



Punishing poverty

**How the failed 'war on drugs'
harms vulnerable communities**

Case studies of Brazil and India

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Punishing poverty: How the failed 'war on drugs' harms vulnerable communities

Case studies of Brazil and India

Written by Natasha Horsfield. Additional inputs from Stuti Pant.
Edited by Natalie Sharples (Health Poverty Action) and Stephanie Ross
(www.stephanieross.net)

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Dedication

The deadly realities of the so-called 'war on drugs' were evident in the challenges we faced in conducting this research. This was most starkly illustrated in Brazil, where the researchers witnessed one of the participants shot and arrested nine days after conducting the interview, and another who was sadly murdered just the day after agreeing to be interviewed.

We dedicate this report to him.



Health Poverty Action:
Health for All in a just world.

Health Poverty Action
31-33 Bondway, Ground Floor
London SW8 1SJ
United Kingdom

healthpovertyaction.org

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Introduction

I find it very hard that any boy is happy about being pulled over and harassed by the police, with a gun in their mouth. So, I think that if there were any other decent jobs, they’d take it. I’m sure they’d take it.

Marcio, 38-year-old black male community leader, São Paulo

Around the world the so called ‘war on drugs’ is collapsing. Many countries are replacing the prohibition of illicit drugs, with new approaches which prioritise and protect people’s health and wellbeing. Whilst reform is underway, it is not happening nearly fast enough or reaching far enough. The prohibitionist criminal justice approach that has dominated drug policy for the past 50 years continues to destroy livelihoods and claim lives. The people most affected aren’t those in charge of the drugs trade. Instead, it’s those caught up at the lowest levels in a trade that is destroying their lives and communities, particularly in the global south.

Prohibition has failed to reduce the world’s supply of illicit drugs. Meanwhile the heavy handed and often militarised law enforcement approach that often goes with it – directed primarily at those involved at the lowest level in the production and supply of illicit drugs – has fueled poverty, inequality, corruption and violence. This is felt most sharply by marginalised communities and women who engage in the small-scale trade out of necessity or lack of alternatives. In these contexts of significant vulnerability, powerlessness and poverty, the drugs trade can offer a decent income or means of survival, where no other exists.

This report brings together the experiences of some of the most marginalised communities affected by the so-called ‘war on drugs’ in India and Brazil. It illustrates, on a small scale, how punitive drug policies adversely affect the lives and livelihoods of individuals who rely on the drugs trade. These personal experiences demonstrate the human stories behind the overwhelming evidence that the failed ‘war on drugs’ is harming the most vulnerable.

Research for the report






This report is informed by research conducted in India and Brazil in 2017 using semi-structured interviews and focus groups (in the case of India). The different research methods used were in reaction to the distinct sensitivities and changing security environments in each country.

Given the small sample of interviews conducted in each location, this research does not draw definitive conclusions about the reasons for people’s engagement in the illicit drugs trade as a livelihoods strategy or the impact of drug policies upon these. These reasons are varied and complex, but also well evidenced. Instead, through the experiences of those interviewed, it is intended to provide a small but powerful snapshot of how punitive drug policies interact with poverty and inequality and the harmful impacts of these interactions, by giving voice to the experiences of some of the most marginalised individuals and communities. These people are rarely, if ever, given the opportunity to have their experiences heard.

The challenges to this research reflect the dangerous realities of the drugs trade. With the exception of the experts interviewed, the real names of all participants have been changed and their locations kept anonymous to ensure they are not identified. In India we also chose not to name the region the research took place in at all, for fear of repercussions for those involved. As in many communities, in Brazil there is a racial element to drug prohibition with black communities often disproportionately targeted. Whilst assigning an alias’ to all Brazilian participants we have recorded their race along with other relevant demographics such as gender and age. For security reasons none of the research participants feature in the photographs.

Given the significant concerns expressed, we thank all participants for their courage in sharing their experiences.

Steps to end the damage of the 'war on drugs'

For governments			For the development sector	
STEP 1 	STEP 2 	STEP 3 	STEP 1 	STEP 2 
Decriminalise low-level engagement and end crop eradication	Consult affected communities on their needs	Increase state support for poverty reduction and public services	Advocate for moves away from prohibition towards alternatives such as legal regulation	Ensure reforms are pro-poor and bolster rather than undermine the health of marginalised communities
GOAL:			Legal, regulated drugs markets that support public health	

The findings illustrate two key impacts of the current approach to drug policy:

- Existing vulnerabilities such as poverty and marginalisation push people into the drugs trade.
- Punitive drug policies entrench and exacerbate these vulnerabilities, reinforcing a cycle of poverty that reverberates across generations of families and communities.

Despite the violence and devastating impacts drug policy has on all aspects of development – including livelihoods, health, women's rights, democracy and the achievement of the Sustainable Development Goals – it continues to be one of the most overlooked drivers of poverty and inequality.

The voice of the international development community in the movement for drug policy reform is vital. Firstly, in advocating for new drug policies that end the punitive penalties responsible for exacerbating inequality and marginalisation. Secondly, to ensure reforms – many of which are underway – support rather than undermine people's health and social justice.

We sit at a tipping point. As countries increasingly move away from prohibition we have the opportunity to replace its harms with approaches which support health and lives, bolster livelihoods and reduce inequality. But there are risks: reforms based on the interests of big corporations could exclude, and further marginalise those that currently engage in illicit markets. Reform offers huge potential, but those who are marginalised under prohibition may continue to be so unless we seize this opportunity to shape them. Reforms must be pro-poor, provide opportunities for people engaged in formerly illicit markets and support social justice.

Just as governments and policy makers had a hand in the creation and preservation of the poverty and powerlessness driving low-level engagement in the drugs trade, they also have the power to implement new drug policies that move us away from prohibition towards legal and regulated markets and other alternatives to create a more equal and just world.

It is vital that the development community makes this case.

Drug policy or social control?

The unequal targeting of marginalised communities through drug policing in the continued pursuit of the 'war on drugs', despite decades of failure and the policy's so-called 'unintended consequences', is so significant that in some areas these policies are perceived as being intentionally utilised for the social control of marginalised populations. Whilst this was alluded to in the India research, in Brazil it was explicitly cited:

If the drug criminal policy weren't invented, Brazil would have come up with it. It's a policy that fits perfectly to the requirements of the formal social control we observe in Brazil and in Rio de Janeiro.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

Given the 'war on drugs' was initially conceived by President Nixon with the intention of criminalising (and therefore controlling) black communities and the anti-war community in America,¹ this may not be far from the truth.

CASE STUDY 1

Small-scale trafficking in Brazil

This case study outlines the factors that drive people to engage with the drugs trade in Rio de Janeiro and São Paulo, two of Brazil's biggest and most unequal cities. It examines the impact of prohibitionary drug control policies on poverty and exclusion, and explores alternative progressive approaches to drug policy.

Brazil's drug control policy: A lesson in repression

Brazil's approach to drug policy has been historically characterised by prohibition, ever since the country endorsed the United Nations Single Convention on Narcotic Drugs in 1964.² Although the crimes of possession for personal use and trafficking were differentiated in 1976, increasingly harsh penalties for trafficking have been the norm since then, starting at three to 15 years in prison – without the possibility of bail, provisional (pre-trial) release, amnesty or commutations for trafficking offences following the classification of trafficking as a 'Heinous Crime' (alongside murder and rape) in 1990.³

In 2006, the current drug law depenalised the possession of drugs for personal use (meaning this remained a crime resulting in a criminal record, but without punishment by imprisonment), and provided for alternatives such as referral to a treatment programme, even for repeat offenders.

However, this new law significantly increased punishment for drug trafficking to a required minimum of five years up to 20 years in prison (or longer for crimes involving gangs, interstate or international borders) plus fines, with no alternatives to incarceration.⁴ Under this current drug law, there are no intermediary penalties for the different kinds of activities classified as trafficking (which includes every element of involvement in the production and supply of illicit drugs), and no requirement for a profit motivation for activities to count as trafficking.⁵ Although judges are allowed to consider reducing the required minimum sentence (but not alternatives to prison) for micro-trafficking first time offences without gang involvement, this rarely happens.⁶

Whose voices? Participants in the report

Health Poverty Action's partner IBCCRIM worked with local researchers to conduct in-depth interviews with ten individuals who were involved in small-scale trafficking from several different communities in Rio de Janeiro and São Paulo, as well as a community leader and local drug policy expert in each city (two in São Paulo).



