



# (De)criminalisation of drug possession as a litmus test of national drug policy?

## EXPERIENCE FROM THE CZECH REPUBLIC

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1

## Czech Republic A bit of recent epidemiological data\*

Population 15-64 years 2022	Lifetime prevalence:	12-months prevalence:	30-days prevalence
Any drug	35%	13%	6%
cannabis drugs:	30%	9%	4%
meth/amphetamines:	8%	4%	2%
cocaine:	8%	4%	2%
Heroin:	4%	2%	1%
Population of 15-34 years			
Any drug	44%	20%	10%
cannabis drugs:	37%	14%	7%

Czech  
Republic  
Population  
approx. 10.5  
million



Estimation  
of high-risk  
drug users  
(HRDU)  
number:  
46.5  
thousand

37.2 thousand HRDUs use  
methamphetamine

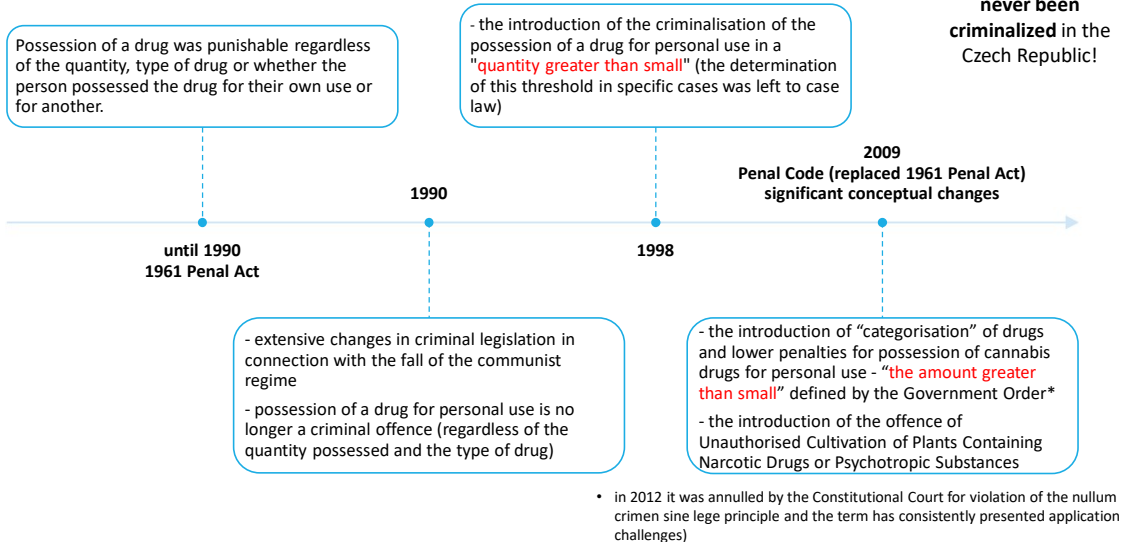
9.3 thousand use opioids,  
mainly buprenorphine (5.1  
thousand) and heroin (3.0  
thousand)

42.7 thousand use drugs  
by injection

\*Source: Czech National Monitoring Centre for Drugs and Addiction (2023)

2

## Development of legislation



3

## Section 284 of the Czech Penal Code

### Possession of Narcotic Drug and Psychotropic Substance and Poison

(1) Whoever, for his/her own use, possesses the narcotic drug of cannabis, cannabis resin, or any psychotropic substance containing tetrahydrocannabinol, isomer or its stereochemical variant (THC) **in an amount greater than small** without authorisation, shall be punished by a prison sentence of up to one year, a prohibition to undertake specified activity or a forfeiture of an item

(2) Whoever, for his/her own use, possesses a narcotic drug or a psychotropic substance other than the ones referred to in Paragraph 1 or a poison in an amount greater than small without authorisation, shall be punished by a prison sentence of up to two years, a prohibition to undertake specified activity, or a forfeiture of an item.

