

TWIST



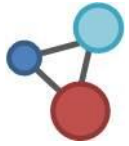
**Training With Stakeholders**  
Applying EU Addiction Research



# Drug Policy Developments

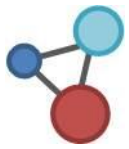
**Jindrich Voboril**

Tuesday 24th October 2017



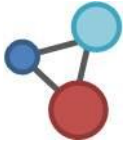
# Presentation structure

1. The case study - decision for the decrim policy process
2. The Czech Republic strategy framework (legislation, budget, monitoring, coordinating, integrating)
3. Decriminalisation in the Czech Republic and its limitations
4. Current results of the Czech drug policy
5. Hard core prohibition vs alternatives to coercive sanctions in the world



Czech Drugs Policy – Czech fame Meth and Semtex...or maybe a beer?..ok we have some good industry like skoda cars? 😊

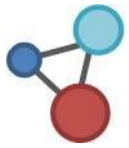




# Part 1

The case study – the  
decision for the  
decriminalisation policy  
process





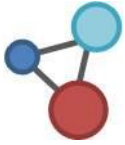
# Impact Analysis Project of New Drugs Legislation (PAD)

- A study conducted between 1999 and 2001 sought to examine whether the re-criminalisation of drug possession had led to a change in the drug situation
- This found evidence that the law did not work as predicted by its proponents, did not deliver the desired deterrent effect, had no health benefits for society, and was economically expensive for the country
- Redundant social costs at least in the amount of CZK 61 million (this estimation does not include “operational” costs (trainings, extraordinary purchases of technology, materials, etc.), costs of the cases that the Police dealt with but failed to include in statistics
- The intervention represented by the introduction of punishability of possession of drugs for personal use had hardly any impact on drug-related problems in the Czech Republic
- The expectations that the presenter of the introduction of the intervention offered or promised to fulfill were not met
- In virtue of the comparison of the estimation of the number of problem users of illicit drugs (problem use prevalence - 37,500) and the number of prosecuted cases in the first two years after the implementation of the subject amendment (457) and in virtue of the results of the PAD Qualitative Analysis, it is possible to claim that punishability of possession of illegal narcotic and psychotropic substances for personal use in the first two years of applicability of the amendment of the Criminal Code was only enforced in a very selective manner, randomly or occasionally



# Hypothesis and results of PAD

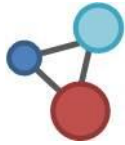
- the availability of illicit drugs has not decreased
- there was no reduction or discontinuance in the increase of any of the surveyed types of prevalence of illicit drug use
- incidence in the general population has increased. The trend in the generation of sixteen-year-olds is not uniform; however, the incidence of the most widely used illicit drug(cannabis) has increased
- in the first two years of enforcement of penalizing possession of illegal drugs for personal use, the social costs of illicit drug abuse increased as a consequence of the amendment by a minimum of CZK 37,000,000



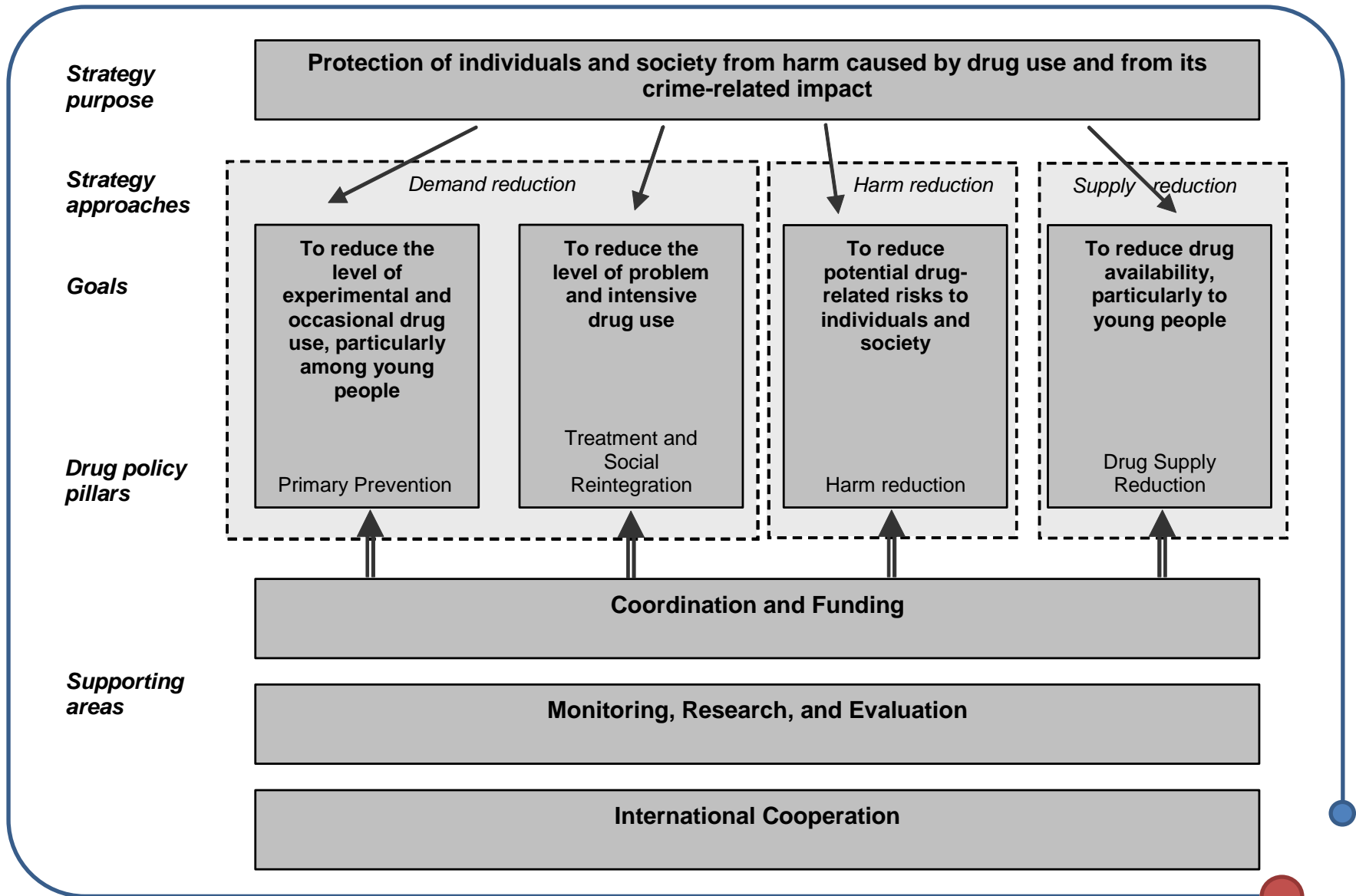
*„The silence about the harms of repressive drug policies has been broken – they are ineffective, violate basic human rights, generate violence, and expose individuals and communities to unnecessary risks. Now is the time to reform.“*

