

Drug Use and Trafficking in Rio de Janeiro

Some remarks on harm reduction policies

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Introduction

Brazil is a country of continental dimensions and there is a serious shortage of data at the national level concerning drug use, trafficking and repression. For this reason we have decided to focus our analysis on the city of Rio de Janeiro. We chose Rio as the object of our study because of 1) the availability of up to date and good quality data, 2) the city's strong influence on national behavior and customs, and 3) the importance of the city and State of Rio de Janeiro in the definition of national policy regarding drugs.

We begin with a brief historical overview of the process of drug criminalization in Brazil, with the city of Rio de Janeiro as our main reference. In this perspective, data concerning the evolution of drug use and trafficking will be compared to developments in drug-related legislation, which became gradually more repressive with regard to trafficking. We will discuss how drug use and, particularly, drug trafficking are linked, in Brazil, to a level of violence unmatched in Europe or the United States. Thus, we will analyze the effects of increased consumption and trafficking on other spheres of the state and society that are not usually approached. In fact, a consequence of drug use and trafficking in Brazil, as several studies have demonstrated, is a steadily increasing history of violent conflicts within the illegal markets. The use of force to solve these conflicts has caused an extraordinary increase in the homicide rate in Rio de Janeiro and other Brazilian cities. In this context, a broader drug policy is needed to deal not only with the damaging effects of legal and illegal drug use, but also with the market created by drug trafficking.

A brief historical overview of the criminalization of drugs in Brazil

The first records concerning cannabis in Brazil are associated to African slaves and its consumption and expansion was related to the marginalized sections of society. There are references of high levels of consumption among fishermen, sailors and rural residents in the north and northeast regions of the country in the beginning of the twentieth century. In Rio de Janeiro, the market and the consumption of drugs, mainly of marijuana, have been concentrated in the poor areas of the city since the beginning of the 1900s. This market had a rather limited reach and was directed mostly to supply the demand of local users (Misse, 1999).

The first study on the plant and its consumption in Brazil, entitled “Os fumadores de maconha: efeitos e males do vício” (“Marijuana smokers: the effects and evils of addiction”), dates from 1915, and was presented during the Second Pan-American Scientific Congress, in Washington. The study was carried out by a hygienist doctor from the state of Bahia, Rodrigues Dória, who associated the use of marijuana to delirium, madness, aggressive behavior and criminality.

Rodrigues Dória described how marijuana was commonly used by rural residents of the northeast at the time. Marijuana was smoked in groups called *assembléias* (assemblies), using a recipient obtained from the seed case of a local plant (the bottle gourd), which functioned somewhat like a Turkish pipe. Marijuana cigarettes were less common, however, the drug was sold openly in popular markets.

In 1924, the work “Vícios Sociaes Elegantes” (Elegant Social Addictions) was published. Written by two doctors from the University of Medicine of Rio de Janeiro, at the time it had a great impact on society. The authors affirmed that drug addicts are psychologically anomalous and morally perverted. They also associated the use and trade of drugs to different social layers, affirming that, except for marijuana, addiction to other drugs - opium, cocaine and solvents - began in the upper classes, having arrived from foreign countries, and subsequently disseminated in Brazil (Pernambuco and Botelho, 1924).

This book was published after approval of the first national law prohibiting narcotics, influenced by an international movement advocating prohibition. This movement, which was launched at the Shanghai Conference in 1909 and had measures included in The Hague Convention of 1911, was finally

consolidated in 1921. Upon Brazil's adhesion to the Convention, it drafted national ordinances in 1914, and in 1921 edited and carried into effect, the first ordinance (Law 4.294) based on these resolutions (Rocco, 1999; Morais, 2005).

Doctors played a key role as initiators and participants in the creation of this law that criminalized narcotics in Brazil, acting as true "moral entrepreneurs," in the sense conferred by Becker (1963). They demanded that drugs be criminalized because they perceived them as a contagious evil threatening to ravage humanity.

They also made several proposals for drug control and repression, such as regulation of drug imports, the close inspection of pharmacies, the prosecution of drug addicts and drug dealers and others (Morais, 2005). The result of this campaign was the institution of Law 891 in 1938, which sought to discipline the several stages related to narcotics (production, trade, consumption, etc).

The argument for the need for prohibition to ensure health protection, which was defended by the doctors, was sustained by the Brazilian penal code of 1940. The definition of drug-related offenses was inserted in the chapter devoted to crimes against public health, article 281. This article established prohibitions against planting, trafficking and possession (consumption) of drugs, and instituted prison sentences of one to five years, in addition to fines.

