**20 May 2023**

**To:** Office of the High Commissioner for Human Rights

**Subject:** The human rights challenges in addressing and countering all aspects of the world drug problem

**Introduction**

The Free School of Harm Reduction is an organization based on Pernambuco-Brazil, in the city of Recife, with the proposal to strengthen human rights and citizenship for people directly affected by the impacts of prohibitionist policies of war on drugs, which are black people, indigenous people, women and residents of the peripheries.

We act from the feminist, anti-racist, abolitionist, anti-punitivist and anti-asylum political project and our purpose is to encourage care and prevention, research, training, production, communication, advocacy and coexistence to qualify the implementation of public policies, social technologies and/or services, based on evidence and guided by the ethics of Harm Reduction and Human Rights.

Our mission is to encourage training processes and political articulation of people who use drugs and harm reduction professionals, recognize and disseminate academic and social production; concepts and everyday practices in the care and reception of people who use drugs, encourage peer learning and local, regional, national and international dialogue on harm reduction and intersectionality, gender equality, race and access to resources and good living. The Free School of Harm Reduction has carried out its activities based on 5 action strategies: 1. Living in a Network, 2. Training, Research and Memory, 3. Harm Reduction in the Streets, 4. Incidence and Articulation, 5. Communication for Rights and 6. Institutional Strengthening.

These areas have developed activities that include welcoming people who use drugs and are socially vulnerable; research on substance use and the impact of prohibitionist policies; technical and policy training in harm reduction; participation, political advocacy and social control participation; integration with social movements in Brazil and Latin America. We want to make the work of the Free School of Harm Reduction a tool to expand the access of people directly affected by the war on drugs to rights through conviviality and harm reduction ethics, in search of policies and societies increasingly guided by gender equality/equity, race income distribution and good living. We expand the role of harm reduction, which is born in the field of health, but we understand the need and urgency to integrate the different strategies from their European origin, of health promotion, STI/AIDS prevention, mental health treatments, but also with the reality of territories impacted by the violent effects of the war on drugs.

**Considerations about Brazilian Drug Policies**

Brazil, as well as other developed or developing countries, are in a moment of transition from the drug prohibitionist paradigm implemented by the three main international drug control conventions, of 1961, 1971 and 1988, as well as the local laws and regulations derived from these documents. Recent changes in Brazilian [mental health (2001)](https://www.planalto.gov.br/ccivil_03/leis/leis_2001/l10216.htm) and [drug (2006)](https://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/lei/l11343.htm) policies sought alignment with relevant international instruments, recommendations and resolutions related to the international and national drug control system, those supported by the Universal Declaration of Human Rights, with derivation in the construction of national, state and municipal laws and norms that approach the new understandings on the guidelines of the drug control system constructed in recent years.

Despite the changes in the laws, whether due to the paradigm shift in the model of care in an asylum environment for care in freedom, the replacement of asylums by Psychosocial Care Centers, and the creation of legal elements that advanced in the distinction between illicit drug trade and decriminalization of self-consumption, as well as the application of reception, intervention and treatment guidelines supported by Human Rights, the old problems related to drugs have deepened and little effect on the control of the widely consumed psychoactive substances contained in Schedule 1.

Brazil has lived in recent years with the growth of its prison population, currently with almost [1 million people arrested](https://www2.senado.leg.br/bdsf/bitstream/handle/id/516765/noticia.html?sequence=1), 29% drug-related crimes. Considering women, 60% of them are arrested for the same issue. Another important factor refers to the mass incarceration of black people, with low education, poor and exposed to a model with little progress in guaranteeing rights and resocialization.

Treatments for problems with drugs and addiction from the second decade of the 2000's onwards were accompanied by redirections aimed at strengthening asylum services, methodologies and punitive techniques. There was a renewal of treatment through social distancing, in opposition to the legislation of current mental health policies. More recently, there has also been an increase in the financing of Therapeutic Communities (TC) in the country, whose operating models are not regulated according to health or social assistance policies, most of which function as medium and long-term asylum spaces and method of treatment based on religious proselytism and unpaid work. Another modality that denotes attention are the so-called Recovery/Rehabilitation Clinics, which despite being regulated according to the norms of the health system, as well as in the TC, numerous violations of rights have been denounced through the councils of social control of public policies on alcohol and other drugs, or even in studies and inspections, such as in the [National Inspection Report on Therapeutic Communities](https://site.cfp.org.br/publicacao/relatorio-da-inspecao-nacional-em-comunidades-terapeuticas/), carried out jointly with the Federal Attorney for Citizens' Rights, the National Mechanism for the Prevention and Combat of Torture and Federal Council of Psychology.