(3) An offender shall be punished by a prison sentence of six months to five years or a fine if he/she committed an act referred to in Paragraph 1 or 2 to a greater extent.

(4) An offender shall be punished by a prison sentence of two to eight years if he/she committed an act referred to in Paragraph 1 or 2 to a considerable extent.

4

## Drug offences: Possession of drugs for personal use



Source: Police of the Czech Republic; Ministry of Justice of the Czech Republic

5

## Research on impact of criminal law changes on the drug situation

### "Impact analysis of new drug legislation (PAD)"

(Zábranský et al., 2001)

- the intervention represented by the introduction of the punishment for possessing drugs for personal use had hardly any impact on drug-related problems in the Czech Republic;

- during the first two years of the application of the amendment, penalizing possession of illegal narcotic and psychotropic substances for personal use had been enforced in a very selective manner, randomly and occasionally

### "Drugs and Penal Code"

(Zeman et al., 2015)

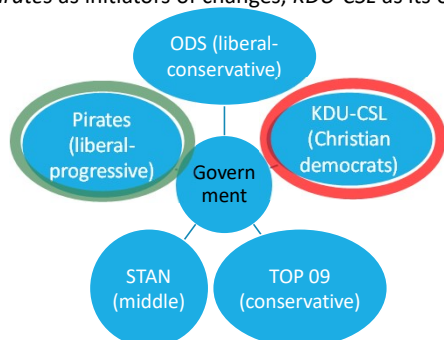
- the adoption of the new Penal Code has not led to any significant departure from the existing approach in the area of drug crime prosecution, either in terms of legislation or its practical effects;

- the number of registered drug offences reflects much more the intensity and focus of police work in searching for and detecting crime than the actual level of drug crime

6

## Current development

*Pirates* as initiators of changes, *KDU-CSL* as its opponents.



Czech National Drug Policy Coordinator (Office of the Government) **manages the initiatives.**

- new Government since 2021, a **coalition of 5 parties**

- new administration **is more open to a liberalization** of drug policy, incl. decriminalization/depenalization, especially when it comes to cannabis.

### Two main legislative initiatives

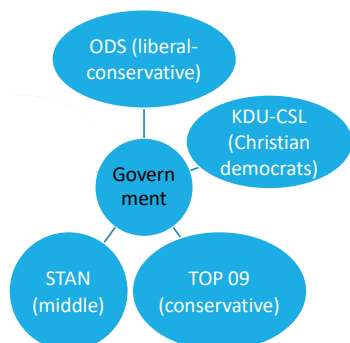
(a) the introduction of a regulated cannabis market along the lines of the alcohol and tobacco markets (i.e. *decriminalization of handling of cannabis at all*)

(b) as a part of major changes of the Penal Code and the Code of Criminal Procedure, the significant mitigation of criminal sanctions for handling of any drug (esp. cannabis), mainly when it comes to the handling for personal use (i.e. *depenalization*)\*

\*there were two versions of this proposal, when the one from the Government Council for Addiction Policy Coordination goes much further and the other one from the Ministry of Justice is more of a compromise

7

## Current development - NEW



Czech National Drug Policy Coordinator (Office of the Government) **manages the initiatives.**

August 31: National Drug Policy Coordinator **leaves its position**; the position will not be re-filled by the end of the government's term of office

October 1: **Pirates leave the Government**; the coalition still have a majority in the Parliament

Future of the initiatives rather uncertain.  
(although some other major changes have been made in the national drug policy, e.g. a law was passed changing the approach to psychoactive substances).

8

## Conclusions

- the approach of Czech criminal law to the possession of drugs for personal use has evolved considerably in recent decades, **from complete decriminalisation** through relatively **strict criminalisation** to its current state
- although these changes were presented as significant, **no clear impact on the drug use or drug crime was found**
- with the exception of full criminalization or decriminalization, changes in criminal legislation can be considered rather parametric and without a major impact on the drug situation



9

## Thank you



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10