In 1943, the National Commission of Narcotics Inspection, established at that time by the government, travelled to northeastern Brazil a region identified as a major marijuana producer.¹ After proposing measures to eradicate the plantations and repress drug use and trafficking, Commission President Cordeiro de Farias acknowledged that "in the interior, the great majority of planters has no idea of the infraction they are committing since they do not know that it is prohibited by law" (Farias, 1958). In spite of a series of measures taken in the decades after the commission's visit, including the confiscation of lands where marijuana cultivation was found, this whole region – which then included part of Pernambuco – became nationally known as the *Polígono da Maconha* (the Marijuana Polygon). The resistance of local farmers and agricultural workers to the government's attempts to eradicate the plantations persists until today (Fraga, 2007).

¹ This would be the São Francisco River Valley region at the intersection of the states of Bahia, Sergipe and Alagoas.

After World War II, an international drug control policy began to be defined by the United Nations. In its first convention on the issue in 1961, the UN adopted an extremely strict stance, aimed at total eradication of use and trafficking (Boiteux, 2006).

Brazil adopted this same stance and during the first years of the military dictatorship in the mid sixties, article 281 of the penal code was submitted to several amendments and changes were introduced in 1964, 1968. In 1971, law number 5.726 made many judicial processing, and introduced summary judgment for flagrant offenses. Sentence were increased to up to six years, fine to up to a hundred times the minimum wage and punishments became stricter for cases in which drug trafficking involved criminal organizations such as gangs.

These were the years of the youth counterculture, when old behaviors were challenged and new ones adopted, such as sexual liberation, the use of hallucinogenic and psychedelic substances and a taste for new musical styles. The culture of the times was symbolized by the famous triad: sex, drugs and rock and roll. It is from this moment on that the recreational use of cannabis expanded to broader social circles, greatly increasing the quantity of capital in the drug market. The first, and to date still most complete, ethnography of status groups consolidated in terms of drug use and lifestyles associated to drugs, especially marijuana, among the middle classes in the late 1960s and 1970s in Rio de Janeiro, was conducted during this period (Velho, 1978).

In the seventies, the legislative speeches on drugs adopted the same rhetoric used at the beginning of the century: drugs were perceived as a threat to humanity, and their use was rapidly increasing to startling levels. This discourse has remained largely unchanged until today. One difference, however, in relation to the past, is the emphasis on prevention and on the need to distinguish punishments for traffickers and users (Morais, 2005). This political discourse, certainly not by chance, accompanies the expansion of the use of cannabis and of cocaine in several social sectors.

Reflecting speeches in the legislature, in 1976, during the military dictatorship, Law 6.368 was passed and remained effective for 30 years. The main articles specifying punishable offenses are article 12 (drug trafficking; three to fifteen years imprisonment in addition to fines) and article 16 (drug possession; six months to two years of detention). Trafficking was given a broad

definition, conferring the police and the judiciary with ample discretionary power to frame the countless situations found in everyday life, some of them referring to consumption. This discretionary power was particularly broad since the law neither lists the name of the substances that are considered drugs nor the amount that would distinguish simple possession for friends and personal consumption from trafficking. Such autonomy gave the police enormous power to determine and negotiate arrests, an important fact, since trafficking charges can result in prison without a right to bail (Zaluar, 1995; Misse, 1999; Rocco, 1999).

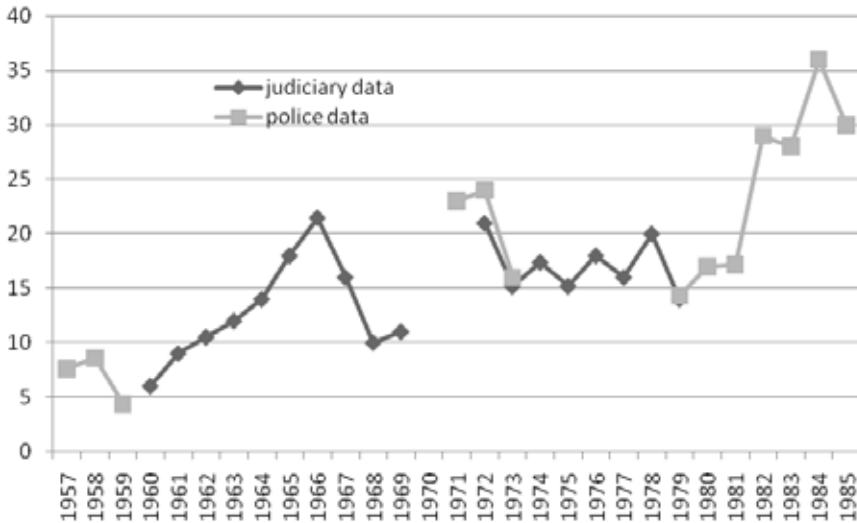
In Rio de Janeiro, the capital derived from the drug market, but also income from bank and other robberies, as well as the emergence of organizations created by convicts to defend their rights, which honed the leadership skills of the future drug lords, caused a revolution in the traditional drug businesses. The tipping point was the introduction of cocaine, fulfilling a demand that was already present. In its first stages, the cocaine market obeyed the same territorial division as the marijuana businesses, and was concentrated in the poor urban areas of the city (Misse, 1999).

