

# **Decriminalisation**

Insights for  
Advocates



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# Introduction

Internationally, there is a growing understanding and acceptance that policy approaches to personal drug use which rely on the punishment of the individual cause avoidable harms and need to change. A number of evidence-based policy options are available that offer opportunities to improve outcomes for public health and reduce drug-related harm to people who use drugs and their communities, and thereby contribute to reducing social inequities. One of these policy options is the decriminalisation of drug offences related to personal use (hereinafter, ‘decriminalisation’). Across the globe, a number of jurisdictions have implemented some form of decriminalisation. There is equally a lot of work focused on bringing about progressive change in this policy space ongoing around the world.

The Ana Liffey Drug Project (ALDP), supported by the Global Drug Policy Program of the Open Society Foundations (OSF), invited some advocates for decriminalisation from around Europe to join a two-day meeting in February 2020. The meeting took place in Dunboyne, Ireland, and brought together delegates to share their experiences in advocating for decriminalisation in their own countries and to benefit from the insights of others.

This short paper provides some key insights from this event, and from conversations which followed it, with largely the same group of advocates. At its core, this paper has a peer-to-peer focus. The target audience is primarily people who are advocating for decriminalisation in their own jurisdictions, or who are considering doing so. Public health, community safety and criminal justice stakeholders more generally may also find it of interest. The aim is to provide insights from ‘in the field’, sharing the views and experiences of people actively working on advocacy projects related to decriminalisation. It does not purport to be a full or academic treatment of the issue – rather, it is intended to provide insights that can help advocates frame and focus their work.

The meetings and conversations from which the insights herein were derived were held under the Chatham House Rule, meaning that the proceedings could be reported, but not in a manner by which contributors could be linked to specific quotes or ideas. The same procedure is followed here – direct quotes are used to illustrate points, but the contributors themselves are not linked to individual quotes.

This document is structured in a way which is intended to help the reader think through their own circumstances in their own jurisdiction, as each situation is unique. It has five parts:

- 1. Defining an advocacy position**
- 2. Understanding stakeholders**
- 3. Key issue – technical details of decriminalisation**
- 4. Key stakeholder focus – law enforcement**
- 5. Key insights – advocating for decriminalisation**



# ONE:

## Defining an Advocacy Position

A key starting point for any advocate is defining their advocacy position. On its face, this is a simple thing to do with decriminalisation. It is taking a behaviour that is currently criminalised – that is, constitutes a crime within the laws of any given jurisdiction – and dealing with it in some other way, such that it is no longer a criminal offence. However, this raises a number of questions for an advocate, such as:

- What behaviour(s) are criminalised in my jurisdiction?
- Which ones do we want to target with our advocacy?
- What are the (intended or unintended) consequences if we are successful?

The answer to the first question will depend on the jurisdiction. However, most delegates at the meeting agreed that in an ideal world, the following aspects should be part of any thought through, fully decriminalised policy response:

- Possession of drugs for personal use
- Possession of paraphernalia
- Social sharing
- Cultivation for personal use

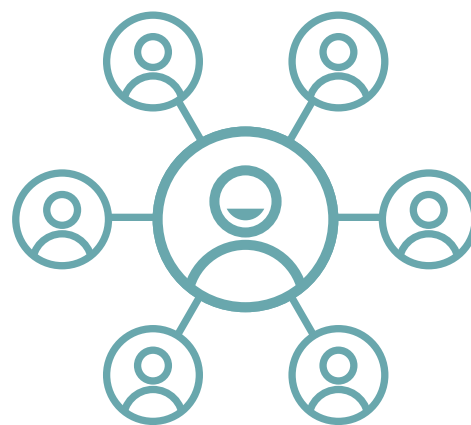
This raises an important point – while all of these aspects will be considered in any comprehensive approach, this is not a prerequisite for successful advocacy. In many places, these issues may not move forward in tandem, or aspects may not move forward at all. Often, lawmakers can be focused on possession for personal use as this tends to be the policy that gives rise to

the most harm. This is ok – addressing all issues in a comprehensive fashion is best; but don't let the best be the enemy of the good – working on one discrete aspect of advocacy is beneficial too.

The answer to the second question – what the focus is – flows from the first. If a jurisdiction criminalises more than one of the behaviours noted above, what is an advocate's best advocacy strategy? Should they focus on one single element, or do they propose a broader solution – in the knowledge that this will likely increase complexity, make messaging more difficult, and increase the risk of potential unintended consequences?

