



Národní monitorovací
středisko pro drogy
a závislosti

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

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➤ Background

- 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:

Csete, J. (2012). A Balancing Act: Policymaking on Illicit Drugs in the Czech Republic. New York: Open Society Foundations.



➤ 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:

Belackova, V., & Stefunkova, M. (2018). Interpreting the Czech drug decriminalization: The glass is half full - Response to Cervený, J., Chomynova, P., Mravčík, V., & van Ours, J.C. (2017). Cannabis decriminalization and the age of onset of cannabis use. *Int J Drug Policy*, 52, 102-105. doi:10.1016/j.drugpo.2017.10.010



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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

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DRUG POLICY

Research paper

Cannabis decriminalization and the age of onset of cannabis use[☆]

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LEGISLATIVE NORMS TO CONTROL CANNABIS USE IN THE LIGHT OF ITS PREVALENCE IN THE CZECH REPUBLIC, POLAND, SLOVAKIA, AND HUNGARY

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Panel B. Cannabis use cumulative starting probabilities

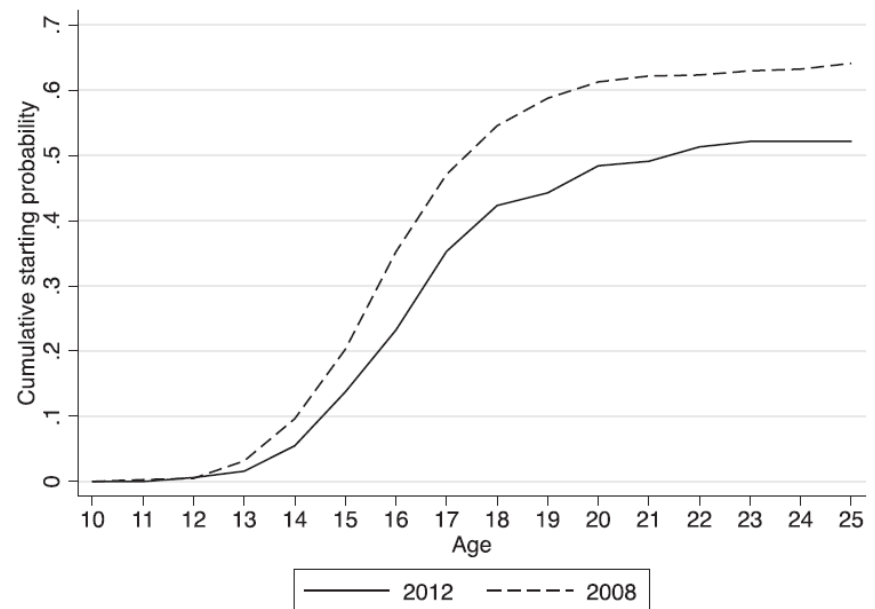


Fig. 2. Cannabis use starting rates and cumulative starting probabilities by age.



➤ 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

European Monitoring Centre for Drugs and Drug Addiction. (2010). Threshold quantities for drug offences. Retrieved from <http://www.emcdda.europa.eu/html.cfm/index99321EN.html#T1>

Transnational Institute, & European Monitoring Centre for Drugs and Drug Addiction. (2011). TNI-EMCDDA expert seminar on threshold quantities, Lisbon – 20 January 2011.

> 2013 change of threshold quantities

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

Mravcik, V. (2015). (De)criminalisation of possession of drugs for personal use - A view from the Czech Republic. *Int J Drug Policy*, 26(7), 705-707. doi:10.1016/j.drugpo.2015.01.022



➤ 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.**



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Thank you for your attention!

www.drogy-info.cz

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