*Global Commission on Drug Policy, 2013: „The Negative Impact of the War on Drugs on Public Health: The Hidden Hepatitis C Epidemic“*

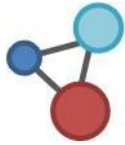




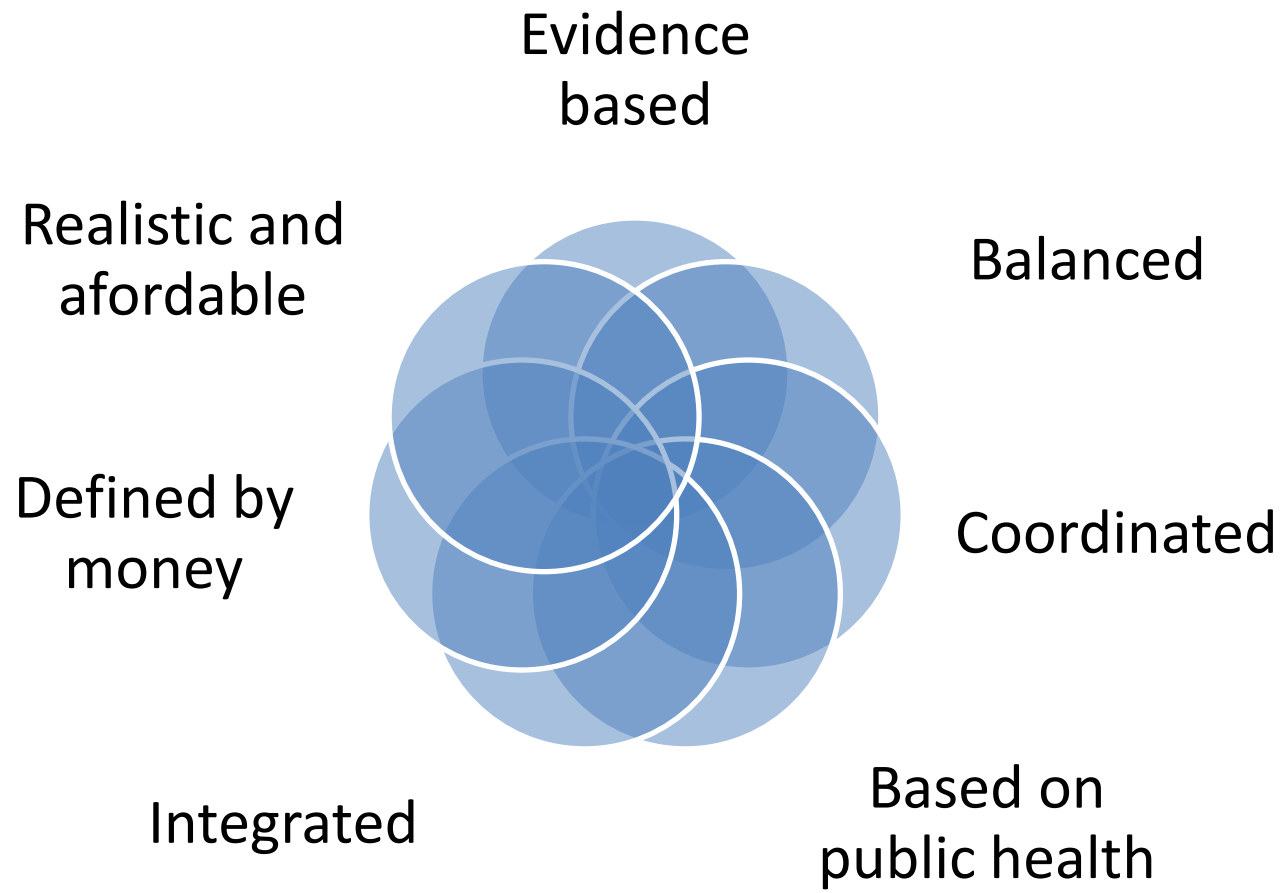
# National drug strategy 2010-2018 (1)







