

University Doctoral (PhD) Dissertation Abstract

Recent Drug Politics in Hungary and Europe with Overseas Views

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1. Antecedents and Aims of the Dissertation

The topic seems to be almost vulgar but at least commonly known hence the nearly numberless Hungarian and foreign publications on drug related research. Likely, there was a subsidiary drug approach inserted in the broad social science survey concluded in the 1980-ies under the title of “Social Integration Disorders in Hungary”, whereas researchers studied drug access habits of both the young and adult population, described tendencies and set future prognosis as well.

Drug experts have continued doing research ever since, evaluating domestic practice and analysing foreign techniques. Nevertheless, research seems to show substantial controversies. Except for a few truly authentic researchers, in many cases opinions are stipulated upon the fact on which side of the “barricade” the author has dedicated himself to.

Those for prohibition (penalty) emphasize the dangers of drugs regardless of the type or the method of access. Commonly, they seem to integrate consumption with trade. They seem to find the solution of the problem in criminal threat and in laying out penalties. Also, they indicate the primacy of law enforcement means, arrest and confiscation of drugs.

The ones representing the opposite approach allocate the origins of the problem in the implication of law enforcement actions. Upon their policy criminalization transforms severe users into criminals, obliged to hide and then suffer criminal prejudice. However, without the regulations one might as well just had fun taking some substance not more unsafe than any legal sedative available. Those who stand for the penalty approach often accuse this wing with veiled support of drugs, drug usage and trade.

These controversies result in vaste conflicts. It's sufficient enough to resemble to the actions of president of the “Kendermag Association” (member of the Parliament thence) who appeared at the hearing held against him on possession of drugs carrying a single string of cannabis, practically querying the means of the entire procedure. Eventually, it happens so that members of the police have demonstrated at needle change programs in Budapest, checking identity of and searching every participant, turning the rather useful work into absurdity.

It is obvious that majority of the public supports those who stand for penalization. Essentially, people would urge training more policemen, completing more criminal procedures, same, they would welcome aggravated penalties. As we can see in settling other social issues, part of the political elite stands by the majority opinion establishing the basis of its agenda upon it - even if the latest studies do not approve or eventually confute actions deriving from it.

With due respect to good will of law enforcement officers, it appears that even the organizations supporting decriminalization tend to favour the less of evil doctrine, nevertheless their actions are often remain controversial.

During the research I aimed for substantial analysis of the above methods, their results and efficiency. I was seeking to introduce the goals of the drug strategies of the past and the achievements they've succeeded to accomplish. I have studied these approaches both individually and specifically, also exploring foreign models and methods exposing their effects on the drug scene.

Synthetizing all I have finished to build up a drug strategy of my own.

2. Hypothesises

1. Legal sedatives such as alcohol, nicotine and medications are just as unsafe or even more harmful than illegal drugs, and they are responsible for more damage in Hungary than their illegal mates.
2. Supply reduction is an inevitably necessary, yet rather ineffective method, hence it does not influence drug sphere as deep as expert organizations and the public should expect. It does not reduce supplies.
3. We do not exploit the potential demand reduction holds for it's rather time and money demanding, furthermore it does not lead to spectacular and politically recognisable results.
4. In itself harm reduction is a valuable but not an almighty method. However, probably it provides us with the most reliable statistics on deaths of drugs and contagion prevention.
5. Examining the drug scene we find that Hungary is well positioned compared to neighbouring countries and to other parts of the world.

3. Research Methods

- Research of source material, document analysis, elaboration of the available publications concluded in the past two decades, and previous ones still relevant to fit into the chapter on history of law.
- Elaboration of Parliament records: relevant speeches in the course of establishment of Hungarian drug strategy.
- Procuring documents of related governmental offices: public documents, orders and provisions of the Police and National Tax and Customs Authority.
- Processing corresponding documents issued by the Kuria, the Supreme Court and the office of the Commissioner for Fundamental Rights.
- Exploring conditions that shape frame politics, monitoring queries and opposing opinions, synthesizing conclusions.
- Synopsis and systematization of corresponding public health care and law enforcement practice.
- Synthesis and analysis of corresponding domestic and foreign models related to the subject.

