

Drug Policy in the Netherlands

A model for the rest of the world?

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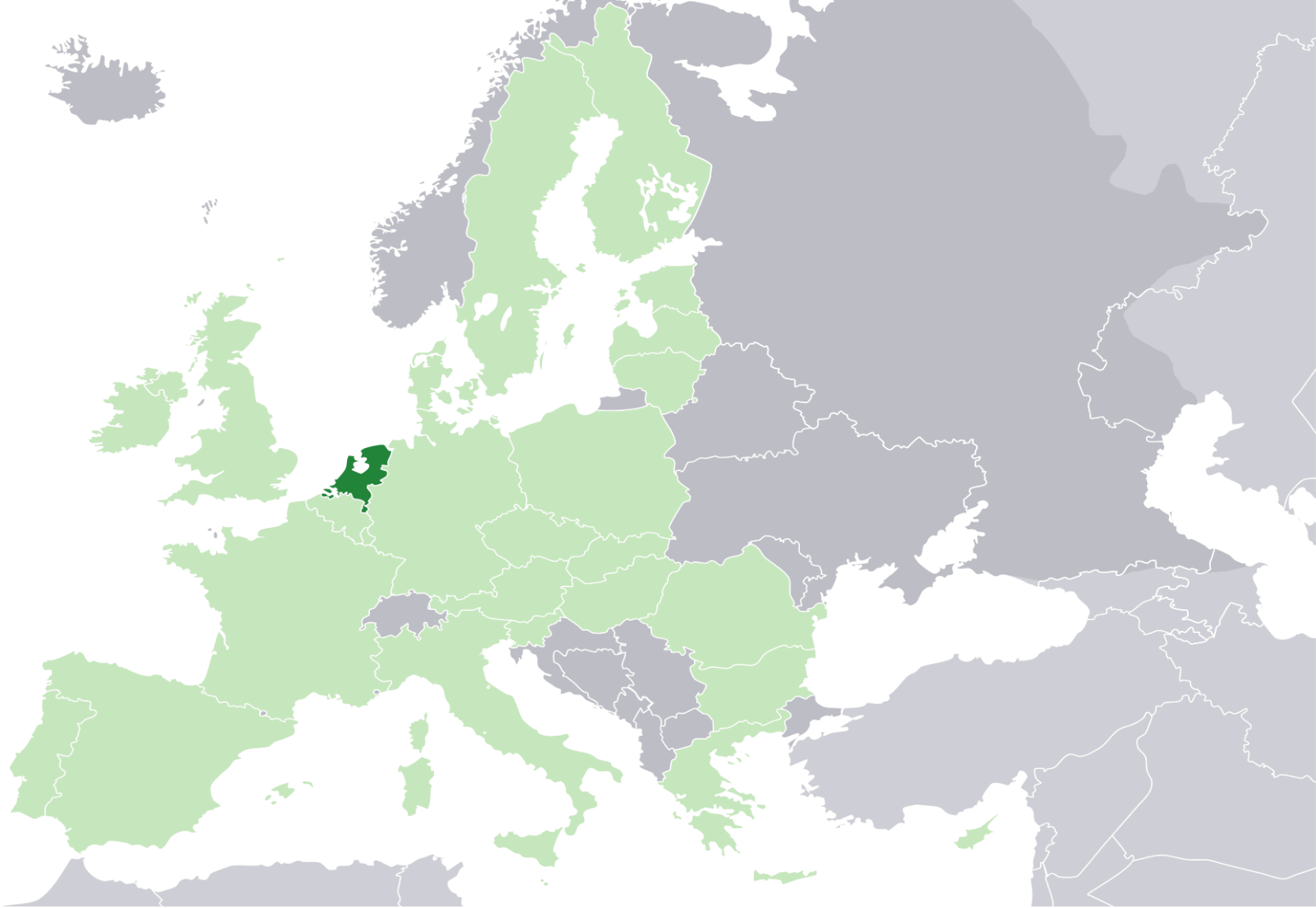
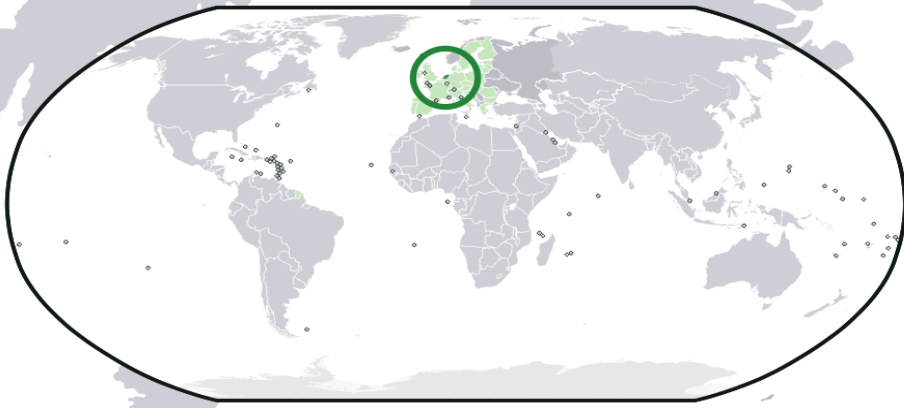
The European Union

