

# Brazilian Drug Policy



## Paulo Roberto Yog de Miranda Uchôa

*National Anti Drug Secretary, Presidency  
of the Republic - Brazil*



Slide 02

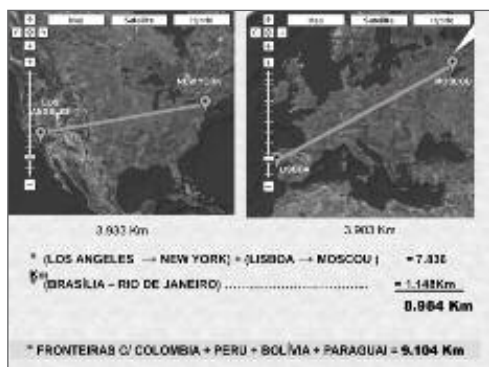
I am going to talk about our policy on drugs. The subject was also addressed in a very comprehensive way by our minister, Jorge Félix.

When we look at a map of Brazil (*slide 2*), it convincingly shows us what we have all known since our schooldays: that Brazil is a country the size of a continent. I should say that all of us Brazilians are very pleased that we have inherited this immense territory from our dear colonisers, now our friends, the Portuguese. They even bravely made this territory larger than was originally agreed by the Treaty of Tordesillas. This is, therefore, the origin of some of the burdens that we have to take on along with the beauty. (*slide 03*) With regards to drugs, the first burden that we have to take on is that we border the three largest cocaine-producing countries in the world, and one of the largest producers of marijuana. It is also worth pointing out that this border is very long. It suddenly becomes daunting when you consider that the border between Colombia and Paraguay measures 9,104km from north to south. Therefore, we should not be at all surprised by the fact that Brazil is a transit country. Seeing as we have borders with the largest drug producers in the world, it would be very difficult not to be a transit country. (*slide 04*) In order to get an idea of what nine thousand or so



Slide 03

kilometres means in terms of drugs coming into the country, we only have to imagine the distance from Los Angeles to New York, added to the distance from Lisbon to



Slide 04

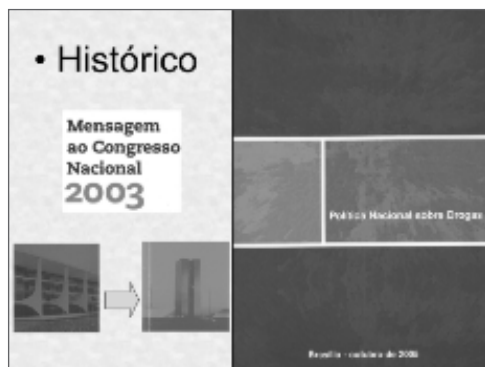


Slide 05

Moscow. This total length comes to slightly less than the length of our borders with these four drug-producing countries. It is,

therefore, quite a staggering fact and we have to keep this in mind whilst carrying out our duties. As I said, however, this just applies to drugs coming into the country. (slide 05) For the drugs to leave Brazil, we have another few thousand kilometres of coastline, with ports, airports, and everything else. So, a lot of the drugs stop along the route.

Due to this, there is another cost to pay. We do not just have the burden of being a transit

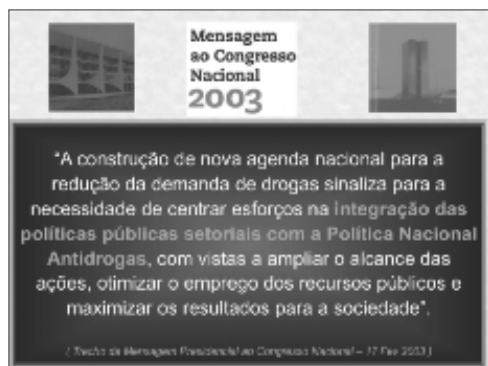


Slide 06

country, but we are also lumbered with the fact that drugs leave their mark, meaning an increase in consumption – although not one of the largest in the world. I would like to add a footnote here, as there are people who like to say that Brazil is the second largest consumer of cocaine in the world. They are wrong here. We may be in terms of quantity, due to the size of the country and its population, but not per capita. Brazilians are certainly not the world’s second largest cocaine consumers. There are many countries where the population consumes far more cocaine than Brazil.