The most common drugs seized in Brazil are marijuana, cocaine and crack-cocaine. The state of São Paulo has the highest number of drug-related occurrences in the country at 22%. Between 2012 to 2017 a total of 582.2 tons of marijuana, 65.8 tons of cocaine and 11.8 tons of crack cocaine were seized.⁷ In 2005, across the country 9 percent of those in prison were detained on drug charges – by 2016 this had risen to 28 percent, and among women, 64 percent.⁸

One facet of the current law is that it does not objectively define the difference between people who use drugs and those involved in dealing or trafficking. Rather than using quantity thresholds (as in other countries), determining an offence as one or the other is left up to the often-abused discretionary power of police and judges.

How marginalisation pushes people into the drugs trade

When the person sees him/herself trapped, then traffic [drugs trade] comes along and embraces them.

Patrick, 31-year-old white male, Rio de Janeiro

People engaged at a low level in the drugs trade in urban areas of Brazil are often driven into these activities by situations of inequality and marginality. This is pertinent in Brazil given it is one of the most unequal countries in the world. In 2017 the joint wealth of the country's six richest billionaires was equivalent to that of the poorest half of the population.⁹ A Brazilian earning the minimum monthly wage would have to work for 19 years to make the same amount of money as their peer from the richest 0.1% of the population makes in one month.¹⁰ São Paulo has been ranked the most expensive city to live in in South America (and number 58 in the world)¹¹ whilst less than half of favelas in São Paulo have universal access to water, sanitary sewage and garbage collection, and since 2000 inequality in the favelas has increased.¹² There is also a racial element to these economic inequalities; in 2015 white people on average earned twice the monthly income of black people.¹³

Whilst individual decisions to engage in the drugs trade are complex and driven by overlapping motivations including addiction, a lack of viable legal livelihood opportunities and the absence of state support all play a role. These combined with a desire for social mobility and status in the context of poverty, inequality and an environment where drugs are pervasive, create strong incentives for low-level engagement in the drugs trade as a means to earn a decent income.

The following themes emerged from the research as drivers of people's engagement with the trade.

Unemployment, underemployment and lack of options

There's a lot of unemployment. A whole lot. Here in my neighbourhood, just a few people work, right?

Rodrigo, 20-year-old black male, São Paulo

Those interviewed emphasised the scarcity of decent jobs, particularly the lack of low-skilled alternative job opportunities outside the drugs trade, and the inability of alternative employment to compete financially with this. Police actions further restrict other informal income-generation activities.

The money I make after working for an entire month, the guys [working in the drugs trade] make the same money in five, six hours.

Flavio, 35-year-old black male, São Paulo





The main problem is social inequality. Money! If the guy makes R\$2,000 a month [around US\$620], how can he provide for his family?

Marcio, 38-year-old black male community leader, São Paulo

But the drug trafficking here in the region pays much more than working in the surroundings, really... It pays much more than other jobs in the neighbourhood.

Rodrigo, 20-year-old black male, São Paulo

Apart from that [drugs trade], there's no opportunity. None!

Elisa, 34-year-old black female, São Paulo

I think unemployment is huge in Brazil, that's why there are a lot of people dealing drugs.

Dandara, 32-year-old black female, Rio de Janeiro

I am working at the co-op and ask my friends to join me... And they go like... I'm not gonna kill myself over minimum wage, because with drugs, I get a minimum wage in a day. The money I make after working for an entire month, the guys [working in the drugs trade] make the same money in five, six hours.

Flavio, 35-year-old black male, São Paulo

Lack of education and alternatives

It's got to do with lack of opportunity, education. There's no denying it.

Jorge, 63-year-old black male community leader, Rio de Janeiro

Lack of education or training to access more specialised jobs (or awareness of these where they are available), is also significantly influencing small-scale involvement in the drugs trade. Although many people felt they had joined the drugs trade of their own choosing (i.e. without direct coercion), they also felt these choices were made without any alternative options.

The chance showed up, they look at it, they have no other option...It's not an option, it's the lack of option. Then they say: "Ok, I'll do it!"

Marcio, 38-year-old black male community leader, São Paulo

***If I had the opportunity,
I wouldn't choose this for me.***

**Gilson, 63-year-old white male,
Rio de Janeiro**

There was a boy that worked here to pay for his transport to go to a course, a free course. He worked here every day to pay for his transportation.

**Marcio, 38-year-old black male
community leader, São Paulo**

Breadwinners aren't at ease... How's it possible to accommodate five people living within two rooms? OK, it'd be nice to have good schools for our kids. It would be nice. But then they come back home and sleep on the floor? What about food? The main problem is social inequality. Money is the worst problem, not access. Money! Social inequality is deeply tied to that. If the guy makes R\$2,000 [around US\$620] a month, how can he provide for his family?

**Marcio, 38-year-old black male
community leader, São Paulo**

Poverty and lack of state support

In the context of severe unemployment and underemployment, some people turn to the drugs trade to meet basic needs. Whilst Brazil has significantly reduced aggregate levels of poverty in recent years, it is the rich that have benefited the most from the country's economic growth. The richest 10% of people accounted for 61% of economic growth between 2001 and 2015.¹⁴

I needed things at home, food, things like that, get it? ... We are poor, the government don't help us.

Rodrigo, 20-year-old black male, São Paulo

State support is distinctly absent from the lives and communities of those who engage in the small-scale drugs trade. Although Brazil has several social security mechanisms, most notably the 'Bolsa Família' scheme targeted at poor families, even the poorest families are not automatically entitled to the benefit. Quota systems in each area also limit space on the programme, meaning the majority of poor households are not included.¹⁵ For those who are, the programme's cash transfers are still not enough to eliminate the need for other income in order to overcome poverty.

Many have children. They're children of young parents and they're also young. Costs increase there. And the feeling they don't contribute, right? It's saving they have to make, owning things is really important.

**Mauricio Fiore, 40-year-old white male
drug policy expert, São Paulo (CEBRAP)**

We wanted something and... My mom couldn't afford it, then we joined the crime, right? ... Then there was some cash coming in.

Flavio, 35-year-old black male, São Paulo

The majority of other social support is targeted at workers in the formal economy,¹⁶ which members of poor and marginalised communities struggle to access. State sponsored social interventions are also absent, as are public services to support those dealing with problematic drug use. Religious facilities are often the only institutions available to offer this support.

There's the conception that the boys that commit crimes come from traffic [the drugs trade] or unstructured families. There's a lot of that, too. We have to consider that, actually, the family has to be assisted by the state, too. So, we can't blame the family for something that should also be cared for by the state.

**Ana Paula Galdeano Cruz, 38-year-old white
female drug policy expert, São Paulo (CEBRAP)**

It was really hard! She earned a minimum wage, my mom, she worked miracles with that money so we could eat and buy groceries, then she realised it was tough, we wanted something and... My mom couldn't afford it, then we joined the crime, right? To save...sell in the drug trade...then there was some cash coming in, for us to spend it and do whatever we wanted, but...we tried to help our mom.

Flavio, 35-year-old black male, São Paulo

Gender

Although there appear to be far fewer women involved in the drugs trade than men, for those women who only have access to informal jobs without benefits or guarantees, the drugs trade can offer flexible income that helps them balance domestic responsibilities, such as taking care of children or other family members. Women are disproportionately incarcerated for small-scale drugs offences, with 64 percent of women in prison detained for drugs offences.¹⁷ As outlined below the incarceration of parents can be a factor driving to children to enter the drugs trade. This was illustrated by one participant describing how she first got involved with drug trafficking:

My mother was in jail for some days... We used to starve. We lived with my grandmother. She was 81. My two sisters and I were living there. I was 12, one was 10 and the other 8. How could I leave my 81 year-old grandmother having to feed three kids? What was I supposed to do? We didn't have tennis shoes, school material... we had nothing. The family we used to have, it evaporated.

Elisa, 34-year-old black female, São Paulo

There are gender issues that need to be observed in the case of the women... They tell us that what they make in a week dealing drugs is much more than they would make in a month in regular jobs. And a big parcel of these women were mothers, they were working when they were arrested. But most of them were working in informal jobs, with no benefits and guarantees. What do they claim? 'It's easy. I can work from home, I can watch the children.' So the drug trade offers, above all, a possibility of income. So we can't dissociate the gender issue, the punishment system and the feminisation of poverty.

Luciana Boiteux, 42-year-old white female
drug policy expert, Rio de Janeiro

Status

Although the lack of alternative opportunities to earn decent money to meet individual and family needs are significant, gaining higher socio-economic status in a highly unequal society was also found to be important. This particularly relates to the ability of young people to afford material possessions. Given the lack of viable job opportunities, many see the drugs trade as the only option for achieving this.

The idea of accumulation, the fact that those things that are accessible to middle class are not accessible to them. They see that clearly. What do their fathers do for a living? The fathers that aren't arrested, or their mothers, how much do they make? We have to do the math.