As shown in Graph 1, police and judicial records indicate continuous growth in the repression of possession and trafficking in the city of Rio de Janeiro, beginning in the mid fifties and escalating sharply in the mid eighties.

Graph 1 shows that increased repression of drug possession and trafficking dates to the late 1960s, and compares data from judicial and police records from 1957-1985.

Curiously, the high rate of occurrences recorded by the judiciary in 1966 is only equaled in 1972 and 1978. The rate from when more severe penalties were introduced in 1968 dropped to 1962 levels. The police numbers are also very similar to those from the judiciary for those years. The period that saw a remarkable spike in cocaine trafficking (1979-81) presents lower figures than 1966. Despite the fact that, prior to 1976, the law made no distinction between drug users and drug dealers, the data represents the entire drug market that was criminalized during this period. Most interesting is the change to an upward trend after 1966, precisely the period in which the drug market attained greater social visibility and, consequently, attracted more severe legislation which prescribed stricter sentences.

Graph. 1 - Court and police records of drug related arrests (for trafficking and possession) in Rio de Janeiro, Capital (1957-1985). Number of occurrences per 100 thousand inhabitants.



Source: Misse, 1999.

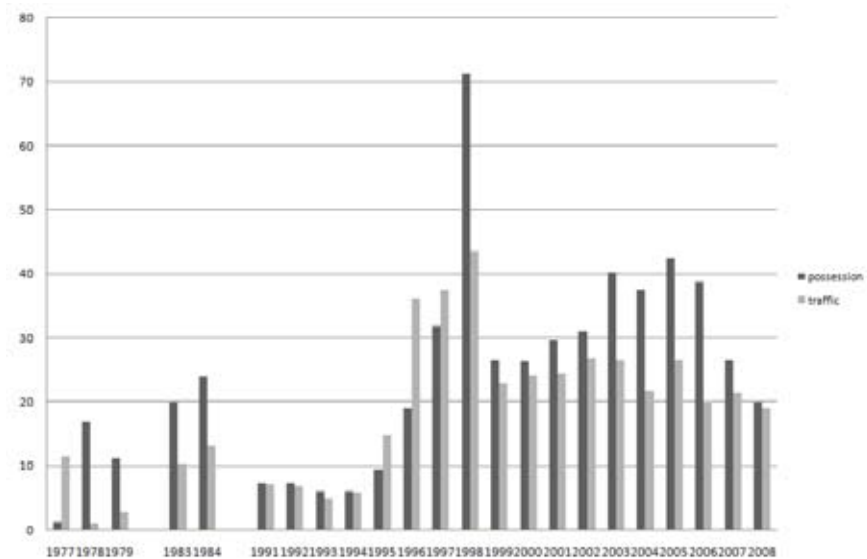
The most plausible hypothesis is that the difference between arrest and conviction rates before 1966 (which revealed a trend of steady growth) and those after 1966, which invert the trend or at least level off at a rate lower than that of 1966, can be explained, not by the deterrent effect of the legislation, but by the proliferation of illicit transactions initially between the police and drug users, and then between the police and drug dealers. Once the legislation took a harder line against drugs, the market for pay-offs and bribes became more attractive, leading to a decline in arrests. It does not strike us as plausible that tougher legislation could have deterred drug users or dealers, for the simple reason that an even more rigorous change in legislation, passed in 1980, did nothing to curb the rise in arrests and convictions between 1982 and 1985, a period which also saw an increase in the number of police officers accused of extorting bribes from suspected narcotics dealers.²

Rates fell sharply after 1987, and from 1989 - 1993 data for narcotics-related convictions were not included in the reports published by the Department of Public Safety, apparently overshadowed by the concern for the enormous

² The period from 1983 to 1986 coincides with the first tenure of Leonel Brizola as state governor. He was widely accused of not devoting sufficient attention to drug control. Curiously, the data indicates a much higher arrest and conviction rate for narcotics possession and trafficking during his administration than in previous ones.

rise in homicides and violent crime. However, there are official police data from the end of the seventies that distinguish arrests for possession from arrests for dealing in Rio de Janeiro, in some years (Graph 2):

Graph. 2 – Number of Recorded Possession and Trafficking Arrests in the city of Rio de Janeiro 1977 - 2008. Per 100 thousand inhabitants



Source: Civil Police of the State of Rio de Janeiro

Graph 2 doesn't indicate a consistent pattern of police action during the period. Except for 1977, there are more arrests for flagrant possession than for trafficking until 1994. Between 1995 and 1997, at the peak of the public safety crisis in Rio de Janeiro, which prompted federal intervention in the state, arrests for trafficking surpassed those for possession, but after 1998 the previous pattern began to repeat itself. One also notices the effects of the Law passed in 2006 on the decline in arrests for possession in 2007 and 2008.