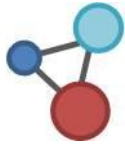
# Key aspects of Czech Drugs Policy





# Positive outcomes of the CZ policy

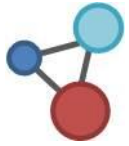
- Lowest traditional heroin market in EU, fragmented methamphetamine market but
- No hard core organized crime – almost non existent,
- relatively low problem drug use
- Lowest overdose rate - between 20 - 40 people a year
- Lowest HIV/AIDS prevalence among IDUs in Europe - less than 1%
- Prison services are not overcrowded with „minor“ drugs offences
- Hidden population in contact with services because of the network of low threshold programs across the country
- Situation in illegal drugs is stable unlike the alcohol tobacco and gambling problem – overdose 10x higher with ethanol, 2/3 of domestic violence or petty crime connected to excessive alcohol alcohol use, gamblers not in contact with services, high mortality conected to tobacco use - the list can go on..



## Part 2

# The Czech Republic strategy framework





# Coordination of the Czech drug policy (1)

- The Government Council for Drug Policy Coordination (GCDPC) – Board of Ministers and other relevant institutions, including local authority, mental health **and civil society**

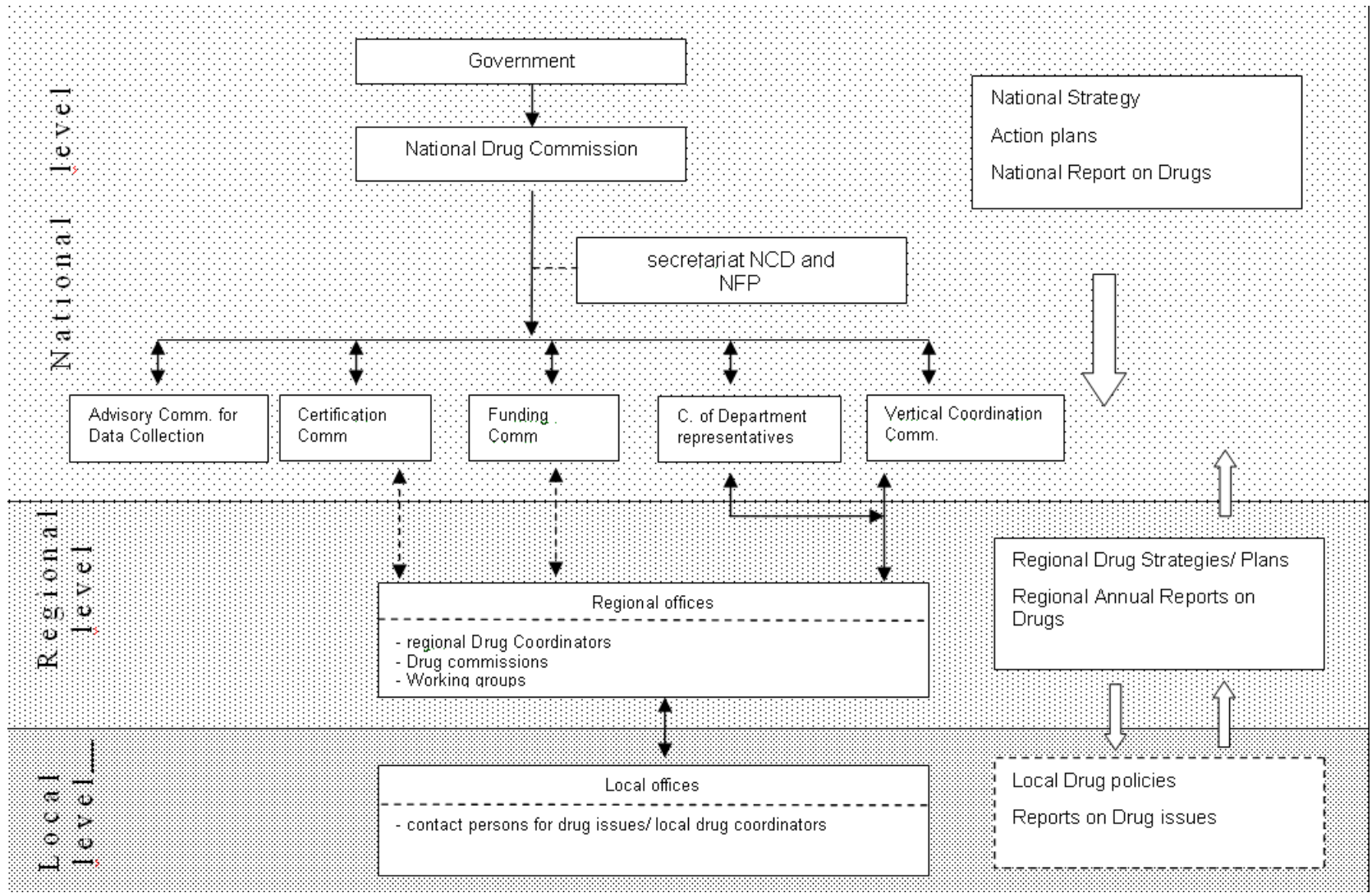
## **Secretariat of GCDPC:**

- National Monitoring Centre for Drugs and Drug Addiction (NFP)
- GCDPC committees (5)
- Working groups (11)
- **in 2014 the Czech drug policy was redefined as the integrated drug policy which means linking together the issues of alcohol, tobacco, illegal drugs and gambling in one public policy**

## **National and regional/municipal levels of drug policy:**

- the core of the coordination of regional and municipal drug policies are drug coordinators, drug commissions and working groups, drug policy strategies and action plans, and monitoring of the drug situation on the regional level
- these entities play a significant role in the communication of tasks and knowledge from the central level to the local ones and vice versa

# Coordination of the Czech drug policy (2)





# National drug strategy 2010-2018

## (2)

### **4 specific objectives of Strategy:**

- to reduce experimental drug use
- to reduce problem drug use
- to reduce risks related to drug use
- to reduce availability of drugs

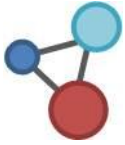
### **Current action plans:**

- 3 APs 2015-2018: alcohol, tobacco, gambling
- 1 AP 2016-2018: illegal drugs
- set priorities of drug policy for the concerned period



# Service provisions in CZ based on low threshold

- Total budget around
- Low-threshold drop-in centres and outreach programmes across the Czech Republic form the basis of the network of services