Mauricio Fiore, 40-year-old white male
drug policy expert, São Paulo (CEBRAP)

The desire for status (and the respect and power that comes with it), is arguably a direct result of the poverty and urban inequality of marginalised peripheral neighbourhoods juxtaposed against wealth. This is particularly significant when taking into account the systematic discrimination and lack of social status, reinforced by drug policing, that comes with being a resident of these areas.

I would look at that and say 'I want this, I want that...' Like any young person. But my mother had no means of providing that, so I felt pressured to get involved.

Karina, 25-year-old mixed race female,
São Paulo

It is therefore not difficult to see the connections between social status and the drugs trade, and how the drugs trade can seemingly offer an opportunity to break the cycle of social and economic marginalisation and challenge personal inequality in a highly unequal society.

Since my mother had a bunch of children, there wasn't any structure to support them all. I would look at that and say 'I want this, I want that...' Like any young person. 'I want a new shoe, I want a new sandal, I want a nice outfit.' But my mother had no means of providing that, so I felt pressured to get involved, right?

Karina, 25-year-old mixed race female,
São Paulo

It's the easiest way to make money, ain't it? It's right at your doorstep. You see the childhood we had... There was no money, and then you see people making a profit in the drug market, you see them buying cars, stuff... they have their own stuff. It's easier to join the traffic [drugs trade] to make money. Anyone is welcome! And if... they're in this for the money, to make a living, to put food on the table, to buy clothes, to buy trainers, it's the easiest market to get in.

Flavio, 35-year-old black male, São Paulo

Normalisation of the trade

They already know it, right? They grew up with people offering them this opportunity, and seeing other boys getting money out of it.

Mauricio Fiore, 40-year-old white male drug policy expert, São Paulo (CEBRAP)

The majority of people engaged in small-scale trafficking in the favelas and quebradas of Brazil have grown up in an environment where the drugs trade and the 'opportunities' it offers are ever-present (and normalised) from a young age. For many of those interviewed, experiences of having a close family member involved in the drugs trade, or absent, arrested or incarcerated (for drug-related offences or otherwise), and the economic impact this has on households, are common factors in influencing young men and women to engage in the drugs trade from a young age. This was starkly illustrated by one participant who joined the trade at just nine years old.

The pervasive presence of drugs as an opportunity to earn money and the normalisation of this type of behaviour make it a clear and feasible option to help support or provide for the family, earn money on the side of studying, or even simply for extra money to enjoy oneself, similar to a traditional Saturday job.

My mother also did, in her past. She got involved with drugs and I didn't know what was happening...I didn't even know what drugs were.

Elisa, 34 year-old black female, São Paulo

When we were six years old my father abandoned us... Time passed, we moved from house to house. My older brother, who was 13, got involved in the drug trade to help my mother pay the bills. As I realised it was a profitable business ... I also got involved when I was only 12 ... I was involved in the drug trade for about six years.

Karina, 25-year-old mixed race female, São Paulo

It's the easiest way to make money, ain't it? It's right at your doorstep.

Flavio, 35-year-old black male, São Paulo



Criminalising poverty: How Brazil’s drug policies harm the poorest people

For many who engage at a low level in the drugs trade, Brazil’s punitive drug policies (similar to elsewhere in the world) contribute to reinforcing the inequalities and vulnerabilities that fueled their involvement in the first place. Highly punitive approaches don’t distinguish between use and trafficking and ignore the social and economic factors driving it.

The use of drug policing as a means of social control, whether intentional or unintentional, does nothing to address the root causes of the issue; while state support to offer viable alternatives or paths for rehabilitation (with some limited exceptions for young people) remain absent. In particular, criminalisation, the high rate of imprisonment and absence of support initiatives for people convicted of small-scale offences reinforce the difficulties some small-scale traffickers face in finding other employment and getting on their feet after prison. This increases their likelihood of turning back to the drugs trade or other illicit activities, and in turn being re-incarcerated.

The interviews highlighted the following themes demonstrating how Brazil’s drug policies further drive marginalisation for the most vulnerable people.

Criminalising poverty

Teenagers from poor neighbourhoods, those who live at the favelas, they’re the front of the drug and theft markets. The whole society is part of it, takes part in this market, but in general, the teenager is the one who suffers the repression and gets labelled by it.

Ana Paula Galdeano Cruz,
38-year-old white female drug
policy expert, São Paulo (CEBRAP)

Drug policing is overwhelmingly directed at poor and vulnerable low-level drug dealers/traffickers, or those caught with small amounts of drugs (even for personal use). The combination of a lack of clear distinction between use and trafficking (or gradients to differentiate levels of involvement in production,

dealing or trafficking activities), highly punitive punishments and subjective power placed in the hands of police and judiciary in particular, result in the significant over-representation of small-scale dealers/traffickers serving long terms in Brazil’s prison system for minor offences. This exacerbates inequalities and essentially criminalises poverty¹⁸ with very little actual impact on the drugs trade overall.¹⁹

The small, young drug dealer who lives in a community, in a favela, and who deals in small amounts... is the one being selected by the system and is the one doing time. Because those are the ones who are not deeply involved with the trade, they are the most vulnerable and they can’t resist the police.

Luciana Boiteux, 42-year-old white female
drug policy expert, Rio de Janeiro

Police corruption

My brother, for example. He was framed. He didn’t even have a joint on him. They saw him sitting there, came to him, put a bag in his pocket and said the drug was his. He was in jail for a long time. All because of the corrupt police!

Flavio, 35-year-old black male, São Paulo

Discretionary powers held by police and judges because of the absence of a legal distinction between drug use and dealing or trafficking, means that the nature of an offence is usually determined by the police officer’s version of events, which is then confirmed by the judge. This can be based on evidence as simple as the person carrying a phone or even small amounts of money.²⁰

Sometimes the dude is there, he was framed, he was just at the ‘biqueira’ [spot for buying/selling drugs] to buy some... “No, your Excellency, I arrived there, was just getting some, I’m a user”, get it? It’s not worth saying that. Even if you’re a user, even if you’re there to get some weed and the guys framed you, if you say that to the judge, he convicts you [of dealing] because he thinks it’s a lie, because everybody says that. Then they don’t believe you. But it’s the whole truth, really, it happens in our country.

Rodrigo, 20-year-old black male, São Paulo



Fernando Frazão/Agência Brasil CC-BY-2.0

This is a news agency photo taken in Rio de Janeiro in 2016 and does not depict any of the research participants.

When people are caught ‘*in flagrante*’ (while committing the offence), which is the case for the majority of arrests in Brazil, police officers are often the only witnesses, meaning their narrative can usually only be contested by the accused.²¹

Sometimes they’ve got nothing on them, and the police put...they say the guy had something.

Gilson, 63-year-old white male, Rio de Janeiro

In the poor communities of São Paulo and Rio de Janeiro, the military police (and to a lesser extent civil police) are heavily present – using repression, intimidation and violence to enforce drug control and ‘police’ these neighbourhoods. Corruption and bribery to get the police to turn a blind eye towards illicit drug markets are reportedly common, but where people refuse or are unable to pay bribes, police actions include arrests, violence and even murder.

This also affects police decisions on charging people for trafficking, as opposed to personal use, and on framing people when they are unable to find genuine

grounds for arrest. ‘Bosses’ in the drugs trade are reported to receive a level of respect and benefit from an unwritten partnership based on their ability to pay bribes, meaning drug policing, intimidation and violence are targeted at young dealers, usually with small amounts of drugs and of little significance to the drug trade hierarchy, and who are often black or afro-descendent.

[Police] raids happen more often on payday. Which is when everybody spends more money. Then they come. And at the end of the year. At the end of the year, they want to make good money. And if they can’t get it, they will invade each of the houses. They will invade each house, not respecting children or those who live there. So they invade more when it’s next to the New Year. On paydays, they just drive by. But they target the users who are going there to buy. But, like, really face the bosses... that they won’t do, because they get bribes.

Elisa, 34-year-old black female, São Paulo

Well, they used to collect [money from bribes], right? Actually, they took bribes to leave the community alone...Then, after that, when I was 16, I left that community and went to [another community where] the people in the community wouldn't pay them, the owner [the drug lord] wouldn't pay them...the police asked for too much, then he didn't pay, so the police arrested and killed people. There were so many people they threw out from the quarry... Really terrible.

Bernardo, 25-year-old black male,
Rio de Janeiro

What's been happening now, I don't know why, is that the 'biqueiras' [people who run the spot for buying/selling drugs] are refusing to pay. So, when they refuse to pay, there's a lot of police in the area. A lot. So...police show up every week. And not just that. Repression, too ... Murders that are off the record, homicides that the police go out on saying: "I'm gonna kill." Because they don't pay right? If the police don't get paid, they kill people.

