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GREEN PAPER on the role of the Civil Society in Drugs Policy in the European Union

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Civil society and drugs: a complementary view

The Finnish Cannabis Association (SKY) was established in 1991 when a group of people had grown tired of the official drug policy, which blames a vast array of problems on the use of illegal drugs - particularly cannabis. The establishment of the Finnish Cannabis Association inspired two Members of Parliament to demand a police investigation into the legality of such a group. The investigation was carried out, and nothing illegal was found.

In a case that reached the European Court of Justice, Finnish state authorities refused to register SKY as an official association, which has affected SKY's ability to collect funds for its activities, among other things.

In the 1990s one of the members of the executive of our association was interrogated by police, sacked from his job, and convicted of using an illegal drugs simply because he had spoken openly about cannabis in a television interview. SKY has learned of several cases in which students have been expelled from their schools on suspicion of using cannabis, or because of expressing opinions favouring a more humane drug policy.

The freedom of expression of cannabis users in Finland, and their human rights, have been called into question. In practice, drug policy is implemented in a manner that marginalises citizens: a small fine can cause a person to lose a job or to be deprived of an education. Detection of a small amount of cannabis metabolites in a drug test can bring on charges of drugged driving and the loss of a driving licence - even if there is no evidence of impairment. Finnish drug policy emphasises ideology at the expense of public health.

Already in the 1990s we sought to raise the issue of illegal drug trafficking from the former socialist countries as a more important concern than personal use of cannabis, which police and other officials seemed to want to focus on. The greater part of drug crimes processed by the police are still cases involving the personal use of cannabis, or possession of small amounts.

When drug laws were passed in the early 1970s, the intent of the legislators was for officials to avail themselves of the possibility of not pressing charges or passing sentences for personal use. This principle was immediately forgotten when the new law took effect. The Finnish Cannabis Association has repeatedly raised this issue, which has a direct bearing on the lives of users. There have been attempts to take issue with the matter also in state committees and legislative reform. Nevertheless, the

practice continues. According to a fresh study, the number of people sentenced for drug use has actually increased in the present decade, after police were given the right to impose quick fines. SKY had tried once again to warn about this likely result on the basis of experiences from other countries.

Because of the prevailing narcophobic atmosphere in Finland, the Finnish Cannabis Association has few celebrity members, and the financial basis of the association is narrow. The association has about 200 paying members, and a few contributors whose donations help maintain operations. The association's activities have expanded to cover the entire country so that in May 2006 demonstrations calling for the legalisation of cannabis were held in six cities around Finland. Groups calling for cannabis decriminalisation operate in a number of communities around Finland, and on the Internet, there is Hamppu.net - a debate forum concerning the cultivation of cannabis. Partly thanks to debate on the issue, shops catering to home-growers have opened in several cities.

During its period of operation, SKY has published Hamppu ("Hemp") magazine, which currently exists as SKY's homepage on the Internet. These pages were opened in 1996 and SKY's current events web page has established a following as a reliable news source.

SKY has been a participant in the publication of two books. In 1998 the association's chairman Timo Larmela, along with Teuvo Peltoniemi, information coordinator of the A-Clinic Foundation (<http://www.a-klinikka.fi/english/index.html>) co-wrote the book *Kahta mieltä kannabiksesta* ("Of Two Minds on Cannabis") based on an on-line debate between the two on the decriminalisation issue (see <http://ep-materiaalit.dav.fi/?I=106767&v=>). The book continues to be used as a resource book for teaching substance use issues. SKY's information officer Risto Mikkonen wrote a chapter on the history of cannabis prohibition for the 2001 book *Pyhä huumesota* ("Holy Drug War"), which has contributions from several writers (<http://www.kaapeli.fi/visio/huumesota/>).

SKY has also distributed *Hullu Puutarhuri* ("Crazy Gardener"), whose purpose is to guide people in growing their own hemp, thereby undercutting the role of organised crime in the cannabis subculture.

Other activities of the Finnish Cannabis Association include:

- providing advice and legal assistance to members
- organising members' events
- responding to queries via e-mail
- providing advice and help to researchers and students
- taking part in public discussions and in the broader drug policy debate in Finland
- providing journalists with information and people to interview

Question 2.