The third question on consequences focuses on this latter point. The policy of a state on any given matter does not exist in isolation – it is necessarily part of broader systems and structures that states have in place. For example, drug use typically engages both healthcare and criminal justice systems. A corollary to the fact that policy does not exist in isolation is that changes to that policy do not exist in isolation either. A change in how a country addresses personal drug use is not likely to be simply a legal change – it will likely result in changes for state actors at an operational level. Understanding what these changes might be – as well as understanding why there might be opposition to them – is a very important insight for any advocate to have.

For instance, advocates might consider what departmental responsibilities might change if their proposals are put into place. True decriminalisation of any form necessarily implies the removal of the proscribed behaviour from the ambit of the criminal law. In practical terms, unless it is proposed to have no state response at all, this typically means responsibility for the issue moving from the criminal justice system to some other system (in the case of drugs, most likely the healthcare system). This brings with it some pressure points for state actors of which advocates should be aware, and advocates would be well advised to consider them in advance. For example, what will the likely response be from the various arms of the state? Perhaps the healthcare system will fear an additional burden arising from any system which sends people who use drugs their way; perhaps the criminal justice system sees the criminalisation of personal drug use as an invaluable tool in their efforts to combat illicit supply – thinking in advance about such issues can help advocates target their activities. A related consideration is whether the proposed changes will impact on the budgets of departments – it is easy to think of the state as a single actor, but the reality is that there are always internal frictions, particularly around money. It is easy to see how shifting responsibility for personal use of drugs from criminal justice to health could result in budgetary shifts as well, something which could prompt opposition from within the criminal justice system. Finally, advocates should consider in advance any legal implications of the change they propose – does it impact the state's ability to control illicit substances, for example?



## TWO: Understanding Stakeholders

Defining an advocacy position will likely give some insight into the key stakeholders – the people or bodies advocates will need to influence in order to bring about change. At a base level, it's important to have some knowledge of how important in the policy process each stakeholder is likely to be, as well as what their likely position is in relation to any proposed change. This will obviously change from jurisdiction to jurisdiction, and it is unlikely – at the beginning, at least - that advocates will have reliable polling data which can give detailed insights into the various stakeholder groups. Nonetheless, there are methods advocates can use to make educated assumptions as to where along a spectrum of openness to progressive change the various stakeholders are located.

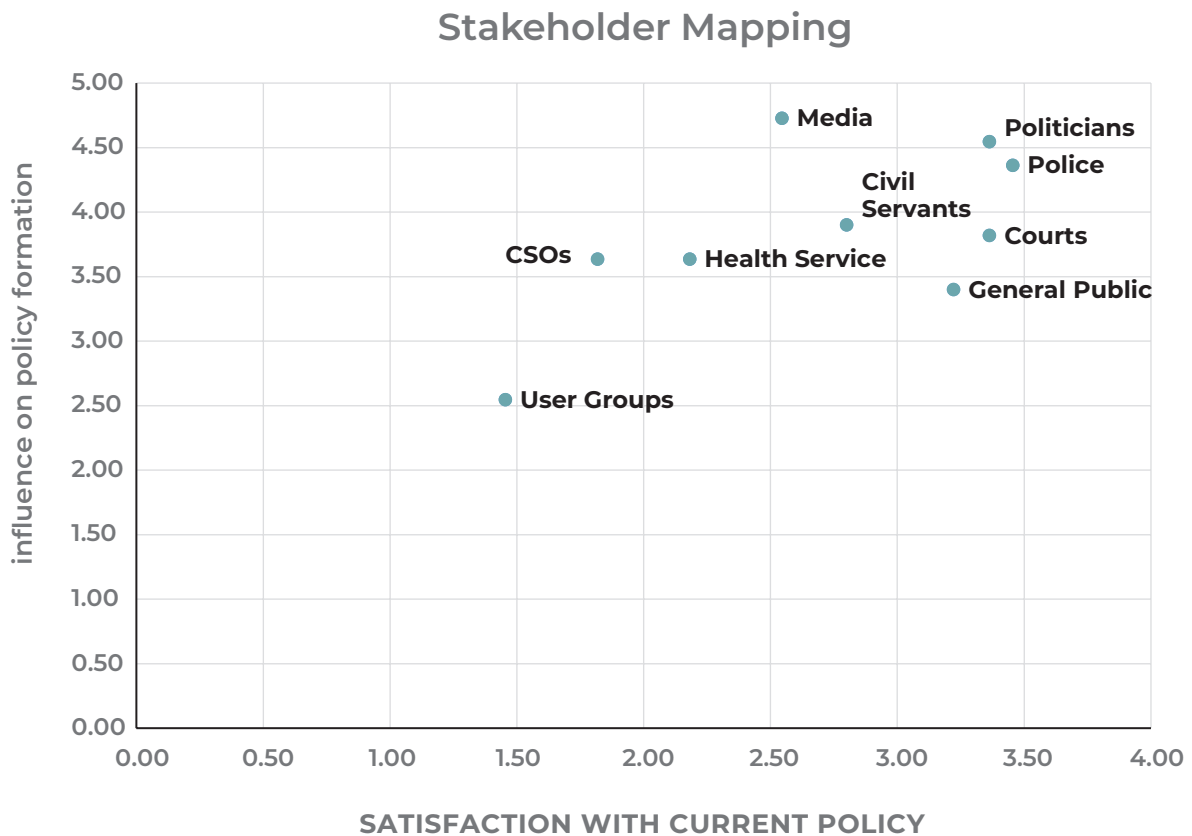
For example, consider what the jurisdiction's current policy on drug use is, where responsibility for it lies, and what kind of language is used in describing it. Some meeting delegates described their national drug strategy as clear, detailed, balanced or ambitious, while other delegates reported that there is no clear vision or strategy at all. This overall policy context can help advocates consider where best to target efforts – in a country with an established policy and strategy, the state will understandably be more open to policy innovations which fit with that strategy, and finding a way of articulating policy solutions like decriminalisation within that context might be a good approach to adopt. Equally, if a country has no firm policy or strategy, there may be an opportunity for advocates to fill the vacuum.