Ana Paula Galdeano Cruz, 38-year-old white female drug policy expert, São Paulo (CEBRAP)

Escalating violence

Brazil's murder is exceptionally high and growing. In 2018 it was 30.8 per 100,000 people, up from 29.9 in 2016. That is six times the rate of United States (based on 2015 data) and higher even than Mexico (25 per 100,000 in 2017).²² Whilst the causes are complex, the drugs trade has been cited as a key factor in this.²³ The threat of violence experienced by small-scale dealers – both from police and others involved in the trade – is starkly illustrated by the experiences of the researchers, who witnessed one of their interviewees being shot and arrested nine days after conducting the interview, and another interviewee who was killed just the day after agreeing to be interviewed.

***Police come and kill a lot.
They execute a lot of people.
They come in shooting.***

**Jorge, 63-year-old black male
community leader, Rio de Janeiro**

People who use drugs face frequent intimidation and violence from the police. This extends to their families and wider communities, with deaths of community members caught in crossfire.

They bashed me with the stick, broke the thing on me, put the piece [gun] in my mouth, tortured me, fired into the air, punched me and threw me ... The civil police are even worse [than military police]...If you're taken there, son, I'll tell you, if you come back with both of your legs...DENARC [narcotics division] is even worse, the guys torture us. And they don't give a rat's ass to human rights.

Rodrigo, 20-year-old black male, São Paulo

Fueling gender inequality and violence against women

We can say that poverty has the face of a woman and the colour of a black woman. And these black women are those who are behind bars.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

Women engaged in the drugs trade, either as small-scale dealers or as people who use drugs (or both), experience particular gender-based violence and abuse during encounters with the police, and are disproportionately targeted by the penal system.

Even though the user is not formally criminalised, if they're more vulnerable, poor and black, or from an ethnic minority, they will be brought to the penal system by some mechanism.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

It's even worse for women, all psychological and slap on the face, hair pulling, crap like that. They tease and poke. Call them whores, hoes, druggies, everything they aren't.

Rodrigo, 20-year-old black male, São Paulo

Imprisoning vulnerable people

Brazil's current high rates of imprisonment for drug trafficking offences mean that one in four men²⁴ and 64% of women incarcerated are in prison for drug trafficking.²⁵ People from a black or mixed race background are over-represented in the prison population,²⁶ and young people are being incarcerated (in juvenile detention) at an increasingly high rate for drug trafficking. In fact, drug trafficking is now the number one reason for youth imprisonment.

**Man, it was really rough [in prison]
... Stale food, we had to subject
ourselves to the guards... We got
beaten up even if we didn't do nothing.
We got bashed for no good reason.**

**Bernardo, 25-year-old black male,
Rio de Janeiro**

This has served to further marginalise the most vulnerable in Brazilian society, as these are the people who make up the majority of those in prison for drugs offences.²⁷ Preventative, or 'pre-trial' detention is also incredibly common, with 40% of prisoners imprisoned under pre-trial detention in 2014, and pre-trial detention being used in 73.3% of cases in Rio de Janeiro in 2011.²⁸

And why is it disproportional? If you look at the volumes of drugs, if you look at what these citizens represent... most of them have absolutely no importance, and they can't even get their sentences reduced. So they stay in jail for five years minimum, often six, which is also the sentence for homicide. So the sentences are disproportional because they are really long and they don't tell you who is a big, medium or small time drug dealer. It's actually quite standard: you always arrest the small drug dealer and he receives really long sentences.

**Luciana Boiteux, 42-year-old white female
drug policy expert, Rio de Janeiro**

Experiences of incarceration directly impact on future job and life prospects, while fines push people further into poverty. Meanwhile violence and mistreatment during incarceration, alongside the relationships built with other inmates, can serve to entrench young people's engagement in the trade.

**I don't get a lot of opportunities
because people in society do not
believe in change, in resocialising
a guy who left crime. It's really
hard [to get a job].**

**Patrick, 31-year-old white male,
Rio de Janeiro**



[Correction officers] treat us like trash...the guys take you to a little room, you're alone... They'll practically kill you.

Rodrigo, 20-year-old black male, São Paulo

The worst part is getting a job. I was in jail for a long time. But this time I learned, because this last time I didn't have any family to help me ... this last time it was really tough... Because I was on the streets for only two or three months. Now I've been on the streets for a year. I got out and I tried to do everything right. I got my documents, I hunted for a job in every way I could. If I had the same mentality I used to have before I was arrested, I would go back to dealing... but I chose not to. But I know it's going to be hard. It's not going to be impossible.

Dandara, 32-year-old black female, Rio de Janeiro

Most of the guys, all the guys that end up in CDP [pre-trial detention centre], bro, when they get out, their minds are worse than before. Because you get to know other culprits, many people, many criminals, so you learn what you didn't know yet and passes on to the next.

Rodrigo, 20-year-old black male, São Paulo

I left jail with a bus ticket, with no income and with a fine to pay...When you leave jail, you should get one more chance. But there's no chance.

Elisa, 34-year-old black female, São Paulo

The prison system isn't fully controlled by the state. When in there, you must look for protection. You must have contacts. The boys think about that a lot...the [inmates] are subject to a very violent space...the guy is incarcerated and gets out worse than he was when he got in... It's worse because it's inhumane, because those are the conditions and because the inmates have to build relationships.

Mauricio Fiore, 40-year-old white male drug policy expert, São Paulo (CEBRAP)

There's data showing that 70% of the prison population is made up of recidivists...it's very common to see these teenagers going back to trafficking, performing the same role as before. Or they quit trafficking and start stealing motorbikes, for example.

Ana Paula Galdeano Cruz, 38-year-old white female drug policy expert, São Paulo

It's bad. What I see over there is really bad. They live like animals, right? They get off worse than when they got in, that's the reality. The negligence there is huge.

Felipe, 30-year-old black male, São Paulo

Because the employees [correction officers] are all bastards, treat us like trash, hurt us... and what can we do? Ten employees...the guys take you to a little room, you're alone... They'll practically kill you. Not kill you but will bash you up to the bones. Do you want to get bashed? Break a leg, an arm?

Rodrigo, 20-year-old black male, São Paulo

Impacting families and communities

Prohibition and the harsh punishments that accompany it contribute to stigma, for individuals, their families and whole communities. Whole communities are marginalised and discriminated against because they are broadly known as places where trafficking and violence take place.

The only place I could get a job was here. If you go someplace else, they go: ah, and where do you live? It's dangerous there, it's a dangerous neighbourhood, there's only bad, worthless people there.

Flavio, 35-year-old black male, São Paulo



This is made worse by the differential policing of vulnerable communities. Violence related to drug control operations can also result in the shutting down of schools (sometimes repeatedly for more than a month), further chipping away at the already precarious education of children in these communities.

Schools were shut down ... Last year, it was many days in the first semester.

Jorge, 63-year-old black male
community leader, Rio de Janeiro

It really affected my mom. My mom's got many health problems now, bro. You hear me? Because of me, bro. Because, bro, the police broke into my house so many times, saying I was arrested, calling her to tell her I was in jail, whata! Saying I was run over by a car, that the police took me and beat the crap out of me, whata! My mom went nuts, bro.

Rodrigo, 20-year-old black male, São Paulo

They come here, shoot their guns, beat people up ... two days ago something happened in this street. A boy stole something and came running here. The plainclothes policemen came shooting and there were children on the streets. I think it was unnecessary...they didn't act according to the law.

Karina, 25-year-old mixed race female,
São Paulo

When you leave here and go to a bar at Vila Madalena [high-end neighbourhood in São Paulo], if you say you live in [redacted community name], you belong in the cycle too. You don't have to work for the traffic [drugs trade] to belong in the cycle. You're discriminated [against] due to the place you were born and live in.

Marcio, 38-year-old black male
community leader, São Paulo



Fuelling inequality and maintaining social control

Repression is the impact on society, on the community in general, so they show who's the boss, who's got the power. It's reprimand only for the sake of it, nothing to do with drugs. If you replace drugs with something else, it will be something else. It's not a problem to these guys. If it was a problem, it would have already been sorted. The problem is being black and poor. That's the problem. Because that's a threat. To hell with the rest, it's all an excuse.

Marcio, 38-year-old black male community leader, São Paulo

Ultimately, by targeting those at the lowest level of the trade with highly punitive measures and failing to address the root causes of why vulnerable people are involved in the drugs trade in the first place, Brazil's drug policies act as a mechanism to maintain inequality and social exclusion.