During the course of my research I have visited most of the related authorities, as in several police departments. I must add that I have served in the department of investigation for a few years, thus I had the opportunity to prepare and follow up several criminal cases to impeachment. Alongside classic criminal police practice I've cooperated with border patrol units and colleagues involved in drug related law enforcement. Likewise, I have approached the correspondent department of the National Tax and Customs Authority. I've made contact with several civil organizations and municipalities as well. Thus I have managed to procure their interior regulations (directions, provisions, strategies) related to drug issues. I have participated at almost every significant conference on the subject held in the past five years.

I had to find reading the records rather instructive, with special respect to the speaker's arguments at the Parliament.

Furthermore, I've aimed to elaborate the instrumental documents issued by the Kuria, the Supreme Court and the Commissioner for Fundamental Rights.

4. Structure of the Essay

The dissertation consists of three major parts: Preamble, Synthesis and Conclusions. Preamble includes the Introduction of the Subject (Brief), the Hypotheses and the Research Methods. The Synthesis part of this dissertation consists of 11 chapters.

Chapter 1. is titled Fundamentals of Drug Policy, whereas I aim to outline the frames of conception related to the drug phenomenon. With this end in view I shall expose biological, moral, criminalization, spiritual, sociological and multidisciplinary models, the model concentrating on infectious diseases, as well as the alternatives of handling drug access. Obviously, the phenomenon of drug consumption would never sublime to fit into either of the above models. Even though each model refers respectable aspects of approach, yet alone they seem to neglect significant instruments. We are aware that drug usage is a complex matter. On individual levels both physical and psychic aspects are almost equally in play on the course from usage to addiction, thus in so far, realistically we often diagnose it as an illness. However, this illness raises several controversial social issues as well, as the addict is often being unemployed, moreover he would encounter health problems (eg. risk of being infected with HIV) venturous on a broader scale of society. Notwithstanding to the basic rejection of the moral model as a frame of conception, we may also find legitimacy in this approach, hence addicts often provoke social standards and ethics. Finally, according to recent regulations, drug usage is still considered to be a crime, thus in so far we cannot disregard legal aspects of the issue.

Chapter 2. covers diversification of the drug scenario since the 1930-ies till our days, introducing the subsidiary drug research approach titled "Social Integration Disorders in Hungary". The picture is rather edifying. Most of the studies emphasize on drug abuse of the youth, such as inhaling vapours of glue "Palma", combining sedatives with alcohol, drinking poppy-tea, so forth the later introduction of illegal drugs up til the level of taking intravenous drugs. We cannot miss to resume to the understatement related to adult users. And it is not just a mere coincidence. It is clear that this slight interest respectably refers to lesser access to illegal substances compared to the measures recorded at younger focus groups, but on the other hand it also reflects abusive and direct access to legally available materials such as alcohol, sedative/narcotic/distress substances, documenting a yearly climax ever since the change in the regime. Sadly, the rate of domestic alcohol consumption is rather significant

even in European comparison, and besides that, the measures of consumption of Andaxin reached the heights of 55.5 million per year, together with further 16.5 million Trioxazin, 72 million pills of Seduxen and 169 million pieces of Elenium.

A study demonstrated that if we'd theoretically distributed domestic consumption data of 1980, then we'd find that 11 days of "trank-flash" (substances taken to reduce stress and anxiety) would be spread between every citizen of our country including infants, and furthermore each person would be supplied with tranquilizers and sedatives enough for 27.5 days.

In Chapter 3. I shall introduce the legal regulations applicable in Hungary, such as statutes, statutory rules, instruments of public law, moreover documents of the Kuria, the Supreme Court and the office of Commissioner for Fundamental Rights as well.

In Chapter 4. I analyse the road leading to the establishment of the Hungarian drug strategy. I also present early attempts that did not manage to shape strategies, then the three strategies that made to approval; finally, I also draw a sub-section to collect my conclusions. The new strategy aims to turn into Hungary a drug-free country by 2020. This of course is more than utopistic. Obviously we cannot extract ourselves from the course of events of the world, and we must recognize that ongoing processes are not following the above direction at all. It is typical in most European countries and in the Unites States that they have already faced the inefficiency of both the war against drugs and supply reduction programmes and decided to take different approaches. Willy-nilly, they have to face that drug-free society is clearly an unachievable ideal.