- Maastricht Treaty signed in 1991--> Formalization of the union
 - Economic and political partnership between 27 Member European States.
- Goals of the union: "Peace, prosperity and freedom for its 498 million citizens--in a fairer, safer world."

EU Drug Control Policy

- Cooperation in combating drug addiction and drug trafficking
- Single Convention on Narcotic Drugs (1961)
- EU Action Plan to Combat Drugs (1995-1999)
- European Union Drugs Strategy (2000-2004)
 - Set up European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and the Europol Drugs Unit

NETHERLANDS



The History Behind The Policy

Toward the end of the 20th century, the Netherlands experienced the integration of "primitive-traditional" and "rational-scientific" medicine

The Dutch used the system of "opium leasing," which was later followed by a state monopoly on opium

The Hague Opium Convention (1912)

- Article 9: Required participating countries to restrict the production and sale of drugs to medicinal use only
- Foundation for the Opium Act (1919)



The Opium Act (1919)

Made the transportation and trade of drugs illegal

Officers selectively enforced the terms of the Opium Act

The smuggling business still raged in the Netherlands, with new inventive ways of smuggling drugs across the borders

In 1928, the maximum sentence for imprisonment increased from three months to one year

- The maximum sentence was usually reserved for smugglers

Chinese opium smokers in particular were targeted for prosecution

1953 Amendment: included marijuana in the list of illegal substances

Current Policy

Opium Act revised in 1976: created a distinction between cannabis and other drugs

Goals:

- Harm reduction
- Reduction of social and individual risks
- Separation of markets: distinction between "hard" and "soft" drugs
 - This is the major difference in drug policy between Netherlands and other countries
- Repressive measures against drug trafficking (other than cannabis)

Separation of "Hard" and "Soft" Drugs

Schedule I "Hard" Drugs:

- Heroin
- Cocaine
- LSD
- Amphetamines

Schedule II "Soft" Drugs:

- Marijuana
- Hash
- Other cannabis products

UNACCEPTABLE SOCIAL RISK

LOWER RISK

Penalties

Possess <1 user unit: dismissal

Street dealing (>1 g): 6 mo - 4 yr

Mid-level dealing (>1 kg): 2+ yr

Wholesale trade (>5 kg): 6-8 yr

Import/Export (>1 kg): 3-12 yr

Possess/prepare/sell/transport

Up to 5 g: dismissal

1-5 kg: fine (dfl. 5k-10k) + 2 wk/g

>100 kg: max fine (dfl. 25k) + 1-2yr

Cultivate up to 5 plants: dismissal

Is It Working?

SUCSESSES: Lower drug-related death rate without increasing the overall number of user through needle exchange programs and harm reduction initiatives. (Netherlands Ministry of Foreign Affairs)

PROBLEM: Although coffee shops themselves are legal, they are dependent on an illegal market to supply them and this creates a paradoxical situation for the Dutch.