When analyzing this data it is important to consider the great autonomy attributed to the police in the legal classification of a crime. The possibility of forging the circumstances leading to an arrest and the high rate of police corruption can explain part of the variations registered in the graph (Misse, 1999), at least until 2006.

From the nineties on, the increased number of arrests becomes evident due to the increase in urban violence associated to trafficking. This period also marks the inclusion of Rio de Janeiro in the international cocaine

market. According to data collected by the federal police, more than half of the people arrested for transporting cocaine from 1993 to 1998 were originally from other countries (Schiray, 2000; Baptista, 2000).

In 1988, the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances established the year 2008 as a deadline to achieve the goal of a “drug-free world.” In Brazil, this guideline added momentum to the movement demanding harsher punishment for drug-related crimes and their ultimate classification as heinous crimes. Such crimes are subject not only to increased punishment and the loss of certain benefits and rights, but also to the loss of the right not to serve one’s entire sentence in prison.

In parliamentary speeches during the nineties, the condemnation of drugs, particularly by Evangelical congressmen, is constantly related to violence and criminality. Severe measures of repression are discussed, such as life imprisonment for drug dealers and the use of the armed forces to combat trafficking. In addition to a discourse that points to a perceived increase in consumption and a need for prevention, there is a recurring debate concerning the rehabilitation of users and addicts. Nevertheless, the possibility of not considering these people as criminals is completely absent from the parliamentary speeches (Morais, 2005).

The new legislation in effect in Brazil since 2006 does not decriminalize drug users and addicts, who remain subject to fines if they refuse to provide community service or if they stop therapeutic treatment. In this sense, the legislation is moralizing and it disrespects individual rights by adopting only a very modest risk reduction policy in comparison with experiences in European countries. If, from the user’s perspective, it represents a step forward since it foregoes imprisonment, on the other hand, the specific amounts of drugs that distinguish the dealer from the user still remains undefined, being that this decision belongs to the judge and not the police. As for trafficking, the minimum sentence was increased from three to five years and some new crimes were recognized such as, “the financing of drug trafficking.”

Nevertheless, since Brazil no longer adopts imprisonment and has started favoring risk reduction, its policies are a step ahead of any other country in Latin America. A Latin American Commission of Drugs and Democracy, led by former presidents of Brazil, Colombia, and Mexico (countries strongly affected by the illegal drug markets) has proposed important policy changes that emphasize the need to increase measures aimed at harm reduction.

An empirical assessment of recent changes regarding the use of illicit and licit drugs.

Brazil lacks extensive historical data on the use of legal and illegal drugs. It is thus hard to accurately evaluate changes in use and when and how they occurred. In 2001, the first national household survey was conducted to estimate the level of illicit drug use and the use of other licit drugs such as alcohol, tobacco, etc. The results are shown in Table 1 below.³

According to the findings, 19.4% of the interviewees in Brazil had used some kind of drug, not including alcohol and tobacco, at some point of their lives –corresponding to approximately 9 million people. This is half the level of use in the United States, where 38.9% reported using some drug.⁴

Table 1 Percentages of use – in a lifetime, in a year and in a month - for different psychotropic drugs, in addition to alcohol and tobacco, comparing Brazilian rates to the US.

DRUGS	Use in lifetime		Yearly use		Monthly use	
	Brazil	U.S.A.	Brazil	U.S.A.	Brazil	U.S.A.
	%	%	%	%	%	%
Any drug*	19.4	38.9	4.6	11	2.5	6.3
Cannabis	6.9	34.2	1	8.3	0.6	4.8
Cocaine	2.3	11.2	0.4	1.5	0.2	0.5
Crack	0.4	2.4	0.1	0.3	0	0.1
Heroin	0.1	1.2	0	0.1	0	0.1
Hallucinogen	0.6	11.7	0	1.6	0	0.4
Solvents	5.8	7.5	0.8	0.9	0.2	0.3
Opiatic	1.4	8.6	0.6	2.9	0.2	1.2
Benzodiazepinic	3.3	5.8	1.3	1.2	0.8	0.4
Stimulants	1.5	6.6	0.3	0.9	0.1	0.4
Barbituric	0.5	3.2	0.1	0.3	0.1	0.1
Alcohol	68.7	81	49.8	61.9	35.3	46.6
Tobacco	41.1	70.5	20.1	35	19.8	29.3