Similarly, advocates should consider where responsibility for drug use lies in the national policy context. Is it primarily a healthcare issue? A criminal justice issue? A security issue? Are there mixed responsibilities? Finally, the language the state uses to talk about drugs generally can be instructive. In some countries, there is general agreement that a health-based approach is required and that decriminalisation is a valid policy option. Hence, stakeholders in these countries may be more open to focusing on how decriminalisation should be implemented. In other

jurisdictions where the state is less open to change, advocacy work may be focused on advocating for the broad concept of decriminalisation as well as acceptance and understanding of the evidence supporting decriminalisation as a policy option.

Advocates could also consider specific stakeholder groups and think about their role in policy processes. Prior to the meeting in February, delegates from a number of European jurisdictions were asked to consider which stakeholder groups they saw as influential in the policy process, as well as whether or not they saw those groups as being satisfied with the current policy. In examining this data, it's worth recalling that delegates came from a range of jurisdictions, each of which had its own individual circumstances – nonetheless, looking at the average weight assigned to each stakeholder in the group gives some insight into how important these stakeholders are likely to be as a general proposition. The mean results are presented in Figure 1, below.

Figure 1.

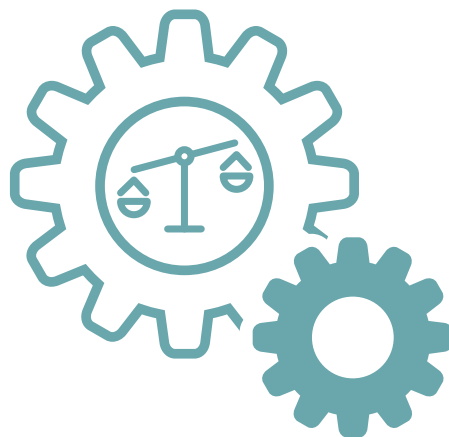


Mapping stakeholders like this can help advocates better understand how to focus interventions. For example, it is clear from the survey data that delegates saw user groups as both most dissatisfied with current policies, and also least influential in the policy formation process. This could be useful information for advocates. For example, it may be easier to make the argument that people who use drugs (PWUD) should play a central role in a state's policy on personal drug use (since they are the segment of the population most affected by policy in this area) than it is to simply argue for decriminalisation. And yet, given their dissatisfaction with current policies, ensuring that the voices of PWUD are adequately represented in the policy process might be a good way of encouraging a shift in policy towards decriminalisation.