- 2015: total of 104 low-threshold programmes, comprising 57 drop-in centres and 47 outreach programmes
- 41,000 drug users were in contact with low-threshold programs in 2015, mainly methamphetamine users (24,800; 61%), opiate/opioid users (9,900; 24%), cannabis users (2,400; 6%)
- The proportion of injecting drug users is around 75-80%

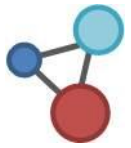


## Part 3

Decrim HR based policy in  
the Czech Republic and its  
limitations







# (De)criminalisation of possession of drugs for personal use

- After the fall of the communist regime in 1989, and the subsequent amendment of the Criminal Code in 1990, the possession of narcotic drugs and psychotropic substances ceased to be a criminal offence
- The development of the country's drug scene in the 1990s refocused social and political attention on drugs and so began moralistic and populist proposals calling for stricter legal regulations and repressive solutions → an amendment to the Criminal Code (Act No. 112/1998, Coll.), which introduced criminal penalties for drug possession effective from 1999, but only if the quantity was “greater than small”
- In 2001 the Government adopted Resolution No. 1177/01, which ordered the Ministry of Health and the Ministry of Justice to categorise drugs according to their social and health risks. Initially, drugs were grouped into three categories, but this was reduced to two – cannabis and other drugs
- The provision of different penalties for cannabis versus other drugs was formalised through Act No. 40/2009 Coll., Criminal Code, which came into effect in January 2010. This new Criminal Code established lower penalties for unauthorised possession of drugs for personal use in quantities greater than small for cannabis and higher penalties for other narcotic drugs and psychotropic substances

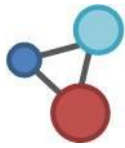


# The Penalty Code since 2010

- possession of a narcotic drug in any amount including cultivation of marihuana is forbidden by the law in any circumstances
- if the illegal drug is possessed for other purposes than personal use it is a criminal offence
- if the illegal drug is possessed in quantity greater than small it is a criminal offence
- if the illegal drug is possessed in quantity smaller, than small it is a misdemeanor

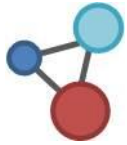
## **Drug law offences include:**

- unauthorised production and unauthorised possession of narcotic or psychotropic substances
- unauthorised production and unauthorised possession of articles intended for the production of narcotic or psychotropic substances
- inciting or promoting the use of addictive substances other than alcohol



