



Submission to:

**Joint Committee on Justice, Defence and Equality**

on its

**Review of Irelands approach to the possession of limited quantities of certain drugs.**

**BeLonG To Youth Services**

13 Parliament Street

Dublin 2

**Contact:**

Gerard Roe, Drug Education & Outreach Officer

Tel. 01 670 6223

[info@belongto.org](mailto:info@belongto.org)

[www.belongto.org](http://www.belongto.org)

## **Introduction**

**BeLonG To Youth Services** is the national youth service for lesbian gay bisexual and transgender (LGBT) young people in Ireland. BeLonG to was established in 2003 and envisions a future in which LGBT young people are safe and supported in their families, schools and communities, and all young people are equally cared for, valued, and respected.

BeLonG To welcomes and appreciates the Joint Committee of Justice, Defence and Equality's invitation for written submissions from interested groups on altering the present approach to sanctions for possession of certain amounts of drugs for personal use.

BeLonG To Youth Services submission to the Joint Committee on Justice, Defence and Equality is to advocate 'in favour' for altering the present approach to sanctions for possession of certain amounts of drugs for personal use. BeLonG To believe it is in the best interests of LGBT young people and indeed all young people that legislative change is needed to address how we treat young people who are found to be in possession of illegal drugs for their own personal use.

**BeLonG To Drug & Alcohol Service** was set up in late 2007 in response to a national study, funded by The Dept of Community Rural & Gaeltacht Affairs on drug use among LGBT young adults in Ireland, titled *Drug use amongst Lesbian, Gay, Bisexual and Transgender young adults in Ireland* by Dr Kiran Sarma, C. Psycol 2006.

The service's main aim is to support Lesbian, Gay, Bisexual & Transgender (LGBT) young people in relation to drug and alcohol use. This is the only designated LGBT drugs service in Ireland. Currently BeLonG To has one staff member coordinating this service, the position of Drug Education and Outreach worker is funded through CDYSB and administered by the North Inner City Drug and Alcohol Task force.

BeLonG To Drugs and Alcohol service falls under the Prevention Pillar of the National Drug Strategy. The drug and alcohol service follows the model of harm reduction with an emphasis on support, awareness raising, education and empowerment.

The BeLonG To Drug service informs its work through the roles as chair of the North West Inner City Drugs working group, membership of the North Inner City Prevention and Education Committee, Gay Health Network and sits as a Project Promoter at North Inner City Drugs & Alcohol Task Force.

## **Advocacy and representation**

- Project Promoter on North Inner City Drug & Alcohol Task Force
- Chairperson of North West Inner City Drugs Working Group
- Member of Prevention & Education Committee
- Member of the Gay Health Network

## **Why decriminalise possession of illegal drugs for personal use?**

Studies have revealed that drug use is widespread among LGBT young people and is more prevalent than the general youth population. Findings from the report <sup>1</sup> commissioned by BeLonG To include the following:

- 65% of respondents had used drugs
- 21% have systematically used drugs (i.e. have done so on more than 60 occasions)
- 60% had taken drugs over the 12 months preceding the survey
- 46% of drug takers had engaged in unprotected sexual intercourse while under influence
- 11% of drug users had been sexually assaulted while 'incapacitated due to drugs'
- 49% of drug takers have experienced 'black outs' resulting from drug taking
- LGBT young people are 2-5 times more likely to consume drugs than their heterosexual counterparts

LGBT young people remain among the most marginalised young people in Ireland. Many LGBT young people experience many forms of discrimination and social exclusion, mostly visibly in the form of homophobic/transphobic bullying in schools, communities and even their families. As a result, LGBT young people are most likely to suffer from poor mental health and experience high levels suicide ideation and self harm and adopt problems with alcohol and drugs use. A large study *Supporting LGBT Lives*<sup>2</sup>, which was funded by the HSE, found that:

- 27% of LGBT people have self harmed
- 50% of LGBT people under 25 have seriously thought of ending their lives.
- 20% of LGBT people under 25 have attempted suicide

From the statistics above we can see a correlation between mental health and drug use. With such high levels of drug use and mental health issues among the LGBT population, surely the response to this needs to be dealt with and prioritised as a health issue rather than one of criminal justice. If LGBT young people are 2-5 times more likely to consume drugs, it stands to reason that they are 2-5 times more likely to be criminalised for being found using or in possession of illegal drugs.

## **Fear of criminal sanction & stigma**

BeLonG To has no catchment area and works with a broad intersection of society. The young people who seek support through our services come from all different backgrounds, cultural and socio-economical. There is representation of LGBT young people from upper, middle and working class backgrounds as well as travellers and other ethnic minorities. When young people come to the service, as soon as they cross the door, they are treated on an equal footing but we know in society that this is not the case. In facilitating the only LGBT specific drugs support service in Ireland, we know from our experience it is mostly working class young people that are targeted and who

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<sup>1</sup> Sarma, K. (2007) "Drug Use Amongst Lesbian, Gay, Bisexual & Transgender Young Adults in Ireland".

