Role of evidence in drug (de)criminalisation in the Czech Republic

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Czech Rep. in the Central Europe, 10,2 mil. inhabitants

Relatively high prevalence of cannabis use, problem (injecting) use of methamphetamine (pervitin)

Low prevalence of drug-related HIV/AIDS and HCV, low level of drug overdoses

Balanced and pragmatic drug policy since 1993

Harm reduction is one of four drug policy pillars

Inter-disciplinary character of drug policy

Inter-ministerial coordination, civil society involved

National monitoring system and National monitoring centre for drugs and addictions (Reitox NFP) part of the coordination structure

*Recommended reading:*
Timeline of (de)criminalisation

- Drug use has never been criminalised
- Drug possession for personal use:
  - 1950-1989: criminal offence
  - 1990-1998: any drug possession decriminalised
  - 1999-2009:
    - personal possession in "greater than small amount" criminalized
    - personal possession in "small amount" remained decriminalized
  - 2010-present:
    - additionally, personal cultivation "in small amount" decriminalized
    - punishment between cannabis and other drugs differentiated
    - threshold quantities ("greater than small amount") defined by governmental decree
  - 2013: governmental decree annulled and replaced by Supreme court opinion:
    - threshold quantities decreased in some drugs

Recommended reading:
What has been the role of evidence in the process?
What is required for research to have an impact on drug policy?

- Impact where research linked directly to the policy
- Networks, think-tanks and policy entrepreneurs
- Key actors – champions of an idea or set of evidence
- Appropriate packaging of findings
- Communication channels to allow the translation of research evidence, i.e. a knowledge transfer process.
- Receptive audience and a window of opportunity
- Timely delivery of findings, to act quickly
- Alliances of researchers

Timeline of evidence in the process

1950-1989: no systematic monitoring and analysis allowed
1990-1998: moral panic about „drug epidemic“, no systematic evidence collected
1999: personal possession in „greater than small amount“ criminalized
1999-2001: Impact Analysis Project of New Drugs Legislation (PAD)
  - convincing evidence that the criminalisation is ineffective, did not deliver the desired deterrent effect
  - recommended to the government that the criminal law should distinguish between different types of drugs according to their harms
  - funded basis of the NFP and the drug information system
2002: **NFP was established** – systematic monitoring and collection of evidence
2010: following PAD, personal cultivation „in small amount“ decriminalised, punishment between cannabis and other drugs differentiated, threshold quantities defined
2009-2013: discussion on **setting the threshold quantities** („what is the evidence?“)
Effect of decriminalisation in 2010

Alleged deterrent effect of a stricter policy and in contrary stimulating effect of lenient policy was not confirmed.
Relationship between (de)criminalisation and level of use

FIGURE 4
Cannabis use before and after changes in legislation in selected countries: use in previous 12 months among young adults (age 15–34)
Discussion on the threshold quantities

- 2 contradicting positions in the Czech Republic:
  - low-enforcement agencies: to keep them low close to one (average) dose
  - NFP and service providers: to increase the threshold at equivalent of seven times the (average) daily dose

- Review of evidence showed:
  - lack of evidence in setting the threshold quantities
  - inconsistency between countries
  - unclear principles
  - inconsistency between threshold for cultivation and possession in the same country


## 2013 change of threshold quantities

<table>
<thead>
<tr>
<th>Drug</th>
<th>Quantity “greater than small” in Government Decree no. 467/2009 Coll.</th>
<th>Unifying opinion of the Supreme Court ref. no. Tpjn 301/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pervitin (methamphetamine)</td>
<td>&gt;2 g</td>
<td>&gt;1.5 g</td>
</tr>
<tr>
<td>Heroin (diacetylmorphine)</td>
<td>&gt;1.5 g</td>
<td>unchanged</td>
</tr>
<tr>
<td>Cocaine</td>
<td>&gt;1 g</td>
<td>unchanged</td>
</tr>
<tr>
<td>Ecstasy (MDMA/MDA/MDEA)</td>
<td>&gt;4 tablets of 0.4 g powder or crystals</td>
<td>unchanged</td>
</tr>
<tr>
<td>LSD</td>
<td>5 paper tabs, tablets, capsules or “crystals”</td>
<td>unchanged</td>
</tr>
<tr>
<td>Marijuana (delta-9-THC)</td>
<td>&gt;15 g dry matter</td>
<td>&gt;10 g dry matter</td>
</tr>
<tr>
<td>Hashish</td>
<td>&gt;5 g</td>
<td>unchanged</td>
</tr>
<tr>
<td>Psilocybin mushrooms</td>
<td>&gt;40 fruiting bodies</td>
<td>unchanged</td>
</tr>
</tbody>
</table>

Drug policy rules: sarcastic, but true

- Evidence that a drug impairs human capacities is always believable and important.
- **Our best estimate of a drug’s harm is not the average estimate but the most severe estimate yet obtained.**
- Evidence that an illicit drug could have benefits may not be collected.
- Treatment requires evidence of both effectiveness and cost-effectiveness.
- Evidence regarding prevention is always welcome, but it still would not get much funding.
- **Law enforcement and interdiction require no evidence at all; they are assumed to be effective and appropriate.**
- **Evidence against enforcement creates a presumption that the researcher is a liberal.**
- Evidence for harm reduction creates a presumption that the researcher approves of drug use.
- **Scientific research on drugs cannot motivate a change from tough law to lenient law, but it can motivate a change in the opposite direction.**


Conclusion

- Evidence is an important element in policy processes and debates on decriminalisation.
- NFP and drug information system close to drug policy processes plays important role in informing the drug policy.
- Routine communication channels are important, but window of opportunity is equally important.
- Despite increasing role of evidence, decisions are not necessarily motivated by the evidence and go in opposite direction.
- Alleged deterrent effect of the strict drug policy still has a strong voice in the debate.
Thank you for your attention!

www.drogy-info.cz

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Sources


