



## ORGANIZATION OF AMERICAN STATES

INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

cicad

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### NEW DRUG LEGISLATION IN BRAZIL

National Antidrug Secretariat - SENAD

GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, D.C. 20006



## Federative Republic of Brazil Law 11.343/2006

Institutional Security Cabinet

National Antidrug Secretariat - SENAD

Secretaria Nacional Antidrogas Gabinete de Segurança Institucional





## **National Antidrug Secretariat SENAD**

### **INSTITUTIONAL OBJECTIVE:**

**Coordinate the National Policy on Drugs through the integration of Government bodies and civil society.**

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## **National Policy on Drugs PNAD**

### **Main Objectives**

- **To incentive, orient and propose legislation update to ensure the implementation and monitoring of Policy actions.**

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## Brazil´s Drug Legislation

**Until 2006**

- **Law n 6.368 - 1976**
- **Law n 10.409 - 2002**

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## Brazil´s Drug Legislation

**Congress Past Actions:**

- **Bill 115/2002 – Senate**
- **Bill 7.134/2002 – House of Representatives - Under SENAD´s coordination, the substitute project that was written had great participation from the Executive Branch.**

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## Brazil's Drug Legislation

### Congress Past Actions:

#### House of Representatives:

February 2004 – approved Bill 7.134/2002

#### Federal Senate:

July 2006 – approved Bill 115/2002

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## Brazil's Drug Legislation

### Past Actions:

**In August 23rd of 2006 President Luiz Inácio Lula da Silva, sanctions Law 11.343/2006**

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## Brazil's Drug Legislation

### Law 11.343/2006

- Creates the National Public Policies System on Drugs (SISNAD) that establishes measures to prevent drug abuse.
- It also helps basic attention needs, social reinsertion of drug dependents and users.
- Establishes rules for law enforcement measures on non-authorized production and illicit traffic of drugs.
- Tipifies other crimes.

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## Law 11.343/2006

### Main Political Aspects of the New Law:

- Follows the National Policy on Drugs directives.
- Is in perfect consonance with international commitments.
- Creates the National Public Policy System on Drugs.

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## Law 11.343/2006

### General Aspects:

- Does not make drugs legal.
- Carrying and using still constitutes a crime.
- Drug users no longer go to jail.
- Institutes the applying of alternative measures.
- Treatment is no longer mandatory.
- Public treatment.
- Drug traffickers get higher penalties.
- The figure of the financier of drug traffickers is typified as a crime.



## Law 11.343/2006

### General Aspects:

- Jail time for drug traffickers is increased from 5 to 15 years;
- The person convicted of the crime of financing drug trafficking can get from 8 to 20 years;
- Circumstances:
  - Aggravates (penalties from 1/6 to 2/3 years)
  - Atenuants (from 1/3 to 2/3 of the penalties)



## Law 11.343/2006

### Main Aspects:

Separates the drug dealers from the drug abusers and dependents. In the new law they are in different chapters and tried in different courts:

- Drug Users and Dependents are judged by Special Criminal's Court;
- Drug Traffickers are judged by the Criminal Courts.

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## Law 11.343/2006

### Main Aspects:

- Fiscal incentives are given to promote drug prevention, treatment, social reinsertion and supply reduction.
- Increasing the shared responsibility principal between the Government and civil society.

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Involved capacity building actors in the application of Law 11.343/2006 in aspects that refer to drug users and dependents

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Law 11.343/2006

### **Especial Criminal Courts**

- **Minor offenses.**
- **Application of alternatives penalties and social-education measures.**

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## Special Criminal Courts

Judiciary instancy created by Law 9.099/95;

Paradigme change for minor offensive crimes:

From the retributive justice, in which they punish past actions, to a resocialization approach, restauration justice.

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## Law 11.343/2006

### Objective

Promote capacity building of different actors that are involved in the application of this new law having in mind alternative penalties and the reduction of new crimes, through consumption warnings and redirection of the drug user to a resource community network.

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## Law 11.343/2006

### Target Audience:

Judges, Prosecutors, Police Deputies, Counselors, Defense Attornies, Psychosocial professionals and other public safety professionals.

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## Law 11.443/2006

**Promotion:**  
**National Antidrug Secretariat – SENAD**

**In partnership with:**  
**National Justice Council;**  
**National Public Ministries Council;**  
**National Forum of the Special Criminal Courts;**  
**National Public Security Secretariat**

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## Law 11.343/2006

### Methodology

#### Phase I

- On line course with 120 hours and certified by the Federal University of Santa Catarina;

#### Phase II

- Good practices regional Seminars.

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## Law 11.343/2006

### Content

#### I Drugs:

- Definitions and clasification;
- Actions taken in different organizations;
- Use, abuse and dependency concept;
- Epidemiology;
- Family and drugs;
- Treatment models;
- Community resources network.

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## Law 11.343/2006

### Content

- II Drug Use versus Violence and Criminality
- III Law 11.343/2006 – possibilities and application limits.

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# Thank you !

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