Several countries have sought to rectify their local drug policies, converging their interventions and services according to human rights and based on scientific evidence. The change of the prohibited status of *Cannabis sativa*, attributed in 1961, has been the great experiment for an alternative regulation to the illicit market. Several countries in the world, including Latin America, have either moved towards the legalization of *Cannabis* consumption or have presented legislation for the regulation of its medical and therapeutic use. Brazil is one of the last countries of great economic importance in the South American continent that [made progress in the subject](https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=947642), however, it has not yet presented an appropriate national regulation, causing [legal uncertainty](https://legis.alepe.pe.gov.br/texto.aspx?id=70797&tipo=#:~:text=LEI%20N%C2%BA%2018.124%2C%20DE%2028,Lei%20Federal%20n%C2%BA%2011.343%2F2006.) among patients of Cannabis-based medicines, as well as their producers and distributors. No alternative access to recreational Cannabis has yet been presented.

With regard to prevention, primary and universal prevention strategies continue to focus on moral panic, while other dimensions of prevention (secondary and tertiary, or selective and indicated) are still carried out with little evidence base and with little guidance according to the UNODC/WHO International Standards on Drug Use Prevention. The social stigma directed at people who use drugs persists as an important barrier to accessing health and care rights, causing social segregation and marginalization of communities. Finally, civil society organizations, social movements and activists whose directions align with drug policy reform have been [systematically politically persecuted](https://outraspalavras.net/poeticas/reducao-de-danos-politica-ignorada-e-perseguda/). Strategies and interventions aimed at people who use drugs that are based on human rights and harm reduction have also been denounced, persecuted, accused of apology for drugs, thus suffering [attempts to criminalize their activities](https://www.brasildefato.com.br/2023/03/01/tentativa-de-criminalizacao-de-medidas-de-reducao-de-danos-em-olinda-gera-mobilizacao), including in the legislative field.

**Our considerations**

Having brought the difficulties of the Brazilian State in the set of constructions of policies on drugs, we assess that the current Brazilian political moment is fundamental for the consolidation of the reforms implemented in mental health policies and drug policies in Brazil and Latin America. We are experiencing an opportune moment regarding the Human Rights agendas and the continuity of drug policy reforms. Harm Reduction has been the main care strategy to contribute to the advancement of these reforms, also contributing to the expansion of the debate with the population about the failure of prohibitionist actions. The current drug policy, despite advances, is still a prohibitionist model, which promotes the growth of incarceration of black and poor people, inequalities, community violence and makes it difficult to face social stigmas, as well as excluding and segregating practices based on social hygiene.

Harm Reduction is thus the concept capable of dialoguing in different instances of society with regard to the global objectives of promoting public health and human rights of people who use drugs. We believe that Harm Reduction has the capacity to revolutionize the current paradigm of drug policies regarding the control, production and distribution of substances. The change in social thinking and the political paradigm on drugs could have consequential effects on other problems, such as trafficking in people and weapons and political corruption, as evidenced in the global reports on drugs.

In this way, we consider, with a view to the contribution of the field of Human Rights in relation to drug problems in Brazil and in the world:

1. Development by Member States of strategies to regulate the production and trade of drugs, [removing them from illegality](https://bd.camara.leg.br/bd/handle/bdcamara/27999) and incorporating the derived economy into the State budget. We understand the consequent effects, in the short, medium and long term, on security strategies, community and state violence, as well as impacts on the diversification of activities of Criminal Organizations;
2. Compensation actions for victims of the war on drugs, who lost their families or their freedom due to criminalization;
3. Guidance for the decriminalization of personal drug consumption and drug possession, with a view to the necessary and immediate reduction of incarceration;
4. Promoting and stimulating [Harm Reduction strategies](https://escolalivredereducaodedanos.org/baixar-livro), as the most effective way to implement human rights agendas aimed at people who use drugs.



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