

In Brazil Cocaine and Marijuana Won't Land You in Jail Anymore

Contributed by José Wilson Miranda
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The use of marijuana, cocaine and Ecstasy is quite widespread in Brazil mainly in the larger cities where there is plenty of the product coming from the favelas (shantytowns).

Thanks to a new law, however, drug users, differently from drug traffickers, will not be sent to jail anymore. The new legislation specifies that, although still illegal, Brazilians can "acquire, keep, store, transport or carry drugs for personal consumption," without the fear of being arrested for that.

The law establishes that individuals are allowed to carry "small quantities" of drug, but leaves to the discretion of the judge or policeman how much is small.

Anyone found by police with drugs for personal use will not be detained only having to sign a paper where he agrees to report for sentencing in a future date.

At the same time the law, which was signed by Brazilian President, Luiz Inácio Lula da Silva, increases from three to five years the minimum prison term for people caught selling drugs.

Drug users who are caught, on the other hand, from now on will face "social educational" sentences, which include community service and courses dealing with the ills of drugs. Those who refuse to meet the new requirements might still have to pay a fine determined by a judge.

As Paulo Roberto Uchoa, Brazil's Anti-drug Secretary puts it, "from now on drug users will no longer be persecuted by society."

While drug user will be sent to special criminal judges, traffickers will still face common criminal courts.

The maximum prison term remains 15 years for drug dealers. For the drug lords or those who finance the drug business, however, the penalty goes from a minimum of 8 to a maximum of 20 years in jail.

The new law of number 11,343 also creates the Sisnad (National System of Public Policies on Drugs) and goes into force on October 8.

The new legislation will bring extra load to the already overworked national Unified Health System (SUS). The service will have to meet the challenge of finding room to treat a wider number of drug users and drug addicts. The SUS is not prepared for such a task.

According to Pedro Gabriel Delgado, the national coordinator for the Health Ministry's Mental Health service, Brazil today has only 115 centers ready to assist people with drug and alcohol addiction and this is not enough to deal with the extra cases entering the system very soon.