

## SITUATION OF CANNABIS USERS IN FRANCE

When it comes to marijuana laws, in fact France has some of the toughest possession statutes in Europe. People are highly criminalized for smoking a simple joint in France, even in private, face very hard penalties and a crucial lack of information about cannabis, yet 13.4 million French people admit to sparking up at least once in their life. Even France's former top cop, now appointed Prime minister, Manuel Valls, recognised in January 2014, that he'd tried it "maybe once."

The numbers rise up if you look at the younger portion of the population. In 2011, France reached a special "European champion" award of teen pot smokers as 24 percent of its 16-year-old kids admitted to smoke cannabis at least once a month.

**Quick overlook at the main relevant datas that describe french situation.**

- 13,4 millions inhabitants has already smoked cannabis during their life
- 1 out of 5 peoples have broken the law.
- 4 millions peoples are breaking the law monthly.
- 1,2 million peoples are chronic users.
- 500 000 peoples are daily users.
- An estimated 200 000 peoples are producing their own cannabis by indoor cultivation.
- In 2013, 169 000 controlled by Police around 70 000 judge in court.
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|                  | Nombre d'interpellations |                | Évolution 1990-2010 | Répartition par produit (en %) |              |
|------------------|--------------------------|----------------|---------------------|--------------------------------|--------------|
|                  | 1990                     | 2010           |                     | 1990                           | 2010         |
| Cannabis         | 17 736                   | 122 439        | + 590,3 %           | 71,4                           | 90,4         |
| Héroïne, opiacés | 6 522                    | 7 287          | + 11,7 %            | 26,2                           | 5,4          |
| Cocaïne/crack    | 388                      | 4 679          | + 1105,9 %          | 1,6                            | 3,5          |
| Médicaments      | 0                        | 376            | -                   | 0,0                            | 0,3          |
| Amphétamines     | 49                       | 290            | + 491,8 %           | 0,2                            | 0,2          |
| Ecstasy          | 24                       | 203            | + 745,8 %           | 0,1                            | 0,1          |
| LSD              | 60                       | 59             | -1,7 %              | 0,2                            | 0,0          |
| Autres           | 77                       | 114            | + 48,1 %            | 0,3                            | 0,1          |
| <b>Total</b>     | <b>24 856</b>            | <b>135 447</b> | <b>+ 449 %</b>      | <b>100,0</b>                   | <b>100,0</b> |

**90 % of court case related to Drugs are cannabis offenders !**

## What about the current french Law ?

Since 1970, exporting, importing, producing, transporting, supplying, selling, owning or consuming cannabis is prohibited. Even inciting or helping someone to get access by providing information related to cannabis use or producing is viewed as wrong by the law.

Possession and use of cannabis are strictly prohibited and considered as offenses under French law, and may carry a sentence of up to one year's imprisonment, in addition to a fine of up to € 3,750. The most common alternative sentence to jail is an injunction to take part in compulsory awareness classes highlighting the dangers of narcotics.

Prosecutors can also require users to seek treatment for addiction. This intervention, known as a 'therapeutic injunction', also ensures that criminal charges will not be pursued. French anonymity laws also mean that prejudice and discrimination as a

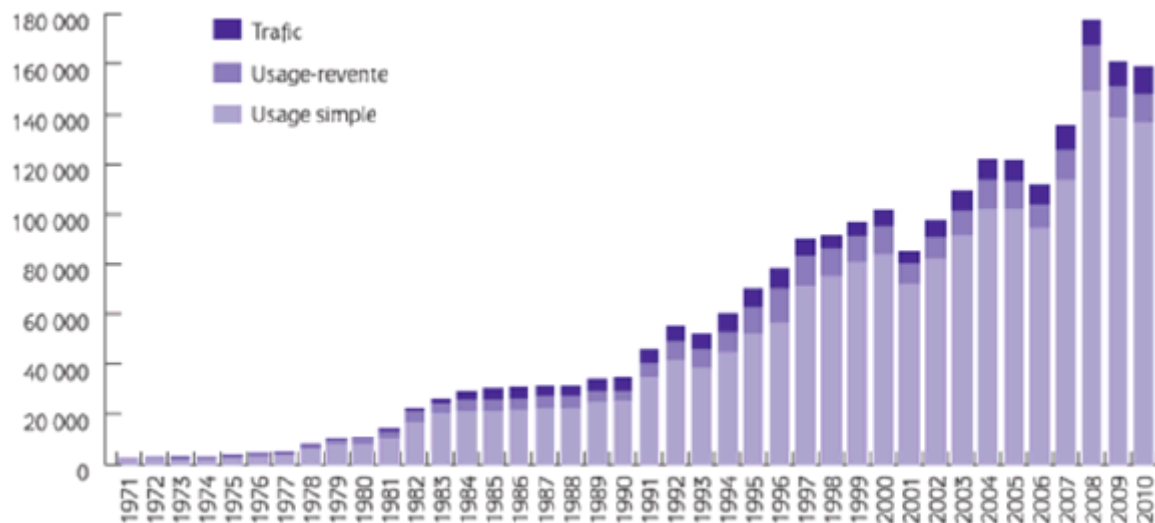
result of undergoing treatment for drug addiction

are less likely than in many other countries.

