

Legal and regulatory context

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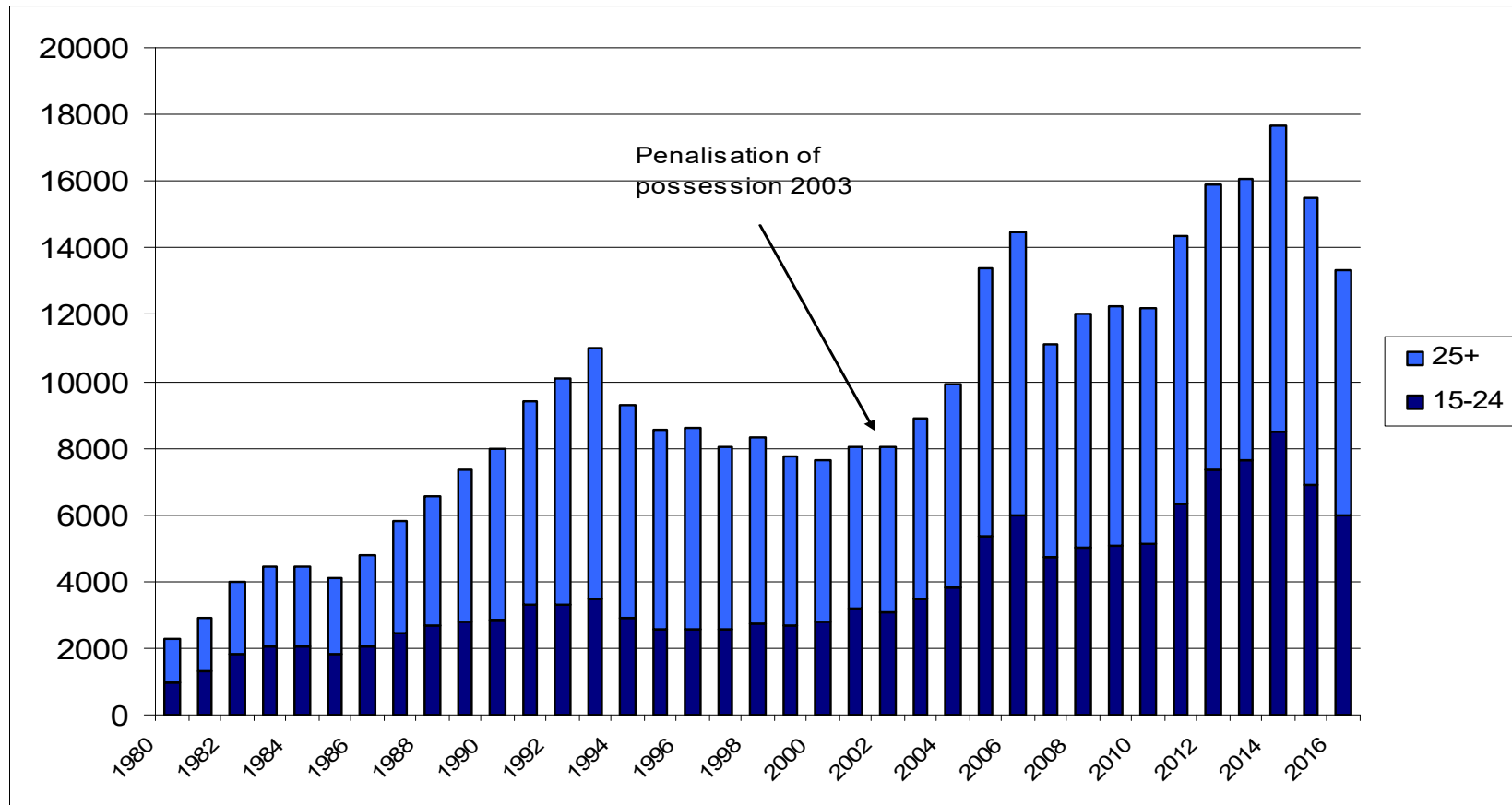
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Background

- UN drug conventions 1961, 1971 and 1988 criminalise a number of psychoactive substances.
- Give priority to supply reduction.
- Force signatories to apply illegal status on selected psychoactive substance.
- Criminalisation of possession left for discretion of individual countries.
- Variation in level of criminalisation and enforcement across European countries including EPPIC countries.
- Denmark and Poland repenalised drug possession.