The lack of legal definition between use, dealing and trafficking has reinforced inequality in the justice system between middle-class people who use, and are able to pay for their drugs, and the 'consumer-trafficker' who relies on selling drugs to provide them for their own use.²⁹

If you plant drugs on a middle-class youngster, you can harm him, but he'll have legal mechanisms that help reduce the likelihood of the police forging red-handed arrests. Now in the case of a poor boy, what's the chance of success in his responding to that?

Mauricio Fiore, 40-year-old white male drug policy expert, São Paulo (CEBRAP)

This focus on low-level dealers/traffickers rather than the bosses in charge of the drugs trade means Brazil's 'war on drugs' is not only largely unsuccessful, but community members and drug policy analysts alike view drug control and the police repression that goes with it as an excuse to exert social control over poor and marginalised communities, rather than seriously aiming to eradicate the illicit trade. Some even mentioned that if you stop the prohibition of drugs, the authorities would simply find other excuses to control poor communities.

This is reinforced by the fact that police commanders have openly admitted to policing wealthy communities and peripheral neighbourhoods differently in both São Paulo and Rio de Janeiro, and that members of these communities who are not themselves engaged in the drugs trade also have their lives impacted by the widespread impacts of drug control in their neighbourhoods (see previous section). This differential treatment of poor, predominantly black and/or young people engaged in small-scale trafficking, or people who use drugs from the favelas plays out across all stages of drug control from policing to the penal system.

The drugs policies only intensify social control over poor, peripheral regions, and they impact mostly on poor people and women.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

The only difference is that the guy in one area is among poor people and the one at the other is among people with better life conditions... So, what happens...there's a different treatment, because if a dealer is caught at the [location redacted], he'll have some privileges at prison, but if a dealer is caught at the [location redacted], he'll be treated like shit, tortured and humiliated.

Patrick, 31-year-old white male, Rio de Janeiro

Building a new approach to drug policy

The discourse of decriminalising the drug trade is about decriminalising poverty.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

Legal regulation

New drug policies are needed that significantly reduce harm and directly address the vulnerabilities driving people to engage in small-scale trafficking in some of Brazil's poorest communities. Whilst the recent election of a government led by President Bolsonaro does not bolster optimism for this in the immediate term, given his election has sparked fears of greater repression including increased police violence, it is more important than ever that the development community stand in solidarity with those pushing for reform and works to mitigate the harms of the current prohibitionist approach.

Drugs should be licit [legal]. At least marijuana, it should be no problem... People wouldn't be arrested for trafficking any more. The police wouldn't be able to take our stash any more... Because we dealers, when we is selling drugs, we're not forcing anyone to buy it.

Rodrigo, 20-year-old black male, São Paulo



Although some of those most affected by prohibition don't support the legalisation and regulation of illicit drugs, for others who have been on the receiving end of the 'war on drugs', legal regulation is the most pragmatic answer to reduce this harm and redress the decades of damage caused. This view is supported by community leaders, national drug policy experts, a prominent civilian police chief in Rio de Janeiro,³⁰ and even one of Brazil's Supreme Court judges, as the only way to remove the powerful monopoly of criminal gangs and address the societal impacts of failed policies and the illicit trade.³¹

Where does it [profit from the drug trade] go to? It doesn't stay in neither end. But, maybe, legalisation will solve this problem. So, like, what I think, you know, is that from a moral perspective, cultural, I'm pro-legalisation...[use and trade].

Jorge, 63-year-old black male community leader, Rio de Janeiro

If they legalise drugs it would give greater opportunities for people. They could bring an income home, without fear of being arrested. Sometimes people are afraid to sell drugs, and so they would be able to sell them and not be afraid. Sometimes, people don't have anything. They have no way of buying some beers, a cooler... But then it would be easier for them.

Gilson, 63-year-old white male, Rio de Janeiro

However, many who support the principle of legalisation are sceptical over the possibility and dynamics of a regulated drugs trade in Brazil. As well as challenges such as the size of the country and the federal system, interviewees particularly highlighted the capacity of the Brazilian government, considered corrupt and ineffective by many, to implement an effective regulated market that does not cause further harm to communities. Some also have concerns about the potential for a regulated model to exclude small-scale traffickers from the trade and this important source of income, as well as failing to address the inequality and deprivation driving engagement in the drugs trade, and in turn to reduce violence. This again emphasises the need for the involvement of development community in ensuring reforms are pro-poor.

But then [If they legalise drugs], considering the people in government right now, it might not work... It may get even worse.

Gilson, 63-year-old white male, Rio de Janeiro

There are people who use it and there are people behind it, even politics itself. The worst dealer isn't that one at the favelas, with a machine gun, defending their community. The worst dealer is that one sitting in front of a desk, wearing a tie and a suit, speaking on behalf of the country, on behalf of his/her people.

Patrick, 31-year-old white male, Rio de Janeiro

Because the government will want to abuse us too, they abuse the workers and now will want to abuse us, that are poor, crazy and have nothing. Ourselves, on the streets, those working on the trade, we should lead it.

Rodrigo, 20-year-old black male, São Paulo

You legalise drugs. What are you going to do with all these armed people? That's all they know how to do. Guys from the military police were only trained for that [fighting traffic]. The 'soldier' [security detail] from the 'boca' [spot for selling/buying drugs] was trained for that... That's their job. What are they going to do, man? How are they going to be absorbed [by the labour market]?

Jorge, 63-year-old black male community leader, Rio de Janeiro

I'm pro-legalisation. But I don't know how this would take place. If it's the state who has to legalise it, that has to control the trade...

Marcio, 38-year-old black male community leader, São Paulo



Others specifically referred to the theme of social control, and the enforcement of drug laws as a manifestation of racism and class discrimination, used as a means of repressing marginalised communities, which they cautioned may continue regardless of drug laws.

Legalisation won't end the war tomorrow, because violence is already a given; our inequality, our violence. There are also those ingredients. But the drugs are an important driver and this policy worsens the drug and the violence dynamics.

Mauricio Fiore, 40-year-old white male drug policy expert, São Paulo

It's not just decriminalising it. Regulation is key, as this [prohibition of drugs] works as an excuse to many killings, right? But obviously, it won't be the solution to our problems. Because our problem isn't the drugs. As I told you, we can legalise it and they'll find something else to keep on killing people for. It won't change... They'll come up with something new. So, I don't see any relation between legalisation and decreasing violence. I think violence is connected to the outskirts because of racism, class divisions, not because of drugs. I think that's it...

Marcio, 38-year-old black male community leader, São Paulo

These are all key issues that would need to be seriously addressed within any regulation model.



Some of the interviewees supported the following factors for a successful approach to drug policy reform:

Driven by people not corporate profit

We should fight for a model that is effectively democratic and humanist, and not a model that is based on exploitation and capitalism ... We have to listen to our communities. They will be directly affected.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

Any model of legal regulation should be driven by people not corporate profit. This could be ensured by taking into account the needs of vulnerable communities engaged in the drugs trade, through participation of affected communities in its development.

Ah, bro, they should be able to see our side too, put themselves in our shoes...'How come these folks are living this life?' Get all their facts straight before judging us. And also don't convict people like that, because if they analyse why we're like this, what are they thinking? ... They should evaluate, not convict.

Rodrigo, 20-year-old black male, São Paulo

What I mean by legalisation is not suddenly making the trade legal and having big multinational corporations profiting millions by telling people to use drugs... We should fight for a model that is effectively democratic and humanist.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

Decriminalisation to reduce harm

Whilst developing a model of legal regulation will take time to get right and likely be an incremental process, the government could immediately reduce incarceration and other harms by decriminalising small-scale involvement in the drugs trade.

The way to do this is to gradually withdraw drugs from within the scope of the police, of the criminal system and even the military. This is important because one cannot change this overnight. One needs to add this to the scope of public policies, health, education, social security. That’s where it belongs.

Mauricio Fiore, 40-year-old white male drug policy expert, São Paulo

I believe it’s necessary to collectively build a new format, above all a format that does not involve the police and the justice system, nor the penitentiary system. Any proposal that does not involve the penitentiary system, the police and the justice will have much more chance of success.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

Social support

Finally, given the realities of why many people are engaging in that trade at a smaller scale it is vital that any reform be implemented hand-in-hand with social policies targeted at directly addressing un/underemployment, inequality, violence and social marginalisation.

Above all, welfare policies and basic guarantees of survival and employment. Income, health, education, leisure, culture, habitation, everything is included in these social rights. At the same time, we should think about legalisation.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

Ah, there could be a CAT [Centro de Apoio ao Trabalhador, Worker’s Support Centre] here, you hear me? Right next to this region. If there were more parks for us to walk in, more spots at the schools, all this, get it? They should also reduce our taxes, not our wages... Jobs, more schools, hospitals, many more hospitals, and we’d also ask for less violence.

