decriminalization does not increase drug usage, and that decriminalization does not mean legalizing... It’s still illegal to use drugs in Portugal — it’s just not considered a crime. It’s possible to deal with drug users outside the criminal system.”¹⁵

– Nuno Capaz, Lisbon Dissuasion Commission.

More people receiving drug treatment. Between 1998 and 2008, the number of people in drug treatment increased by more than 60 percent (from 23,654 to 38,532).¹⁶ Treatment is entirely voluntary – making Portugal’s high rates of uptake even more impressive. Over 70 percent of those who seek treatment receive opioid-substitution therapy, the most effective treatment for opioid dependence.¹⁷

Reduced incidence of HIV/AIDS. The number of new HIV and AIDS diagnoses fell considerably. Between 2000 and 2008, new HIV cases among people who use drugs declined from 907 to 267 and the number of new AIDS cases declined from 506 to 108.¹⁸

Reduced opiate-related deaths. The proportion of drug-related deaths involving opioids shrank from 95 percent in 1999 to 59 percent in 2008.¹⁹

“The decriminalization of drug use should be understood as only one element of a larger policy change that...might be best described as a public health policy founded on values such as humanism, pragmatism and participation.”²⁰

– European Monitoring Centre on Drugs & Drug Addiction, 2011.

Decriminalization, Treatment and Harm Reduction: A Health-Centered Approach

These positive outcomes are not solely attributable to decriminalization but also to a major expansion of treatment and harm reduction services, including access to sterile syringes, low threshold methadone maintenance therapy and other medication-assisted treatments.²¹ Portuguese policymakers deserve praise for “creating the necessary infrastructure and making the required financial investment to enable the policy to be put into practice,”²² as well as for eliminating most barriers to accessing vital services.²³

Portugal’s Drug Czar, Dr. João Goulão, states, “There is no doubt that the phenomenon of addiction is in decline in Portugal,”²⁴ which he believes is “the result of a set of policies that target reduction of both supply and demand, including measures of prevention, treatment, harm reduction and social reinsertion.”²⁵

“It’s very difficult to identify a causal link between decriminalization by itself and the positive tendencies we’ve seen...It’s a total package. The biggest effect has been to allow the stigma of drug addiction to fall, to let people speak clearly and to pursue professional help without fear.”²⁶

– Dr. João Goulão, Portugal’s “Drug Czar”, 2011.

Independent Research Conclusions

Experts have concluded that “contrary to predictions, the Portuguese decriminalization did not lead to major increases in drug use. Indeed, evidence indicates reductions in problematic use, drug-related harms and criminal justice overcrowding.”²⁷

- *British Journal of Criminology*, 2010: “The Portuguese evidence suggests that combining the removal of criminal penalties with... alternative therapeutic responses to dependent drug users offers several advantages. It can reduce the burden of drug law enforcement on the criminal

justice system, while also reducing problematic drug use [and] may offer a model for other nations that wish to provide less punitive, more integrated and effective responses to drug use.”²⁸

- Frank Zobel, of the European Monitoring Center for Drugs and Drug Addiction (EMCDDA) in Lisbon, called the Portuguese policy “the greatest innovation in this field,” and said simply, ““This is working...drug consumption has not increased severely. There is no mass chaos. For me as an evaluator, that’s a very good outcome.”²⁹
- After more than a decade, none of the fears of drug war proponents has come to pass. According to the United Nations Office on Drugs and Crime, “Portugal’s policy has reportedly not led to an increase in drug tourism. It also appears that a number of drug-related problems have decreased.”³⁰
- *Drug and Alcohol Review*, 2012: “[There] is ample evidence of a successful reform.”³¹

¹ Artur Domoslawski, *Drug Policy in Portugal: The Benefits of Decriminalizing Drug Use*, trans. Hanna Siemaszko (Open Society Foundations, 2011); Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” *British Journal of Criminology* 50, no. 6 (2010): 999-1022.

² Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” 999-1022.

³ Institute on Drugs and Drug Addiction (IDT), “2012 National Report (2011 data) to the E.M.C.D.D.A. by the Reitox National Focal Point: PORTUGAL - New Development, Trends and in-depth information on selected issues,” (Lisbon: European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), 2013), <http://www.emcdda.europa.eu/html.cfm/index214059EN.html>.

⁴ Ibid.

⁵ Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” 999-1022; Caitlin Elizabeth Hughes and Alex Stevens, “A resounding success or a disastrous failure: Re-examining the interpretation of evidence on the Portuguese decriminalisation of illicit drugs,” *Drug and Alcohol Review* 31, no. 1 (2012): 109.