Lessons from Denmark: number of drug offenders



Theoretical framework: Patrick Baert's approach to classify unintended effects of purposive human action

- Individual consequences

Immediate

- ✓ health
- ✓ traumatic contacts with CJS
- ✓ finances

Prolonged

- ✓ life trajectories

- Social consequences

Systemic consequences

- ✓ social relationships
- ✓ institutions

Aggregate

- ✓ social system
- ✓ power relations



Individual, immediate health consequences

- Risk of overdose, in particular due to NPS as chemical composition is not controlled

No, I used NPS very sporadically, very rarely, have very bad memories. Thank you, not for me. This is simply stupid. It is not known what the side effects are, because it is not investigated in any way (PL_07_ALT_M_24).

I got a scare where I had to have my heart monitored ...I thought I was going to end up having a heart attack (UK_18_ALT_F_17).



Individual, immediate consequences of 'in touch' with CJS



- Contacts of young drug consumers with CJS are often traumatic and humiliating

... then we went to another police station ...where we were searched. Well, we had to strip naked ... We had to undress, then we came back again. We waited until 8 p.m. for parents (PL_14_ALT_F_15).

... they [police]_kept beating me, because I was so affected [by drugs] that I didn't react on the pain of the beating. So, lying with my face against the asphalt, they kept beating me, because I called them all these bad things. And then they claim that I attacked them, you know. That's what they write in my papers, anyways (DK_INT_7).

Individual, immediate financial consequences

*If I think about how many money I waste to get this shit!
This is really shit, it's not cocaine. How much there can be?
3%, because the rest is all meta-amphetamine, all cut, cut
on cut. Sometimes I happened to smoke some pieces and
just started to sweat cold, as if it were cut with heroin,
because they give shitty stuff and you risk dying
(IT_18_PRI_M_23).*



Individual, prolonged consequences

- After completion of prison sentence opportunities to find employment are reduced and dealing may become an option

If I go out and I do not have my parents to help me and I do not have the chance to work, I think I'm going to deal again (IT_32_PRI_M_21).



Systemic consequences affecting social relations

- Exposure to criminal sub-cultures

Being send to prison when I was 18 years has fucked up a lot for me. It did not help to place me together with other people who were sentenced for man slaughter and things like that. It did not help. I don't think it is helpful for any young 18 years old (DK_INT_22).

- Stigmatisation

It's hard when you leave the prison, because even the people who know you... my Italian friends looked at me differently, did not trust me, 'cause in the end prison remains the place of criminals (IT_21_PRI_M_24).



Systemic consequences affecting institutions

- Priority is security in closed institutions at the expense of other needs

I have no leave of absence and I miss my family a lot. I miss what a normal human needs (PL_36_HOSP_F_16).

- Implications of non-voluntary participation

They will be kidding about this intervention, they participate just to get a paper and bring to the police as one girl did, or to the court as one boy did. They were laughing openly in the room (PL_12_ALT_F_16)

- Focus on drug problem and neglecting other problems and needs

As for the weaknesses of the program, there is no psychiatric background. My psychiatrist recommended me first to use addiction therapy, and then I have to deal with depression, because the effects of depression and marijuana smoking overlap. I would rather deal with both matters at the same time (PL_05_ALT_M_24).



Systemic consequences affecting institutions



- Limited opportunities for harm and risk reduction approaches

I think that the approach of the majority of therapists in Poland is that if you do not abstain you do not improve. That is totally untrue as I reduced only my use and I made great progress in my life (PL_07_ALT_M_24).

- Some treatment modalities inadequate in closed institutions

Because one cannot really talk about what is going on without being afraid that this will affect one's sentence or so (AT_25_PRI_F_19).

It seems to me that this therapy is not at all adapted to the conditions of the prison. It is based on the principle of free therapy, when we are free, we have a choice, we can change something. Here we are closed in and they require things from us that we can not achieve (PL_46_PRI_F_19).

Prospects for improvement

- Classification or rather typology adopted shows that individual unintended consequences of (il)legal status of drugs may become systemic affecting not only individuals but also social relations.
- Some legal systems promote a more holistic approach even in closed institutions and offer numerous opportunities for diversion from CJS towards health and welfare institutions.
- Despite variation in legal frameworks in individual countries negative side-effects were present in all EPPIC partner countries.
- In addition to legal frameworks promoting diversion mechanisms their enforcement depends on prevailing attitudes.





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