# Quantities greater than small (1)

Type of Substance (name in general usage)	Quantity greater than small	Active principle	The smallest quantity of the active principle which a substance designated as a drug must contain for its quantity under examination to be deemed greater than small
Pervitin (Methamphetamine)	more than 1,5 g	(+)-1-phenyl-2-methylaminopropane	0,5 g 0,6 g (hydrochloride)
Heroin	more than 1,5 g	3,6-diacetylmorfin	0,2 g 0,22 g (hydrochloride)
Cocaine	more than 1 g	methylester benzoylgoninu	0,54 g 0,6 g (hydrochloride)
Ectasy (MDMA)	more than 4 tablets/capsules or more than 0,4 g of powdery or crystalline substance	1-(3,4-methylenedioxyphenyl)-2-methylaminopropane	0,4 g 0,40 g (hydrochloride)
Marijuana	more than 10 g of dry matter	delta-9-tetrahydrocannabinol	1 g
Hashish	more than 5 g	delta-9-tetrahydrocannabinol	1 g



# Quantities greater than small (2)

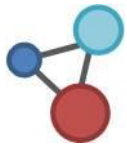
List of plants and mushrooms	Quantity greater than small
Plants of cannabis ( <i>Cannabis</i> sp.) containing more than 0,3% of substances comprising THC group	more than 5
Coca shrub ( <i>Erythroxylum coca</i> )	more than 5
Mushrooms containing psilocybin and psilocin	more than 40



# Drug services: multidisciplinary approach

## Public Health (Protection) Model:

- the bio-psycho-socio-(spiritual) model of addiction and its treatment is presently the dominant concept in the Czech Republic
- this model assumes a multidisciplinary approach to drug users, integrating various biomedical and psychosocial interventions.
- drug services are interdisciplinary complex of health, social/health, social and educational interventions provided to users of drugs and their close persons.



# Types of punishments for committed criminal offences

- sentence of imprisonment
- house confinement
- community service
- confiscation of property
- pecuniary penalty
- confiscation of a thing or other asset value
- prohibition of activity
- prohibition of stay
- prohibition of entering sport, cultural and other social events
- loss of honorary titles or decorations
- loss of military rank

- punishment

Unless defined otherwise by the Criminal Code, a sentence of imprisonment shall be understood as

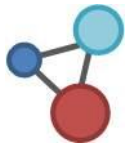
- a) an unsuspended prison sentence
- b) a suspended sentence of imprisonment
- c) a suspended sentence of imprisonment with supervision



# Types of punishments for cannabis and other drugs

Possession for own use		
	Administrative offence	Criminal offence
Cannabis	Maximum fine of 580 EUR	Sentence of imprisonment (not longer than 1 year), prohibition of activity, confiscation of property
Other drugs	Maximum fine of 580 EUR	Sentence of imprisonment (not longer than 2 years), prohibition of activity, confiscation of property

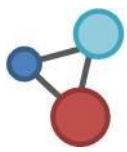
Cultivation for own use		
	Administrative offence	Criminal offence
Cannabis	Maximum fine of 580 EUR	Sentence of imprisonment (not longer than 6 months), pecuniary penalty, confiscation of property
Plants and mushrooms	Maximum fine of 580 EUR	Sentence of imprisonment (not longer than 1 year), pecuniary penalty, confiscation of property