*Except Tobacco and alcohol. Source: Carlini et al, 2002

3 The research was conducted by CEBRID – The Brazilian Information Center on Psychotropic Drugs, Federal University at São Paulo. Due to the high cost of this research, 108 Brazilian cities with more than 200,000 inhabitants were selected, totaling 47,045,907 inhabitants. A sample of 8,589 people between 12 and 65 responded to the questionnaire. The questionnaire applied was an adaptation, to Brazilian conditions, of one prepared by SAMHSA – the Substance, Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services Public Health Service. To see Carlini et al, 2002

4 It is worth pointing out, given that the Brazilian results were a lot lower than those in the US, that social relations in Brazil are not marked by equalitarian individualism. Rather there is a strong personalistic component, highly moral in content (Damatta, 1979). This certainly affects the interviewee's answer in the sense they may have feared that the information could be disclosed to people they knew, such as relatives, friends and acquaintances.

The use of alcohol during people's lifetimes in the 107 selected Brazilian cities was 68.7%, while it is close to 81% in the USA. The use of tobacco during the same period however was 41%. This percentage, which is much lower than the U.S. level of 70.5%, may have reflected the intense campaign against tobacco recently launched in Brazil.

Marijuana is the most used illicit drug in Brazil with 6.9% reporting use at some point in their life. This is well below the U.S. rate of 34.2%, as well as that of Chile where it was 19.7% and many other European countries, while it resembles that found in Colombia of 5.4% and Germany, where it was 4.2%.⁵

About 6% of Brazilians have inhaled some form of solvent, with this rate close to the U.S. rate of 7.5%, higher than Belgium's of 3.0%, Spain's of 4% and far superior to that in Colombia of 1.4%.

Slightly more than 2% of Brazilians reported having used cocaine at least once in a lifetime. This result is a little higher than that in France, where it was 1.5%, Colombia, - 1.6% and below that in Chile, 4.5% and far below the U.S. rate of 11.2%. It is worth mentioning that unlike the European countries and the United States, very few people report having used heroine.

In 2005 a second national survey was carried out. The data shows an increase in the use of alcohol (74.6%), tobacco (44%), marijuana (8.8%) and cocaine (2.9%), while solvent use remained the same (6.1%).

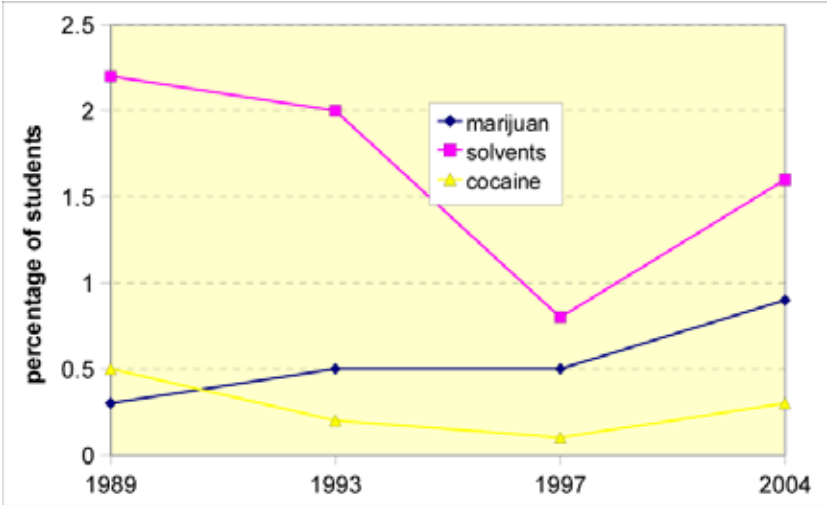
The results of these two studies (Carlini et al, 2002; 2007) show that drug use in Brazil is relatively low compared to the United States and other countries,. This, however, is not the image Brazilian society has of the issue. There is usually an over estimation of the danger posed by illegal substances such as marijuana and cocaine, as well as an under estimation of the abuse of legal drugs, especially alcohol. This distortion is due to the influence of U.S. anti-drug policy in Brazil and the reflection of the intense coverage the national media devotes to drug-related crimes (Noto et al, 2001).