Similarly, it can be seen that the media are perceived as having a high level of influence on policy processes, but are just around the midpoint in terms of satisfaction with the current policy. Thus, targeting the media with advocacy messages highlighting the problems with criminalisation in an effort to decrease their level of satisfaction with the status quo could be a good idea. Finally, the survey data shows that police and politicians are both perceived as very influential in the policy process and very satisfied with current policies. As an advocate, it would be reasonable to expect that it will be difficult to get traction with these groups, and they may represent the most vocal opposition to reform efforts.

Of course, there are multiple stakeholders in any policy process, and the ones noted here may be important to a greater or lesser degree in different jurisdictions. Similarly, there may be important groups – parents, health sector workers, political parties as opposed to the individual politicians – that may also be of relevance. In thinking about stakeholders and their relevance to advocacy efforts, advocates should make efforts to identify which are the ones they wish to reach with their messaging – and why they want to reach these stakeholders. Focusing in on where the decision-making power lies in the fora where advocates believe their work can have a genuine impact can help in considering this issue.





# THREE:

## Key Issue

### – Technical Details of Decriminalisation

A key motivation of the meeting was to go into the details of what decriminalisation technically means, and what it should ideally look like in practice. In essence, decriminalisation is simple in concept, but can be complicated in reality. One delegate noted that the term decriminalisation is a ‘broad banner’ and that people often advocate for decriminalisation as a loose idea, and without full agreement on what the details mean:

“We need to talk about the technical details of decriminalisation. We’ve been using decriminalisation as a banner, but we need to get into the details and practice of it.”

In general, most delegates agreed that the ultimate goal of decriminalisation is to ensure that there are no criminal consequences for personal drug use specifically, and to limit the interaction of people who use drugs with the criminal justice system (in relation to personal drug use) more broadly.

Given this ultimate goal, one fundamental question arises: Should the work of advocates focus on changing the (practical) consequences of personal drug use, i.e. how the approach is implemented in practice, or should the focus be on changing the legal system behind it? This is a discussion around the viability of depenalisation and decriminalisation as advocacy goals.

Delegates at the meeting shared a number of insights on this topic, including:

- As depenalisation can simply focus on a change in practice and not in law means that it is potentially politically more feasible than decriminalisation which usually requires

legal change. However, depenalisation carries the disadvantage of the retention of criminal offences, even if they are not prosecuted in practice. Changes in policy that are not mirrored in law are also easily reversible. A new policy maker with a different agenda can just as easily undo any gains which have been made under a previous policy maker, whereas this is not the case with change that is legislated for. Equally, change that is not certain and mandated at a national level runs the risk of being applied unequally in different locations in the country. In many places, this can already be seen in the application of existing models. As one delegate noted:

“Decriminalisation does exist. For affluent, white people in society.”

- A number of delegates noted that one of the arguments often given against change is that a decriminalised model cannot be implemented because it contravenes current legislation, and unless the legislation changes, it cannot be implemented in practice. This can create a stagnation where on the one hand, key actors do not support advocacy for legislative changes (which would allow for implementation of decriminalisation) and on the other hand, they do not want to support the implementation in practice as long as legislation does not change. If faced with these types of challenges, advocates can consider both the macro and micro environments for useful ways to unblock the conversation. For example, macro level policy documents such as the EU drugs strategy can be used to frame conversations in EU countries, which may be useful if the country’s own policy is misaligned with that of the EU. At a micro level, if national action is seen as unlikely (for example, in the case of a federated state) local or regional power and policy structures can be examined to see if there is potential to push forward action on a more local level.

Delegates also discussed policy models often related to or combined with decriminalisation approaches, such as diversion to health and social supports, or legal regulation. On these matters, delegates:

- Did not see diversion as a convincing option in many cases, particularly because people should have rights and access to health services in any event, and this should not be linked to any type of conditionality. In addition, many people who struggle with their drug use are already linked in with services, and diversion just adds a layer of bureaucracy. Nonetheless, it was also recognised that although diversion is not a particularly desirable goal, in reality it often represents the mid-way solution between decriminalisation and criminal prosecution.
- Discussed legalisation, noting that decriminalisation is not in conflict with a legally regulated model, and, in fact, that decriminalisation is an important part of any regulated model.
- Noted that thresholds can be a useful tool, but they need to be generous and should preferably act as a floor, not as a ceiling to determine personal drug use. Generally, there is a need to ensure that any policy change does not lead to inadvertent harm, such as having thresholds set so low that almost all possession ends up being treated as a supply offence.
- Noted that quality, access and availability of health and social services are essential so that people who use drugs and need support can actually benefit from decriminalisation.