# Treatment in the Czech criminal law context

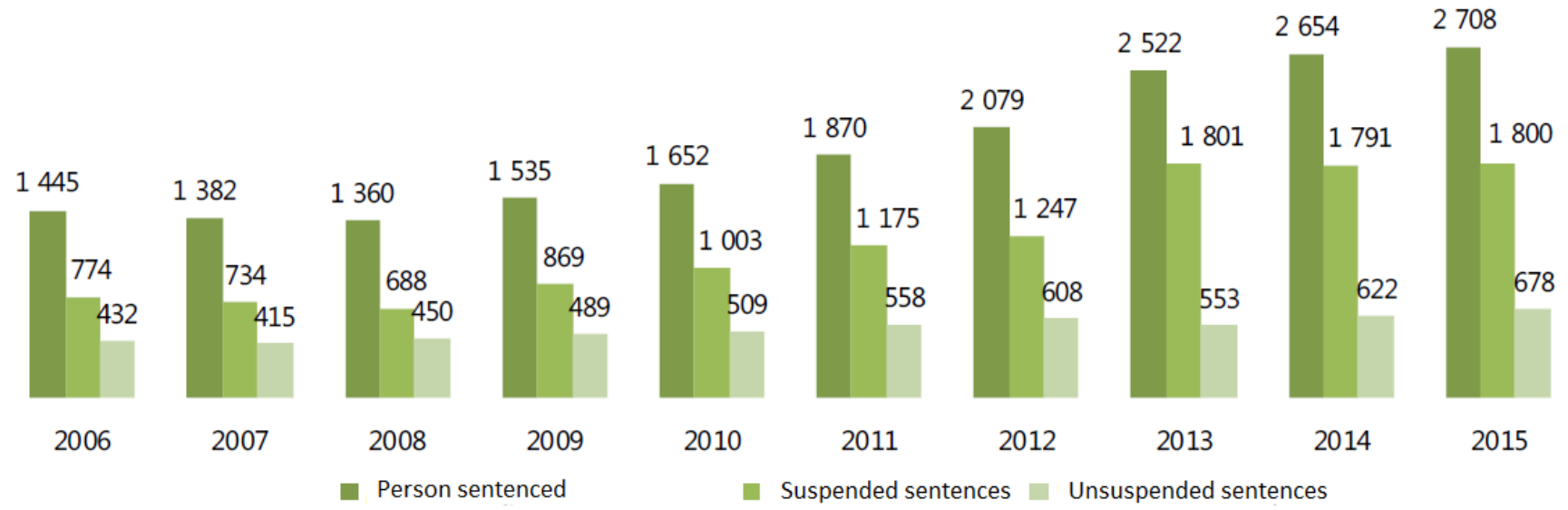
- the court may impose a protective therapy if the offender who uses an addictive substance committed the act under its influence or in connection to its use
- the court may impose protective treatment in the permanent form or outpatient, the protective treatment is carried out in health care facilities
- the court may impose protective treatment also in parallel to a punishment or when conditionally waiving execution of punishment
- the court may impose reasonable restrictions and obligations (2015: 169 cases) such as the treatment of addiction, refrain from consuming alcohol or other addictive substances, appropriate social training and education programs, psychological counseling programs, etc.
- a compulsory treatment sentence was imposed upon 367 persons in 2015: non-alcohol drug addiction treatment concerned 112 individuals, while alcohol addiction treatment concerned 226 persons
- an obligation to undergo substance addiction treatment was imposed upon 253 individuals, and a restriction in the form of compulsory abstinence from using alcohol or other addictive substances was imposed upon 1,189 persons in 2015

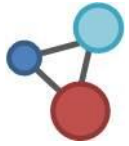




# Development in the number of persons sentenced and the structure of sanctions imposed for drug law

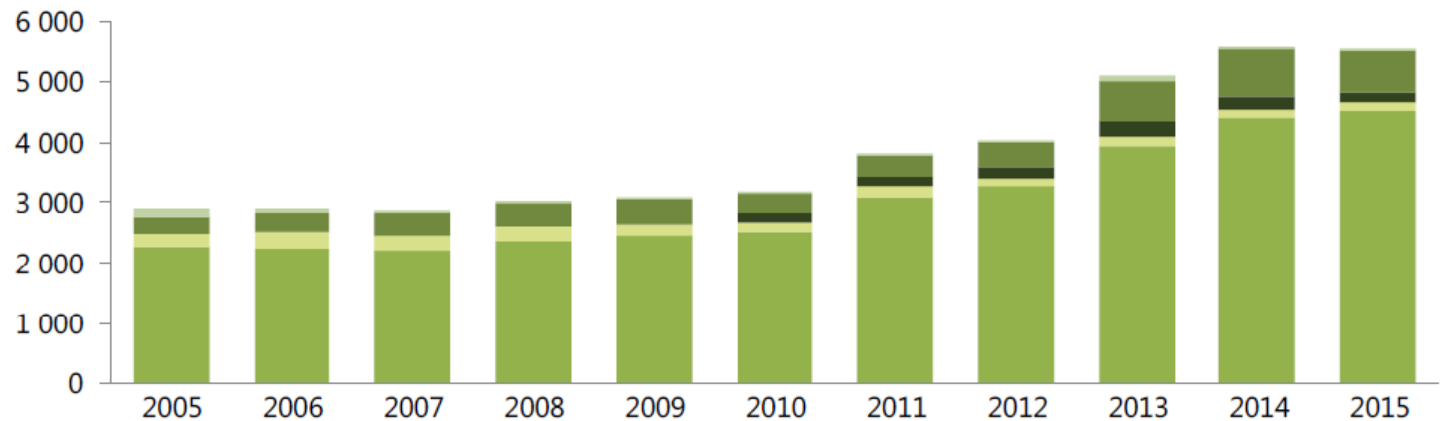
- 3,752 persons were arrested for drug law offences in 2015
- 3,659 to 3,816 persons were prosecuted for drug law offences in 2015 (16% were women; 3% were persons under the age of 18)
- 3,340 persons were indicted and 2,708 were sentenced in 2015
- the share of suspended prison sentences has been declining in the last two years (70 % in 2013; 67 % in 2014; 66 % in 2015)



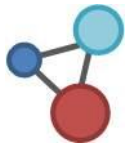


# Number of drug law offences by drug offence type

- Criminal proceedings were most commonly instigated against persons for the unauthorised production or other handling of narcotic and psychotropic substances (81% in 2015; 76% in 2013)

