



POSITION PAPER

Connecting the Person by Removing the Stigma: Why Ireland Should Follow the Portuguese Model of Drug Decriminalisation

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Abstract

The decriminalisation of drugs and how it can impact addiction, crime and mental health is a subject that inspires global interest and debate. Much has been written about the positive outcomes of decriminalisation from a public health perspective, including the elimination of aggressive policing and community oversight and the shift to offering treatment and social supports for those affected by addiction. Ireland has yet to move to a model of decriminalisation, although a system similar to the one employed in Portugal has been suggested. This article briefly outlines reasons why a paradigm shift is vital if progress is to be made in reducing addiction in contemporary Ireland. The potential benefits could include a reduction in the pervasive social stigma connected with substance abuse, leading to less social exclusion within the Irish population.

Keywords: Drug Decriminalisation, stigma, Ireland

It is widely accepted that struggles with addiction can keep individuals trapped in an ongoing maelstrom of social exclusion, poverty and poor health. This cycle may be made intractable by exposure to the criminal justice system and incarceration, which is a predominant response across the globe to the possession, use and distribution of most illegal drugs. These punitive policies, centred on policing and prison, may in fact exacerbate social and personal issues for those mired in addiction (1,2). However, the decriminalisation of drugs has been mooted as a public health solution to the web of addiction, arrest, incarceration and re-incarceration.

Decriminalisation, or the legalisation of certain illegal activities that were formerly punishable by law (3,4) raises many complex issues. As of this writing, the possession of illegal substances for the purpose of sale or supply remains a crime in Ireland. Decriminalisation would create a policy framework that would allow a public health response to drug addiction rather than a punitive justice system approach. This piece discusses the impact of stigma linked to criminalisation for the individual struggling with substance abuse and addiction, and sets out our brief argument for decriminalisation in Ireland. A move to this approach would require a definitive change in the way we think about substances, criminality, drug treatment and mental health, but we believe it is the best way forward for Irish society.

According to the 2021 World Drug Report, persons convicted of drug offenses account for 18% of the global jail population (5). Over 80% of reported drug offences in European countries included possession for personal use, with the remainder involving

trafficking (6). Apart from the social and economic implications, worldwide drug policy has been chastised for decades for being shaped by political and moralistic approaches, positioned as "tough on crime" or fighting the "war on drugs." Negative public perceptions of drugs and drug users have encouraged political leaders to maintain stringent control measures, as it is generally a comfortably conservative and politically safe alternative to meet the public desire for strict enforcement (7).

Prohibition and criminal sanctions against the possession and use of substances is a public health quandary. An increased risk of overdose death, spurred on by secret and hurried episodes of use and lack of inspection or regulation, has been linked to aggressive policing and enforcement techniques (8). It is commonly acknowledged that heavier sanctions have a limited deterrent effect on drug use, while inadvertently harming users more than the substances themselves (9). In many countries, racial, ethnic, and socially marginalised minorities are disproportionately affected by tough drug policies. Research suggests that law enforcement officers in the field tend to implement rules in a discriminatory manner, causing disadvantaged groups in the community to be subject to more frequent arrests and incarceration due to drug possession (10).

In Ireland, drug-related hazards are a major worry, with concerns ranging from increased overdose rates to the negative influences of violent and organised crime which are part and parcel of the illegal drug trade. Research indicates a rate of nearly two drug-related deaths every day in Ireland in 2015 (11). Drug-induced mortality rates in Ireland are at

the higher end of the range in the European Union (12). Drug policy approaches in Ireland over the last four decades have shifted to targeting individual drug-using behavior. A greater emphasis on individual responsibility, power centralisation, and a public management system focused on measuring outputs, effectiveness, and value for money – all of which are completely disconnected from the needs of people and communities affected by addiction – are just a few examples of this focus (13). Furthermore, studies undertaken in Irish jails have revealed a prevalent drug culture that potentially encourages drug use (14,15,16) suggesting that most inmates have serious drug addiction concerns. Clearly, the interplay of addiction, policing and incarceration does not solve, and in fact may exacerbate, the problem of illegal drugs in Irish society.

The label of addiction, with the negative connotations of secrecy and criminality, creates almost insurmountable difficulties for those affected by it. The term "stigma" can be traced back to the ancient Greeks, indicating "a blemished person, ritually defiled, to be avoided, particularly in public places"(17). Goffman (17) provides a detailed explanation in his seminal work of how stigmatised people interact with others, and how their encounters are negatively affected by their mutual awareness of stigma. Many drug users experience stigma, compounded by the exclusion created by incarceration and ongoing involvement in the criminal justice system (18,19). Removing the punitive aspects of policing, legal sanctions and imprisonment may lessen the stigma and create more pathways for treatment and positive social connection for the chronically addicted. From a public health perspective,

the Portuguese model of decriminalization could provide some answers for Ireland, reorienting the approach from punishment and isolation to treatment and support. This reorientation could also result in a reduced level of stigma around drugs and drug use.

The success of decriminalization in Portugal is evidenced by population drug use rates well below the European norm and far below those in the United States (20). Following the enactment of decriminalisation, the number of people arrested and referred to the Portuguese courts for drug offenses decreased by more than 60% each year (20). The number of individuals incarcerated in Portugal for violating drug laws has also dropped considerably, from 44% in 1999 to 24% in 2014 (21). There is some evidence that Portugal's 2001 decriminalisation of all illicit substances resulted in lessened stigma around substance use, with positive public health consequences (22, 23).

In 2015, the Oireachtas (Irish Parliament) Joint Committee backed the decriminalisation of drugs for personal use, emphasising the utility of the Portuguese model of decriminalisation (24). This is a positive development which, we argue, should be fully resourced and implemented as soon as possible. Decriminalisation, aimed at harm reduction and supporting therapeutic responses to addiction rather than a punitive criminal justice approach, could have huge public health benefits for Ireland and many other countries.

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