Summary of the CEDD regional report

This document is a summary of the report *Cannabis in Latin America: The Green Wave and Challenges for Regulation*

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Introduction

The Americas are at the forefront of processes and efforts to reform cannabis-related laws and policies. The regulated markets established in Uruguay and Canada will very likely be joined soon by Mexico, where President Andrés Manuel López Obrador has backed a legislative proposal that, at the time of this writing, was being considered in the legislature. In the United States, ten states and the District of Columbia have adopted legal, regulated markets for recreational use. Also at the time this report was being finalized, a bill was being presented before Colombia’s Congress to reform Article 49 of the Constitution with regard to the prohibition of narcotic substances, with a view to paving the legal way for future regulation. In 2018, the Regional Commission on Marijuana of the Caribbean Community (CARICOM) concluded that the prohibitionist system “is not fit for purpose” with regard to international drug control treaties, and it called for a paradigm shift.

At the same time, medical marijuana is growing by leaps and bounds. In the United States, 33 of its 50 states along with the District of Columbia permit the medical use of cannabis, while in Canada this use has been legal since 2001. In Latin America, some form of medical marijuana is allowed in Argentina, Brazil, Chile, Colombia, Mexico, Paraguay, Peru and Uruguay. As this publication was being finalized, Ecuador’s National Assembly was concluding a debate on a legislative proposal that would create the means of access to medical marijuana in that country. However, it is important
to note that in the majority of these countries, reforms are quite limited and do not ensure access for all people who could benefit from medical marijuana.

In addition, more tolerant attitudes toward cannabis do not necessarily translate into public support for broader drug policy reform. In the majority of Latin American countries, a change in the discourse has not led to significant domestic policy reforms. At the Organization of American States (OAS) and the United Nations (UN), Latin American countries have spearheaded efforts to promote debate about the failure of the prohibitionist paradigm and the need to explore alternative approaches. However, as tends to happen, this rhetoric has not been matched by concrete actions. In other words, drug policy reforms in the region have been minimal despite the tremendous societal costs of current policies, and governments continue to rely on repression and criminalization.

That is why, for people in countries where there are still no legal markets, the consequences of being caught with any amount of cannabis can be severe. Previous studies by the Research Consortium on Drugs and the Law (Colectivo de Estudios Drogas y Derecho, CEDD) have shown that throughout the region, people who consume cannabis face stigmatization and harassment by police, and they are often detained for growing plants or for simple possession of the substance. In several of the countries studied, people who use cannabis constitute a significant percentage of those impacted by drug laws. Many of them end up being subjected to the criminal justice system and, on occasion, they are referred to compulsory (or semi-compulsory) treatment, even when they do not show signs of a drug dependency. In several countries, “drug court” models are making headway, which repeat the logic of using the criminal justice system to refer people who use drugs to treatment programs. To sum up, harsh and disproportionate cannabis-related laws in the region cause significant harm to people, their families, their communities, and to society in general.

This disconnect between the trend toward regulating cannabis in the Americas, on the one hand, and the continuation of a punitive approach in nearly all Latin American countries, on the other, led CEDD to undertake its current research, which analyzes the way
in which punitive drug laws disproportionately affect people who use, grow, and sell small amounts of cannabis.

Cannabis is also the most widely used substance declared to be illicit in Latin America. Its medical uses are beneficial, and its problematic use causes less harm than other drugs, licit or illicit. Therefore, it is the only substance for which there is an impetus for reform. The expansion of legal and regulated marijuana markets would have a significant impact on reducing the damage caused by repressive drug policies, and we hope that this research contributes to that aim.

1. Methodology

This document is based on the report *Cannabis in Latin America: The Green Wave and Challenges for Regulation*, written by Alejandro Corda, Ernesto Cortés and Diego Piñol Arriagada, with support from Isabel Pereira Arana and Coletta Youngers. The long version of the report is based on studies carried out between 2017 and 2018 by researchers in 11 countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Peru, Uruguay and Venezuela. Each researcher drew from statistical information, official, secondary sources, and interviews with key actors.

It is important to highlight that the lack of disaggregated data by type of offense and substance – meaning the lack of specific data on cannabis – posed a challenge to this research. In addition, there are great gaps in information and knowledge regarding marijuana markets and their dynamics. The majority of official information does not disaggregate by substance, but instead presents everything under the generic term of “drugs” or “narcotics,” which means those official figures say little about cannabis in particular. With regard to research, there are major holes regarding cultivation dynamics and the socioeconomic situation of grower families, as well as a lack of knowledge about the way in which illicit urban markets function and about the demands and operating mechanisms of pro-cannabis social movements (among other gaps that we seek to address to some extent in this report).

As in all its prior research studies, CEDD calls on States to improve and expand data systems on criminal justice matters and the health system, and to ensure that policy makers and members of the pub-