Implementing the new strategy one of the main arguments was about the recognition that the strategy approved for 2010-2018 does not refer to new psychoactive drugs in due competence. We cannot find any prognosis on the reduction of disadvantages caused by these new drugs.

Investigating the new strategy we can state that it is not much different than the previous one that has been overruled since then. Nevertheless, the field remained without any strategy for three years, during which allocation of subventions was rather unsteady.

We are convinced that trying to break up the habit against the will of the drug addict is typical example of an enterprise dedicated to failure. Tough many hoped that it'd remain forgotten, the "gateway drug theory" is present again as Ferenc Gerzsa mentioned so. Accept or not, it is

a fact that presently a certain part of people is treating its distress, anxiety, frustrations by using drugs, whereas part of these drugs is illegal.

Instead of the drug policy based on penalty and prohibition a new approach is required, that finds its fundamentals in public health care aspects rather than in ideological doctrines, still able to manage reasonable control over consumption and the drug market. Western countries successfully rolled back smoking habits without sentencing anyone to jail. We must also draw a lesson from the recent Western European experiences, such as folding up the biggest public drug consumption scenes – eg. Zurich, Frankfurt -, rolling back the infectious disease of HIV and organizing innovative harm reduction programmes.

Chapter 5. introduces dilemmas on the effects of drug consumption. In this section I analysed main misunderstandings connected the effects of drug consumption, with special regards to the stages of debates on the harmful effects of each type of drugs individually. *Primarily, I reviewed the joint statement issued by the “Neurológia és Pszichiátriai Szakmai Kollégium” (expert council for Neurology and Psychiatry). Ministry of Health Care finally made this document accessible at the end of a long prolonged debate initiated by “Association for Freedom Rights” (TASZ). It soon proved that the statement is plagiarist since it is a copy of a former Swedish publication. The statement concludes that every type of drug – even cannabis - causes severe harm in ones health. As supporter of liberalization doctrines, TASZ has prepared a counter-study with thorough international survey, questioning practically every statement of the policy. Finally, Szabolcs Kéri, researcher of “Pszichiátriai és Pszichoterápiai Klinika” (Clinic for Psychiatry and Psychotherapy) of Semmelweis University have prepared a summary to the request of the president of “Pszichiátriai Szakmai Kollégium” (PSZK) (expert council of Psychiatry), whereas he summarized scientific achievements that could support the understanding and dissolution of the debate between experts and TASZ. Even if highlighting the infirmity of several scientific statements of the policy and also using much lighter terminology, practically the researcher’s conclusions are very much similar to the original statement. Prof. Dr. József Rácz has also prepared a statement on his own. The author emphasizes that the genre of the study is not a conclusive statement of corresponding opinions (as it does not have to be systematic either), but it is a document that’s prepared to assist decision-making and to collect opinions from highly qualified professionals.*

Following, I demonstrate that such debates characterize not only the Hungarian, but also the international drug policy progresses. Strategies tend to flee out and being withdrawn shortly.

In the end, I introduce and analyse the recent publication of István Katona and his research partners exposed in Nature Neuroscience magazine summarizing the result of a scientific test, during which researchers tested the effects of marijuana through receptors in the brain of mice. Although the results obviously cannot be translated into human consumption directly, conclusions still worth to be taken into consideration.

Lastly, I detail an analysis on the effects of marijuana to private relations.

In Chapter 6. I reveal the tools of demand reduction, whereas at first I detail the approaches systemized earlier, then the recent ones stipulating the individual directions. We may set up the conclusion that reduction of demand for illegal drugs seems to be reasonable. On the other hand, desire to change the state of consciousness by accessing psychoactive substances for this purpose is almost a universal phenomenon, and in most cases it does not cause any problems. Practically, none of the societies managed to be drug-free and year by year, more and more drugs are discovered and being created.

The demand reductions efforts based on genuine information and positive alternatives of consumption might prove to be useful, except if they transform into unreal or zero-tolerance favouring policies.

Likely to sex, abstinence is the best way to avoid any problems in case of drugs, nevertheless, we need an alternative strategy for those who cannot or do not want to give up this habit.

