**Note**

*Subject: Resolution on UNHRC contribution to UNGASS 2016*

The Resolution mentions, amongst others, the request concerning the High Commissioner for Human Rights, together with other UN agencies, for the preparation of a report about the impact of the drug problem on the human rights enjoyment and recommendations on this matter, as well as the protection and promotion of human rights in the global drug problem context, drawing special attention to the needs of the affected people and those in vulnerable situations.

Thus, for the analysis of Portugal situation, it matters the fact that Portuguese public policy on illicit drugs is guided, since 1999, by a set of structural principles, from which we highlight the humanistic and evidence based approach.

The humanistic principle concerns the full acknowledge of human dignity of those who are involved in the drugs phenomenon. Also, is guided by the comprehension of the complexity and importance of these people personal, familiar e social story. Drug addiction is regarded as a disease. Therefore, the Portuguese drug policy entrusts the State with the responsibility for the implementation of the constitutional law to guarantee the right to health of drug addicted individuals as well the fight against social exclusion, without jeopardizing the individual responsibility.

On the other hand, the evidence based approach, complementing the humanistic principle, ensures openness to innovation, considering without dogmas or prejudice, scientifically proven results regarding the fight against drugs and drug addiction, so that, the necessary and relevant measures be adopted , and which may result in positive and practical outcomes.

Taking in consideration these structural principles, the hallmark of the Portuguese policy, is the strategic option, set out by the National Strategy on the Fight against Drugs of 1999, to decriminalize the drug use for personal purposes and in limited amounts. Consequently, drug use for personal purposes and in limited amounts is legally framed as an administrative illicit (still forbidden) subject to possible administrative sanctions (usually a fine).

In consequence of the approval of the law number 30/2000, from 29th November, which entered into force in 1st July 2001, and according to which the acquisition, possession and consumption of drugs is no longer considered a felony in Portugal, the consumption was
decriminalized but not free from administrative penalties. Consuming illicit psychoactive substances became a contravention still punished by law, although not a behavior subject to judicial procedure (and judged by a court). Therefore, drug consumption ceased to be recorded in the individual´s criminal registry.

The way authorities, namely the police, the judicial system, the social and health sectors, look the drug consumer has changed since the law has been enacted. The criminal paradigm gave place to an inclusive approach supported on the health and social dimensions. Today, drug addiction is not seen as a felony, but rather as a disease.

Specialized departments were created all over the country, including in the islands of Azores and Madeira - Drug Addiction Dissuasion Commissions - to host individuals referred by the police forces (GNR and PSP) as consumers or having in their possession illicit substances in a necessary amount to the average individual usage during a 10 day period (those quantities are defined since 1996, by the Ministerial Order number 94/96, from 26th March). The courts can also refer individuals to Drug Addiction Dissuasion Commissions. The Commissions are composed by multidisciplinary teams with the capacity to deal with the indicted individuals (designation given to the people with an infringement process for consumption or possession of drugs), assess the situation and apply measures which may include referral to specialized support services, community work or imposing fines.

These Commissions, amongst others measures envisaged by the mentioned Law, have contributed to drug consumption decrease. They work in close collaboration with local communities, local entities and services. The goal is to reduce drug consumption, strengthen dissuasion and health promotion.

The strategic decision to go ahead with the decriminalization of drug consumption has been met by a reorientation of the preventive measures and by the enlargement, both qualitatively and quantitatively, and improvement of the drug addicted care taken network. Specific therapeutic programs have been created, risks minimization and damages reduction strategies have been strengthened, and support has been given to a number of initiatives, including positive discrimination measures, supporting the professional reintegration of drug addicts.

The inmate population suffering from drug addictions benefit from the national healthcare measures. There is a well structured cooperation between the penitentiary system and the Ministry of Health, assuring that those inmates would not stop the treatment by entering or leaving the penitentiary units.

In this context, specialized healthcare and assistance to maternity and childhood is also assured to drug addicted pregnant women. Medical appointments are available and parents treated in therapeutic communities are entitled to have their children with them, thus preserving as much as possible family ties and cohesion.