Users who are also involved in sale, traffic or cultivation are criminal offenders risk stricter sentences (which may in theory be reduced if the individual informs on other suspects), and are excluded from the therapeutic injunction. Penalty for sale or cultivation of cannabis can reach ten years' imprisonment and a € 7.5 million fine ; sentences may be doubled if it is proven that the suspect sold drugs to minors or in and around schools and educational establishments.

Sentences can be increased to life imprisonment in exceptional cases, as we have a « special judicial regime » in such matters, similar to anti-terrorist laws.

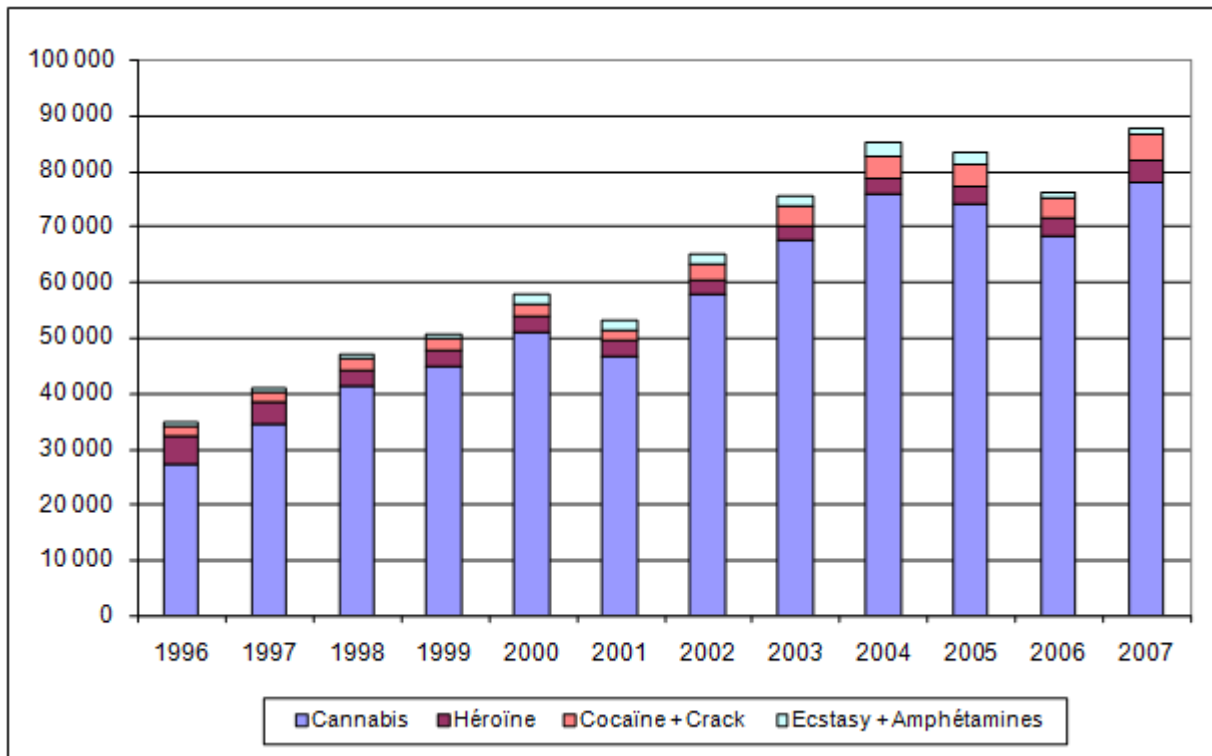
Provocation, apology or even non-adverse opinions on cannabis may carry a sentence of up to 5 years and a 75 000 € fine.



In 2010, 581 867 people went to prison for offenses, among which 50 100 for drug matters. It is more than 8,5 % . 28 146 among those were simple users, nearly 5 % of the total of prison sentences.

In 2013, 169 000 were arrested for drug possession, among which 90% were arrested for detaining only cannabis. 50 000 people were convicted of drug offences in France ; 58% were found guilty of using drugs, while possession accounted for 20% of drug-related convictions, and sale or trafficking represented 21%. 30% of convictions resulted in a prison sentence, either custodial or suspended.

Still this year, 1 400 persons ended behind bars only for cannabis possession !



**French  
denial!**

French youth use cannabis at even more disparate rates than

elsewhere in Europe (12.7% compared to 5.3% and 4.1% in the Netherlands and Portugal), suggesting that rates of uptake among the youth are particularly high. In 2011, it was reported that 24% of 16-year-olds smoked cannabis at least once a month—the highest rate in Europe. As it is painfully clear from this and myriad other examples, harsh drug laws do not equate to a reduction in consumption.