Policies based upon zero tolerance may deter a few users from consumption; however it also raises extra risk and costs effects for those who do not show obedience. Drugs become more and more potent, thus drug consumption tends to become more dangerous so drug users are marginalized even more so, which in the end represents no benefits to anyone.

Basically most of the prevention methods concentrate on the usage of drugs, also, in a few cases other relevant issues and problems following consumption, such as violence and riskful sexual activities, while only a limited number of programs seem to pay sufficient attention to the individual substances such as alcohol, smoking or cannabis.

Chapter 7. deals with the strategies of supply reduction. It puts the activities of the police, drug related law enforcement and border patrol operations into perspective. I further analyse the tasks and supply reduction oriented programs of the customs and execution departments. Finally, I outline a European survey. We discover the fact that 80% of the criminal cases run

by the police are held against drug users, and even most of the finished cases held against distributors are related to lower level suspects. Reconnaissance of more sophisticated and influential distribution networks is quite time, input and money demanding. Police and law enforcement activities of the nearly twenty-five years passed since the change in the regime had no notable influence on the drug phenomenon, even more so, the explored criminal cases show dynamics incomparable to any other crime category. Estimations on figures of latency in domestic drug consumption indicate that such quantity of drugs must assume the existence of organized trade. However, reconnaissance of money laundry activities typically fail to be completed, nevertheless such techniques must be applied provided to realise an extra profit in drug trade. In itself, criminal law is unable to handle mass occurrence of such activities, often bullies and makes a fool of itself not being able to provide the results expected. Participants of enforcement and execution bodies live under constant frustration, suffering further negative consequences such as abusive issues, burning out, etc. Police officers personally experience the effects of the scientifically proven principle according to which enhancing police efforts rather induce the targeted phenomenon instead of neutralizing it.

Chapter 8. stipulates the role, position, definition and principles of harm reduction. It explores the types of low threshold care and harm reduction services and the methods of harm reduction. I detail the “contact and street work” method, the “community-based” approach, the “Native” and the “local contacting assistant” model, the age-group and companions in distress methods, the safe user room approach, the so called “Party Service” programmes, the arrest and direct model, the substitutional therapies and the needle change programme. Harm reduction aims to reduce the disadvantages caused by drug consumption on both individual and social levels. Principle of this philosophy is that we must accept that part of the drug users does not or cannot give up on their passion no matter what’s the threat. We are not truly well off pulling them out from the rest of the society, hence it’s well known that basically any drug or substance is available at the internal drug market of correctional institutes. If we succeed to accept these facts, we have to come to the conclusion that we must help these users. Certainly, not in the consumption of drugs, but to allow that taking drugs should cause the least damage to the user and to his surroundings. So in case of intravenous users we must be sure that the user will not share the needle with anyone else (needle change). We must also mention the models securing drug consumption under controlled circumstances (controlled user’s room). Another idea to provide those who use stimulants when going out with sufficient supplies of fresh water, vitamin C or isotonic drinks (party service programmes). Nevertheless, most of

these harm reduction methods are not appreciated by the public, more so they provoke disinclination of people. However, we must accept and acknowledge that these are the only method that provides us with measurable results. It can be determined exactly how the lack of harm reduction would affect the number of overdoses or the spread of ineffectual diseases. It is also proved that despite of the sentiments of the public the application of harm reduction does not increase the number of users or the volume of the drugs taken.

Chapter 9. analyses and evaluates drug strategies of the European Union. Since the 1980-ies significant changes have taken place in the field of anti-drug operations of the European Union. Although we may welcome substantial achievements yet there are still several issues waiting to be settled by the Union in the future. One of the main questions is that drug issues are not yet clearly allocated in the system of the Union based on the three pillars. Formerly relevant issues were allocated to the first pillar of the European Union, however today they are incorporated in the systems of all three pillars that aggravates relevant actions of coordination and cooperation. Establishment of the Horizontal Drug Workgroup attempted to harmonize the operations between the three pillars, nevertheless, there are still no unambiguous terms of references between the Council's workgroups dealing with drug politics. Also, the Committee should strengthen and compartmentalize its internal coordinative mechanisms due to the demand for a more transparent and reasonably organized operative system. Operations of EMCDDA and the National Focus Points undoubtedly proved to be productive in the sector of data and information supplies, however still several deficiencies are to be settled on the level of the Union. We must admit that the available information on drug related crime is still not sufficient enough. We have to emphasize the efforts of the European Union accomplished in the area of the demand reduction in the past few years, and also we have to highlight the proposals of the Council passed on prevention of drug consumption. In the area of demand reduction the future goal is to systemize and share reliable and accurate information, as well as the principles of best practice. Due to the operations of Europol and Eurojust the main achievement of the Union was that they succeeded to improve active cooperation of the criminal investigative services in the field of supply reduction. Several projects have been completed against the production and trade of drugs (eg. CASE, EELS, EILCS). Aims of supply reduction demand the member states to set up joint investigative groups operating against trade of drugs. International cooperation of anti-drug cooperation still holds major challenges to the European Union. Based on the achievements of the European Council several projects have been completed in third countries

