



# PORTUGUESE DRUG LAW

**YOUTH  
RISE**  
for reducing drug related harm

 **Youth  
in Action**

 **ROBERT  
CARR  
FUND**  
for civil society  
networks

**aPdes**  
In People we trust

*Co-funded by the Youth in Action programme of the  
European Union*

## PORTUGUESE YOUTH AND DRUG USE

Similarly to what happens in the majority of European countries, the use of psychoactive substances is common among the Portuguese youngsters. The EMCDDA's (European Monitoring Centre for Drugs and Drug Addiction) report of 2011 states that: "Qualitative studies provide a window into 'recreational' use of stimulant drugs by young adults attending a range of different nightlife venues across Europe" (EMCDDA, 2011:55).

Similarly to what happens in the majority of European countries, the use of psychoactive substances is common among the Portuguese youngsters. The EMCDDA's (European Monitoring Centre for Drugs and Drug Addiction) report of 2011 states that: "Qualitative studies provide a window into 'recreational' use of stimulant drugs by young adults attending a range of different nightlife venues across Europe" (EMCDDA, 2011:55).

The intervention by the CHECK!N LX project (APDES, Lisbon) validates these data, since it frequently observes episodes of intoxication and "binge drinking" among youngsters of both genres. The diagnosis by the Integrated Responses Centre in Taipas (2013:10) shows that "alcohol (distilled beverages with high alcoholic content) is the most used substance and it is usually used in big quantities". This trend was also identified during the information sessions carried out in collaboration with several groups of youngsters (the majority of them between 15-18 years old), who mentioned their frequent patterns of binge drinking (usually during the weekends and holidays) and intoxication episodes. They also highlight the important role of

alcohol during their night outs. The chosen beverages are selected according to their effects/price, especially among the younger individuals: "(shots) are cheaper and get us drunk faster. This is what people want" (extract from the 2nd Discussion Group of the 11th grade students - Passos Manuel High School, 2011).

In addition, the inquiries led by APDES's project CHECK!N showed that the most used substances are alcohol and cocaine. The first one tends to be used the majority of times, regardless the group and the type of party; cocaine is the substance whose consumption has increased the most in recent times. Cannabis also appears to be one of the most used substances among party-goers, regardless of their music styles; it is not associated with only one party environment and it is a common element among the regular CHECK!N (APDES) clients. Those who participated in these inquiries also mentioned the frequent use of speed and hallucinogens, namely LSD.

Regarding the routes of administration, individuals tend to inhale drugs more often, but smoking and ingesting them orally seem to be frequent consumption methods. Nevertheless, it seems that this route of administration is becoming relatively standardized in certain parties, due to the increased popularity of cocaine. There are even individuals who say that "sniffing" gives you a sort of "important" status.

Other particularity mentioned by the participants is the age range of the party-goers. Those who attended drum 'n' bass parties mentioned the constant presence of younger people and they also showed some concern regarding the younger groups' type of consumption.

In regards to the drug use contexts, we can see that the recreational settings became (since the 90's) the privileged spaces/occasions for the younger people to experiment and use alcohol and psychoactive substances. This trend can be seen in Lisbon (internationally known for having one of the best night-lives in Europe) and other Portuguese cities. This is a result of the last decade's changes in the educational patterns and working environment, which eventually came to favour the increase of young people's dependence and the way they spend their free time (Furlong & Cartmel, 1997:53).

In a small research carried out by APDES, it became clear that the term "party" is always associated with the use of psychoactive substances, being most of times the motto for using. Drug use appears to be increasingly visible in party settings. Substance use seems to have gone from private contexts to public ones; during the parties, it is done in plain sight, always depending from the place and the music style.

According to APDES' research, polydrug use also appears to be generalized in the nightlife party environments. There is a reference not only to the fact that people use several substances in the same party, but also to the fact that they don't appear to be worried about the use pattern they're engaging in.

A research on sexuality in Coimbra's nightlife (Lomba, 2007) showed that the majority of individuals who participated in it were sexually active and that the larger part started when they were 17. 32.8% stated that they engage in unprotected sex the majority of times; 25.6% declared they were under the influence of alcohol when having sexual intercourse and 15.2% under the influence of drugs; 14.6% claim that, during the last year, they had at least one sexual encounter under the influence of alcohol/drugs that they highly regret.

The analysis of this data shows that drug use is common among Portuguese youngsters and that it is strongly associated with recreational contexts and party scenes. We can also conclude that this type of use is very risky, so it would be very important to create prevention services to deal with problem use and reduce the risks strictly connected with these use trends.

## DRUG POLICIES IN PORTUGAL

In order to understand drug use, it is important to comprehend the drug policies in force and the way it affects the Portuguese youth.