- Stressed that the voices of marginalised communities, of those with lived experiences need to be at the center of the decision-making processes and of any narrative around decriminalisation. These communities include those of people who use drugs, but also those who can end up being adversely or disproportionately affected by policy implementation, such as the families and children of people who use drugs, or people of colour, or people living in areas of disadvantage which can often be a focus of drug crime enforcement. Finally, the impact of any future decriminalisation model has to be monitored with specific focus on these affected communities.

The delegates also shared concerns and challenges they see with regard to decriminalisation. These included:

- The acknowledgment that there can be a legitimate public health policy interest in taking drugs off the street, while at the same time acknowledging that people should not be punished for their personal drug use. Accepting this brings challenges, as there will be a need for police powers and use of discretion (in the context of confiscation), while there is a simultaneous need to ensure that those powers are used appropriately and do not end up being used punitively.
- The widespread public narrative around drugs, drug gangs, organised crime and associated violence was also discussed, in the context of how decriminalisation is perceived as influencing these dynamics. While many of the moral issues and fears of the general public – for example, that drug supply or demand will increase under decriminalisation - can be overcome through evidence, it is not an easy challenge, and delegates agreed that it is crucial to find a way to change this narrative.
- The concept of a society or a country being “ready” for decriminalisation and whether there is enough focus on attitudinal change in advocacy work. One delegate noted that:

“Prejudice, ignorance, labelling, marginalisation, stigma and discrimination don’t change just because the law is changed, it takes political courage to introduce changes in this area of drugs where everyone has an opinion.”

In considering the technical aspects of decriminalisation, advocates should ensure that their work aligns with their advocacy position. Important considerations that advocates should be able to speak to include:

- What would the criminalisation model be replaced with? Does the proposed system involve any sanctions or mandatory requirements (even non-criminal ones)?
- What would the impact of the new system be on existing key stakeholders such as law enforcement and health services?
- What is the legal basis for the new system – is amending legislation required?
- What is the likely cost of the new system – can it be demonstrated that it will represent better value for money than the existing system?



# FOUR:

## Key Stakeholder Focus – Law Enforcement

There was general agreement among the meeting delegates that actors in the criminal justice system, in particular from law enforcement, are key to drug policy reform and need to be involved in the process towards decriminalisation. Delegates also agreed that there are multiple tools available to decision-makers within law enforcement to respond to personal drug use, many of which do not require legislative change. However, in many jurisdictions, delegates reported a significant resistance to change in practice or law, from within the criminal justice system.

In the context of the police, it was noted that there can be significant resistance to decriminalisation within police forces. Police institutions were described as *status quo* driven and hierarchical, meaning that even if individuals from within the police want to speak out in favour of policy change, they cannot always do so. The role of the police was discussed amongst the group, as well as the conflicting interests that the police are meant to serve, whether decriminalisation is in place or not. On the one hand, many delegates agreed for example that the police are not the ideal actors to deliver community safety around individual drug use, but should instead be focused on the large scale supply side of the market.

On the other hand, some delegates noted that this position can be tempered with the argument that the general public want and expect drug use to be policed. Very often, low-level drug issues in communities are met by calls for more police on the street. There is also the practical reality that there is a lack of alternative services to respond to personal drug use, and that the police are often the only stakeholder with the capacity to respond on a national level.

“Police are stretched from morning to night. But with the harm that is going on in communities, the objection in communities... they want policing in their communities so that is what the police does.”

Another topic discussed was the discretionary powers of the police, and how this tool can be a practical way of implementing policy change such as diversion or simply not intervening in the case of personal drug use, even if the law allows for it. Several delegates reported that a reliance on discretion, while a fundamental underpinning of the police function, often pleases no-one. Police are often hesitant to work on the basis of discretion, because they can be retrospectively accused of inappropriate use of their discretion; advocates for reform often advocate against discretion precisely because it can be unequally applied across people and places.

“The police are afraid to use it because at one point they might make a mistake in how they apply their discretion, and they will be held accountable for it by all. This is why the police likes clear lines.”

In terms of engaging with the police as a critical stakeholder, and indeed in terms of engaging with all stakeholders, delegates noted the importance of understanding incentives from the point of view of others. For example, if police performance is managed with reference to metrics such as numbers of arrests, charges or detected crimes, it is understandable that they would be opposed to policy changes which would make achieving these targets more difficult. Fundamentally, delegates agreed that the police care about reducing crime and that resources should be shifted towards areas of crime that people care about. One delegate noted that sometimes policing activities can shift to “problem areas”, so if a problem arrives that is perceived as larger than the drugs issue, police focus and resources will shift to that area. One delegate also stated that generally, police forces want to focus on supply reduction and not consumer-level drug use.