<sup>2</sup> Mayock, P.; Bryan, A.; Carr, N. & Kitching, K. (2009) "Supporting LGBT Lives: A Study of the Mental Health and Well-Being of Lesbian, Gay, Bisexual and Transgender People".

come into contact with the criminal justice system. They are more likely to be stopped and searched and to be found in possession of drugs for personal use and those most likely to be criminalised. As previously mentioned research has illustrated that young LGBT people already face enough prejudice, discrimination and stigmatisation. Adding further to this a criminal sanction for being found in possession or using drugs further marginalises these individuals and prevents them from seeking support to address the multitude of issues they face on a day to day basis and can ultimately ruin their lives. We believe that the current approach is counterproductive and is not the way we should be dealing with young people who have substance misuse and addiction issues.

Criminalisation of drug use often lends itself to the stigma that surrounds it. It puts barriers in place for young people to seek support with or even disclose their drug use. Drugs users are seen mostly by society as people who are moral failings and criminals. As a result of this they are in turn patronised and pathologised. The type of education young people receive is inconsistent and not always based on science. We believe that decriminalising drugs for personal use, will lift the barriers and stigma surrounding drugs and drug use. The resources used to criminalise possession and use of drugs can then be redirected into good honest evidence based education and treatment and smart campaigns, that will not only educate the public, but also de-stigmatise the people most affected by this issue and open it up to society having better understanding of drugs and addiction.

### **Current legislation**

The current legislation has its shortcomings. The intention of the current legislation is to outlaw and prevent people from using drugs, but as the research above shows it has not achieved this. There are extremely high levels of drugs use among the LGBT youth population. A national study<sup>3</sup> carried out among the student population due to be published in September has shown that aside to 98% having used alcohol; up to half have used illegal drugs. Drug use and the availability of drugs is widespread and crosses all sections of society, surely its realistic to think that for those using drugs, it has now become a public health issue and should be treated as such. It is now imperative that Irelands approach to possession of limited quantities of certain drugs is reviewed and that the Portuguese model is adopted into our legislation.

### **International evidence**

In 2001 Portugal decriminalised all drugs, in reaction to having one of the highest rates of drug use in Europe with 1% of the population addicted to heroin. An Irish delegation's report<sup>4</sup> on the visit to Portugal has shown that there has been significant societal impact in relation to decriminalisation of drugs for personal use. With the acknowledgment that it is still illegal to possess and sell drugs in Portugal, there has been a significant decrease in drug related crime, overdose, HIV/AIDS and particularly drug use especially among the youth population since they decriminalised possession for personal use. In

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<sup>3</sup> National Student Drug Survey 2014 Bingham, T O'Driscoll, C. and de Barra, G.

<sup>4</sup> Joint Committee on Justice, Defence and Equality, Lisbon, June 2015, Report of visit by a Committee delegation to examine the impact of Portuguese approach to the possession of certain drugs.

Portugal citizens with drug problems are now offered help and incentivised to participate in civic society by gaining employment, holding down full-time jobs and other opportunities which under their previous law were prevented. The idea that we can live in a drug free world is out of touch with reality. The reality is that people use drugs whether legal or not; criminalising them for doing so is not a deterrent, it only further marginalises them. It is of no surprise that other countries are following suit, like Portugal, European countries such as Spain, Italy, Switzerland, Czech Republic, Netherlands now treat drug use as a public health issue instead of criminal justice. International bodies such as the World Health Organisation, The Cato Institute, The International Drug Policy Consortium and The Global Commission on Drug Policy all call for decriminalisation of drug use. The current drug crisis here in Ireland needs immediate attention and looking internationally we can see that there are other alternatives to the current policies not working here.

BeLonG To Youth Services is in favour of altering Irelands present approach to the possession of limited quantities of certain drugs. From our professional experience, we know that the current legislation actually prevents LGBT young people to seek help for their drug use for fear of criminal sanction. LGBT young people are also less inclined to disclose or discuss their drug use due to the stigma that surrounds criminality, drugs and addiction which places them more at risk of harm. We have come to know and believe that while the current legislation has been set up to outlaw and prevent drug use, it has in fact not achieved this in Ireland. International evidence has shown that the stated aims and objectives of prohibition of illegal drugs have not been successful. Ireland has a unique opportunity to learn from the approach taken in Portugal and move towards a future that treats drugs users in a more humane and dignified way by addressing drug use and addiction as primarily a health issue. We need to have an effective drugs strategy that compliments a new and effective drugs policy; otherwise we run the risk of continuing to fail. To quote the delegations report on the visit to Portugal, "It takes a lot to make an honest person to become a criminal".

***BeLonG To Youth Services*** would be delighted to come to a meeting of the Joint Committee to discuss our recommendations in more detail. As previously mentioned, ***BeLonG To*** runs the only designated LGBT specific drug service in Ireland and has specific knowledge and expertise that we would like to have the opportunity to share on this matter.