It is a widely acknowledged fact that drug use within certain circles is more prevalent than in others. Based on research conducted with students in public schools in 10 Brazilian capitals between 1987 and 2004, we have

5 The data used in the research conducted by CEBRID for international comparisons were taken from CONACE - National Council on Drug Control (Chile), E.M.C.D.D.A. - European Monitoring Center for Drugs and Drug Addiction; and Opina E.R. National Study on the consumption of psychoactive substances from Colombia.

selected some results relative to Rio de Janeiro that seemed significant given our previous remarks on the evolution of drug use, trafficking, and criminalization in this city (Graph 3). The steady growth of the number of frequent marijuana users is observed in all four surveys as well as a decline in the frequent use of cocaine from 1989 and 1993. As for solvents, a decrease in frequent use is even more evident. However, in 2004, one notes a relative increase in the three illicit drugs.

Graph 3: Frequent use of some type of drug (except tobacco and alcohol) among students in the Rio de Janeiro school system: 1989-2004.



Source: Galduroz et al, 2004

The data on changes in the frequent consumption of drugs, except alcohol and tobacco, shows a decrease for all age groups except the 16 to 18 bracket, between 1989 and 1997, and an increase between 1997 and 2004 for all ages. However, this data does not consider youths who are not in school. It is known that in this group, which includes the homeless, that drug use is common, often and punctuated by violence. Surveys of these groups in 7 Brazilian cities, the first in 1987, pointed to high drug consumption in this population, with much higher rates than those of students in the public schools in the same age group. In the most recent survey in 27 capitals in 2003, solvents and marijuana were the drugs most mentioned by the boys interviewed. The growing level of cocaine consumption is rather startling compared to previous surveys (Noto et al, 2003).

A survey of adolescents in institutions for youth offenders conducted in

1999 in Rio de Janeiro showed that 90% had used drugs at some point in their lives, about 60% in the last six months and 31% in the last month. The most frequently used drug was marijuana (77%), while crack was mentioned by 10%. Drug dealing was responsible for most of the detentions among youth, and almost 60% would repeat their offenses (Mattos et al, 1999).⁶

There is a difference between groups concerning not only the level of use of illicit drugs among Brazilian youth but also in terms of their effects. Perversely, poor youths are more vulnerable to incrimination by the police (this includes humiliating searches, the planting of false evidence, extortion, the classification of possession as trafficking, etc). In her pioneer ethnographies of drug dealing in Rio de Janeiro, Alba Zaluar noted that “under extortion schemes and as a result of debts owed to dealers, youngsters who started as users began to steal, rob, and sometimes even kill in order to pay back those – policemen or dealers – who threatened to kill them if debts weren’t paid. Many then became members of criminal gangs (...) descending deeper into this diabolical circle they call ‘the devil’s condominium’.” (Zaluar, 2004:160).

Poor youngsters are also those with less access to healthcare and prevention services, and are seldom reached by harm-reduction policies. Harm-reduction strategies have been in effect in Brazil since the late 1980s and in 1994 were adopted by the Ministry of Health to counter the AIDs epidemic and other blood and sexually transmittable diseases. Nevertheless, until 2006, some strategies, especially syringe distribution, were considered by the penal code as trafficking and many harm-reduction agents were arrested by the police and prosecuted. Such strategies had demonstrated their effectiveness before they became lawful. In Rio de Janeiro, for instance, between 1996 and 2001 the prevalence of HIV among drug users (cocaine in 99% of the cases) dropped from 25% to 8.5% due to the effort to substitute syringes, the distribution of informative pamphlets, condoms and flasks of distilled water.⁷ In 2007, Brazil had 138 specialized care centers for alcoholics and other drug addicts that also conducted harm- reduction initiatives.⁸ These efforts

6 A study conducted with 687 adolescents in the five units of youth offenders kept by the General Department of Social-Educational Actions (DEGASE) in Rio de Janeiro.

7 Records of the Extraordinary Meeting of the State Health Council/RJ on 07/26/2002.

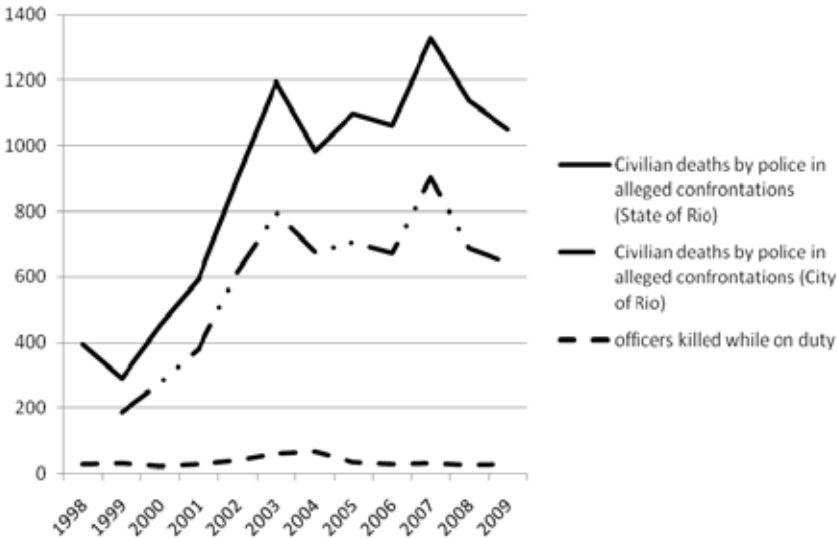
8 Brazilian network for Harm Reduction and Human Rights