Rodrigo, 20-year-old black male, São Paulo

I believe it’s a matter of education, culture, in putting up real competition with the drug traffic in terms of job offerings. If there are other work opportunities, I think decriminalisation is critical. It’s not worth it to decriminalise consumption only.... you have to decriminalise everything. Now it’s a matter of finding out if the large mobs are interested in paying the taxes paid by alcohol and tobacco industries”

Jorge, 63-year-old black male community leader, Rio de Janeiro

It starts with education, don’t it? With kids: health, good schools... then the kids of the new generation will think differently. They won’t want to get involved with crime. They’ll see its bad business and that they can lose their lives. It needs to start from education.

Flavio, 35-year-old black male, São Paulo

CASE STUDY 2

Drug policy and rural livelihoods in India

This case study outlines the current situation of illicit opium farming in an area of rural India vis-à-vis the challenges of rural livelihood security, evaluates the vicious cycle of poverty that pushes farmers into this illicit trade, examines the impact of prohibitory drug control policies on exacerbating the vulnerabilities of farmers, and explores alternatives through a progressive approach to drug policy.

India's drug policies

Policy measures on drug control have been in place in India since the 19th century. Following the enactment of the Opium Duties Act of 1857 (revised in 1878) that regulated both opium poppy cultivation and opium manufacturing, many amendments and provisions have been introduced with increasingly prohibitory approaches. The Dangerous Drugs Act of 1930 and the 1985 Narcotic Drugs and Psychotropic Substances (NCPS) Act are examples of continuing traditions of criminalisation for illicit cultivation and manufacturing of opium. Cultivation of opium poppies without a license and possession of an amount above a minimum quantity (that of just one poppy) can attract severe fines and lengthy imprisonment.

India is one of a few countries which permits and regulates cultivation of opium poppy for medical and scientific purposes, providing a limited number of licenses in certain areas of Madhya Pradesh, Rajasthan and Uttar Pradesh providing they can meet certain strict conditions. In 2013-2014, 318 tons of opium were legally produced in India.³² Alongside this, Illicit cultivation of opium remains widespread in several remote rural locations of North East India. Cultivation of opium poppies and cannabis has been increasing in some areas, and is a significant livelihood source for poor and marginalised communities. In addition to small scale farming by poorer members of the community, large opium fields are often cultivated with the help of hired labour, generating employment. The region is targeted for opium eradication by the Narcotics Control Bureau, with large swathes of crops destroyed.

Whose voices? Participants in the report

Seven individual and semi structured interviews and three focus groups with a total of 13 participants were conducted with individuals engaged in small-scale illicit opium poppy cultivation, in two towns and seven villages. In addition, representatives from five local and one national civil society organisation (CSO) were interviewed.

The risks associated with prohibition posed challenges for this research. People were reluctant to acknowledge their personal association with the trade for fear of risking their livelihoods or other repercussions. In order to protect participants, we are unable to disclose the location of this research, beyond that it took place in North East India. In the case of individual interviewees the gender and age of the person have been noted, however in the case of focus group participants this information was not recorded.



How marginalisation pushes people into the drugs trade

Most people interviewed depend on the cultivation of opium poppies as a means of income, due to a lack of other sustainable options. Agriculture is the main source of livelihoods and income in the area, with opium poppies one of the most cultivated crops. As well as growing to support opium use or addiction in the family, many families rely on income from the sale of opium poppies because it provides higher returns and better livelihood assurances in comparison to other crops.

Increasing production and widespread dependence on opium poppy cultivation in the area is a result of inadequate livelihood opportunities. The lack of livelihood choices in the region was evident from the research; the only two alternative options cited by respondents were agriculture and government jobs. Research participants also cited insecurity because of a lack of viable alternative agricultural opportunities and a prevalent practice of bribing to avail limited government jobs. They also noted the absence of industries or other employment options in the area. In such a situation, families end up relying on the earnings derived from opium poppy cultivation to not only manage their basic needs, in particular health and education expenditure, but also other household expenditures, such as expenses for carrying out religious rituals and input costs for other crops.

Poverty and a reliance on opium poppies to meet basic needs

The income that we make from Kani is our only source. There are people who are worse off [economically] than we are and they are completely dependent on opium for their sustenance.

Rural poverty in the region is comparable to the all-India figure of 27%. Those who grow opium poppies are often trapped in a vicious cycle of poverty and debt, along with complex links to addiction. Although many of the farmers in the research area cultivated other crops for subsistence purposes, or in some cases seasonally, they relied on income from opium to meet their family's basic needs such as food and household items, and access to healthcare and education, whilst some respondents reported that they were completely reliant on opium.

We are very poor villagers. You can see this house, which is not pucca ghar [concrete building]. This house is made up of bamboo. We don't have any sources of income. If I do not cultivate Kani, then how will I get money for my family's basic needs?

We need Kani [opium poppy] for everything.

48 year-old female



bamedunhya.tripod.com

Our livelihood is dependent on the Kani cultivation because there is no other source of income. My whole family depends on that. I cultivate Kani, sell it in the market and in return I get handsome money to buy all necessary things for my children and for my family.

In spite of working hard for the whole day and night, a poor farmer hardly gets 5,000-10,000 INR [£55-110] in a year after deducting all their investment. How could a farmer survive with that amount for a whole year? Kani cultivation helps us with a good income and we can survive for one whole year.

Lack of access to health and education

The research highlighted significant barriers to accessing healthcare. While some interviewees reported that they had adequate, or good, access to medical facilities and services, others reported lack of doctors, having to travel far to access basic primary healthcare, and hospital facilities lacking in the district hospital. For others, the condition of the roads was a key barrier. In some cases the only options for medical treatment are through private hospitals, while others described having to pay to purchase medicines from private pharmacies even when prescribed by government hospitals. In a few other cases, they even had to self-fund access to health services, as well as rely on income from opium for medical emergencies. The production of opium poppy was a key means to address this.

Doctors have told me that my son needs an operation to treat the wounds inside his intestine. Government never supports health facilities and the government hospitals do not have operation facilities. They simply make referral to private hospitals where surgery is very expensive. But a person like me who is a poor farmer, how will I bear those expenses?

Female, 40 years

It was common for people to die while they are being transported to medical facilities, and for some women deliver children while they are being transported.

Male, 38 years

Medical services and medicines are provided to patients for free on producing the necessary documents. But the full money is not provided by government officials. Most of the time, villagers receive partial payment, about one third of what it should be. They do not even ask us how much money we incurred for the medical expenses. They do not even ask before giving the money. It is a very random process.

At the time of family members falling ill or injured at home, the government does not support or help us. If we do not have money to pay to the doctors or pharmacists then there is a possibility of losing that family member who falls ill. In such times of emergency, only Kani can help us to get money

Primary education up to class eight (age 14) is free and compulsory in India, but for secondary education (lower and upper) private schools account for 56% of total secondary schools. Research participants in certain locations reported a lack of schools in their location at secondary level. This was the case particularly for upper secondary level, which required students to travel to other areas to study residentially, attend private secondary schools, or both. In some locations, multiple respondents reported the need to cover both accommodation and school fees for their children studying in other locations. Opium poppy was a key means of accessing education. Farmers also reported that it is through income from opium poppy cultivation that their families, and others in the community, had been able to support their children's education to a graduate degree level.

My elder brother's son has been able to complete his engineering from Chennai (city in South India). His education was supported by income from Kani cultivation.

My whole family depends on income from Kani cultivation. I spend some of the money to give education to my children. With some money I do the savings for emergency purpose in future.

If you look at the children of the village and the other adolescents who have become teachers in schools, their education was also supported from Kani cultivation.

Female, 18 years

Lack of alternative livelihoods

Maintaining livelihoods and a steady income has been a challenge for communities dependent on agriculture and farming in this region. Geographical conditions such as erratic climate and difficult terrain in North East India limit options. The state government has implemented schemes to promote alternative agricultural livelihoods, however, these have failed due to low technical knowledge of these cash crops amongst farmers, specific climatic requirements for the alternative crops, lack of water in the region, the length of time (two to three years) for the plants to mature, and a lack of associated support services from the government such as agricultural subsidies, training and capacity building for farmers.

Last year under MGNREGA scheme [government scheme to support employment in rural areas] the government provided a few farmers of this village with saplings for tea plantations in the area. However, no training or monitoring was provided. Besides the saplings given were not enough to generate adequate income. Income generation from tea plantation is a time consuming process [around 5 years until the tea can be harvested] and without the necessary training, those saplings died.

