

## International - Belgium

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1.

"In January 2001, the Government of Belgium released a Political Note in which it expressed the intention to modify the main drug law in order to make non-problematic use of cannabis non-punishable. The Note stated the intention that 'The criminal judge will no longer interfere in the lives of people who use cannabis on a personal basis and who do not create harm or do not show dependence.' a royal decree will be issued instructing prosecutors not to pursue people for possession of cannabis. The production, supply, sale and ownership of larger quantities will remain actively prosecuted, as will the use of cannabis which leads to 'unsociable behaviour'. Use and possession will still be prosecuted in cases involving minors, public nuisance, use in school premises, or in any place where the public order will be threatened."

Source:

"Decriminalisation in Europe? Recent Developments in Legal Approaches to Drug use" (Lisbon, Portugal: European Monitoring Centre on Drugs and Drug Addiction, November 2001), pp. 3-4, available on the web at [http://wldd.emcdda.org/databases/eldd\\_comparative\\_analyses.cfm](http://wldd.emcdda.org/databases/eldd_comparative_analyses.cfm) .

2.

According to the Belgian National Report on Drugs 2003, prepared for the European Union's drug monitoring agency: "Changes to the Narcotic Drug Act (24 February 1921) "The major existing change in the legal framework, and probably the one most spoken of by politicians, media and others, are the modifications to the Narcotic Drug Act. These changes have been mentioned in two laws (of 4 April and 3 May 2003) and one royal decree (16 May 2003). An overview of the most important topics: "Incorporation of a Council Regulation (n° 3677/90), regulating substances that can be used to produce illicit substances (so-called 'precursors') into police authorities; "Drug use in group is not seen as punishable in se any more; instead, this will be changed to drug use in the presence of minors; "Cannabis gets a separate statute (defined as another "category"): the possession of an amount of cannabis, meant for personal use, by an adult (i.e. 18 years or older), without the presence of nuisance or problematic use will only lead to a registration by the police. In the case of nuisance, however, a punishment can be imposed of minimum three months up to one year of prison sentence and / or a fine of 1.000 to 100.000 euro (to be multiplied by 5, the revaluation factor). "Commerce, production, export and importation of substances regulated by the Narcotic Drug Act remain forbidden, and maintain their original punishments."

Source:

Report to the European Monitoring Center on Drugs and Drug Addiction by the Reitox National Focal Point of Belgium, Scientific Institute of Public Health, Unit of Epidemiology, "Belgium Drug Situation 2003" (Brussels, Belgium: Scientific Institute of Public Health and EMCDDA, 2004), p. 6.

3.

"In 1998, according to the decision of the Federal Parliament, a directive/circular modified the action of judicial authorities: a distinction was established between the possession of cannabis and other illegal drugs with non acceptable risk for health, and the access to needle exchange was made possible (the drug law itself - even regarding cannabis - was not changed)."

Source:

Report to the European Monitoring Center on Drugs and Drug Addiction by the Reitox National Focal Point of Belgium, Scientific Institute of Public Health, Unit of Epidemiology, "Belgium Drug Situation 2000" (Brussels, Belgium: Scientific Institute of Public Health and EMCDDA, 2000), p. 15.

4.

On February 24, 2000, members of the Belgian Parliament made a proposal "modifying the law on drug of 24/02/1921 in order to partially decriminalize the possession of cannabis and its derivatives. The authors proposed that the positive right should be clarified. The prohibition policy against cannabis should be given up because a.o. its ineffectiveness. Nevertheless, the prosecutions against dealers should be continued and the drug use prevention efforts emphasized."

Source:

Report to the European Monitoring Center on Drugs and Drug Addiction by the Reitox National Focal Point of Belgium, Scientific Institute of Public Health, Unit of Epidemiology, "Belgium Drug Situation 2000" (Brussels, Belgium: Scientific Institute of Public Health and EMCDDA, 2000), p. 26.

5.

"A directive has been written by the Minister of Justice (16 May 2003) urging the Public Prosecutor to use a limit of 3 grams for cannabis possession or in case of plant a limit of 1 plant (or seed). In this case, on condition that there are no aggravating circumstances (like use in the presence of minors, public nuisance or problematic drug use), the police will only need to make a simple, anonymous registration of the facts."

Source:

Report to the European Monitoring Center on Drugs and Drug Addiction by the Reitox National Focal Point of Belgium, Scientific Institute of Public Health, Unit of Epidemiology, "Belgium Drug Situation 2003" (Brussels, Belgium: Scientific Institute of Public Health and EMCDDA, 2004), p. 7.

6.

"The lifetime experiences of cannabis and XTC/amphetamines were reported by respectively 10.8% and 2.3 % of population aged between 15 to 64 years old. The last month prevalence of cannabis use was reported by 2.8% of this population and the last month prevalence of XTC was lower than 1%. "Both prevalences of cannabis use are proportionally higher among men (respectively 13.3% and 4.1%) than women (respectively 8.3% and 1.6%). These gender differences appear also in the lifetime prevalence of ecstasy and/or amphetamines use (3.1% among men and 1.6% among women). "The lifetime prevalence and the last month prevalence of cannabis use as well as XTC/amphetamines decreases appreciably with the age. The critical groups relate to the age groups between 15-24 and 25-34 years. "The lifetime prevalence of cannabis use is more important among people with a high education diploma. The last month prevalence of cannabis and the lifetime prevalence of ecstasy and/or amphetamines uses are not influenced by the educational level."

Source:

Report to the European Monitoring Center on Drugs and Drug Addiction by the Reitox National Focal Point of Belgium, Scientific Institute of Public Health, Unit of Epidemiology, "Belgium Drug Situation 2003" (Brussels, Belgium: Scientific Institute of Public Health and EMCDDA, 2004), pp. 14-5.

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