New drug guidelines are Europe's most liberal

Czech rules on narcotics possession designed to aid law enforcement

Posted: December 23, 2009

By Benjamin Cunningham - Staff Writer | [Comments \(21\)](#) | [Post comment](#)



Walter Novak

New Guidelines

Starting in 2010, possessing the following amounts of drugs is no longer a criminal offense

Marijuana: 15 grams or less

Heroin: 1.5 grams or less

Cocaine: 1 gram or less

Methamphetamine: 2 grams or less

Amphetamine: 2 grams or less

Ecstasy: 4 tablets or less

Hashish: 5 grams or less

Hallucinogenic mushrooms: 40 pieces or less

LSD: 5 tablets or less

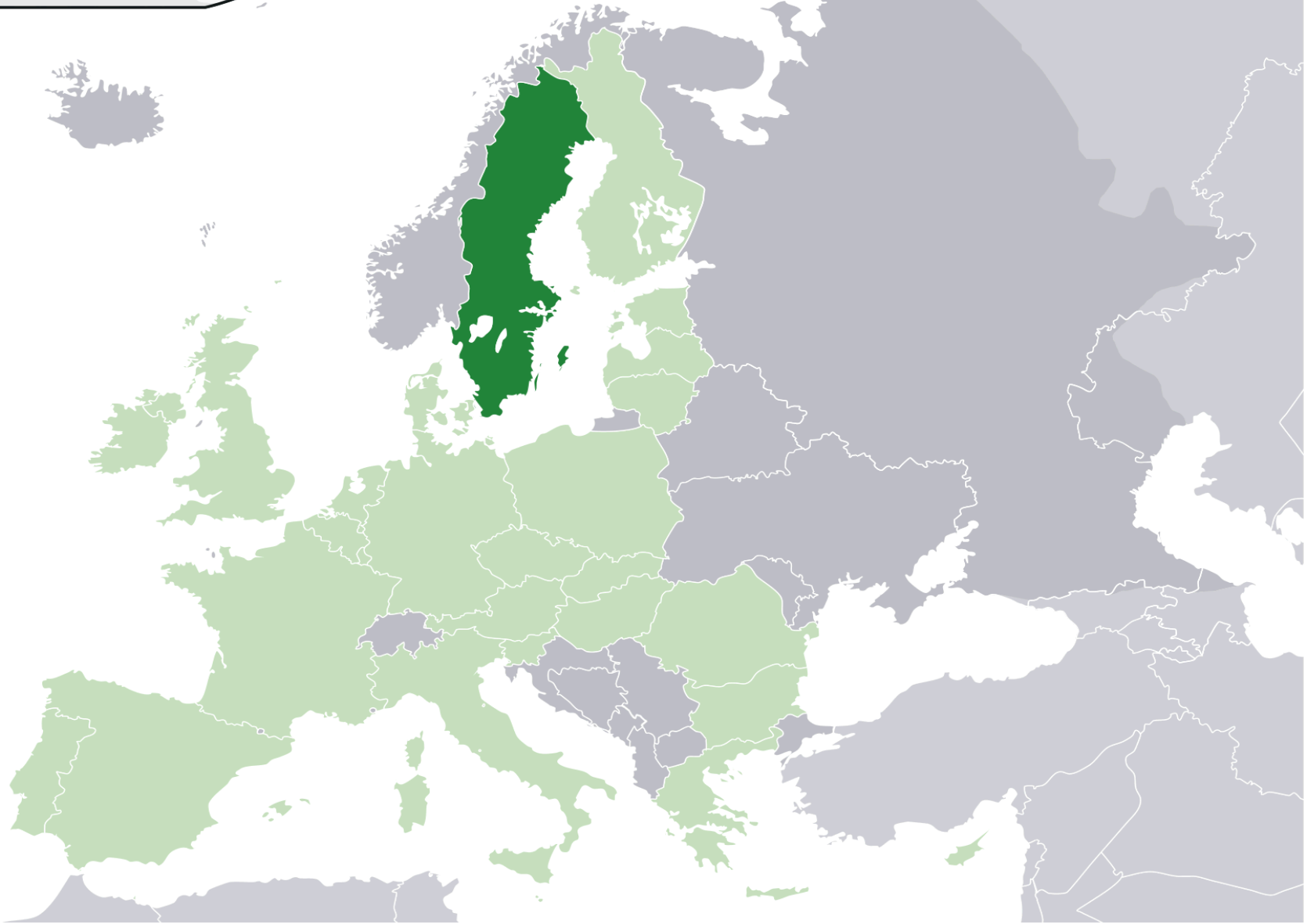
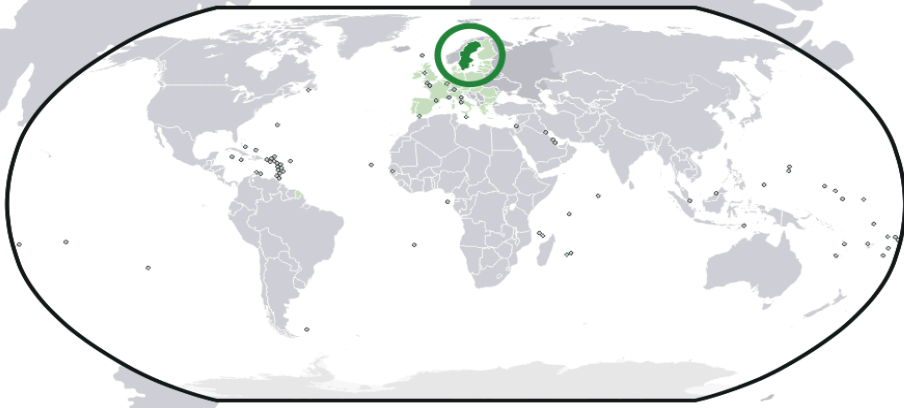
Total anti-drug expenditure

