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DRUG STRATEGY IN HUNGARY, EUROPE AND THE USA

Introduction – about the Changes in Brief

The drug situation in many parts of the world shows a significant shift. A significant change in drug policy took place during the long decades of U.S. history. Their punishment preferring point of view which rejects all of the harm reduction seems to be valid for a long time. However, one after the other, the individual states are reporting a kind of relief in the field of access to marijuana. Of course, it mainly refers to using marijuana for medical purposes, but due to circumvented rules, – who really wants to –, can get cannabis in these states legally. In Colorado it is legally allowed to possess one ounce (28 grams) for citizens over the age of 21. Each state can expect \$ 100 million from sales tax of 25%.

Mexico is another "hotspot". In the Central American country, the President declared a war against drug cartels and drug trafficking to which he was given a significant American help. According to the most conservative assessment, there must be sixty thousand civilian victims of the war so far. Practically, there is

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nearly a civil war situation there. Civilian organisations more and more often ask the question: what political purpose could justify that degree of sacrifice. Especially if we consider that drug cartels have grown up with the help and sometimes the guidance of previous political regimes, and could gain power, influence and wealth. In this crisis nobody can expect any significant, positive shift even in case of the most powerful leader's arrest.

There have been changes to the direction of drug liberalization in Chile, Germany and Jamaica recently.

Meanwhile, in Hungary, the proportion of designer drugs on the market (according to the statistics on drug seizure) is more than 50%. The retail price of them is significantly lower than in case of alcohol and traditional drugs. The control runs after newer and newer phenomena. Experts welcomed the list of "new psychotropic substances" and subsequent regulations in criminal law. However, not everyone appreciates the results in the same way. A serious problem has already occurred because of the low-threshold care. That is a significant part of consumers is trying to gain two or three legal and significantly cheaper psychotropic agents that are currently available on the market and not on the ongoing continuously updated psychotropic list yet. Many people have switched over to these agents from heroin as well. The phenomenon is so widespread that in the international drug trade for the Hungarian dealers it is slowly not worth opening heroin cargos coming from the Balkans to Western Europe. The overdose of the new, untested material is significantly higher than the well-known agents.

It is clear from the above mentioned that the situation in the field of drugs and managing them is significantly rearranging. It seems that traditional answers, managing methods and regulations do not produce those partial results they have produced so far.

Possible Actions against Drugs

Most researchers agree that managing the drug phenomenon has three big groups of means. These are demand reduction, supply reduction and harm reduction. Demand reduction is based on moderating the demand on drugs. These means hold out certain promises as we know that drug market is moved by demands. This field is very time and money consuming. They do not offer spectacular solutions which are measurable in four years. Therefore measures concerning it come to an end on the level of actions of illusion or in the preterhuman work of some experts with deep vocation. DADA (Smoking, Alcohol, Drug, Aids), Ellenszer (Antidote) and other programmes at schools are done by conscientious law enforcement officers and civilians with good intent and big faith, nevertheless, considering their efficiency, opinions vary about these programmes. It seems more and more that smaller adolescents and the puberty cannot be deterred with referring to the dangers of different things. Exactly, searching dangers characterizes this age-group, especially boys. A teenager boy with a brand new driving licence does not speed in his father's car because he does not know about the speed limit or the dangers of speeding. Exactly, he does it because of the danger of doing so. We have no reason to suppose that the situation would differ in case of drugs. Therefore I do not believe in the power of determent.

Reducing demand is the most commerce system of means. Public loves it, electors are the market, still law enforcement apparatus can identify its own importance with it. Its essence is that the state acts against drug dealers and consumers with law enforcement, legal, – in an extreme case military –, means. For those who deal with the question less, would seem that real, spectacular results can be reached with it. There is no problem with spectacle. The spectacle of drug dealers in underpants lying on the ground with the commando kneeling on them,