are still limited and in an incipient phase, especially in relation to alcohol and, in the case of illegal drugs, still face strong prejudice. During the gay pride parade in São Paulo, in 2007, an informative pamphlet about drugs and harm reduction was distributed. The content of the pamphlet was considered an incentive to drug use and was depicted in a rather negative tone by one newspaper headline: “Gay parade pamphlet offers instructions for inhaling cocaine.” The controversy among activists who organized the event, government health agents and the newspaper made news across the country.

Many challenges still await Brazilian authorities in the implementation of harm-reduction strategies. If the use of lawful and illicit drugs is related to a wide array of problems: diseases, accidents, domestic and interpersonal violence etc., in Brazil the intensification of violence due to the illicit drug market is portrayed as a unique problem whose solution is enormously complicated.

In the State of Rio de Janeiro, seven thousand people were killed in 2006, including more than one thousand by the police in alleged confrontations with drug dealers, while less than 30 officers were killed on duty. The situation further deteriorated in 2007, when 1,330 civilians were killed by the police, while 32 officers killed on duty.

Graph 4: Civilian deaths by the police in alleged confrontations and officers killed while on duty in Rio de Janeiro State.



Sources: Instituto de Segurança Pública and Necvu-UFRJ.

This pattern of elevated violence is unprecedented in Europe or the United States and will be discussed in the next section.

The effects of violence on drug trafficking in Brazil

The most outstanding characteristic of the retail drug market in major Brazilian cities, especially on their outskirts and in favelas and low-income housing complexes, is a social organization based on a constant resort to violence. High rates of murdered or seriously wounded youths involved in drug trafficking and the dispute for territories controlled by gangs using weapons originally intended for military use such as rifles and grenades, in addition to frequent confrontations with the police in operations that resemble urban guerrilla warfare, have become one of the main public issues in the country.

What characterizes the *Movimento* (“the movement”), as the retail drug market in Rio has been dubbed, and distinguishes it from the retail drug trade in other cities is its relative local organization, its proto-political aspirations, its capacity to reorganize itself locally and, mainly, its ability to establish horizontal networks of mutual protection. Unlike the retail drug markets in large cities in other countries, the “*Movimento*” is neither subordinated directly to large wholesalers nor to vertical organizations based on a family-style organization, such as the Mafia. Although its local organization often has a familial base in the occupation of key positions, it rarely goes beyond the “owner” or “general” of the business. On the other hand, the organization of the networks is more fragmented and vulnerable than appears.

How, then, was this accumulation of groups and networks in Rio de Janeiro possible in the past three decades without any links to strategic criminal organizations (such as international Mafia and drug cartels, etc.)?

The impressive amount of violence associated to this market, far greater than in other big cities in other countries, is characterized by: 1) a “consignment” sale system, in which each salesperson owes his immediate supplier and in which violence is the main warranty for transactions; 2) an armed dispute among gangs for sale points and control of their respective territories, which explains why they are structured around light weapons, such as automatic rifles; 3) regular invasions by the military police in which armored vehicles are employed and shoot-outs with drug lords and their armies are frequent, with killed and injured people on both sides and among the local

population; 4) an endemically corrupt police force, which is willing to negotiate protection, information on police operations and even the escape of prisoners serving sentences. These elements are not accompanied by any type of highly structured criminal organization that provides a backbone of support and logistics. Instead, there is an assortment of precarious networks and gangs scattered throughout the poor areas of the city.

Different explanations for this situation, most of them based on ethnographic studies, have been offered (Zaluar, 1985, 1994, 2004; Velho & Alvito, 1996; Lopes de Souza 1995, 1996; Misse, 1997, 1999; 2006; Rafael, 1998; Leeds, 1998; Alvito, 2001; Dowdney, 2003; Pereira, 2003; Machado da Silva, 1999, 2004, 2008; Ceccheto, 1998; Silva, 2006; Souza, 2004; Grillo, 2008). Some emphasize the fact that there has been continuity and a cumulative effect as illegal informal markets have become stronger with the lack of repression in the recent past and the fact that extortion by policemen and violent competition for the control of retail sites has become prevalent (Misse, 2006). Some authors maintain that there has been a radical break from traditional crime and that a new type of violent sociability has emerged to replace it (Machado da Silva, 2004). Others emphasize the opportunity to play a macho role, for easy income and the attraction of a warlike ethos as the main motivators for poor disempowered youths to become part of drug trafficking (Zaluar, 1994). Finally, there are those who point out that the replacement of the old delinquency model by a new one in which a work force of young recruits from the favelas and low-income housing projects of Rio de Janeiro has provided an army of “boy soldiers” (Dowdney, 2003). At any rate, the broad extent of trafficking in Brazil and the violent crimes associated to it are unlike anything in Europe or the United States. More than 800 thousand murders were recorded in the last 20 years in Brazil, many of which were somehow youth linked to the informal market for illicit drugs.