Overall, there was frustration among research participants at the lack of government funding to support alternative livelihood options or, more generally, to benefit farmers' economic situations. There was a sense that the government's provision of subsidies, training or other support had not materialised. There were also complaints and apprehension that even planned government support would be insufficient to allow full transition from opium cultivation to alternative crops.

People started growing wheat instead of opium poppy, but from wheat you do not get much money, it is only for self-consumption.

Female, 17 years

The orange orchards take time to bear fruits and we can benefit from them only after six months. If there are regular buyers then we can demand from them a decent price. Otherwise how will we sustain without regular buyers?

Male, 38 years

The amount given is less than half what is required to start any kind of livelihood activity. Receiving that amount from the government will not help and there will be no results.

Even if some schemes are being implemented for our area, the political leaders prevent the implementation and the funds do not reach out to the beneficiaries.

The government says it has organised training sessions, but we have not received any trainings on agriculture.

Male, 38 years

Market access was also a barrier to providing alternative crops, as there was no system to collect produce from different producers and transport it to sell in other locations. The low market value of such crops meant that the income would only support a family's needs for a day. Hence, they seemed more valuable for consumption rather than selling. As a result, undertaking alternatives to opium cultivation was simply not an option for most without government support. Given the ineffectiveness of the government schemes to promote alternative livelihoods, farmers are left with no choice but to continue cultivating Kani to provide for their families.

To start anything new one needs an investment first, but where will I get that money?

Opium cultivation is beneficial for the people here. Government is also not able to create any other sustainable opportunities for us here. If someone has no resources, and the government is not providing them with something lucrative... then such a family would require something to survive on, right?

Male, 38 years

Lack of access to government jobs

A promising alternative to illicit crop cultivation is often seen in the form of public sector jobs. Government jobs offer higher income and job security to families, but they are often scarce. Additionally, according to the research participants, bribes need to be paid to officials to secure a government job.

There are many people who are sitting idle in the village even after completing their education up to graduation, since there are no jobs in the village.

One respondent recalled that his brother, a chemical engineer, could not secure the INR 70,000 [£773] needed for a job in a relevant government department. Desperate to get a job in the government, he later paid INR 50,000 [£552] for a more menial role.

For a regular job in a government department, one needs to pay 50,000 INR [£552].

Lack of state support

To regulate the distribution of food, the government has implemented a scheme through a targeted Public Distribution System (PDS) to ensure food security and alleviate poverty by making essential commodities, especially food grains, available at an affordable and uniform price. Increased amounts of grain are allocated to people assessed as living below the poverty line (BPL) or Antyodaya (AAY), the poorest citizens.

I have the BPL card but it is worthless since no ration is available and I have to purchase rice from the market.

Although some participants reported having easy access to government subsidies and grains where they were eligible, others reported corruption and ineffective implementation in the allocation of various government benefits; this included reports that those responsible for distributing rice rations to BPL cardholders sell it on the black market. This results in cardholders receiving rice rations both late and in insufficient amounts. One such instance is of receiving only a 15kg bag of rice every three months, regardless of the number of household members.



The 100 days of work guaranteed under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA) scheme has also failed to address the needs of communities, due to its poor implementation. Complaints include BPL families receiving money for only 15 to 20 days work rather than the 100 days to which they are entitled, and wages not being received on time or received in small installments.

Extremely poor families are shown as APL [Above Poverty Line], and those who have everything are getting BPL cards and other government benefits. I haven't got anything as of now.

There was frustration that people in other areas received subsidies and support that was not available for farmers in the research areas, whilst corruption and inefficiency in some instances had deterred people from attempting to access the benefits they were entitled to.

Once I heard that my name had been shortlisted for a subsidy for seeds, but when I asked the officials they denied it. I am an illiterate poor farmer, I don't know how to read and where to check the lists of the names. So without saying anything I returned to my home.

The old age pension is available to the senior citizens of this village but since last two years they are not getting the pension. I heard this from one of the villagers.

Female, 18 years

Every year, I purchase the seeds from the market only. Government department never gives us the seeds. Now I am very fed up and tired of this process.

There is corruption. The schemes are released by the central government but the local MLAs [Members of Legislative Assembly; elected representatives] and ministers create a problem in making the schemes to reach out to us.

The money we received from 100 days job card work is not sufficient for our family.

I will not apply for that. I know my application will be misplaced from block office. Names are taken in the application forms but those get disappeared from the file and the benefits are given to some other person.

Opium as necessary income security

Kani cultivation is seasonal. We do not need to work for the whole season. It takes only three to four months for the crop to mature, which means less investment and more income.

In the absence of other options, opium cultivation is an attractive option for marginal farmers; it provides higher revenues for lesser yields within a shorter time period, has a longer shelf-life, and is relatively easier to cultivate than other crops. It is also much more profitable, and the seasonal short cultivation cycle means farmers do not have to work throughout the year. The market for selling opium poppies is far more accessible than for other crops in the region.

Since opium can be stored it helps us in earning money when all other options are closed. In the peak seasons when no one has any opium left to sell, we can sell it at 1000 INR [£11] or 1200 INR [£13] for 1 tola [11.6 gm].

Male, 38 years

In addition widespread opium consumption, along with addiction, means farmers are able to sell their opium locally rather than having to travel. Overall, the high returns from opium cultivation, in the context of poverty and lack of secure alternative livelihoods or government support, are a strong motivational factor for farmers to carry on with opium cultivation despite the risks of punitive legal measures.

We can buy and sell Kani in our locality and there is no need to go to market outside for selling Kani.

In June, July and August due to heavy rainfall we make no money, not even contractual work. Since opium can be stored it helps us in earning money when all other options are closed in front of us.

Male, 38 years

Household consumption and addiction

Household consumption of opium is high in the region, with families cultivating for both livelihoods and consumption. Opium is used in religious ceremonies, as a painkiller and medicine for common ailments, as well as for personal use and as a result of addiction. Addiction amongst young people was cited as a concern by some respondents, and in fact was one of the most significant reasons why farmers expressed a desire to stop opium cultivation. This, combined with a lack of treatment facilities in the region, is a further factor influencing demand.

See we also want to stop Kani cultivation. The elderly who consume opium have already lived their life and are now addicted. What is not right is that younger people are consuming it. The younger ones in class 6 or 7 [aged 12-13] consume opium and other drugs available in powder form. This is widespread here. It comes from outside, but exactly from where we do not know. A survey is crucial to understand the condition of drug consumption, ways to catch peddlers, and what steps to take to stop this.

Gender

Women are the main cultivators of opium poppies, undertaking most of the work in poppy cultivation and trade, including selling. Most women grow opium poppies to meet their family’s basic needs, but also in many cases to support to their husband’s opium use or addiction, which is more common amongst men. Women and children are also more actively involved in opium transportation, as they can avoid rigorous checking by police at various checkpoints.

Women spend more time in cultivating Kani crops. Men do not help women in crop cultivation. They roam around here and there.

Female, 18 years

Opium poppies provide the funds to enable young people to travel to access higher education (see p. 26), and respondents remarked that many women and young girls from the area are now travelling to cities for higher studies and jobs. This has resulted in a remarkable improvement in women’s living conditions, confidence levels and decision-making power.

Women look after their children, households, carry out activities related to cultivation, and often complete their education as well – all at the same time. Some are pursuing a master’s degree, as well as carrying out activities related to cultivation, and looking after their households.

The system of ‘bride price’ in which a groom has to offer pigs or some other items to the bride’s family before marriage is common in the region, and was reported by one of the CSOs as a leading cause for unequal labour, resource divisions in the household and violence against women. However, in the context of increased access to education and employment opportunities outside the state, women are now choosing to marry men from other communities, much to the dismay of the elders in the villages. Given the importance of opium cultivation in women’s livelihoods and enabling access to higher education, the research points to opium poppy cultivation as an important driver of women’s empowerment in the region.

Breaking the poverty cycle

Most of the respondents attributed their financial gains and advancement, including their children’s educational attainment, to the profits secured from cultivation and sales of opium poppies. In this way, opium poppy cultivation has not only been a source of development, it is also the means for families to break the inter-generational poverty cycle.

Criminalising poverty: How India's drug policies harm poor farmers

In a context where livelihood security outweighs the risks of losses from crop eradication and other punishments, farmers involved in the research continue to cultivate opium poppies. However, the illegality of opium poppy cultivation has caused them to feel exceedingly insecure about their dependence on it as a primary source of income. Most of the farmers interviewed have faced forcible eradication of illicit poppy plantations in the recent past. Their narratives revolved around how they embarked on opium poppy cultivation to have good earnings and manage some savings for the future, but police and government actions have often destroyed their fields, and along with it their hopes.