“The police does see the focus on supply, the user is the residue of this approach but the focus for the police is not on the demand side.”

Another delegate expressed that involvement of the police with people who use drugs is unavoidable at the current moment. However, they saw an opportunity in aiming to deprioritise personal drug use through cooperation with the criminal justice sector. Such approaches can shift the dynamics and reduce negative consequences even without legislative change.

Delegates discussed how to cooperate in a meaningful and effective way with actors from the law enforcement sector, and the importance of understanding the challenges faced by law enforcement in this domain. For example, on the one hand, the police are considered as being key stakeholders in policy processes and are hence an important stakeholder for advocates for change. On the other hand, police are often opposed to change or are at least silent on the matter, saying that they are bound to enforce the legislation enacted by politicians, and unless legislation changes to adopt decriminalisation, it is their role to enforce the *status quo*. This

raises a number of issues for advocates, including whether it is better to focus on politicians or police in order to change the behavior of the police; and, if the latter, how is this best achieved?

There was some practical advice on how to approach and cooperate with law enforcement actors shared throughout the meeting, including that it is essential to:

- Recognise that the criminal justice system is not just the police, and distinguishing between different groups within law enforcement that can play different roles, and finding the group that is the best to work with can be very beneficial. For example, some delegates stated that judges and prosecutors can be open to cooperation and can have a long term view which can be helpful in reform conversations.
- Acknowledge that the police do have a necessary and vital role in community safety and that this service should be supported, in particular by noting the efforts of and positive experiences with police forces when communicating with or about them.
- Know your messenger- actors in law enforcement will often be more likely to listen to some interlocutors instead of others, with a particular premium put on those from law enforcement backgrounds themselves. As one delegate stated:

“Police are more likely to listen to police forces from other countries than to a young woman from a civil society organisation.”



# FIVE:

## Key Insights - Advocating for decriminalisation

Throughout the meeting, delegates were generous in sharing their views on the many other areas they consider to be important aspects of advocacy, such as collaboration with other actors. Some of these views are set out below.

### Collaboration is important

- Advocates should be proactive and pragmatic in finding new allies and collaborators. Building relationships and collaboration with a broad spectrum of actors is essential. Be aware that there can be benefits to sharing the stage with others – sometimes, it may make sense to have another advocate make the point, particularly if the lead advocate is thought of negatively by key stakeholders.
- Even though it can be challenging to get a broad coalition to speak with one voice, it is important to have one unified discourse when advocating for decriminalisation.
- Understand and appreciate the incentives and motivation of decision-makers and other key actors. This can help advocates decide on strategy. One delegate stated that:

“We went back to looking at the motivation of the authorities, and understanding their motivation helped us to think of our strategy moving forward.”

- Make sure to work smart and to utilise the resources that are already available instead of creating all new content from scratch. Advocates can check with their networks and other civil society organisations - generally, people are more than happy to share material and

learning. Always look out for new opportunities and be prepared to take immediate action if a window of opportunity arises. Some delegates reported that in a situation of crisis, state agencies are more open to cooperate with non-traditional actors and this can lead to long-term cooperation. Other delegates reported that coincidences or “happy accidents” led to a new opportunity, and others reported strategically looking for such opportunities, for example by identifying legislative or policy gaps. In many cases, timing is at least as important as evidence. As one delegate noted:

“Evidence can work, but political commitment and a window of opportunity are equally important.”

- Be aware of and appreciate the preferred working and communication style of other actors and potential allies. One delegate shared the example of working with civil servants, who usually prefer to have everything on paper. Thus, it’s important to make sure that follow up includes sending that stakeholder all relevant notes and information in written form. If possible, focus on speaking to the self-interest of the actors, especially those that are opposed to decriminalisation. Try to speak their language and use reciprocity to present how they might benefit from a change.

### Understand the political system

- Knowing the political system and political processes is essential. Advocates need to be aware of the dynamics between the various stakeholders in governmental departments, in statutory agencies and in the legislature and bear these issues in mind in communication with or between the various stakeholders.
- When cooperating with political parties, work with all that are open to cooperation. One delegate said that:

“It is important to keep bringing allies together, in each party you’ll find one person that will be interested. Allies are there, they’re rooted in the political systems. We need to find them even if they’re not currently in a position to make the big changes.”

