

*The expert seminar “**The road to humane and effective drug policies**” took place in Siracusa/Sicily, on 24th and 25th February 2012. The seminar was promoted by Forum Droghe, Società della Ragione, Transnational Institute and International Drug Policy Consortium, in cooperation with other Italian NGOs. The seminar focused on the potential for reform of drug laws and development of harm reduction strategies in Italy. The most significant international experiences were examined, with the aim to develop a platform for pragmatic, realistic and effective drug policy reform in Italy.*

The seminar was attended by Italian magistrates, lawyers, drug addiction professionals, NGO’s representatives as well as international experts (Thanasis Apostolou, Martin Barriuso, Tom Blickman, Alison Crocket, Nick Crofts, Jouao Goulao, Mike Trace, Thomas Zeltner).

A summary of the debate with conclusions has been drafted both in English and in Italian (see below).

Summary of discussion and conclusions

For many years under the Berlusconi government, Italian drug policy has taken an ideological direction, with the passage of a new punitive drug law amendment (2006) that increased penalties by upgrading cannabis to a unique Schedule for all drugs (penalties for possession of drugs above the quantitative thresholds ranging from 6 to 20 years of imprisonment); and a consistent hostility towards harm reduction services in domestic programming and international discussions.

There is now a ‘technical administration’ in place in Rome that is primarily focused on the economic challenges facing the country. However, the Minister who was primarily responsible for these ‘tough on drugs’ policies (Carlo Giovanardi) has been removed, though clear signs of a shift towards new policies are still lacking.

While a wide range of topics were discussed, the meeting focused on the following themes:

- **The international role of Italy.** In the past Italy had been a good partner in developing European drug policies, but under Berlusconi government Italian representatives have strongly opposed the European balanced approach and the integration of harm reduction in a comprehensive Drug Strategy. The ideological approach led the Italian representatives to try to eliminate the very wording “harm reduction” in all the international resolutions (see the recent debate at the UN AIDS meeting held in New York in June 2011).

- **Drug legislation and criminal Justice.** Italy has, quite predictably, suffered a significant upturn in drug prosecutions in recent years that is putting pressure on police, court and prison capacity. For example, between 2006 and 2010, prosecution of drug offences rose from 33.056 to 39.053, while the rate of imprisonment for drug crimes rose from 28% to 31%. In addition to the harsher drug legislation, the “tough on drugs” political symbolism has played an important role in the strong and indiscriminate law enforcement, mainly focused on possession of quantities slightly above the “threshold”. Among the most discussed issues of criminal justice:
 - **Cultivation for personal use:** following a recent sentence by the United Sections of Supreme Court of Cassation, cultivation (even in small quantities and for personal use) is to be considered as aimed at sale and punished accordingly. Though different interpretations of the law are plausible, this sentence is an obstacle to experiments like the Cannabis Social Clubs in Spain, that rely on decriminalization of drug use and on the “ambiguity” of the norms.
 - **Impact of norms against petty crimes:** some recently approved norms make the anti drug law even harsher. For example, though the anti drug law provides less severe penalties for drug crimes of “minor relevance”, this mitigating circumstance may not be applied in the presence of aggravating circumstances, such as recidivism.
 - **Prison overcrowding.** A TNI report on the drug laws and penal policies of 8 South American countries shows a significant contribution of tough drug laws to overcrowded prisons and log jammed court and prosecution system. These finding are consistent with some Italian reports on the unintended consequences of the 2006 punitive shift, which show a significant increase in rates of imprisonment since that date.
 - **Diversion schemes:** from the international range of diversion schemes (diversion at arrest, pre trial, at sentencing stage, from custody), presently in Italy diversion from custody is the most frequently enacted, though only 15,2% of prisoners can enter an alternative treatment. Again, norms against recidivism are an obstacle to diversion. Doubts were aroused on the concept and practice of “treatment of drug addiction” as alternative to imprisonment, especially in the light of new patterns of drug use that can hardly be diagnosed as “addiction”. The risk of “medicalization” of drug use as a new form of stigma was analyzed.
 - **Decriminalization.** The Portugal experience gave an overview of a nationwide programme of decriminalization, with drug offenders being referred to social work panels, instead of being sent to court . As for Italy, decriminalization of possession for personal use, introduced by the 1993 referendum, was in force until 2006. Reintroducing decriminalization of

possession and cultivation for personal use would be a major achievement and bills on this topic have been presented in the Parliament.