In Portugal, drug consumption was decriminalised by Law number 30/2000, which "defines the legal framework applicable to consumption of stupeficient and psychotropic substances, as well as the sanitary and social protection of people who consume those substances without medical prescription".

This law makes a distinction between "consumption" / "possession for consumption" and "trafficking", being the consumption penalised (with fines and other penalties, since the substances remain illegal) and the trafficking criminalised. The law claims that "the acquisition and possession for personal consumption of the substances mentioned in the previous number can't exceed the individual needed average for a period of 10 days" (this is regulated by a table of substances and quantities).

The main factor to take into account when making a distinction between "offense" and "crime", is the amount of illicit substances held by the individual. The reference

quantities are estimated by the equivalent to 10 days of consumption, for all the substances. Quantities below these values are usually considered an offense and the ones above increase the possibility of being considered a drug trafficking crime.

In addition to the quantity, there are other elements that can contribute to the distinction between an offense and a crime: money, presentation of the substance in small doses, records, etc.

In case of an offense, the police will identify the individual, seize the substance and elaborate a record of the occurrence. The individual can only be arrested if he/she doesn't have any form of identification. In this case, the detention is valid, in order to guarantee the attendance in the Commission for the Dissuasion of Drug Addiction.

The record of the occurrence is sent to this commission and in the following 72 hours, the individual must show up in the facilities of that same commission. Once there - and after an interview - there is an evaluation to determine if it was an episode of recreational use or drug addiction.

#### Recreational Use:

- If there is no prior record, the process is temporarily suspended;
- If it is a recurrence, the person will be penalized: fine, admonition or communitarian service;
- Monitoring measures;
- No financial penalty: suspension of all professional activities; interdiction to certain places; periodic presentation in a place designated by the Commission;

#### Drug Dependency:

- If there is no previous record and the person agrees to submit to treatment, the process is temporarily suspended; if the person doesn't agree with treatment, he/she will be penalized or do community service;
- If there is a previous record and the person accepts treatment, the process is suspended, as well as the sanction; if the person doesn't agree with treatment, he/she must attend the Health Care Services (to improve the health conditions) or be submitted to monitoring measures: suspension of all professional activities; interdiction to certain places; prohibition of be with, host or take in certain individuals; impossibility of travelling abroad.

Concerning the use of alcohol, the scientific evidences, the current risky use patterns among Portuguese youngsters and the attempt to follow other European legislation models were the elements that motivated the implementation of a quite recent law that foresees "restriction to the provision, sell and consumption of alcoholic beverages" (Diário da República, April 16th 2013, Article 3).

### Article 3, April 16th 2013:

- It is strictly forbidden to provide (regardless of commercial goals), sell or make available in public places:
- spirits to individuals who have not completed 18 years old;
- all types of alcoholic beverages to individuals who have not completed 16 years old;
- all types of alcoholic beverages to individuals who are clearly intoxicated or seem to have a mental disorder
- This way, beverages like “shots” would no longer be available to people less than 18 years old.

In spite of this legislative change, any brief experience in the Portuguese nightlife shows that little has changed. We continue to see several minors attending party scenes and adopting abusive use patterns. In addition to bars and discos, buying liquor in supermarkets to drink them in public places is now becoming more common.

Regarding the New Psychoactive Substances, Portugal (similarly to what has happened in other countries) approved a law that prohibited the commercialization of 159 psychoactive substances and led to the closing down of the majority of smartshops running in Portugal.

The new NPS legislation regulates the commercial activities involving these substances (organized in tables), perceiving those same activities as an offense (regardless of the quantities). The fines are already established (for Natural Persons or Companies). In terms of use, the fines are also regulated by this law, but their value is not yet established.

By analysing the Portuguese drug policies, we can affirm that we can find some characteristics of an effective policy in the Portuguese model (like the separation between trafficking [law] and use [healthcare]). In addition, the model foresaw the existence of non-dependent users and contributed to the decreasing number of minor criminal acts associated with drug use. In spite of these positive elements, we can still encounter some limitations and features that should be analysed and properly dealt with, namely in the ambit of the responses to NPS – prohibiting their selling doesn't lead to their elimination. We've also noticed that the quantities presented are inadequate. For example, in order to not be considered a crime, the individual can only have up to 5g of hashish and 25g of weed (for 10 days). These values aren't adequate, since the hashish that can be found in the market has a very low quality and the weed has a high quantity of THC. This shows how these issues should always be revised and taken into consideration. In addition, there are still some substances without regulated quantities, thus leaving the decision of considering them a crime (or not) up to the Judge.

