

## FAQ Decriminalisation of Drug Use

This document aims to answer the most commonly asked questions in relation to decriminalisation for personal possession or use of illicit drugs.

### What is decriminalisation?

What decriminalisation means is that a person found in possession of drugs for personal use will **no longer be treated as a criminal** or given a criminal conviction, although administrative or civil sanctions can apply, and will instead be referred to appropriate health and social services.

### Is decriminalisation the same as legalisation?

**NO. Decriminalisation is not legalisation** - with decriminalisation, the individual drug user and his/her use of a drug is no longer treated as a criminal offence but the drugs trade remains illegal and subject to criminal law and no drug that is currently illegal is made legal.

### Will a decriminalisation policy lead to a relaxation of drug laws?

**PARTLY.** Under the current Misuse of Drugs Act 1977 it is a criminal offence to possess, produce, sell or supply drugs that are listed in the Act and subsequent Acts. Decriminalisation means the current law would be changed so that having drugs in your possession for personal use would no longer be treated as a criminal offence, civil/administrative sanctions can be applied instead. Possession of drugs for sale or supply will remain a criminal offence.

### Will decriminalisation help reduce the health risks associated with illicit drug use?

**YES.** The evidence indicates that decriminalisation helps reduce the health risks associated with drug use by shifting the focus to a health-led rather than a criminal justice approach. This encourages and enables drug users to access drug treatment, which is in line with our current National Drug Strategy 'Reducing Harm – Supporting Recovery'.

### Will decriminalisation lead to an increase or decrease in drug use?

**NO.** There have been no significant increases in overall levels of drug use evidenced across the many countries that have brought in decriminalisation and major national and international bodies have found no link between the severity of punishment and the level of drug use in society.

- The World Health Organisation ('WHO') states "*there is **no clear link** between punitive enforcement and lower levels of drug use ... moves towards decriminalisation are **not** associated with increased use*"
- In its 2014 policy paper on Drugs: International Comparators, the UK Home Office found that, "*Looking across different countries, there is **no apparent correlation** between the 'toughness' of a country's approach and the prevalence of adult drug use*".

## Frequently asked questions on Decriminalisation of Drug Use

### Will decriminalisation of drug use send a message that it is OK to use drugs?

**NO.** Advocates for decriminalisation do not claim that it is okay to use illicit drugs or that drugs do not cause harm. What the evidence does show is that the health and social outcomes for individuals who use drugs are improved by addressing them through the health system rather than the criminal justice system, while addressing it as a criminal justice issue makes the problem worse for people and increases the risk of harm.

### Will parents face an even greater challenge after decriminalisation in trying to persuade their children not to use illicit drugs?

**NO.** The possession of small amounts of a drug for personal use will continue to be subject to civil sanctions, so there will still be a range of possible interventions, but this will not result in a criminal conviction. This should help alleviate parental anxiety about the potential life-long consequences for their children of getting caught up in the criminal justice system.

### Will decriminalisation place greater strain on already over-stretched drugs services?

**YES.** Very likely in the short term. The evidence suggests that an effective decriminalisation programme will require a range of complementary prevention, treatment and reintegration interventions that may not be currently provided and therefore the demand for services may increase. However, in the

long term the answer is more likely **NO.** Evidence also indicates that decriminalisation does not lead to increases in crime and can lead to less use of police, court and prison, freeing these systems up to focus attention towards major criminal gangs.

### How many drug related offences relate to possession of drugs for personal use in Ireland?

**72%** of all drug crime incidents recorded in 2017 were for possession of drugs for personal use.

### Are there many other countries that have decriminalised drug use?

**YES.** The following countries all have models of decriminalisation in place:

Argentina, Armenia, Australia, Belgium, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Ecuador, Estonia, Germany, Italy, Jamaica, Mexico, The Netherlands, Paraguay, Peru, Poland, Portugal, The Russian Federation, Spain, Switzerland, United States of America · California · Washington D.C., Uruguay

*Our website has an extensive section dedicated to the issue of decriminalisation. For additional information and references to this document, please visit:*

[www.citywide.ie/decriminalisation/](http://www.citywide.ie/decriminalisation/)