and regions. In the future, member states and the Council must maintain and continue to harmonize their drug policies at international assemblies, especially at the UN's Drug Committee.

Chapter 10. describes trends of drug policy in several countries. To sum it up we can state that the efforts taken to reduce drug supplies did not bring the expected results in any of these countries. As the Mexican example features such approach might lead to unprecedented damages and even to civil war. The examples of the Western European countries show that long-term demand reduction programmes and harm reduction attempts can achieve results which are measurable in numbers and in human life as well. Liberalization of any kind of drug raises massive social debates by no chance. We can be sure that the present situation cannot be held any longer. We must stick to this statement even if we know that Hungarian drug consumption does not reach up the level experienced in our Western and Eastern neighbouring countries.

Chapter 11. refers to the newest phenomenon of the drug scenario: psychoactive drugs. This part of the dissertation systemizes psychoactive drugs, stipulates special aspects of the dangers they represent, and finally outlines conclusions and possible approaches of solutions as well. Consumer groups affected and endangered the most must receive proper and adequate information on the dangers and disadvantages. These substances are the most affordable to high school and college students, or for those who live on the edge of society since before they would be enlisted on even the "C" list they are easily accessible and much cheaper than their prohibited mates (80% of the price of illegal drugs is made of criminal risk of getting nabbed, hereto the serious difference in price). Therefore, it is essential to draw the attention of those who are most affected by this new scenario that they actually become participants of human testing, hence even the constructors of the drugs are not exactly aware the effects.

In the part titled Conclusions I review the preliminary theses stipulated at the beginning of the dissertation and I set up and visualize a new drug strategy. The dissertation ends with the Bibliography.

5. New scientific results of the dissertation

It is a new scientific statement that however, when ringing in present drug policy its creators emphasized that they have managed to complete a sheer and new strategy that is entirely opposite to the approach of the former one, their indications have failed. Three years of work resulted in the approval of a document that developed no substantial alterations from its predecessor yet only a few minor ones, the main difference is basically in the terminology. The conclusion of my study is that it is not possible to approve two conflicting yet applicable strategies to one existing problem.

In the Chapter analysing the effects of drugs I have outlined the corresponding opinions and approaches, stipulating that they are often controversial. However, latest researches definitely imply substantially negative effects of marijuana both on the level of individuals and on the level of the community. Results of my research I've outlined in the dissertation sum up how diverse interest-groups tend to question even indisputable and definite scientific principles, hoping to vindicate some benefits of sectoral politics, in many cases, acting by rather irresponsible means. I find practical implication of the outcome of this research in revealing the results and inform the public, and settle the rambling and illusive debates for good.

According to the latest scientific conclusions related to demand reduction, lectures on drug prevention are the most commonly applied method that proves to inefficient. Wide range of the public carry high hopes in deterring representations held by police officers and former drug users at education facilities. However, researches show this to be a popular fallacy, since those who have participated at such programmes do not seem to consume less drugs then those who have not been at such presentation. Despite of these obvious facts stated above such representations are still part of the drug prevention policy, as the dissertation also stipulates. The substantial capacities accumulated at police departments, religious facilities, municipalities and schools continue to operate the process regardless of the fact that it cannot encompass the expected social benefits. I find technical implication of the results of this research in the conclusion according to which ineffective approaches should not be implied. Decision makers must be introduced to the results of recent researches providing that they consider to re-establish the fundamentals of their policies, taking into consideration that it surely would harm serious interests and would result in breaching the practice of the past few decades.