(Slide 06) The fact of the matter is that Brazil did not have a national drug policy to address these conditions until 1998. The lack of a policy meant that Brazil did not have in place objectives or strategies to

achieve these objectives. The UN held a Special Session on drugs during the General Assembly in June 1998, where a series of declarations were made, including one specifically aimed at policy and another at reducing demand. Brazil adhered to all of the declarations and, in conforming to all previous UN declarations, to which the country is also a signatory, Brazil's commitment was strengthened. Therefore, Brazil, guided by the consensus of all countries present at the Assembly, came to the conclusion that the creation of a national antidrug policy was imperative. It was also

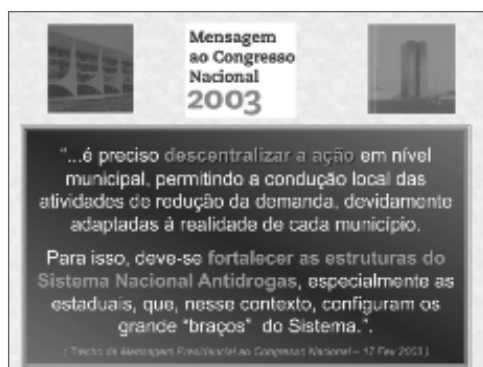


Slide 07

clear that implementing the policy would require an organisation linked to the presidential office. Brazil created SENAD on the 19th of June 1998. In November of the same year, this Secretariat held the first National Antidrug Forum, enabling contribution from society - and this actually happened - so that ideas from civil society went towards Brazil's national policy, with objectives and a course of action relating to drugs. The policy was outlined, established and ratified, which led to the second National Antidrug Forum in December 2001.

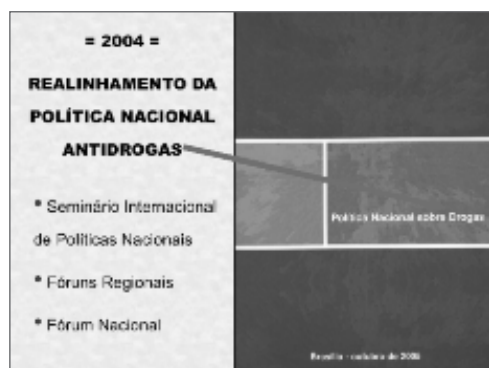
(slide 07) The current administration, of President Lula, came to office in January 2003. President Lula gave his first message

to Congress in February 2003. What is a message to Congress from the President of the Republic? During the address, the President states how his administration views the country's main problems, and presents some strategies for tackling these problems. It was here, in his first Message to Congress in February 2003, that President Lula stated his position on drugs, saying that "the construction of a new national agenda for demand reduction means that it is necessary to focus efforts on the integration of public sector policies into the national [drug] policy. The aim is to widen the scope of measures, to optimise their impact, and so forth." The importance of the



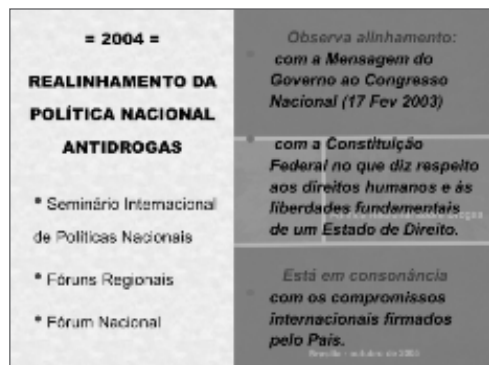
Slide 08

National Antidrug Policy can be seen by the fact that it was upheld by Lula's administration, although it originated with the previous government. It is worth noting that President Lula changed practically all existing policies when he came to office, with the exception of drug policy, which he knew had been created by society. This was very good, as it guaranteed continuity for the National Antidrug Policy. Furthermore, he recommended that public sector policies be integrated into the national policy. If they are not, the problem cannot be solved and it will continue to be treated as a stand-alone issue. So, integration is necessary.



Slide 09

(Slide 08) Another of President Lula's strategies was to decentralise the implementation of policy measures. Decentralisation also meant strengthening the structure of the National Antidrug



Slide 10

System, enabling state and municipal participation, mainly through state and municipal Antidrug Councils. These were important decrees from the President, consistent with his first message to the National Congress.

