



**Union of Students in Ireland**  
*Aontas na Mac Léinn in Éirinn*

**Union of Students in Ireland  
submission to the Oireachtas  
Joint Committee on Justice,  
Defence and Equality**

**Drug Policy Review**

**“[The committee]... is inviting public submissions on its drug policy review, and in particular, if an alternative approach to the possession of small quantities of illicit drugs for personal use should be considered... The Committee is keen to hear from interested organisations and individuals in Ireland on whether a similar approach to the classification of small quantities of drugs should be considered here.”**

## Contributors

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### Author

Annie Hoey, Deputy President, USI

### Contributors

Aoife ní Shúilleabháin, Vice President for Welfare, USI

Daniel Waugh, Vice President for Campaigns, USI

Robbie Rodriguez-Cummins, President, NCI Students' Union

### Special Thanks

Dan Kirby, Students for Sensible Drug Policy

Stephen Cleary, Vice President Welfare, NCI Students' Union

Jade Hogan, President, IADT Students' Union

## Foreward

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The Union of Students in Ireland (USI) (Aontas na Mac Léinn in Éirinn) is the national representative body for third-level students' unions in Ireland. USI is the sole national representative body for students in Ireland. Founded in 1959, USI now represents more than 354,000 students in over forty colleges across the island of Ireland. The goal of the USI is to work for rights of students and a fair and equal third level education system in Ireland.

Prior to making a submission to the Oireachtas Joint Committee on Justice, Defence and Equality on drug policy review, USI engaged in a consultation process with member organisations and students' unions to ascertain their views. On July 17th 2015, USI National Council <sup>(i)</sup> formally adopted a stance that called for USI to support a call for decriminalisation of drugs, with a view to taking a similar approach to the one Portugal took in 2001.

# The Current Irish System

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Contemporary drug policy in Ireland is implemented in accordance with the Misuse of Drugs Act 1977, which is a derivative of the 1961 United Nations Single Convention on Narcotic Drugs.

The current Irish system processes 'personal use' cases in the justice system. As a result individuals are given a conviction which lasts a lifetime. This is particularly concerning for USI, as college is often a time for exposure to drugs for many students. According to the National Drugs Survey 2015, "around 75 per cent of over 300 Trinity respondents... said they had used illegal drugs, while 5 per cent said they had purchased illegal drugs on the dark web."<sup>(iii)</sup> If a student gets a conviction for personal use, this can have lifelong implications. It can prevent a student from accessing a visa to certain countries, a job which requires Garda vetting, certain types of insurance, and can impede them from availing of further education or training. A criminal conviction also limits an individual's chances of social mobility, which results in students becoming dependent on the state.

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**"Around 75 per cent of over 300 Trinity respondents... said they had used illegal drugs, while 5 per cent said they had purchased illegal drugs on the dark web."**

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Our current system is broken, and the prohibitionist approach of 'just say no' is no longer working. Policies of prohibition exacerbate social problems. Ireland currently has one of the highest drug related death rates in the EU and the prevalence of drug use in Ireland

ranks within the highest across various drugs. In 2006, we ranked above all other countries with heroin use.<sup>(iii)</sup> Citizens who have drug addiction(s) are stigmatised and segregated from society. Drug use cannot be tackled by policy measures which are only aimed at controlling the supply of illicit drugs.

It is futile to only have supply reduction strategies in place of more cost-effective and evidence based investments in harm-reduction and education. USI is calling for The Committee to recommend the introduction of a system similar to one introduced in Portugal on July 1st 2001.

## Case Study: Portugal <sup>(iv)</sup>

During the early 1970s in Portugal, the Justice Department was assigned to deal with the drug problem, an approach similar to those in other jurisdictions at present, including Ireland. However, it became apparent that, outside their use of illegal substances, not all drug users were engaged in criminal behaviour and that the criminalisation of drug users and addicts was counterproductive as it prevented them from seeking help. It was noted that drug abuse was not confined to any particular social class but was a universal problem. It was also noted that not all addicts were using illicit drugs and were addicted to prescription drugs.

### To criminalise rather than treat this group of people was ineffective as a method of tackling drug use

The first step was to remove responsibility for this matter from the Justice Department and re-assign it to the Health Department. When this decision was taken, the State established SICAD (General-Directorate for Intervention on Addictive Behaviours and Dependencies) and Commissions for Addiction Dissuasion.