Insecurity has become a routine among those who live in the areas controlled by drug lords, dealers and their entourage, some of them with more than 70 thousand residents, such as the Rocinha slum, in the south zone of the city. Although there are indications that the retail business has decreased considerably compared to the mid nineties, the gangs remain active in these regions and are involved in other crimes, such as armed robberies in buses or muggings. Three times, between 2001 and 2003, gang networks called “dealer factions,” were able to organize themselves and counterattack police

repression (and extortion) by setting buses on fire in several parts of the city and forcing local shops and stores near the main slums to shut their doors.

Part of the drop in retail drug sales in the favelas is due to the fact that middle class users, who do not live in the slums, have started favoring specialized dealers, who cater to them from apartments and use special delivery schedules. Residents from outside the slums have also disappeared from the areas controlled by the traffickers due to the increased police repression, increasingly frequent conflicts among gangs and greater awareness, thanks to the media, of the risks that surround those areas, making the purchase of drugs from middle class traffickers safer and less linked to the stigma of the “urban war,” which involves policemen and dealers based in the slums. Indeed, the “dealer” label seems to apply far more readily to those operating in favelas or other low-income zones in large Brazilian cities than to those working from little black telephone books and trust networks in their own middle and upper-class neighborhoods. In this case, the distinguishing factor appears to be not the merchandise sold, but the different levels of violence that can go with it.

Most of those accused of and convicted for trafficking are small time sellers, who were arrested in possession of small amounts of drugs. They are generally first time offenders who did not commit other crimes other than the one they are accused of, yet who are not sentenced to the time in prison that usually corresponds to the seriousness of the offense (Boiteux et al, 2009).

More recently, another by-product of this illegal market, militia groups, usually started by groups of former or off-duty police officers, began appearing and offering protection in small favelas and low-income housing complexes in peripheral areas, in exchange for payments. Criminals had once been the only targets of this kind of extortion, being forced to pay the police in order not to be arrested and be allowed to continue to sell their goods. This is now being extended to residents of regions that traffickers abandoned or lost to these militias.

This is not the place for a more detailed account of the “movement.” Other studies about it can be presented on another occasion. Yet, it is impossible in our opinion to approach the subject of drugs in Brazil without making direct reference to the problem of urban violence. After all, how can we possibly speak of harm-reduction policies in this troubled and dire context?

Conclusion

Public opinion in general and important portions of Brazilian society, on one hand, have been passive in relation to the use and trade of lawful drugs and problems arising from their improper and exaggerated use. On the other hand, they have issued strong calls against the use and trade of illicit drugs and are still resistant to harm-reduction strategies that target users and addicts.

Since the beginning of the twentieth century, the main tool for controlling drug use and trafficking in Brazil has been to advance new legislation. Concerning drug use, although the most recent legislation represents progress in relation to previous laws, it still emphasizes punishment, even if mild, rather than the reduction of risks. As a result, compared to European experiences with risk reduction, which indeed do not punish users and drug addicts, these policies are still considerably timid.

In the case of the trafficking, the historical trend points to harsher punishment. The result has been counter-intuitive: the stricter the legislation becomes, the more illicit markets for extortion and pay-offs become attractive. Presently, the extent to which certain public authorities (military and civil policemen – including higher ranked officials – , and, to a lesser extent, justice system officials, lawyers, even judges and politicians), have become involved in different illegal markets such as smuggling, prostitution, legal and illegal gambling, weapons trafficking, and, moreover, drug trafficking, is an important obstacle to the implementation of public safety policies in Rio de Janeiro and, in varying degrees, other Brazilian capitals. Unlike what one might expect, repressive policies are often articulated by those with vested interests in these transactions, associating violence to corruption and producing a political atmosphere that goes back and forth from discouragement and skepticism, to demagoguery and demands for order at any price.

In this context, the need for a broader harm-reduction policy becomes paramount, one that encompasses not only harm caused by the use of either legal or illegal substances, but also the damage caused by illegal drug markets.

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