- **Harm reduction.** In Italy a network of low threshold facilities has been developed since the late nineties, ranging from drop in (open in day time), night shelters, street units, outreach work in entertainment settings. Pill testing and Safe Injecting Rooms have never been introduced, though in the city of Turin a large coalition of professionals and users has long advocated with the Municipality for an experimental SIR. From a study carried out by CNCA in 2009, 157 facilities were registered over the whole country, most of which are outreach units for street drug users. Methadone maintenance treatments are only (though widely) available in Public Drug Addiction Services (SERT). The large majority of low threshold services and interventions are run by NGOs, usually under - funded by Regions and Municipalities as “experimental projects” on a yearly basis (or for a couple of years at most). In short, the low threshold interventions have never been fully integrated in the “mainstream” network of public drug addiction services (SERT), that can rely on a more regular and substantial funding from the National Health System. Unfortunately, Italy has never adopted the “four pillar” drug policy model, which is the core of the “balanced approach” to drug policies. Instead, the Swiss have had a positive experience with the four pillar national drug policy, with a high proportion of their drug dependent population in treatment, resulting in much reduced crime and HIV rates. Among the most discussed problems:
 - **Evidence base.** The validity and evidence base of harm reduction interventions has been openly questioned in Italy, even in the field of HIV prevention, though the prevention guidance issued by UNAIDS, UNODC and the WHO recommends all member states to ensure broad and high quality coverage of the 9 key interventions listed in the guidance (including syringe exchange schemes and opiate substitution treatment).
 - **Harm reduction in prison.** At present, no HIV prevention is available while most methadone programs (aimed at abstinence) are provided for a short time only.
 - **Harm reduction as a comprehensive approach.** Harm reduction is usually considered as a set of health and social interventions only. Instead, it should be seen as a comprehensive approach to drug policy, with new developments in the fields of law enforcement, like the reduction of the harm of illegal markets (instead of their scale); or the role of law enforcement personnel in supporting harm reduction programmes.

Conclusions and plans for the future

- **Draw a line** after the harmful experience of Carlo Giovanardi as Head of the Drug Policy Department, advocating with the new government for a clear change, at international and national level.
- **Move forward to an evidence based approach** in the present context of economic crisis and cuts to welfare. The White Books, I and II (promoted by Forum Droghe, Società della Ragione, Antigone, CNCA) have shown the link between the 2006 punitive drug legislation and prison overcrowding. The initiative should be continued on the 2011 figures and a new report should be released in a few months (White Book III). The traditional paradigm (reduce drug use prevalence by criminalizing) is ineffective: shifting law enforcement and criminal justice priorities from petty crimes to the most serious could result in enormous money saving. A campaign of headlines on figures showing the costs of the punitive approach would be welcome.
- **Support drug use “normalization”**, trying to promote significant changes in public opinion *before* (or even without) changing the law by bottom up initiatives (in this perspective, the Spanish experience of Cannabis Social Clubs is a good example). Anyway, both bottom/local and top/national/international initiatives are welcome.
- **Pursue a revision in drug legislation**, from minor legal amendments to a thorough revision of the drug law aimed at the complete decriminalization of drug *possession and cultivation* for personal use. The feasibility of a parliamentary initiative is to be considered, as parties of both wings seem to be unwilling to move away from the political symbolism of criminalization.
- **Support a “lenient” interpretation** of drug legislation on the basis of the general norms the present government is to approve shortly against prison overcrowding: for example, minor drug crimes could be dismissed as “socially irrelevant”. A *committee of prominent jurists could established*, to study a sort of “unofficial guidance” to the correct interpretation of the current legislation (for example, contrasting the present abuse of controversial norms such as “inducement to use” which has led to the prosecution of cannabis seeds sellers in Tuscany and of the organizers of the reggae festival “Rototom” in Friuli).
- **Promote a strong coalition with NGOs (also working on issues like Aids) for a campaign on cost effectiveness of Harm Reduction**, focusing on the harms caused by the reduction of resources for HR interventions in the latest years (see the sharp increase in overdoses). A clear set of priorities should be drafted, with harm reduction in prison at the top of the list. Also, advocacy with local authorities should be pursued, calling municipalities and regions for innovative experimentations in harm reduction.