- If possible, prevent the topic of decriminalisation to being used as a “political football” by different parties. If there is cross-party agreement that decriminalisation is a progressive alternative, this will also reduce the fear in politicians of a public backlash. Advocates should show that they believe in the politicians they are engaging with. One delegate stated that generally, politicians are fair-minded and do want to change things, and to be part of something historic. For advocates to speak to this motivation and express confidence in the politicians they are working with is therefore essential. Do the work for them. Keep in mind that politicians are usually busy, and advocates can benefit from doing as much work for legislators as they can. This can include aspects such as equipping them with the correct language to use, preparing briefings, and if possible, drafting legislation which they can simply pass on without creating any extra work for anyone. Be aware that for politicians, public



opinion plays a large role. It can be very impactful for a politician to receive a message from a constituent stating that they care about decriminalisation and want their elected representatives to do something about it. In the meeting, some delegates considered that elected representatives being encouraged and backed up by their constituents was more beneficial for political communication than interventions like international experts' opinions or study visits. On a larger scale, this can also create public pressure for decision-makers to act.

- Be strategic about how to approach legislative change. One delegate shared the strategy of splitting a “controversial” topic into two separate pieces to be discussed in the political sphere. For example, to advocate for the opening of a safer consumption centre, the topic was split into two - first, the general concept and principles of operating such a facility, and second, the details of how, where and when it would open. The experience showed that it can be beneficial to separate these two pillars even though both are essential and need to ultimately take place. This is because disagreements on factors like location can prevent even basic agreement on the principles, thereby derailing the entire process.
- Finally, be aware of the dynamic between politicians and civil servants. Delegates agreed that usually civil servants are risk-avoidant and will think longer term than politicians. This is understandable – politicians are subject to the whims of the public at the ballot box – civil servants are not. Thus, it is essential that advocacy strategies include engaging with key civil service stakeholders.

### The importance of narrative

- Identifying the right narrative to advocate for decriminalisation was a major point of discussion amongst delegates and proved to be a challenging topic. The group agreed that language is the most powerful tool in advocacy work and that an advocate's words should be chosen wisely.
- There is a need to challenge the common negative narrative and underlying beliefs surrounding decriminalisation. However, advocates should note that it can be a major challenge to respond to a narrative that opposes decriminalisation, because the conversation is not always ruled by rational, evidence-based arguments, but by beliefs, values and emotions.

“The opposition's arguments don't need evidence to back them up, because they are deeply embedded in society's attitude. In that sense, we are fighting a narrative that doesn't have evidence.”

- For this reason, delegates agreed that the common narrative and beliefs have to be challenged and that alternatives to these beliefs have to be provided. For example: “We know the facts about the policy that is currently being implemented, we know that it is very expensive and that it creates harm, especially for young people. What justifies this?” This example puts the actors that defend the *status quo* in a position where they are asked to

justify why it is right to continue with the *status quo*. One delegate encouraged the advocates to be more ambitious and imaginative in their advocacy work.

“We should be more aggressive and ambitious, we should be more imaginative in the options we propose, and we should use the learning from decriminalisation models from other countries to draw a positive narrative.”

- Advocates can use a narrative of compassionate drug policy focused on the avoidance of harm. Delegates agreed that this narrative appeals to a common value across diverse groups of people, including those who may be opposed to decriminalisation. Thus, it can be beneficial to speak to this common value and for advocates to focus on the unnecessary harms that are being created by criminalisation and that can be avoided. However, it is also important to understand that stakeholder groups are not homogenous and different messaging will resonate in different places and with different groups – advocates should test different messaging and use polling and focus groups to their advantage.
- In some jurisdictions, messaging around how criminalization acts as a barrier to accessing treatment has resonated well with the general public. Thus, starting conversations about the criminal consequences of personal drug use and how it can act as a barrier might be a better advocacy strategy than simply starting with decriminalisation. Be aware that the term decriminalisation can be seen as controversial and is often conflated with legalisation, particularly in relation to regulation of the cannabis market.
- Although delegates generally felt that the conflation of cannabis regulation (or regulation more generally) with decriminalisation is unhelpful, it is not necessarily so. For example, an initial conversation that focuses on a fully regulated market for all drugs can make a later conversation about decriminalisation seem reasonable to stakeholders who wouldn't typically be in favour of decriminalisation but come to see it as a less problematic approach than regulation.
- The voices of people with lived experience has to be at the center of the advocacy work. Similarly, it can be beneficial to include the voices of other affected populations. In some cases, this will require (structural) investment in organisations of people who use drugs and other groups. In doing this type of intervention, advocates need to be sure that they have taken appropriate steps not just to elevate the voices of affected people, but also to ensure that those people are supported, protected, fully informed and fully consenting to telling their story, as once such things are in the public domain, advocates have no control over them.