Another obstacle is the existence of penalties to individuals who don't have any drug-related problem. Even if the Commission for the Dissuasion of Drug Addiction states that the individual has an adequate behaviour towards drugs and that they do not represent any hazard to his/her (or other individuals' well-being), that same individual is penalized nonetheless, since he/she is committing an offense.

Finally, we'd like to highlight that there's also a gap in the legislation in what concerns younger individuals, both in the legal field and in the treatment/general services area. We believe that this is a barrier to the rights of the Portuguese youngsters.

## DRUG SERVICES FOR YOUNGSTERS - GAPS AND GOOD PRACTICES

by a lack of social, personal and family structure. This can be seen in both Harm Reduction and Therapy services. In terms of Prevention, a clear lack of investment in the last years (probably associated with the current economic crisis) can be seen.

This way, we can observe that the current services are clearly inadequate to the youngsters' drug use reality and don't have the characteristics needed to "attract" these individuals. On the other side, the youngsters must have adequate responses. A way to guarantee their access to these services is to make sure they are adequate, with a series of characteristics:

- By analysing the current drug use patterns by youngsters and the policies/legislation that regulate drug use in Portugal, the need to promote services aimed at/adequate to youngsters becomes even more crucial.
- However, when we evaluate the current resources, the lack of specificity in the ways to deal with this target-group becomes more noticeable.

- In Portugal, drug services work under the aegis of the Ministry of Health and are managed by the General Directorate for Intervention on Addictive Behaviours and Dependencies, which works "to promote the reduction of use of psychoactive substances, the prevention of addictive behaviours and the decreasing of dependencies." There are also Regional Delegations and local intervention units (Integrated Responses Centres), as well as other services aimed at the specialized intervention at regional or supra-regional levels.

- The Integrated Responses Centres have teams dedicated to the communitarian intervention in the Prevention, Harm Reduction, Therapy and Reintegration areas. These teams comprehend Therapy Professionals and Short-term/Long-term Inpatient Units. Some of them also provide external medical appointments and references to NGOs' programs on Prevention, Harm Reduction and Treatment.

- However, when we analyse the services that exist in the communities, we notice that they're mainly aimed at adults with a history of heroin and alcohol use and characterized

- They should have clear policies on how to deal and intervene with youngster, especially those under 18 years old, in order to guide the professionals and their practices according to scientific evidences;
- The youngsters' participation is vital for the design and implementation of intervention programs, in order to make them truly effective. This participation is crucial to identify the needs and preferences of this target-group and fulfil them, while promoting a sense of belonging, trust and motivation, so the youngsters can recruit their peers. In spite of all these advantages, the paternalistic attitude "we know what's best for you" of the decision-makers still remains;
- The services must guarantee the youngsters' confidentiality and remove the parental consent. By having access to these social or healthcare services, the youngsters should initiate a confidential relation. The right to privacy should only be ignored when their

health, safety or well-being are at risk; in those cases, the protocols to children protection must be followed. Parental consent keeps the youngsters away from these services, since they don't want to talk about their use patterns or experiences. In some cases, the individuals don't even talk to their families, are homeless, etc.

- These services should be characterized by an uncritical environment: one of the main reasons why youngsters try to avoid these services is the fear of hostility by the professionals or the fear of being judged. Those who provide these services can sometimes show some feelings of concern and try to influence the choices/decision of the youngsters without even analysing their individual situation. This way, it is very important to train the teams and the professional, so they can deal with these questions in a proper way.
- They should also support the youngsters' leadership abilities and peer education programs, since they have been proving to be quite effective.
- Another vital characteristic of these services should be the adoption of easier and adequate procedures:
  - Less papers and bureaucracy
  - More convenient schedules  
More convenient places
  - More suitable environment for young people (different places for youngsters and younger woman, different schedules, etc.)
  - Temporary shelter services
  - Cheaper services

In Portugal, in spite of all the progresses made towards decriminalization, there's still a long way to go until a truly effective drug policy is achieved. In addition, it is important to take into account the different drug use realities and the healthcare/social needs of our youngsters. Although there were some legal changes in the field of drugs, aiming to protect the younger individuals, many health-related and social issues remain unanswered, since they can only be solved by a scientifically supported intervention carried out by motivated and trained professionals.

Besides this, we believe that even when the Government is willing to make these services available to youngster, some advocacy work is still needed to guarantee that the local actors and services take the proper measures to make these services adequate. This way - and despite the fact that the Portuguese model represents a sort of improvement regarding the prohibitionist measures - a combination of efforts to achieve a more human and efficient drug policy is needed, in order to promote adequate interventions and services that respect the individuals. Since youngsters are a group of the general population with particular and delicate characteristics, we believe that they should be a priority in this revision.

---

*The European Commission support for the production of this publication does not constitute endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*

---