On July 1st 2001, Portugal decriminalised drug use, acquisition and possession of illicit drugs when conducted for personal use as part of a comprehensive new policy. <sup>(v)</sup> This quantity of personal use amounted to up to 10 days' supply for personal use. The policy also included a significant expansion in drug treatment, including methadone maintenance, to help dependent users get away from injecting heroin. While it is no

longer a criminal offence to possess drugs for personal use, it is still an administrative violation, punishable by penalties such as fines or community service. The specific penalty to be applied is decided by the 'Commissions for the Dissuasion of Drug Addiction', which are regional panels made up of legal, health and social work professionals.

The provision of funding for this service is split: 60% of funding is provided by the State in the Health Budget and 40% from the National Lottery. This approach results in significant cost to the Health Budget, this approach has actually resulted in a reduction in costs to the State in Portugal. This is due to the reduction in costs associated with police time, criminal investigations, legal aid costs and court time as well as the reduction in the number of HIV/AIDS cases thereby reducing the cost to health services.

Each of the 18 districts throughout Portugal has a Commission, with 4 covering the islands. This ensures that all treatment is available locally and the person in need of treatment is more likely to attend and complete the programme. This also allows a person undergoing treatment to hold down a full-time job and without risk of dropping out of a treatment programme or trying to manage their addiction and recovery themselves. This local availability has resulted in a more successful outcome. This policy is focused on the treatment of the individual and not the criminalising the person suffering from a drug addiction. In order to break the cycle and allow drug addicts the opportunity to move away from a life of drugs 'positive discrimination' for gaining employment was introduced. This system offered employers' tax breaks to employ recovering addicts and the State would pay the employee an amount equal to the minimum wage.

The employer was required to release the employee for their treatment/counselling until their programme had concluded. In many cases, these employees gained full time employment and did not go back to using drugs.

# Decriminalisation of Drugs

“Decriminalization (sic) is defined as the removal of sanctions under criminal law, with optional use of administrative sanctions (e.g. provision of civil fines or court-ordered therapeutic responses” <sup>(vi)</sup>

USI is calling for the decriminalisation <sup>(vii)</sup> of drugs and for investment into treatment and health facilities along with education about drug use and risk for young adults and those of school age.

As has been previously noted, college is a time where students feel freer to express themselves and experiment with drugs. In relation to recent cannabis use alone (defined as being within the previous 12 months), the statistics from the National Student Drug survey show:

- 49% of respondents had smoked ‘normal-strength’ cannabis weed
- 44% had smoked ‘high-potency’ weed
- 26% had smoked ‘high- potency’ cannabis resin
- 25% had smoked low/medium cannabis resin
- 7% had consumed cannabis oil

Other findings relating to recent use (previous 12 months) for other substances were:

- 98% of respondents consumed alcohol
- 61% had taken prescription drugs <sup>(viii)</sup>
- 33% indulged in weekly binge drinking (6 or more drinks in a session)
- 32% had ingested ecstasy (MDMA) tablets
- 25% had taken MDMA in powder form
- 20% had ingested cocaine

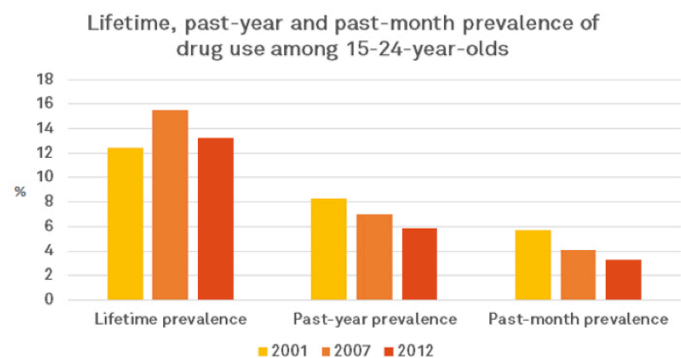
- 13% had purchased legal highs or research chemicals
- 11% had taken LSD
- 11% had taken ketamine

From these results, it is clear that students are not averse to taking drugs. Drug consumption is deeply embedded in the social and recreational cultures of young people.

USI has evidence of a student in NUIG, receiving a criminal conviction for a minor drug offence and this conviction then having an impact her ability to obtain a visa to pursue studies abroad in Canada. If minor offences were decriminalised was in place, she would not have received the criminal conviction which impeded her ability to further her studies abroad. There is concern of how this conviction will impact her as she goes through life, in terms of seeking work and her ability to travel.