(Slide 09) Moving forward to the year 2004, we realised that the policy needed to be realigned. A lot had happened in relation to drugs between 2001 and 2004, on the national and international levels. Some of the concepts needed revising, and the policy was redeveloped. This redevelopment was carried out by using a new methodology

(slide 10). First, we held an international conference. Why? Because nowadays, when it comes to drugs, there is no country in the world that is not aware of the necessity of working in parallel with regional and international partners from all over the world. In recognition of this, we invited representatives from seven countries, directors or those responsible for national drug policy, to Brazil. The countries were invited on the basis of their reputation in Brazil on drug policy: Canada, Portugal, Italy, the United Kingdom, the Netherlands, Switzerland and Sweden. These seven countries presented the reality of their national policies, the successes, mistakes and difficulties they had encountered, in a very frank way, without myths, and without “keeping up appearances”. The fact is that the media often contributes to the creation of certain false myths, as in the case of the Netherlands, as became clear when listening to the presentation of Dutch policy.

In sum, a lot of important information came out of this conference, enabling Brazil to realign our own policy without being affected by myths, such as “well, because this happened in Canada, they did that in Italy and England...” Subsequently, these international policies were presented in each of the six regional forums that we held, to give civil society a wider range of issues to discuss when it came to redesigning our own policy.

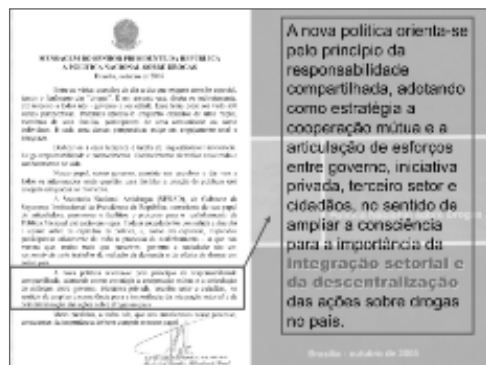
The drug policy is divided into several chapters: basic assumptions and objectives of the policy, prevention, treatment, damage reduction, research, and supply reduction (policing). Each of these chapters were discussed at the regional level: the first forum was held in Florianopolis for the southern states; the second, for the south-

eastern states, was held in Sao Paulo; the third and fourth for the north-eastern states, in Salvador and São Luiz; the fifth was held in Manaus for the northern states; and the sixth and last regional forum was held in Campo Grande for the central-western states.

The current policy's chapters were discussed one-by-one at each of the forums, and the ideas were presented for modification or exclusion, and space was made for the inclusion of any other issues. It was an exhaustive debate held in the four corners of Brazil. It should be emphasised that these regional forums were conducted by the scientific community. SENAD merely facilitated the forums, and did not interfere in the management of workshops created for the debates surrounding each chapter. These workshops were run by the scientific community.

Following the six forums, we held the third National Forum on drugs in December 2004 in Brasilia. This forum brought the conclusions from the regional forums together. In the National Forum, the workshops for discussing each chapter were run by the Ministries most relevant to each issue, on the advice of the members of the scientific community who had participated in the regional forums. As such, the chapter on objectives and basic assumptions was run by the Special Office on Human Rights; the chapter on prevention was run by the Ministry of Education; treatment was run by the Ministries of Health and Social Development; damage reduction by the Ministry of Health; study and research by the Ministry of Science and Technology and the chapter on the repression of supply was run by the Ministry of Justice. As I have said, all the ministries were advised by

specialists from the scientific community who had followed the discussions through the six regional forums.



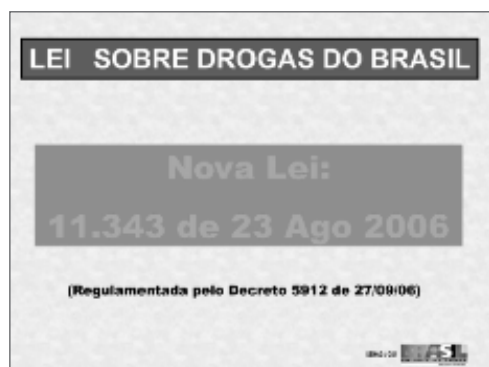
Slide 11

The next step was to integrate the ministries with the policy: various organisations and areas were united around a single policy, the National Antidrug Policy. At this point, the policy changed its name to become the National Policy on Drugs. This is because it was concluded – with little debate - that it was necessary to bring different concerns about drugs under one policy, including “licit” drugs. We stopped having an “antidrug” policy in Brazil, in order to have a policy “on drugs”.

