***Report of the Office of the High Commissioner for Human Rights***

***on the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights***

Portugal

First of all Portugal would like to state that fully supports the idea of integrate human rights implications in the international drugs policy in a clear and undeniable way, bringing human rights to the forefront of drug policy.

In this sense, one of the key achievements of UNGASS 2016 was the recognition of the need to rebalance drug policies towards a more human rights and public health based approach.

The inclusion of a chapter on human rights in the outcome document of UNGASS opens an opportunity and encourages human rights mechanisms to play a much more assertive role in drug control issues. Its recommendations must now be implemented at the national level and consolidated in future discussions on international drugs policy.

Portugal has been implementing a set of policies with direct relevance to the recommendations adopted in the ***the joint commitment to effectively addressing and countering the world drug problem*** with regard to human rights.

The Portuguese policy on drugs encompasses a model of decriminalisation as part of a broader approach designed to dissuade drug use and promote measures directed to public health concerns, with social benefits to all involved.

And by that we were able to integrate human rights implications in our policy. Indeed, we do think that our policy is firmly established in that area where the rules of the international drug control system and international Human Rights obligations intersect each other in a balanced and compatible way.

Over the past fifty years Portugal has been implementing an integrated and comprehensive drugs policy, using as its guiding principles humanism and pragmatism. Each individual’s personal circumstances are assessed in order to determine the best response to his or her specific needs, including prevention for those who have not yet been in contact with drugs, dissuasion for those illicitly using them and treatment, harm reduction and reintegration for addicted users. The implementation of a more health and evidence based approach was facilitated by the decriminalisation of consumption and possession for personal use of all drugs, below defined quantities.

A law in place since 2001 decriminalised illicit drug use but the consumption and possession for use is a reprehensible behaviour. That means it is illegal to use drugs but it is no longer considered a criminal offence. It is since then an administrative offence and sanctions can be applied but the main objective is to facilitate access to treatment and to other appropriate health responses. This is a very distinctive feature of our drugs policy.

A person caught in possession of a small amount of any drug, which does not exceed the quantity required for an average individual consumption during a ten days period, is referred by the police to a Drug Addiction Dissuasion Commission, where they have to present themselves within 72 hours.

These Commissions, working within the Health Ministry, make a psychological and social evaluation of the offender and then applies the most appropriate decision according to the profile of the person. The members of the Commission try to establish, among other things, whether the offender is an occasional user or whether he is addicted and a problematic drug user.

So, the main ideas are that a drug user is considered someone in need of social and health care and the dissuasion intervention provides an opportunity for an early, specific and integrated interface with drug users.

The Commissions act as a “second line” of preventive interventions evaluating the personal circumstances of drug users referred by Police and directing them to the most appropriate responses (treatment or others).

A most relevant aspect of this law is to allow the contact with the health system, providing an early and pedagogic intervention among those, who, not being drug addicts had in any way experiences with drugs.

The main mission of the Commissions is to dissuade the use of drugs, while developing an integrated approach focusing on the needs and motivation to change the behaviour of the individuals referred by police authority.

We do believe that this Law contributed to the resolution of the problem in an integrated and constructive way, looking at the drug addict as a person in need

of social and health support who nevertheless must be responsible for a behaviour that is still considered an offence in Portugal.

The data that we have been accumulating over the years on the results of our policy suggest that there is a positive evolution on most of the indicators.

Currently drug use level in Portugal stills remain generally below the European average and we register a decrease in drug use among adolescents. The decriminalisation of drug use contributed to reduce drug users’ stigmatization, as drug users don’t fear being referred to the criminal justice system and are more likely to seek help through treatment and harm reduction services.

Over the past decade and a half, this policy contributed also to a significant reduction in the number of problematic users; an important decline in infections

by HIV among injecting drug users and a substantial increase of cannabis users in treatment facilities that are referred by the Commissions.

There was also a substantial decline in the proportion of individuals convicted for drug related offences in Portuguese prisons.

Decriminalisation is the most know component of our policy but it is only one of the elements of a comprehensive and integrated policy which main goal is to reduce drug use and its consequences by improving the coverage, quality and effectiveness of demand reduction interventions.

Our experience indicates that there are remarkable benefits to be gained from implementing policies to reduce the harm caused by drug consumption and to socially reintegrate drug dependent individuals. Criminal sanctions are ineffective and counter-productive and do not address drug use consequences.

Another principle for which we have been standing for is the non-imposition of the death penalty for drug related offences or, in fact, for any kind of offences. Indeed, we have been underlining Portugal’s unrelenting opposition to the death penalty in all circumstances, including for drug-related offences. It is our belief that the death penalty is a disproportionate and largely counterproductive instrument to try to achieve the aims of national criminal justice systems. It is a violation of the basic human right to life and there is no conclusive evidence of its value as a deterrent. Portugal had a pioneering role in the abolition of the death penalty in a path initiated around a century and a half ago.

In conclusion, Portugal firmly believes that the implementation of more health and human rights based drug policies has a positive impact on the efforts to achieve the objectives of the three International Drug Conventions of promoting the health and welfare of humankind.