or the spectacle of a large quantity of drug is vigorous. In addition, it interprets to people that there will be fewer drugs and dealers in the market from now. Nevertheless, all experts are fully aware of its falsity. New participants take the place of the dropped out dealers in a moment, seized drugs are replaced in few days. The concrete result is that the market price of drugs increases for these few days. Furthermore, it is an interesting phenomenon that after big catches, deaths of drugs can be often heard. For long experts explained that a more extra-pure stuff went on sale and the consumer took the usual dose then died of overdose. Now matter how logical it is, that is not the truth. In the organism of permanent drug-takers, a high tolerance against the used stuff is established. In this way it is possible that someone who has consumed heroine for more years is able to inject the amount, which means lethal dose for non-consumers, into their vein without being afraid of any serious health injury. During the period of supply difficulties caused by seizures, this established tolerance decreases. When the addict can get the stuff again, he injects the previously usual-tolerated quantity then dies. In all, unfortunately experts have come to a conclusion that law enforcement actions or even threat against drug trafficking is a very important mean, though it is ineffective.

Reducing harm is the third and the latest recognized way. It begins with an establishment of principles which is unacceptable for most people who do not consume illegal drugs. With taking note of:

- a drug-free society is an unachievable ideal;
- there is no difference between legal and illegal drugs considering their effect mechanism and danger;
- there are consumers who do not want to or are not able to give up consumption;
- coercive treatments are ineffective against drug consumption.

I am convinced that drug policy must focus on reducing demand and harm in contrary with the present situation when we prefer supply reduction. Let me introduce two examples which support the ineffectivity of efforts to reduce supply.

The United States of America

In the USA the preference of penalty-like measures and posterior intervention has characterized drug policy. Even today several hundred thousand people are sitting in detention facilities for possessing drugs of consumption quantity. In spite of this, practically any kind of illegal drug can be obtained easily anywhere in the USA. In recent years, this tendency believed to be indissoluble changed and series of laws were being born about the decriminalization or legitimation of marijuana.

It appears from the chart below that in the USA nearly half of the inmates are sentenced to prison because of drug offences.

Table 1 [1].

Chart Label	Offense	# of Inmates	% of Inmates
a	Banking and Insurance, Counterfeit, Embezzlement	737	0.4%
b	Burglary, Larceny, Property Offenses	7,994	3.9%
c	Continuing Criminal Enterprise	475	0.2%
d	Courts or Corrections	663	0.3%
e	Drug Offenses	100,867	49.8%
f	Extortion, Fraud, Bribery	11,210	5.5%
g	Homicide, Aggravated Assault, and Kidnapping Offenses	5,683	2.8%
h	Immigration	21,057	10.4%
i	Miscellaneous	1,598	0.8%
j	National Security	77	0.0%
k	Robbery	7,708	3.8%
l	Sex Offenses	12,594	6.2%
m	Weapons, Explosives, Arson	31,791	15.7%

In the United States of America, according to federal laws, using, selling and possessing cannabis is illegal, but the federal government has declared that if a state wants so, it can decriminalize cannabis for recreational uses if the state creates its accurate regulation system. According to the preamble of the federal law, during the use of cannabis there is a high danger of addiction and there is no medical reason for its use [2].

In 2002 there was a referendum in Nevada in the following question: shall it be legal to possess even 3 ounces (85 g) of marijuana for people who are older than 21? The rate of supporters was 39%, so the initiative failed.

There was a similar initiative in Nevada in 2006 which would have legitimated and regulated raising and possessing marijuana up to 1 ounce (28 g) at most, for people who are older than 21. At that voting the ratio of "yes" was 44%, so the regulation was not introduced.

In 2006 there was a voting in the question in South-Dakota. The question for the voters was whether make it possible to use officinal marijuana in medically indicated cases, under medically supervised circumstances. Supporters, with their 48%, lost against opponents.

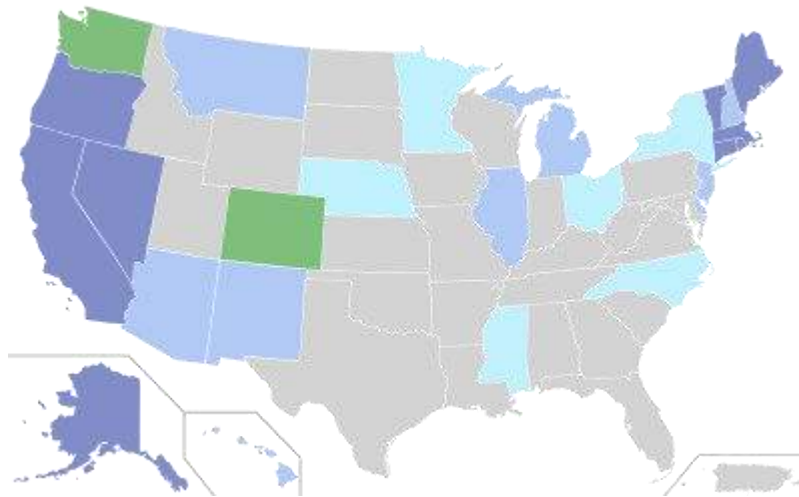
In July, 2009, Gil Kerlikowske, the director of the National Drug Supervision Office, cleared up the viewpoint of the federal government and declared: "marijuana is dangerous and it does not have a therapeutic advantage", and that 'legitimation is not in the president's dictionary, neither in mine'.