Legal drugs, such as alcohol, started to play a decisive role in the government's concerns.

(Slide 11) We had thus redeveloped our policy to make it consistent with the Government's first Message to National Congress (as mentioned earlier). It is important to point out that the Policy also adheres to the Federal Constitution decrees on human rights and fundamental liberties, as well as with international agreements, such as the 1961, 71, and 88 UN conventions, to which Brazil is a signatory. It is also consistent with the Declarations from the 1998 UN Special Session, which I have already

referred to. In summary, the policy is in line with the national and international political and legal consensus.



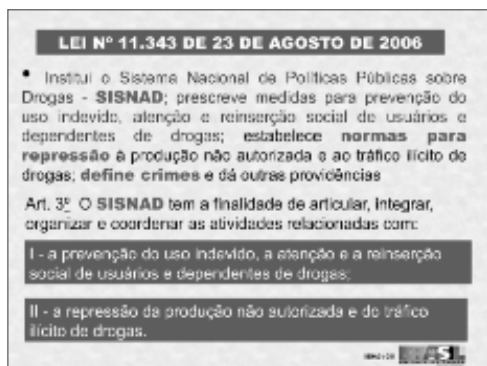
Slide 12

As a result of this, we were left with a redeveloped and updated National Policy on Drugs which was very well publicised at the time. We believe that the “new” policy was received with little criticism and generated high expectations due to the intense participation by civil society across Brazil in the regional forums. It was a step forward. I want to remind you that President Lula, in presenting the redeveloped policy, reiterated the need to integrate drug policy with public sector policy and to decentralise implementation.

So, this is one of the main legal instruments that we have to work with: the national policy. But the policy is just a document, a tool for governing.

*(Slide 12)* The law, another legal framework, is a tool that belongs to society. The law has to be obeyed. If a law is not obeyed, it has a corresponding penalty. Laws are created and established by the people, by society, through their representatives in the legislative houses. Brazil had a law on drugs that was more than 30 years old, which also required a review. The Senate formed a

substitute law, which involved participation between different government bodies, coordinated by SENAD. An excellent partnership was established with the National Congress - initially with the Chamber of Deputies and then with the Federal Senate. The new law was approved at the end of the legislative process after Senator Romeu Tuma reported on the project before the Senate’s Constitution and Justice Commission. Today, we are here in the state of Rio de Janeiro, whose governor, Sergio Cabral, played an important role in the process when he was a Senator, reporting on the project before the Senate Security Commission. The law was debated in the Senate for almost two years, accessible by society, until it was ratified by the President of the Republic on the 23rd of August 2006, when it became law 11,343. The law does not discriminate against anything. It does not discriminate against drugs and it does not discriminate against users or addicts. We continue to be loyal to our international commitments. Carrying drugs for one’s own use is still a crime. The difference is that this law separates the user, or addict, from the drug dealer. Before, these groups were not clearly defined, and the user could be subject to a punishment from six months to two years in prison. The new law eliminated the use of imprisonment for users or addicts. Another significant aspect of the new law was that it defined different sentencing practices. Whilst the drug dealers remain under the jurisdiction of the criminal courts, users and addicts are now under the Special Criminal Tribunals. I am very pleased to be able to say that the new Special Tribunal judges have demonstrated active engagement with this new challenge, which involves never judging the drug user or addict from the perspective of the criminal court. The criminal court would say, “you are a



Slide 13

criminal, so you deserve x amount of time in prison”. In contrast, the Special Court judges know that now they are one link in a chain that seeks the possible rehabilitation of the person, the user or addict involved in the process. It is not just a matter of taking a fleeting glance at whomever it happens to be. The reality is that the judge may represent the last hope of rehabilitation for that person. This is society's expectation. This is the spirit of the law and of the National Policy on Drugs. Another speaker at this conference, Joaquim Domingos, is a Judge at the Barra da Tijuca Special Court, here in Rio de Janeiro and is also a speaker in this Symposium. He has vast experience on the matter and has helped us a lot, both in passing the new law and in working to implement it.