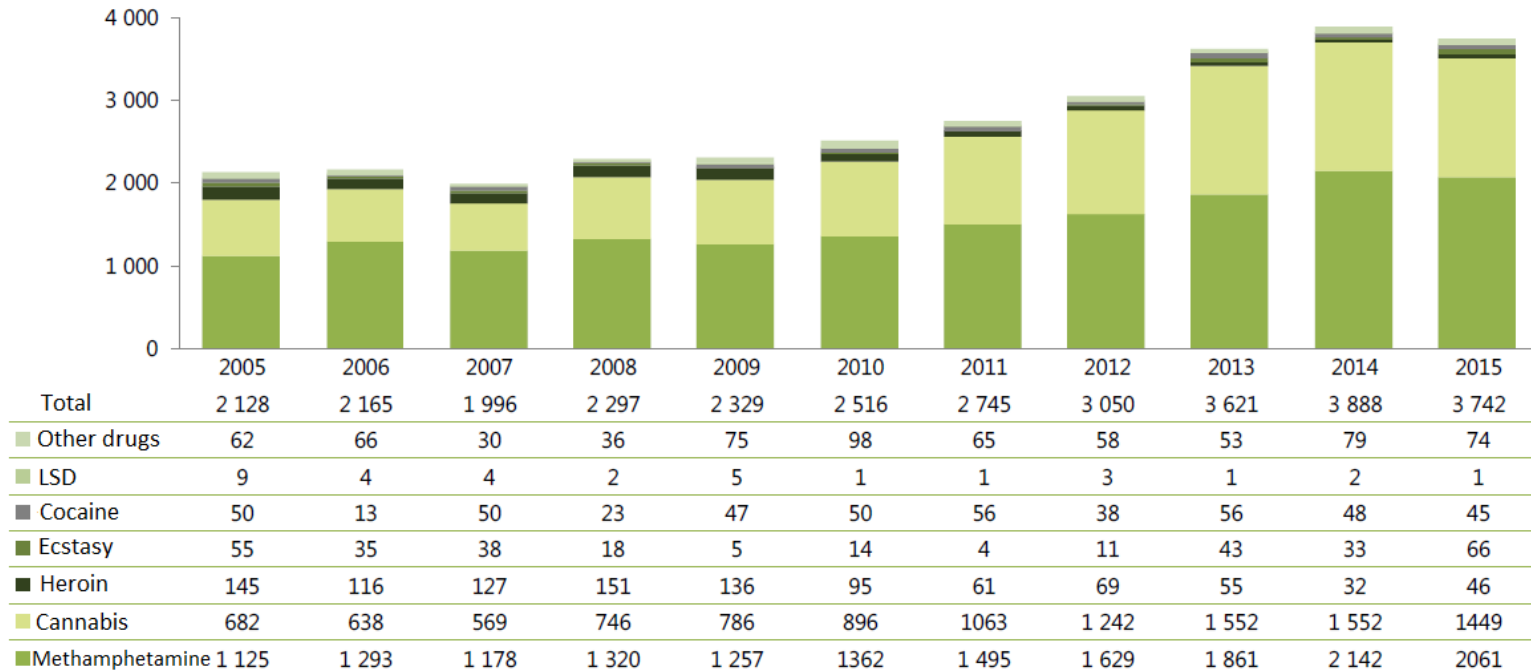


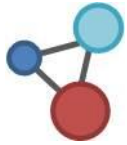
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Total	2 915	2 922	2 865	3 041	3 069	3 179	3 834	4 032	5 117	5 597	5 549
Promoting drug use	158	110	59	37	23	24	31	25	93	36	25
Possession for personal use	281	310	364	411	419	343	375	433	689	791	696
Cultivation for personal use	0	0	0	0	0	145	168	193	225	204	160
Possession for drug production	209	254	226	229	184	151	163	120	163	152	153
Production, smuggling, and sale	2 267	2 248	2 216	2 364	2 443	2 516	3 097	3 261	3 947	4 414	4 515



# Number of persons arrested for the unauthorised handling of narcotic and psychotropic substances, poisons, and articles for their manufacture