On 6th November 2012 there was a referendum in the states of Colorado and Washington, as a result of which the recreational use of cannabis was legalized.

At the same time, certain state laws do not always correspond to the federal standards. Several states have decriminalized marijuana in different quantities, in other states cannabis users for medical purposes enjoy immunity.

The Supreme Court of the United States of America has pronounced in the cases of the United States counter Oakland Cannabis Buyers' Cooperative and Gonzales counter Raich that the federal government cannot give up their right to regulate and criminalize cannabis. Besides, federal law still has priority [3].

Figure 1: Regulation in different states [4].



- States which legalized cannabis
- States where the use of medical purpose have been decriminalized
- States where officinal cannabis is legal
- States which have decriminalized possessing cannabis

Mexico

In 2006 Felipe Calderon, former Mexican president, made an alliance with the United States against drug cartels. The fact which made the basis of the agreement is that drugs, especially cocaine, heroin, metamphetamine and marijuana put on the market in the USA, arrive in the country via Mexico. The answer to the supply reducing way of thinking: let us smash Mexican cartels and the flow of drugs into the USA will stop thus quasi also the drug problem.

In my opinion, the basic idea limps itself. Namely, if this enterprise dedicated to failure had been successful, obviously the significant claim to drugs in the USA would have been satisfied from other sources. In the beginning they relied on local law enforcement, judicial as well as military forces, reinforcing them with USA money and equipment. These organizations appeared to be totally corrupt, moreover, arm in arm with the former governments they were significantly responsible for the formation and strengthening of the cartels. Between 1995 and 2011, according to the Mexican statistics, 100.000 (a hundred thousand!) people suffered violent deaths in Mexico. According to estimations, 60 % of them can be related to drugs in some way. In 2012 a new president, Enrique Peña Nieto, came into power in the country. He promised that he would overcome violence, reduce the number of kidnapping and murder which he managed to do in the first year of his reign. A new phenomenon was observed in the country: as a civil initiative self-defence movements and civil guards started fighting against cartels. The government supports them. Self-defence groups consisting of mainly local farmers has took up the fight against cartels in those cities where even government forces did not succeed in it. Some of these movements have started to become new cartels recently. According to the latest news from Mexico, importing the example of Colorado and Washington has occurred. For the moment, the president has declined the initiative with reference to the "gateway drug theory" [5].

Figure 2: Drug cartels on the territory of Mexico (6)



Chile

In Chile raising and obtaining cannabis for personal use have not been prohibited even so far, only quantity questions have not been cleared, also in the course of categorizing drugs it has been treated alike heroine and cocaine.

In Chile according to the statistics of authorities, 90% of drugs are consumed in the forms of cannabis and recreational drugs. According to the bill presented on 22nd July, it would be legal to grow three plants of cannabis in bloom, strictly for private use. The bill would punish consuming it in public place and its trade [7].

Germany

In Germany a court in Cologne has passed a sentence of precedent value. It allowed the ill to grow cannabis for their own use with the intention of pain killing. They are patients who are in a lot of pain and other ways of assuaging pain are

not effective at all or less effective than marijuana. At the same time it obliged the office in charge to issue the necessary licences. It is worth knowing about Germany that 3 million people consume drugs regularly and 14 million people have already tried it [8].

Jamaica

Reggie music and consuming grass come into most people's mind about Jamaica, despite of it even consumers are threatened with strict sanctions.