(Slide 13) This law has another very interesting aspect, which may or may not have been brought to your attention. The law establishes norms for the repression of unauthorised production and the illicit trafficking of drugs, defines crimes and sets judicial responses. This is normal, it had to be this way, and it is what all drug law does in every country. This law, however, has something a little bit different: It adds something different, because it “institutes a National System of Public Policies on



Slide 14

Drugs, sets out measures for the prevention of improper use, and for treating and socially rehabilitating drug users and addicts”. The law also conceptualises and establishes norms and principles for the reduction of drug demand. Even the role played by families is taken into account by the law. This national system is in complete agreement with that laid out in the National Policy on Drugs. In an incontestable manner, it determines the integration of legislative and executive power for this very sensitive area that has great significance for society.

The law states that this National System of Public Policies on Drugs aims to coordinate and integrate two lines of constant activities (Slide 14). The first line of activity consists of actions to prevent the improper use, as well as treating and rehabilitating the drug



Slide 15

user or addict. The second line of activity covers the actions related to the repression of unauthorised production and illegal trafficking of drugs. The decree that was put into place to regulate this law - decree 5,912 from September 2006 - states that the organisation responsible for the implementation, integration and coordination of the first actions (prevention etc.), is the Office of Institutional Security, through the National Antidrug Secretariat – SENAD. This is what we know as demand reduction. The actions included in activity line two are under the responsibility of the Ministry of Justice, through the Federal Police. This is known as supply reduction. (Slide 15) To give you a better idea, the participants in our National System of Public Policies on Drugs are the National Council, the body at the highest level, along



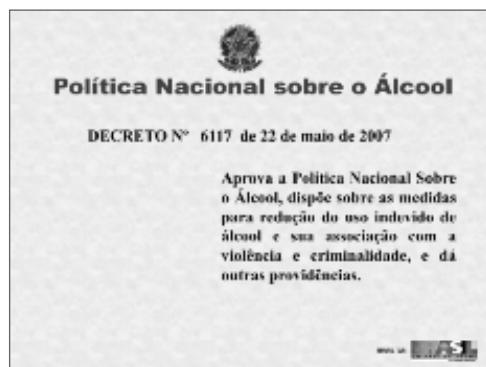
Slide 16

with the National Antidrug Secretariat and its executive office. The other participants are public organisations that work with the two lines of activities I outlined, and civil society, as well as organisations that work in areas of health and social care, etc.

Just quickly, and before someone thinks that it is strange, I would like to remind you that I am still talking about the National Antidrug Office and the National Antidrug Council, even though the Policy is now “on

drugs”. The reason is simply a matter of legal bureaucracy. The names CONAD and SENAD are institutionalised in the law that governs the Presidential Office. We are just waiting for the new law to restructure the Presidential Office, so we can update our names. It is not possible to do this by decree.

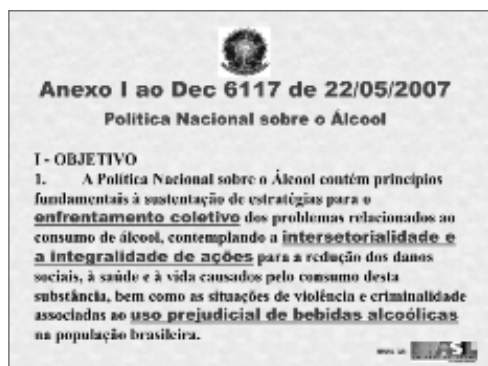
(Slide 16) So, what about the National Antidrug Council? Under the new Decree, the Council has been given a similar composition. It is directed by the head Minister of the Presidency’s Office of Institutional Security, while SENAD acts as executive-secretary. All the state councils are represented in it. Ms Luizemir [Wolney Carvalho Lago], president of the São Paulo State Drug Council – who is present at this symposium – was elected head councillor to represent the state councils. The vice presidency is held by the president of the Mato Grosso do Sul State Drug Council. The public bodies represented are the Special Secretariat for Human Rights, and the Ministries of Education, Defence, Foreign Affairs, Social Development,



Slide 17

Health, Justice and Finances. Representing civil society, with a wide balance of expertise, we have a lawyer nominated by the OAB, a doctor nominated by the Federal Council of Medicine, a psychologist from

the Federal Council of Psychology, a social worker appointed by the Federal Council, a nurse to represent the Federal Council of Nursing, a teacher from the Federal Council of Education, a scientist from the Brazilian Society of Science, a student nominated by the UNE, and a range of expert professionals - one from the press, an anthropologist, one to represent the arts and one from the third sector. A guest from the Federal Public Prosecutor's Office also participates in the Council. This member does not have the right to vote, but does have the right to attend and to participate in the discussions. This is the National Council, the highest body in the system.