⁶ Casimiro Balsa, Clara Vital, and Cláudia Urbano, “AO CONSUMO DE SUBSTÂNCIAS PSICOATIVAS NA POPULAÇÃO PORTUGUESA, 2012: Relatório Preliminar,” (Lisbon: CESNOVA – Centro de Estudos de Sociologia da Universidade Nova de Lisboa, 2013); Institute on Drugs and Drug Addiction (IDT), “2012 National Report (2011 data) to the E.M.C.D.D.A. by the Reitox National Focal Point: PORTUGAL - New Development, Trends and in-depth information on selected issues.”

⁷ Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” 999-1022; Mafalda Ferreira, Margarida Gaspar de Matos, and José Alves Diniz, “Risk Behaviour: Substance Use among Portuguese Adolescents,” *Procedia - Social and Behavioral Sciences* 29(2011): 486-92.

⁸ Mike Vuolo, “National-level drug policy and young people’s illicit drug use: A multilevel analysis of the European Union,” *Drug and Alcohol Dependence* 131, no. 1-2 (2013): 149-56.

⁹ Institute on Drugs and Drug Addiction (IDT), “2012 National Report (2011 data) to the E.M.C.D.D.A. by the Reitox National Focal Point: PORTUGAL - New Development, Trends and in-depth information on selected issues,” 26.

¹⁰ Ibid; Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?.”

¹¹ Institute on Drugs and Drug Addiction (IDT), “2012 National Report (2011 data) to the E.M.C.D.D.A. by the Reitox National Focal Point: PORTUGAL - New Development, Trends and in-depth information on selected issues; Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?.”

¹² Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” 1010.

¹³ Ibid., 999-1022.

¹⁴ Nigel Hawkes, “Highs and lows of drug decriminalisation,” *BMJ* 343(2011).

¹⁵ John Keilman, “Portugal decriminalized all drugs in 2001; what can it teach Illinois?,” *Chicago Tribune*, May 1 2013.

¹⁶ Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” 1015.

¹⁷ Casimiro Balsa, Clara Vital, and Cláudia Urbano, “AO CONSUMO DE SUBSTÂNCIAS PSICOATIVAS NA POPULAÇÃO PORTUGUESA, 2012: Relatório Preliminar; Belgian Monitoring Centre for Drugs and Drug Addiction, “2012 National Report (2011 data) to the EMCDDA by the Reitox National Focal Point: Belgium - New Development, Trends and in-depth information on selected issues,” (Lisbon: European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), 2013), <http://www.emcdda.europa.eu/html.cfm/index213792EN.html>; Institute on Drugs and Drug Addiction (IDT), “2012 National Report (2011 data) to the E.M.C.D.D.A. by the Reitox National Focal Point: PORTUGAL - New Development, Trends and in-depth information on selected issues.”

¹⁸ Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” 999-1022.

¹⁹ Ibid., 1014.

²⁰ Maria Moreira et al., “Drug policy profiles — Portugal,” (Lisbon: EMCDDA, 2011).

²¹ Artur Domoslawski, *Drug Policy in Portugal: The Benefits of Decriminalizing Drug Use*; Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” 1016; Paula Vale de Andrade and Ludmila Carapinha, “Drug decriminalisation in Portugal,” *BMJ* 341(2010); Lisa Berger, “Drug Policy in Portugal: An Interview With Helen Redmond, LCSW, CADC,” *Journal of Social Work Practice in the Addictions* 13, no. 2 (2013).

²² Artur Domoslawski, *Drug Policy in Portugal: The Benefits of Decriminalizing Drug Use*, 49-50.

²³ Lisa Berger, “Drug Policy in Portugal: An Interview With Helen Redmond, LCSW, CADC.”

²⁴ “Portugal drug law show results ten years on, experts say,” *Agence France-Presse*, Jul 1 2011.

²⁵ Mario Queiroz, “Q&A: “In Portugal, We Fight the Illness, Not the People Who Suffer from It,” *Inter-Press Service* 2012.

²⁶ Nigel Hawkes, “Highs and lows of drug decriminalisation.” (Emphasis added.)

²⁷ Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?,” 999.

²⁸ Ibid., 1018.

²⁹ Wiebke Hollersen, “‘This Is Working’: Portugal, 12 Years after Decriminalizing Drugs,” *Der Spiegel* 2013.

³⁰ United Nations Office on Drugs and Crime (UNODC), “World Drug Report 2009,” (Vienna: United Nations Office on Drugs and Crime, 2009), http://www.unodc.org/documents/wdr/WDR_2009/WDR09_eng_web.pdf.

³¹ Caitlin Elizabeth Hughes and Alex Stevens, “A resounding success or a disastrous failure: Re-examining the interpretation of evidence on the Portuguese decriminalisation of illicit drugs,” 111.