



PRESS BULLETIN

The law against small time trafficking (narcomenudeo) represents certain advances but also important risks for drug policy in Mexico

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Yesterday, April 30 of 2009, the Chamber of Deputies completed a long legislative process and approved the proposal of President Calderon against small time trafficking, (*narcomenudeo* in Spanish)

The law¹, which was very controversial for all parties including the President's own, the PAN, will be of great importance for drug policy in Mexico for the years to come.

For the Collective for an Integrated Drug Policy (CUIHD), the law represents certain advances, since in theory it decriminalizes the possession of illegal drugs and establishes two different legal categories, one for consumers and one for traffickers. Yet we consider it is important to share a brief and immediate analysis of the law, since being that it does not implicate an integral policy with, above all, a public health and human rights perspective, it could have very negative consequences for the country.

We recognize four important things included in the law:

1. That it distinguishes between consumer, addict and criminal.
2. That it eliminates from the original proposal sent by President Calderon, the forced rehabilitation for consumers who are not addicts, something that went against fundamental human rights.
3. That it orders the authorities to guide its actions through risk and harm reduction policies.
4. That it recognizes and allows the cultural and ritual use of certain substances, something that is essential in a multicultural country like Mexico.

In spite of this, we see risks and negative consequences that will also occur as a result of its implementation:

1. The law only marginally considers the problem of drug consumption and limits itself to legally defining it. On the other hand, it focuses on intensifying a military and police

¹ Although we talk about a law, it is important to say that at the present moment it is still a law decree that is pending its promotion and publication by the Executive Power.



strategy that has proven to be a failure. With this, we confirm the lack of interest by the federal government for public health and human rights.

2. The law will criminalize a vast group of people who make a living off the small time dealing of drugs, but who in reality do not consciously form part of organized crime, but rather whose principal reason for dealing is that it is way out of unemployment. Imprisoning them will not diminish the supply of drugs on the street, nor will it improve public security; yet it will justify the war on drugs, since the government will be able to boast the number of people incarcerated with this policy.
3. The law implicates a policy that induces the commission of crimes on behalf of police forces by allowing them to buy drugs in order to identify small time dealers. This is clearly an authoritarian way to deal with the problem, where the message appears to be “when it comes to drugs, everything is allowed, including human rights violations”.
4. The amounts of drugs permitted in the initiative for personal consumption are ambiguous in terms of their actual legality, being that it is not specified how a consumer can obtain them without being considered a criminal due to the mere transaction. But most importantly, these amounts are not realistic in terms of the drug market (for example, the initiative allows a consumer to have .5 grams of coke, when coke is sold on the streets by the gram), reason for which we can anticipate a significant increase in corruption and extortion of consumers by police forces.

Taking into account these considerations, CUPIDH manifests its caution to the possible consequences of this law, and reiterates its belief that the problem of illegal drugs in Mexico cannot be resolved without an integral policy that considers them above all as a public health issue, with clear informative and preventive actions in which the human rights of the population must be respected without any restrictions.