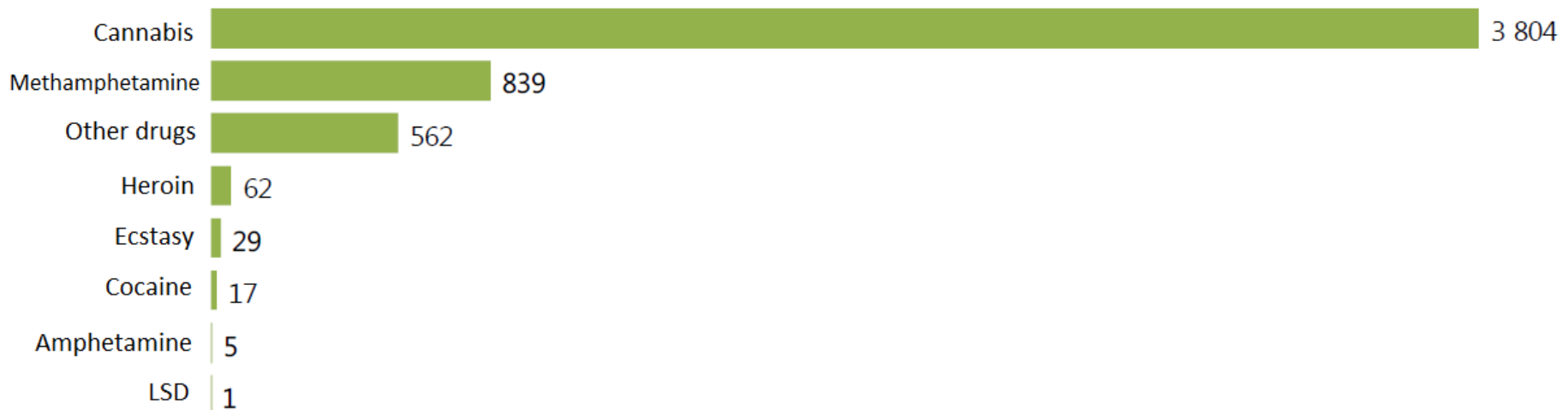
- Drug offenders were most commonly arrested for the unauthorised production, smuggling, and sale of methamphetamine (55%)
- The number of persons arrested in connection with cannabis has remained about 39%
- The proportion of those arrested in connection with other drugs has remained very low (below 10%) in the long term





# Administrative offences in 2015

- the administrative authorities registered a total of 781,362 administrative offences
- 1,940 administrative offences (0.7%) involving unauthorised possession of a small quantity of drugs for personal use and/or unauthorised cultivation of a small quantity of plants or mushrooms containing narcotic and psychotropic substances for personal use
- 5,319 persons with administrative offences of the unauthorised handling of narcotic and psychotropic substances (cannabis 72%; methamphetamine 16%)

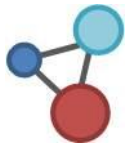




## Part 4

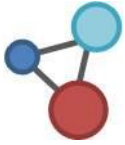
# Current results of the Czech drug policy





# Results of the Czech drug policy in 2015

- 46 000 problem drug users (12 000 high-risk opioid users; 35 000 high-risk methamphetamine users)
- infections among drug users manageable compared to other countries – HIV/AIDS prevalence under 1% (2015: 4 newly diagnosed HIV-positive injecting drug users)
- many of PDUs in contact with the services – network of low threshold programs across the country
- low number of overdose cases - 44 cases of overdose by using illegal drugs
- 4,000 opioid substitution treatment clients
- 6,421,095 syringes distributed through specialised programmes
- the lowest traditional heroin market in EU, but fragmented methamphetamine market
- no heavy organized crime
- prison services are not overcrowded with „minor“ drugs offences



## Part 5

Hard core prohibition vs  
alternatives to coercive  
sanctions in the world





# Prohibition approach

Prohibition approach is estimated to be at least \$ 100 billion a year.

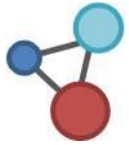
According to the UNODC, offenses associated with drug possession currently account for 83% of global drug-related crimes.

Of the 10 million people imprisoned, at least one million people are in prison for a drug-related crime (approximately 1 in 5 prisoners).

Repressive and prohibition approach:

- new health risks
- increasing the risk of blood born infectious diseases among drug users  
- exclusion from HIV and HCV prevention, treatment and risk reduction programs
- creation of a black market - drugs have unknown strength and purity, which increases the risk of overdoses





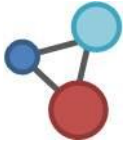
# EU Member States (1)

- all EU MS reported having at least one alternative to coercive sanctions available, and most had more than one but common barriers exist to the use of ACS in practice
- seventeen MS had alternatives available that involved only drug treatment
- fifteen MS applied suspension of sentence with treatment or rehabilitative requirement attached
- ten MS had suspension of investigation/prosecution with a treatment or rehabilitative element in place
- eight member states reported the availability of ACS which involved 'non-action' or diversion from the criminal justice system or from sentencing
- two member states reported the availability of drug courts
- the use of alternative sanctions appeared to be influenced by individual beliefs of the prosecutors, judges and others responsible for imposing sentences



## EU Member States (2)

- EU Drugs Strategy 2013-2020: *„alternatives to coercive sanctions as part of drug supply policy to prevent crime, avoid recidivism and enhance the efficiency and effectiveness of the criminal justice system while ensuring proportionality“*
- EU Action Plan on Drugs 2017-2020: *„Member States and working parties of the Council to provide and apply, where appropriate and in accordance with their legal frameworks, alternatives to coercive sanctions for drug using offenders, such as education, treatment, suspension of investigation or prosecution, rehabilitation and recovery, aftercare and social reintegration“*
- the EU and its MS promote widely proportionate national sentencing policies, practices and guidelines for drug law and drug-related offences, whereby the severity of penalties is proportionate to the gravity of offences and while attaching great importance to human dignity and human rights



# Thank you!

**TWIST**  **Training With Stakeholders**  
Applying EU Addiction Research

[www.twist-train.eu](http://www.twist-train.eu)



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