Examining supply reduction it is confirmed, that supply reductive strategies actually do not result in the reduction of supplies. It is a new scientific statement of this study that despite of their seemingly ineffective means these methods are indispensable hence their application retains wide range of the society (first of all the middle class citizens) from consumption or from trading of drugs. Nevertheless, we must take note that it shall not retain lower classes of the society from drug abuse, thinking that they have nothing to lose. We must highlight a new scientific result according to which we may only hope for any beneficial changes upon the law enforcement actions of the Chinese government on the course of supply reductions. It's also newly acknowledged in this research that due to their incomprehension of foreign languages and to other incapacities the related Hungarian departments are much more passive in the field of international cooperation than other member states of the EU. I find further technical applicability of the research in the necessity to continue to take actions against drug distributors at the highest professional level possible, applying the latest technical improvements, exploiting the widest range of international relations.

As of the field of harm reduction, the scientific conclusion of this dissertation stipulates that political intervention in sectoral issues causes enormous damages. As suppliers of the needle change programme and police experts have finally reached consensus on the necessity and benefits of the needle change programmes, the municipalities competent in accordance with the location of the needle change have roughly interfered to the programme, practically restoring the state it was twenty years earlier. Nevertheless, the situation has significantly changed since then. Back then, some thousands of intravenous opiate and stimulant users represented clientele of the needle exchange. Together with the offspring of psychoactive drugs this scene has widened significantly, due to low price of such substances and due to the increasing number of shots. The research analysis of the survey expressly stipulates that the municipality's attitude as in highly motivated by political aspects causes substantial epidemic threat, first in the scene of intravenous drug consumers, then in Budapest, followed by other larger cities, and finally in the whole of Hungary. A rather serious debate sprung off on the subject between the municipality and some civil organizations, nevertheless, examining Greek, Bulgarian and Romanian examples epidemic threat is a reality, the need to take counteractions is more than urgent. According to my opinion the newly established policies are definitely applicable and fit for operation, the capacities allocated for harm reductions must not be reduced, on the contrary, they should be enhanced before the common usage of needles could lead to epidemic level of infectious diseases. However, if such negative event

would occur we may only try to reduce damages at hideously high costs. In comparison, the amount of financial sources available at the moment are just fragmental.

In accordance with the drug policies of the European Union the dissertation states that the directives of the Union might only set up frames, principles and methods for the member states, nevertheless they represent substantial narratives to the member countries. On one hand they aim for further unification, on the other hand they reduce adhesive consequences of changes in drug politics that occur due to change in courses in the member states.

Exploring drug policies of different countries the study concludes a new scientific statement according to which there is no universal drug policy that would be effective everywhere. Naturally, in Sweden they insist on the primacy that only the smallest part of the given generation should find access to try illegal drugs. We may also correspond to the English system of arrest and direct, whereas in Britain criminal and drug scenes basically overlap each other. Nevertheless, the dissertation notes that notwithstanding the characteristics of each country the method system of harm reduction is essential. Consequences of insufficient means of harm reduction can be detected in Sweden, whereas alongside with rationally lower drug consumption figures we find that a much higher ratio of first users become problematic drug users than in the countries with more effective harm reduction models.

As of the issue of the late psychoactive substances, the invention of the dissertation was the approach to explore this process, of which we only see the beginning of. As of now, drug experts are not able to find sufficient answers to this phenomenon, however every step taken during the course of handling the issue just accelerates and fluctuates the spread of these specific substances, as we can see following the criminal regulations of the new psychoactive drugs and through course of establishment of the so called "C" list. Obviously, we won't even be able to notice this drug issue in a few years. Practical aspects of my results regarding this issue indicate that we have to deal with the problems raised by new psychoactive drugs continuously, and we must concentrate on damage management until a longer-term is framed.

The newly visualized and prolonged drug strategy consists of the complexity of the conclusions and the results of the facts resembled in this dissertation is, upon which, in my opinion individual and social damages caused by illegal substances could be reduced.



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List of publications related to the dissertation

Article(s), studies (8)

- Sivadó M.**: A drogpolitika lehetséges irányai.
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