What are our views on the benefits, added value or weakness of the Civil Society Forum on Drugs as outlined in the Green Paper?

During its time of operations, representatives of SKY have taken part in a seminar arranged by a drug policy working group, we have been heard by a drug policy committee, taken part in a number of public discussions, and media events. However, these have had little impact on the formulation of drug policy, or even cannabis policy. SKY has offered its practical knowledge to help the formulation of drug policy, but these offers of assistance have been rebuffed.

In the formulation of Finnish drug policy, there has been an excessive emphasis on the experiences and expertise of the police. The approach obscures the fact that the traditional stereotype of a drug user does not apply to cannabis users, who function successfully in all sectors and all levels of society. The aim of drug policy reform should be the prevention of marginalisation, rather than the present policy, which increases it.

We feel that the operating principle of a forum should be equality of those taking part. At the same time it is necessary to openly evaluate what the participants in the forum actually represent.

The forum should be more than a mere channel for discussion for the purpose of meeting the formal requirements of the principle of transparency; it should be involved in the decision-making process itself. To this end, civic organisations should be provided with funding for the organisation of their own activities, and to meet the costs of participation.

Question 3:

What are our views on the benefits, added value, or weakness of thematic linking of existing networks?

Currently, the various organisations and communities that work for the decriminalisation of cannabis meet each other within the framework of the annual Global Marijuana March. This cooperation also involves international exchange of information and experiences. The work has linked up people with each other and introduced other activities. This cooperation has also been significant in the formation of practical cannabis policies in EU countries: without it, cannabis users in each country would have been left at the mercy of arbitrary police action and the whims of politicians.

In Europe, ENCOD operates as a channel which coordinates this cooperation. On the international level, SKY follows the activities of a number of groups, such as Mapinc, NORML, Drug Policy Alliance, Senlis Council, and LEAP. In addition to these organisations, promoters of medical cannabis, fibre hemp, and alternative energy are among the news sources used by the Finnish Cannabis Association.

This existing cooperation could be developed within the framework of EU structures, because it can be said to benefit the entire EU. Examples worth mentioning include the use of hemp as an energy source, and other beneficial uses, as well as the use of cannabis as a medicine - something whose development and utilisation has depended largely on civil society.

Question 4:

Do we see the abovementioned two models to be complementary, or alternatives to each other?

From the point of view of the Finnish Cannabis Association, the models would work well in a complementary manner. This involves two separate forums, as it were, with different tasks.

For its basic activity, the association distributes information on legislation, research, world events, etc. Through its networking, SKY has brought new information within reach of Finnish researchers. SKY is also in touch on the practical level on events within the cannabis subculture.

SKY would be willing to bring forward this angle into EU decision-making. The Commission should organise financing for the launch of this activity, and a permanent source of funding so that the activity would not live under a constant cloud of uncertainty.

Question 5:

Are the consultation practices listed in the annex relevant as a basis for structuring dialogue on drugs?

The annex proposes the establishment of an Internet discussion forum. Such a forum for individuals and groups interested in the drug question could be developed to discuss quite topical matters and acute issues.

There is also a proposal for a more specific discussion forum with access limited to registered users.

Such a forum for organisations and officials, for instance, could serve a purpose in quality control for cannabis, allowing the dissemination of very specific information very quickly.

The cooperative models mentioned in the annex could also help initiate constructive debate.

Question 6:

Do we have any other options not mentioned in the Green Paper?

Direct meetings with politicians and officials making decisions would be appropriate as a way to dispel prejudices, and to give decision-makers more information about the cultivation and use of cannabis.

Question 7:

Would the Finnish Cannabis Association be willing to take part in a structured dialogue with the European Commission?

We have tried to hold direct dialogue with Finnish politicians and civil servants, but in most cases the end result has been endless ideological rhetoric used to justify control measures that go deeper than before into the private lives of individuals. This kind of activity is one reason why the state and civil society grow further apart from each other, even though the aim might be different. To get out of this impasse, to prevent the marginalisation of EU citizens, and to promote equality under the law, it would be beneficial for both sides to establish constructive dialogue.