“Decriminalisation needs to address the criminalisation of those that are most experiencing it.”

- This will also reduce the associated stigma of people who use drugs in the long run. One delegate noted that in some cases, other actors were not always aware of the negative

impact that stigma has on the life of people who use drugs and who are criminalised. It is therefore important to be clear and precise, and to educate instead of assuming that others understand the different dynamics at play, or that they have taken the same time to consider them.

“The strongest way to combat stigma is by bringing the people who experience it to the table and let them respond to that stigma directly.”

- Finally, a realistic conversation about drugs, why people use them and how they experience that use can be an important topic. It is challenging to talk about current drug use, or the pleasure of drug use. Some delegates reported that it is almost impossible, and often dangerous, to do so. However, if the narrative only focused on harms, it is hard to draw a more realistic picture of drug use.

### Think about communication mechanisms

- Personal stories and lived experiences should be at the centre of the communication. Be mindful to empower and prepare the people who are willing to share their personal stories. In other words, values-based communication will appeal to a wider group of the public and engage them.

“Personal experiences are more powerful than evidence to impact the hearts and minds of people.”

- Advocates should make sure that they communicate and present the urgency of the matter. This will help to create momentum. A call for action is one very powerful tool to do so. However, there is not always an immediate action to be taken, and this can be a barrier to sustained momentum. Be realistic about this, but keep the advocacy work active to make people feel that they are part of a growing movement and coalition.
- Believe that many people are willing to support decriminalisation and that it is the responsibility of advocates to engage them and create a movement. Be mindful that people will have questions or concerns and make sure to create spaces that welcome and address concerns in a thoughtful way.

“We need to build incremental support where we can and do bring people along.”

- Advocates can use the potential of social media and make it their own, alternative media channel. Social media allows advocates to own, control and amplify the message they want to send out.
- Prioritise authentic stories in campaigns. When collaborating with popular personalities, it will have a bigger impact if that person has an authentic connection to the topic or when it is an unexpected voice.

- Advocates need to understand that there will be those who disagree with them, and they might be the focus of criticism, particularly in non-formal settings like on social media. Ignore online negativity and invest energy in responding to people with legitimate concerns and questions.
- The messenger is often as important as the message – advocates should think about who is best messenger to carry their message. This can change, depending on factors like the message, the medium and the target audience.

### **Think about media engagement in advance**

- Generally, advocates should engage with media broadly and indiscriminately. However, be aware that not every engagement will be worth the effort, and be appropriately selective about accepting invites for interviews or debates, particularly those that seek to contrast the advocate's view with a view opposed to decriminalisation – in such situations, media outlets can often be interested in conflict, not discussion. Choose wisely and make judgment calls whether it makes sense to accept an invitation. Advocates should recall that they can always offer an alternative to a live media performance, such as a written quote, statement or writing an op-ed. Generally, journalists will be glad that someone is creating content for them. In other cases, engaging even with “controversial” media can create new opportunities.
- Provide interested journalists with a manual of correct language. To educate people on language and the relationship with stigma is important. In the case that translation is needed, this is particularly important, as certain terms do not exist in some languages.

# Conclusion

This short paper presented some insights into advocating for progressive drug policy reform from those working in the field. Pushing for policy change is not a simple or short process; the policy environment is constantly in flux, there are multiple and diverse stakeholders and it can be difficult for advocates to know where, when and how to best focus their efforts. This paper was written by advocates, for advocates – and hopefully provides some useful context around some key issues. Having a good understanding of their own advocacy position and how to best frame it is critical for any advocate.

Equally, it is important to know who the key stakeholders are – both for and against progressive change – and how best to engage with them. Advocates need also to be able to build coalitions, to engage with the media and to present narratives that are true, persuasive, and elevate the voices of those who are most affected by current policy. Overall, the core message is persevere, work together, and bring people along. Hopefully this paper can help advocates achieve these goals in their work.



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