Analysis of available data suggests that France’s traditional approach to drug policy has been unsuccessful. According to the European Monitoring Centre for Drugs and Drug Addiction, 4.8% of French adults aged 15-64 have used cannabis in the past month, compared with 3.3% in the Netherlands and just 2.4% in Portugal. 9.8% of young adults (aged 15-34) in France had used cannabis within the past month, compared with 5.6% and 4.5% respectively in the Netherlands and Portugal.

At medical level, very few Therapeutic Use Authorisation has been delivered by ANSM (French national agency for Medical Health and pharmaceutical products). 70 prescriptions for Marinol, a synthetic cannabinoid, has been delivered between 2001 and 2013. In June 2013, a decree was enacted permitting the sale of medications containing cannabis derivatives. Today, Sativex, a mix of natural cannabinoids is now legally available in France.

### French reality

Let's now examine a few exemplary law enforcement procedures that shows how so-called « country of Human rights » and the freedom of speech is a total fake !

General repression of cannabis users :

- ⑩ The number of annual arrests for drug-related offences passed from 21 000 in 1985 to 83 000 in the year 2000 and 169 000 in the 2013. Nearly 1400 people went to jail for sole-use, in the year 2013.
- ⑩ A specific hunt down is made on cannabis consumption, not only because impairment, but even past use and being under influence. No tolerance. For instance, salivary tests for drivers can detect previous cannabis consumption even several days after the intoxication has disappeared. In 2013, 96 000 salivary tests were made, among which 27 000 were positive. Some of the unattended

consequences of this trend is that in some regions this brought negative effects as loss of driving licence and in some cases loss of job contract, and in some cases specifically in rural areas two higher security risks : alcohol consuming as a way to avoid controls and simply driving cars without insurance and licence because they don't have choice.

- ⑩ The repressive paraphernalia also counts with the removal of children custody of the parents, often for cannabis cultivation or sell. This situation particularly affects women, and single mothers. We can also note that moral and discriminative pressure is made on single mothers during police custody on the matter of children and children care being made.

So many cases can be listed when it is about growing for personal use, even for medical reasons.

The list of the prosecutions against individuals who use cannabis for therapeutical reasons is too long, among them some major cases get media attention : To name few : Jérôme Tétaz, Olivier Asteggiano, Bertrand Rambaud, Eric Chapel, Jacky Simon, Sebastien Béguerie,

Few « enlighting cases » of the repression of non-adverse opinions on cannabis :

**Jean Pierre Galland**, prosecuted several times as chairman of an association making information and Research about cannabis, and because this association organised a yearly public demonstration on June 18th. He has been sentenced to big fines in order to cut all ressources for years to pay.

**Michel Sitbon**, whose book editing company, flourishing until 2004, went to bankrupt when police agents started to repeatedly arrest bookstore sellers and book retailers, threatening them of prosecutions if they still keep books available... A long story about how ideas and most important informations that can help to keep a balanced and rationnal debate on cannabis have been « forbidden ».

Numerous grow-shops or garden centres are also persecuted. The most famous case concerns **Jean Christophe Memery**, as a local growshop owner presenting ecological alternatives with hemp-cannabis plants use, he was hardly prosecuted for « apology » because of some words that the judge finally decided to not condemned, but finally he was sentenced with a big fine because of some plants that he was cultivating privately at home.

**Jean Luc Benhammias**, as a political party leader, was prosecuted because his party distributed documentations and products related to hemp cultivation... and that his party was promoting a reform of drug policies.

**Even myself**, I'm in a trial case because of the words I had shouted in public while City Police agents cracked down on me to stop my last declaration as candidate for parliamentarian elections in 2012. I wish that this control was not first motivated by racist concerns.

**Everybody under control ?** The image of the cannabis plant or leaf being associated to an apology of cannabis use, arresting teenagers wearing clothes with a cannabis-leaf draw. Minors are beeing arrested or temporarily excluded from their schools for such purposes. In december, a teenager spent his day at police office for wearing a 3 per 3 centimeter hemp leaf on his wool cap. A month ago, a clothes store saw a big part of his garnments confiscated for the same reasons.



**CONCLUSION**

« Apartheid » is the word used by the current french Prime minister, M. Valls while he was describing the social and economical situation of some cities and suburbans places wellknown for being sustained by black market and illicit activities, because of the poor employment records and the crisis consequences.

For sure, since fourty five years, law enforcement on drugs policy has lead to put under social control peoples living in poor conditions, especially the homeless, migrants and the youth.

This disclosure is now mainly a threat for the society as organised crime increase its grip and « lawless » attitudes are becoming legion.

As we're living in a kind of inquisition stuck in the middle age, while our Uncle Sam is now leading a race to regulate cannabis market, in order to restore civil rights and equality as the basic value for all french peoples, after 45 years, the current french law need to change.

Despite this, and to keep some kind of hope for the future, on April 2nd 2015, the French Senate will vote on the first bill that propose to regulate cannabis under strict state monopoly control. This first attempt will surely be barred.

France is on the road to open the debate.