Czech Republic 22.7 million euros
The Netherlands 2.2 billion euros

Treatment, counseling, medical expenditure

Czech Republic 9.4 million euros
The Netherlands 550 million euros

SWEDEN



Sweden

- Joined the European Union in January 1st, 1995
- **REPRESSIVE** approach to drug policy
 - Goal: to be a drug-free society
- 1960's: Drug policy approach liberal--similar to the Dutch policy.
- 1970's: Switch towards more restrictive policy due to increase in drug use leading to social problem.
- 1980's: Drug policy has not changed much ever since.

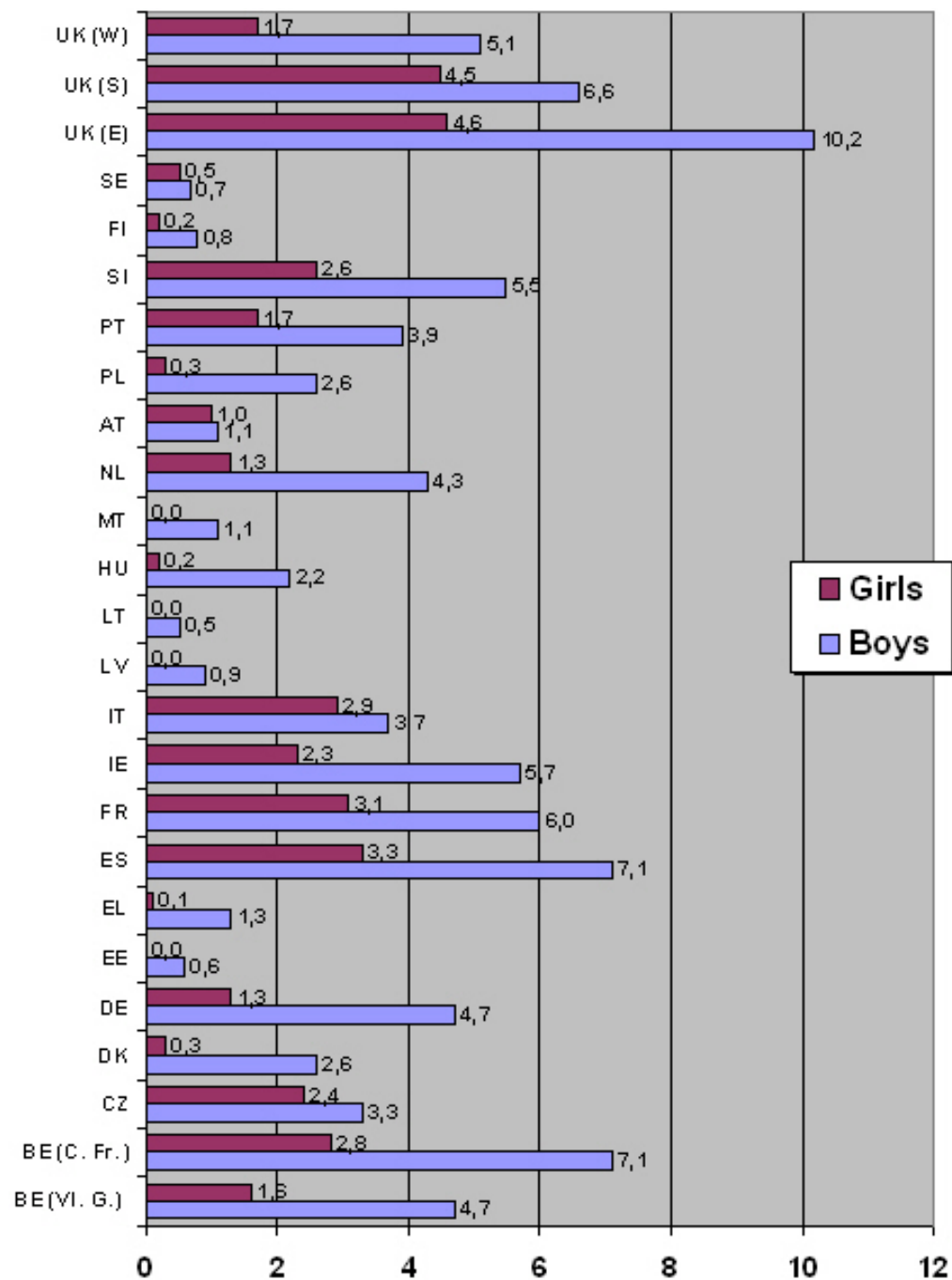
Swedish Drug Policy

- Zero-tolerance approach
- No real distinction between "soft" and "hard" drugs.
- Under **Narcotic Drugs Punishment Act**: the use and possession of illegal drugs are criminal offenses.
- Use and possession are punished according to severity:
 - minor:
 - fines or up to 6 months in prison
 - ordinary:
 - up to 3 years of imprisonment
 - serious:
 - 2 to 10 years of imprisonment with penalties of up to 18 years possible for recidivists.
- Drug policy has widespread support from Swedish population
 - May have to do with form of national identity

Swedish Influence?

- Subtle
- The Nordic Council--
 - Finland
 - Norway

Prevalence of 'heavy' cannabis use among 15-year-old school students by gender in 2001/2002 (HBSC)



References:

