



ReLeaf Malta Points for Intervention

Side event @65th session of the Commission on Narcotic Drugs

Tuesday 15th March 9am- 9.50am [CET]

The national report on the Drug Situation and Responses in Malta 2021 explains that the number of drug law offences for 2020 amounted to 283 in total with 166 for possession and 117 on trafficking. **The majority of criminal offences for possession were related to cannabis, amounting to 87 cases.** The report highlights that during the period since the **Tribunal (thus for persons found with less than 3.5 grams)** was established in 2015 until December 2020, the majority of cases processed were for possession of cannabis, amounting for **1897 people.**

The historical reform enacted by the Maltese government in 2021 Act No. LXVI to establish the *Authority on the Responsible Use of Cannabis and to amend various laws relating to certain cannabis activities*, has been heralded by many international experts as a positive development. This reform follows the depenalization of drugs for very small amounts back in 2015. The new **law has a mix of depenalisation, decriminalisation and criminalisation**, with the police retaining full rights of enacting criminal proceedings if there is a **suspicion of trafficking**. This is particularly tricky as it is unclear on which terms the police can consider a case as trafficking, even if a person is found in possession of cannabis within what is permitted by the law, or in **possession of CBD flowers, mistakenly assumed as prohibited.**

Furthermore, parts of the new law continue in part to reflect discriminatory practices of the past and replicates injustice and suffering for people who consume cannabis. Four of the most pressing matters are (i) the continued practice of considering a criminal offence the act of sharing cannabis, better known as **trafficking by sharing**, (ii) the lack of a **social equity approach** to remedy the wrong doings of the past, (iii) a **low threshold of cannabis permitted on the person and in the household**, thus indirectly contributing to criminalise the person, push increased consumption, waste or sale, (iv) the complete **ban on consumption within the Associations and other designated places**, thus directly hindering the role of a communal approach based on harm reduction principles.

In need of urgent attention:

- **sharing at no cost cannabis between adults**, thus further giving consumers the tools to stir away from the illicit market and further strengthen dialogue between cannabis consuming peers
- creation of a **safe space**, thus one which allows consumption on site or other venues accessible only to members, the law would further fulfil its core principles founded on harm reduction, and therefore one based on a community approach acting as a safety net, a hub for educational exchange, and a place where to promote a healthier approach to cannabis consumption
- Receive reassurance on how the police will be interpreting the law, thus further **alignment between the de Jure and de Facto implementation of the law**.