

NOT ALL DECRIMINALISATION IS CREATED EQUAL: MAPPING NON-CRIMINAL RESPONSES TO DRUG USE AND RELATED ACTIVITIES GLOBALLY

Eastwood N¹, Robinson I¹, Nougier M², [Fernandez Ochoa J](#)².

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Background:

Despite growing international recognition of the impacts of socio-structural factors on the health and well-being of people who use drugs, drug laws in most jurisdictions continue to prioritise punitive responses. The criminalisation of people who use drugs creates barriers in access to harm reduction and health services, fuels stigma and drives incarceration rates, leading to increased burdens of trauma and disease on people who use drugs. Recent United Nations guidance on drug policy and human rights has underscored the legality and importance of decriminalisation. However, research on the implementation and efficacy of different models remains limited.

Methods:

Desk-based research on the legal framework of jurisdictions implementing non-criminal responses to drug use and related behaviours focused on the legal status of the existing decriminalisation provisions, the existence and normative value of threshold quantities, the activities and substances concerned, and applicable alternative sanctions. The analysis also provides insights into implementation.

Results:

Decriminalisation models were identified in 59 jurisdictions (32 countries), with vast differences in terms of reach and impacts, especially on health outcomes for people who use drugs. The analysis of these policies fed into the development of a public map-based online knowledge resource.

Conclusion:

Sixty years after the foundation of the global drug control regime, the criminalisation of drug use and related behaviours remains the mainstream response to drug-related challenges. An increasing number of jurisdictions across the world have adopted models offering promise in conceptualising human-rights-affirming alternatives to this damaging orthodoxy. Identifying what works and what does not in these models is crucial for affected communities and allies to refine campaigning and advocacy efforts towards policy reform. This work also feeds into a growing body of research on the need for community involvement in policymaking and for non-criminalising responses to societal challenges.

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