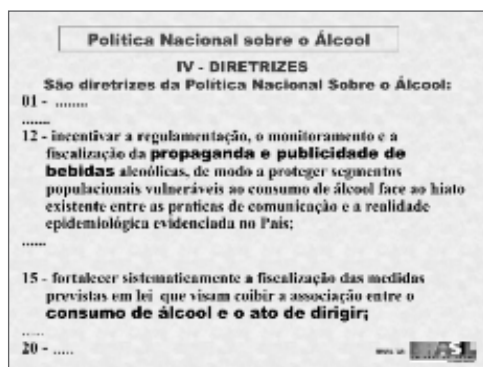
Slide 18

(Slide 17) We are now going to quickly introduce the National Policy on Alcohol. This policy came about because it was increasingly evident that alcohol was the substance, or drug, behind the vast majority of crimes, murders, domestic violence, traffic accidents, and so on. We know this, and you know this. Consequently, the government began to work on a very meticulous project - not carried out at the last minute – which culminated in the creation of the Special Committee on Alcohol within the National Antidrug Council, whose work resulted in the National Policy on Alcohol. (slide 18) This

National Policy was approved by decree in May 2007, and was aimed at allowing Brazil to fight the problem of alcohol in a collective way. The policy is characterised by the range actions taken against the problem of alcohol from across different sectors, and repression of alcohol abuse.

(slide 19) Strategies from the Policy on Alcohol include the need to promote regulation of advertising for alcoholic beverages, and addressing rates of alcohol consumption before driving. There are a series of measures in the policy, but I have highlighted these two because they are the ones that are currently at the forefront.

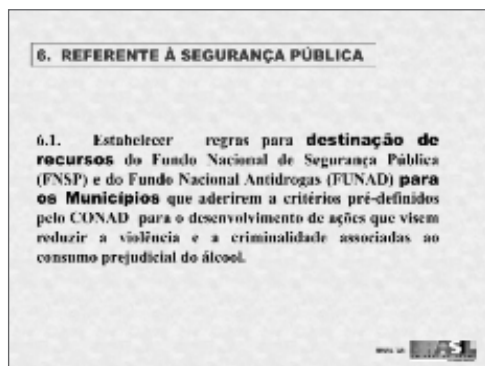
(slide 20) These measures are established in Appendix II, as the necessity of promoting the regulation of advertising was already being discussed at the time the policy was made. (slide 21) Seeing as the matter of advertising is based on law, however, we were confronted with the problem of not being able to alter it by decree. The law says that, for advertising purposes, a beverage is considered to be alcoholic when it has more than 13% ABV. So we are not able to modify this situation by decree. To address this, there is a law going through Congress to change this percentage to consider a