A report of 2001 has raised attention to the necessity of decriminalization but under the pressure of the USA the former regulation has remained. However, radical changes in several states of the USA have relieved this pressure. In this way, there is a bill in the parliament which would decriminalize consuming marijuana for personal use [9].

Hungary: Designer Drugs

Abolishing frontier control of countries bordering the EU has accelerated the appearance of foreign phenomena in Hungary. It was so in connection with designer drugs too. The participants of international drug trade have developed a new strategy. Whereas eluding regulations based on the drug lists of different countries, continuously new drugs are put on the market and authorities cannot take measures against them because of the lack of prohibition. These drugs are mainly produced in China, investing very serious professional knowledge of chemist experts and also capital. The wellknown stuffs are changed minimally, only one or two elements, alkaloids are modified. New stuffs hardly get on the list traditionally, usually after a several-month process. As a result of it, a significant number of new stuff was present on the drug market and the authority could not act against them. If it did so yet, it was obliged to give it back to the distributors

and dealers, accompanied by ample apologies. It happened that a consignment was confiscated by the police then by the VPOP and later it was given back to the endurer. Expert expences during the procedures amounted to millions. The distributor, proving a good sense of marketing, scanned the abolishing decision about confiscation in order to prove his purchasers that consuming the offered stuff is not illegal. It was an intolerable situation, legislative intervention was needed.

First, the concept of "new psychoactive drug" appeared in the Public Health Law then criminal prohibition was associated with it, similarly to drug abuse. Compared to the former list, stuffs, moreover from time to time also "formula-roots", get on this new list much faster, and if they are changed, the result still remains prohibited. The cat and mouse battle continues between producers and legislators. Henceforward there are more and more legal stuffs on the market and consumers strive to obtain them. In one respect because of its legality, the other reason is the price. These stuffs are always significantly cheaper than their prohibited mates. It also proves the thesis that 80% of the price of illegal drugs is made of the risk of getting nabbed. However new stuffs carry new dangers. The addict or the occasional consumer learnt to use and dose the stuff from the usual source and also to reduce its side effects, but they do not have similar knowledge about the new stuffs. At drug ambulatories the number of overdose-like cases has already started to grow. Mortality indexes have not worsen so far. Experiences in connection with designer drugs refer to their bigger and faster harm in comparison with the previously known stuffs. We must emphasize a Russian stuff nicknamed the "crocodile" causes very quick tissue damage and death.

To sum it up we can state that efforts to reduce supply have not brought the expected result in any of the countries. As the Mexican example shows it, it can even cause never seen harms and situation close to civil war. Western European

examples show it well that long-term demand reducing programmes and harm reduction bring real results which are measurable in numbers and human lives. The liberalisation of any kind of drug raises huge social debates by no chance. It is sure that the present situation cannot be hold any more. It can be declaired even if we know that Hungarian drug consumption does not come up to the level experienced in our Eastern and Western neighbouring countries. This favourable situation is endangered by the attacks on harm reducing programmes. The debate concerning the justification of needle-change programmes and also metadon programmes flared up again. Changes experienced in world economy since 2008 and decreasing resources experienced as the result of the changes have plunged the operation of these supplies into danger. Nevertheless, international examples warn us against liquidating needle-change programmes. In Sofia and Bucharest reducing the sums for needle-change programmes has led to the significant increase of HIV infections.

Alcohol

"Stricter or milder state behavior is obviously formed by different considerations according to ages and cultures. European culture has "learnt" to live together with alcohol, nicotine and coffee, as their use looks back to a century-old past. Their treatment cannot be regarded as of drugs, because according to our knowledge about these materials – considering their acute and delayed effect – the results of their use significantly differ. Smoking and caffeine do not cause daze or modified condition of consciousness at all, that is it has no effect on mental freedom and the freedom of action. The risks of alcohol consumption are left far behind the dangers caused by drugs because of the significant difference in quantity and in period of time, also the immediate consequences of consumption have fewer risks" [10]. The presenter died of cirrhosis of the liver 3 years after

writing down the above mentioned sentences. We have learnt from Topolánszki Ákos that Western culture has learnt not to live together with alcohol and nicotine, but much rather to die with them [11]. Among psychoactive drugs, alcohol is a typical one we do not afraid of, conversely we die of, on the contrary of illegal drugs which are encircled by much bigger fear than would be reasonable. The real difference between alcohol and illegal drugs can be discovered in regulations, not in their effect mechanism. Researches in the field have declared without exemption that the danger of drugs is completely independent of their legal classification. In any case, all the examinations classify alcohol among the five most dangerous drugs.