There is evidence <sup>(ix)</sup> to suggest that since decriminalisation in Portugal in 2001, drug use for people aged 15-25 has gone down rapidly [see Table 1].

TABLE 1



Despite virtually eliminating all punishments for personal drug possession, rates of drug use haven't skyrocketed in Portugal like some predicted. As this chart shows, use had gone up slightly when measured in 2007 (a trend in line with other, comparable countries), but has since gone back down. In fact, by two out of three measures, adult drug use is now lower than it was in 2001. This gives more credence to the idea that criminalising people is an unnecessary (not to mention inhumane) way of trying to stop them taking drugs.

While decriminalisation will prevent individuals who have recreation or personal drug use from getting a criminal conviction, decriminalisation alone will not solve the current drug problem in Ireland. We need to look at economic and social policies if we wish to make significant progress on drug problems. As in Portugal, decriminalisation must go hand in hand with programmes aimed at education, and drug addiction recovery and treatment. There must be particular emphasis on after-care and social re-integration for former users of illegal substances. Evidence from decriminalisation in Portugal indicates reductions in problematic drug use, drug-related harms and criminal justice over-crowding. Fears of Ireland becoming a haven for drug users can be dissuaded; the Portuguese approach "has not resulted in an increase in drug-taking nor has it resulted in Portugal becoming a destination for drug tourists." <sup>(x)</sup>

USI believes there is a need for health professionals, parents and educators to acknowledge the fact that young people often engage in drug use, and at the very least will be exposed to drug use at some point in their lives. We need wider society to foster informed and responsible conversations about drugs and drug use, something we believe can only happen if decriminalisation of drugs is introduced.

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## Education at second and third-level is crucial in terms of informing students about drugs and the consequences taking drugs may have on their future

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Ultimately, USI understands that young people and students experiment with drugs. It is important for young people and students to understand about that substances they are putting in their body, and to be able to have a conversation about drugs in an informed and responsible manner. USI does not want to see students lose out on the possibility to travel, whether that be for further study or personal development, due to a minor drug infraction. Having a criminal record for drug misuse can also result in employment and other opportunities in a student's future being unavailable. USI believes that decriminalisation will allow students, who are guilty of minor offences under the current laws, the opportunity of a second chance, along with allowing wider society to open up in conversations surrounding drug use and seeking help.

# Footnotes and References

- (i) National Council is USI's executive body, consisting of one representative from each Member Organisation and USI's full-time and part-time officers. It is convened at least four times a year for the purpose of directing the overall work of the national union, amending the schedules to the constitution and determining interim policies responsive to events.
- (ii) Heaphy, Edmund. "Respondents to Survey Use Drugs, with Majority Unconcerned About Its Impact." *University Times*. 5 Aug. 2015. <http://www.universitytimes.ie/?p=35473>.
- (iii) EMCDDA, "The State of Drug Problem in Europe",
- (iv) Summary from Report of Visit by a Committee Delegation to Examine the Impact of Portuguese Approach to the Possession of Certain Drugs.
- (v) In Portugal, possession for supply remains a criminal offence.
- (vi) Hughes, Caitlin Elizabeth, and Alex Stevens. "What Can We Learn from the Portuguese Decriminalization of Illicit Drugs?" p. 3.
- (vii) It is important to note that decriminalisation is not legalisation. The sale or importing of drugs will still be illegal. Individuals caught breaching these laws along with theft, assault, intimidation in relation to drugs will still be prosecuted under the criminal justice system.
- (viii) The survey did not indicate that the question was being asked as to how many respondents took prescription drugs illegally, so caution must be taken when reading this particular result.
- (ix) Murkin, George. "The Success of Portugal's Decriminalisation Policy – in Seven Charts." Transform. Transform: Getting Drugs Under Control, 11 June 2014. Web. 01 Aug. 2015. <http://www.tdpf.org.uk/blog/drug-decriminalisation-portugal-setting-record-straight>.
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CONTACT US

Twitter: @TheUSI  
Facebook: facebook.com/usi.ie  
Web: www.usi.ie  
Email: info@usi.ie  
Tel: +353 (0)1 7099300

The Union of Students in Ireland  
Portview House  
Thorncastle Street  
Ringsend  
Dublin 4  
D04 V9Y9