Chatwin, Caroline. Br J Criminology. Vol. 43 (3): 567-582. : 10.1093/bjc/43.3.567

de Kort, M. (1996) *Between Prohibition and Legalization: The Dutch Experiment in Drug Policy*. Amsterdam, Netherlands. Kugler Publications.

Trimbos Institute, "Drug Situation 2006 The Netherlands by the Reitox National Focal Point: Report to the EMCDDA" (Utrecht, Netherlands: Trimbos-Instituut, 2007). http://www.wodc.nl/images/1462b_fulltext_tcm44-75372.pdf

Cunningham, B.(2009 Dec 23) "New drug guidelines are Europe's most liberal". *Prague Post*. <http://www.praguepost.com/news/3194-new-drug-guidelines-are-europes-most-liberal.html>

Shaw, Charles. (2010 November 15) European blueprint signals way for American to end war on drugs. *The Guardian*. <http://www.guardian.co.uk/society/joepublic/2010/nov/15/america-war-on-drugs>

<http://www.parl.gc.ca/37/1/parlbus/commbus/senate/com-e/ille-e/library-e/dolin1-e.htm#A>. Historica

<http://www.cedro-uva.org/lib/boekhout.dutch.html>

<http://www.praguepost.com/news/3194-new-drug-guidelines-are-europes-most-liberal.html>

European Monitoring Centre for Drugs and Drug Addiction. (2010) Statistics and Country Data. Retrieved from <http://www.emcdda.org>

Common Sense for Drug Policy. (2011) The Netherlands Compared with the United States. Retrieved from <http://www.drugwarfacts.org/cms/node/67>

Currie et al. (2004) HBSC International Report from the 2001/2002 WHO survey. (Chart)