David Nutt English researcher has shown that alcohol and tobacco is more harmful than LSD, ecstasy and cannabis. In this order alcohol is the fifth after heroin, cocaine, barbiturates and methadone, and tobacco is the ninth after cannabis, LSD and ecstasy [12].

Among psychoactive drugs smoking and alcohol cause most avoidable deaths. According to the World Health Report 2002, 8.9 % is due to consuming psychoactive drugs. 4.1% of that is due to smoking, 4 % is due to alcohol and 0.8 % is due to illegal drugs. It is a datum of 2000. The same for the male population of North America and Europe: smoking is %17,1, alcohol is 14%, illegal drug consumption is 2.3%. (13) According to the WHO report of 2003, in Hungary smoking shares 25.5%, and alcohol shares 22.8% from the factors causing illnesses in case of men.

We can say that people who form drug politics would seem to know nothing about the above mentioned data, but it is obviously not so. Professor David Nutt has served both labour and conservative governments as a professional politician of drug affairs. As soon as he threw light on the dangers caused by nicotine, he

had to leave his position. Such consequences may not be understandably taken by any experts in government position in my country.

On the basis of all this, it is conceivable that a new approach is needed in the field of treating drug addiction. The USA and Western Europe set a good example in forcing back smoking. In the USA the representatives of social classes above lower middle classes have given up smoking. In Scandinavian countries significant results have been reached in the field of treating alcoholism. Several European countries have reached real results which can be expressed with numbers in case of social problems in connection with drugs. Presumably, we must consider our aims first. It can be seen well that in a global society where borders are open and the number of serious social problems is unlimited, a drug-free society is a misconception. Similarly, violent weaning based on force is a utopia in case of most addicts.

I can see the solution somewhere in long-term strategies really put into practice. It obviously leads nowhere if in every fourth or eighth year the subsequent government undo what the predecessors have done and then it is repeated cycle by cycle.

I consider the "Frankfurt method" to be a good example "in which the proper mixture of putting pressure and social, health assistance have been established. They have developed such conceptions, such as damage reduction, harm reduction, the so called survival assistance, as well as making substitute materials available. They were, for example, needle exchange, heated public rest room by day, assuring food and clothes donations, the doctor, the protected employment program, homeless shelter, sustaining methadone treatment and establishing rooms for drug consumers.

Meanwhile, police have changed their attitude to the case, they proved to be much more flexible and they send those policemen to special trainings who deal

with these kind of people. From here on, police cooperates with and supports social sphere. The series "Friday discussion" also joins the series "Monday discussion" in which the leaders of police departments and the leaders of social and assistance services also participate" [14].

At the beginning of the "Frankfurt method", several thousand intravenous drug addicts created a permanent drug scene in a park at a frequented area of Frankfurt all day round. As a result of the method, the proportion of the HIV positive has decreased from 50% to 25%, the number of drug abuse, robberies, car burglaries and house-breakings has also decreased significantly.

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Sivado M.

Стратегія щодо наркотиків в Угорщині, Європі та США

Автор вивчає кримінально-правову політику щодо наркотиків та алкоголю в Угорщині, Європі та США. Досліджено проблеми легалізації легких наркотиків та загальної заборони їх обігу в контексті боротьби зі злочинністю.

Ключові слова: кримінологія, наркотики, кримінально-правова політика.

Sivado M.

Стратегия относительно наркотиков в Венгрии, Европе и США

Автор изучает уголовно-правовую политику относительно наркотиков и алкоголя в Венгрии, Европе и США. Исследованы проблемы легализации легких наркотиков и общего запрета их обращения в контексте борьбы с преступностью.

Ключевые слова: криминология, наркотики, уголовно-правовая политика.

Sivadó M.

Drug strategy in Hungary, Europe and the USA

The author studies criminal law policy on drugs and alcohol in Hungary, Europe and the United States. The problems of soft drugs legalization and the general prohibition of drug circulation in the context of struggle against crimes are analysed.

Key words: criminology, drugs, criminal law policy.