

Brazilian Senate debates drug policy reform

Every week, from Friday evening to Sunday afternoon, Brazil turns into a huge bar, where tens of millions of Brazilians, especially men and young people, some adolescents, engage in drinking alcohol. Of these, 12.3 million transcend the limits and get drunk. They are dependent and should drink every day without suffering withdrawal symptoms and may therefore be called alcoholics, with all the personal and social consequences of this disease.

At our request, to guide the debate which started at the Commission on Human Rights and Participative Legislation, the Legislative Senate Consulting prepared a comprehensive study on the matter; the study nº 765/2014, authored by consultants Denis Murahovschi and Sebastião Moreira Junior, was released late April this year, and was not criticized or challenged at any time in the six public hearings. According to this study, the consumption of drugs in Brazil still does not characterize an epidemic among young people. Even the data presented are consistent with the international situation, there are elements that make the overall situation of drug use in the country worrying. Although the data do not point to an epidemic, drug use, especially crack and some high power synthetic psychotropics demand strong action by public authorities and society in general.

With regard to all the drugs, the reality is that Brazil, like other countries, is losing the fight against drug addiction. Current policies created in the context of the idea of the drug war have been insufficient to reduce consumption and dependence. And have exacerbated other problems. The prohibition as has been practiced is not giving the required effect on the problem size and creating two other problems: the drug war, with their victims; and the sentencing of young users, treated as criminals, whom after prisoners are socially condemned many times definitively. As the drug war policy has focused primarily on strengthening police repression mechanisms, the whole society ends up being affected.

Mounting a heavily armed police state and a major consumer of weapons and their components ends just putting pressure on the government machinery and the way in which the state relates to the application of repressive laws and society. The testimony of Colonel Jorge da Silva, former chief of the Military Police of Rio de Janeiro, in the hearing held on last August 11, was very clear in this respect, showing that the logic of war causes imbalance in democracy and has a strong correlation with mortality of black and poor young people on the outskirts of cities.

Other consequences of this are known. On one hand, the drugs are used in small doses for reducing stress, fun, filling existential voids. But in large doses, the overwhelming cost of violence, directly or by accidents, cause human degradation, lack of social and economic integration, focus on depression, and relate to different forms of suicide and serious diseases, both physical and mental. Added to this drug-trafficking violence, police violence, corruption and the consequences of imprisonment of young users. Nevertheless, the social problem of drug and the individual right to its use have not been discussed at the level they should.

Therefore, Brazil should be grateful to André de Oliveira Kiepper, the researcher from Fiocruz who took the initiative to collect more than 20.000 signatures and caused the Senate to examine the SUG 8/2014, in order to discuss the merits of legislating, as other countries are

doing, on regulating the use of marijuana for medical, recreational and industrial purposes. In order to prepare a preliminary report on this suggestion, to be submitted to the other members of the Commission, Senator Ana Rita, as president, appointed me as rapporteur. As required by Internal Rules of the Senate, I would have the prerogative to refuse the rapporteur. Although not a theme which I have devoted myself before, I thought it appropriate to accept the task and the challenge, considering the importance of the issue for Brazilian society, for the education of our children, to guarantee the right to freedom and care of people who suffer from syndromes that could be managed or have their suffering mitigated.

The discussions finally focused on medicinal and recreational aspects. The preparatory meetings and demonstrations of scholars pointed to the fact that the industrial use of marijuana is a consensus issue and relatively easy in their regulations, especially with regard to authorization for hemp agricultural cultivation and its industrialization.

The most important of all and the most clear conclusion for me is that the debate should continue and be deepened to the level of the appropriate legislative mechanisms, for each of the situations that arise in the field of regulation for industrial, medical and personal use purposes. It is my opinion that SUG 8/2014 is considered by its merit of promoting debate and resolving current problems derived from the consumption of marijuana, and by becoming clear that it is a significant topic of importance to society. So I recommend to the whole Commission on Human Rights and Participative Legislation:

- a) does not archive SUG 8/2014, nor stop the debate on the regulation of marijuana use;
- b) immediately create a special subcommittee within the CHR to continue the debate, and that it is responsible to submit legislative solutions for each of the aspects involved in SUG 8/2014 and in other cases that may arise in the course of the public hearings;
- c) this subcommittee should invite Government officials who legally have the responsibility for regulating the use, even partial, of *Cannabis* and its derivatives, and have not acted to fulfill its legal duty, as part of a wider debate on regulation;
- d) urgently be drawn up a Senate bill, by initiative of this Commission on Human Rights and Participative Legislation, to authorize doctors to perform the prescription of drugs derived from marijuana, as it is authorized in Canada, USA, Italy, Israel, Belgium, Finland, UK, Netherlands, Spain, Romania, Denmark, Switzerland, Sweden, Slovenia and France, to attend cases of serious and rare diseases, and critical chronic pain situations that are not being adequately addressed by other drugs, besides its importation in particular and rapid regime, with free distribution under the Health System to all who need them;
- e) in addition, the CHR should start discussions to assess the harmful consequences and ways to reduce the consumption of legal drugs: especially alcohol, cigarettes and prescription drugs that cause addiction and have shown steep growth in consumption, especially by children and adolescents;
- f) that the entire Senate, especially the Committee on Education, look into the development of a comprehensive education program capable of blocking the effects of advertising and divert

young people from drugs, not just attempting to remove the drugs from young people using law enforcement.

VOTE

Given the above, considering the importance of the topic and its complexity, I vote for the acceptance of Suggestion nº 8/2014, for the continuing examination by a special subcommittee to be set up under the Commission on Human Rights and Participative Legislation the Senate. Under art. 73 combined with Part III of Art. 76 of the Internal Statute, I demand the creation of a Temporary Subcommittee to discuss legislative proposals it deems appropriate regarding the regulation of medical, recreational and industrial *Cannabis* and its components, consisting of five members and five substitutes, under this Commission on Human Rights and Participative Legislation.