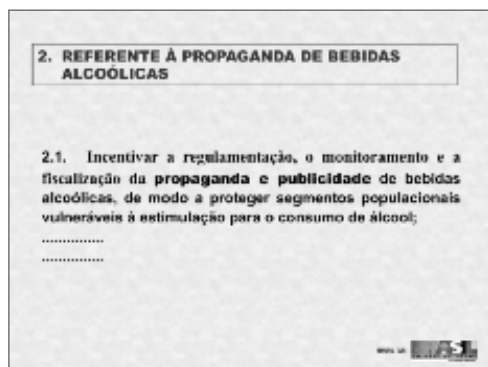
Slide 19



Slide 20



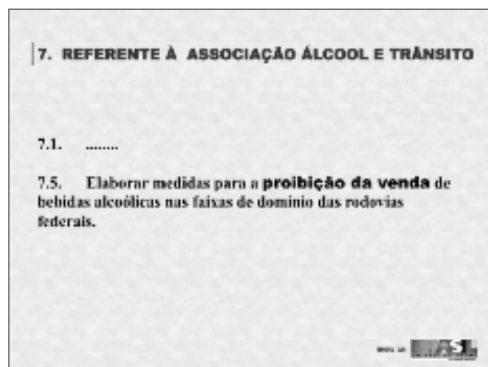
Slide 23



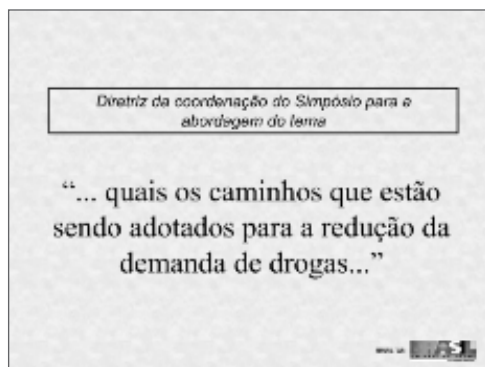
Slide 21



Slide 24



Slide 22



Slide 25

beverage as alcoholic when it has 0.5% ABV or more. When this law is passed, beer and wine, etc, will be included. (slide 22) Another measure is to prohibit of the sale of alcoholic beverages alongside federal highways. This has to be established by law, but the government has already introduced a Provisional Measure, widely reported on by our media. (slide 23) Finally, there is one

more important measure worth highlighting, which is the possibility of using resources from the National Public Security Fund and the National Antidrug Fund (FUNAD) to finance local government proposals for projects aimed at reducing violence due to alcohol consumption. From this, you can see that it is not something that has been rushed, but rather is something that has been

**PROGRAMA DE GESTÃO DA POLÍTICA NACIONAL SOBRE DROGAS**

**Integração das políticas públicas setoriais com a Política Nacional sobre Drogas**

**SENAD**

• **COORDENAR A POLÍTICA NACIONAL SOBRE DROGAS POR MEIO DA ARTICULAÇÃO E INTEGRAÇÃO ENTRE GOVERNO E SOCIEDADE**

**Descentralização das ações, fortalecimento das estruturas do SISNAD e parcerias com a Comunidade Científica e Organizações Sociais**



Slide 26

**PROGRAMA DE GESTÃO DA POLÍTICA NACIONAL SOBRE DROGAS**

• educadores  
• conselheiros municipais  
• Prof na área das empresas  
• Prof da rede básica de saúde  
• Prof da área de segurança

**DIAGNÓSTICO**

**Capacitação de lideranças e outros atores**

**ESTRATÉGICO**

• Lideranças religiosas e afins  
• Juizados Esp Criminais



Slide 29

**PROGRAMA DE GESTÃO DA POLÍTICA NACIONAL SOBRE DROGAS**

**Integração das políticas públicas setoriais com a Política Nacional sobre Drogas**

**PRINCIPAIS EIXOS :**

**DIAGNÓSTICO**

**CAPACITAÇÃO**

**ESTRATÉGICO**

**Descentralização das ações, fortalecimento das estruturas do SISNAD e parcerias com a Comunidade Científica e Organizações Sociais**



Slide 27

**PROGRAMA DE GESTÃO DA POLÍTICA NACIONAL SOBRE DROGAS**

• 0800 - VIVA VOZ  
• mapeamento das instituições  
• Rede Pesquisa sobre Drogas

**DIAGNÓSTICO**

**CAPACITAÇÃO**

**ESTRATÉGICO**

• Subvenção Social  
• OBID  
• cooperação Horiz com a CIGAD-DEA  
• descentralização das Ações FUNAD



Slide 30

**PROGRAMA DE GESTÃO DA POLÍTICA NACIONAL SOBRE DROGAS**

• Domiciliares I e II  
• Estudantes  
• Crianç / Adolesc situação de rua  
• Padrões de consumo álcool  
• álcool e trânsito

**Levantamentos Nacionais**

**CAPACITAÇÃO**

**ESTRATÉGICO**

• consumo álcool Pop indígena  
• ambiente universitário  
• ambiente carcerário  
• consumo nas empresas



Slide 28



Slide 31

evolved over a long period of time, by specialists working with the various relevant ministries, and with participation by interested sectors of civil society.

**SENAD**  
www.senad.gov.br

---

**OBID**  
www.obid.senad.gov.br  
OBSERVATÓRIO BRASILEIRO DE INFORMAÇÕES SOBRE DROGAS

**VivaVoz**  
0800-510-0015  
LIGUE PRA GENTE. A GENTE LIGA PRA VOCE