The following themes emerged from the research:

Violence and forced eradication

We tried to stop the forcible destruction of crops but they start beating local farmers with sticks.

Whilst farmers employ various tactics to evade eradication and fines, most had been victims of eradication drives over recent years, as the Central Bureau of Narcotics (CBN) carries out the destruction of illegal crops to eradicate the illicit cultivation of opium. These drives are denounced as selective and ritualistic.

The eradication drives are carried out mostly by police, the army and sometimes personnel from the CBN, the Central Reserve Police Force (CRPF) and the Indian Reserve Battalion forces (IRBF). Often police are allegedly involved in the illicit drug trade and opium use themselves. In most cases eradication drives are carried out without any prior notice to the farmers, using a simple stick/cane or with the help of cutters and tractors, with the crops cut and left to rot on the road.³ Violence from police against those trying to protect their crops during eradication drives was also reported by a couple of respondents.

They beat everyone irrespective of sex and age of the person. What can we do? They mention that they are sent by the government and have to handle people the way they are told to.

The eradication drives and punishments depend on inspections conducted by officials, based on information received by the authorities from someone in the village itself, or from NGOs working in the region. Some NGOs collaborate with the police on raids.

Opium poppy eradication is carried out just before the opium is ready to be harvested, at which point farmers have made considerable investments in cultivation. Farmers are not given any compensation for crop eradication, and as noted officials rarely give notice to farmers. Respondents did report that village heads are often made aware in advance of eradication, but according to most they use this to bolster their own power and exercise an unfair bias by informing only select members of the village or protecting their own crops.

Police come with lathis [sticks], beat the plants and destroy them all. Since the stems of such plants are rather soft, no heavy vehicle is required to obliterate the crops.



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Fines and imprisonment

If I have to pay so much fine then how can the family members survive? All family members will die of hunger in that case.

In keeping with national drug policy the authorities often impose fines, and less frequently imprison illicit opium cultivators. One of the respondents reported being fined INR 10,000 [£125 GBP] for which they were forced to borrow money, and another described cultivators in another location who had to pay around INR 15,000 [£180 GBP] as a fine, along with being sentenced to a 15-month jail term. These are significant sums for poor farmers, many of whom are already living below the poverty line.

They destroyed my plantations. Now I do not have the money and nothing left. I have to pay admission fee for my daughter in her school but I have no money now and she is not allowed to attend her school.

Female, over 40

The scale of sentencing and fine does vary depending on the quantity of opium confiscated, and the total weight of the seized product is considered instead of pure drug content to calculate the quantity. This quantity-based sentencing ignores the motive and role of the offender. Also, while dealing with offenders, there is no distinction made between small farmers or families below the poverty line and others. The minimum quantity seized that can attract punishment in terms of fines, imprisonment or both is 25 grams of opium, less than a single opium poppy flower.

Pushing people into poverty

One of the most glaring impacts of the existing drug policy on these communities is the substantial monetary losses faced by farmers, pushing them into dire poverty. Because of the destruction of crops, farmers suffer heavy losses, and the forced eradication of crops leaves them feeling helpless and struggling to meet their family's needs. The exasperation from the crop loss is often compounded by the amount of work put in to prepare the field and nurture their crops. Expenditure incurred on seeds and irrigation becomes a considerable burden on the farmers when they receive no returns.

Farmers also experience a double impact due to a loss of the revenue to re-invest in the cultivation of their next crop. The impact of fines on top of this loss of income also has a significant impact. Some of the respondents reported considering selling assets to cover the debt they found themselves in because of forced eradication and fines.

They eradicated four bighas [0.8 acre] of my Kani field when the crops had fully matured. I was supposed to harvest and collect the produce but sudden eradication made me suffer a huge loss. I was expecting around 1 lakh [£1,105] from the harvest. Somehow, I am managing daily expenses of my family now.

We earn from the crop cultivated and again use that money to cultivate the crops following year. So the current cultivation is dependent on revenue made from the last crop... If we face losses, then we have to adjust from the profit of the last year or adjust previous year's loss with the current year's profit.

In total around 40,000 INR [£442] was spent on two fields. When the Kani was fully matured and was ready to be harvested, the police personnel entered and started destroying the field... Yes, if they had not destroyed my field then I would have sufficient money with me and I could pay my daughter's admission fees, but they destroyed everything and left me with nothing.

Female, over 40

The losses bring farmers to a state in which they are unable to meet their basic needs or take care of emergencies that arise. The situation of the opium cultivator cited above whose crop was destroyed leaving her with no money to pay for her daughter's school fees and her son's surgery exhibits this well:

I need around 20,000 INR [£221] for my son's urgent surgery. If my Kani field was not destroyed by the police, I would have managed this amount of money. Now it is very difficult for me to arrange money for his operation. So I am thinking of selling my land to someone and will take care of my son's operation, my daughter's admission and other things with that money.

Female, over 40

Building a new approach to drug policy

Ending forced eradication, fines and prison sentences

The previous section shows the significant impacts of forced destruction of opium poppies and other penalties on the livelihood security of small-scale farmers, pushing them further into poverty. Ceasing opium poppy eradication and removing penalties for the small-scale cultivation should therefore be the first step in addressing their needs and in improving their livelihood security.

Instead the authorities need to understand the problems faced by opium poppy cultivators. A platform for dialogue between the cultivators and the government is required to address the needs of those reliant on opium poppy cultivation. A strong step in this direction should redirect the money spent on eradication towards surveying people’s livelihood needs. However, this will not be possible without first building trust and dialogue among farmers, communities and authorities. This can occur once forced eradication stops and farmers are no longer subject to fines or criminal penalties for cultivation.

Alternative livelihoods

Despite opium poppies being a major source of income for communities and important for traditional practices, farmers are open to trying out alternative livelihood options, and in some cases actively expressed a desire for such opportunities if it was as profitable as opium poppy cultivation. This is difficult given that alternative crops provided by the government had proved either unsuccessful or unsustainable in the research areas. Alongside learning from lessons from schemes elsewhere (see text box on p.34), promotion of alternative crop cultivation would need thorough support, including training and capacity building, for uptake.

If an alternative given to us is more profitable, we will try to give up opium cultivation.

Other alternatives suggested by farmers include introducing tea and rubber plantations and supporting poultry or animal rearing farms, as well as building market links, access to new crops and different markets. Local CSOs also suggested the revival and capacity building of farmers’ cooperatives in the region. Most importantly, any initiative should not be contingent on farmers giving up opium cultivation



at any stage of receiving support. The focus of such policies should be to support farmers to earn an income that meets their needs and improves their wellbeing, rather than to eradicate poppy cultivation through alternative means.

If government gives job to one member of each household then automatically they will stop doing Kani cultivation. But government neither gives job, nor any other source of income. Then how is a farmer expected to stop doing Kani cultivation?

In addition to addressing the inconsistent implementation and corruption in the provision of government subsidies for alternative livelihoods, there is a need for enhanced awareness of existing government subsidies, programmes and schemes, as well as monitoring and appropriate follow-up support for those struggling to live off new alternative crops. If people have returned to opium cultivation, the response should be further consultation on support required, rather than punishment whilst allowing them to continue opium cultivation. Increased community engagement to develop programmes and policies by understanding the issues that affect them is important, with the need for mutual trust instead of animosity between communities and authorities.

Some of the respondents also suggested that the government can provide alternative sources of income by creating jobs or setting up industries.

If no other feasible alternative is provided to us, we would continue with the cultivation. See the primary factor here is that it is part of our traditional practice and how will we give up that? If there are alternatives for us, we would not do production at a larger scale but limit it to a kitchen garden set up for our traditional usage.

State support in access to education, healthcare and addiction treatment

CSOs suggest that higher educational attainment among the communities and availability of services related to education could help reduce the growing cases of opium addiction. Even local youths agree that those who are educated usually refrain from opium consumption. However, the researched location suffers from a lack of welfare facilities, and students often have to travel around 50 kilometres for their exams. Community members suggested that surveys could be helpful in understanding the prevalence of drug consumption in their region, and in determining the steps that should be taken to respond. CSOs pointed out the challenges of remote locations without adequate medical facilities and staff to deal with addiction, and that most centres to treat addiction in the region are now defunct.

Alternative livelihoods – learning from the failures

It is important to draw on experiences elsewhere in order to avoid some of the pitfalls of alternative development. There has been a tendency for such programmes to be led by security and supply reduction goals rather than development concerns, with support conditional on reducing drug cultivation and the eradication of drug-linked crops before alternative sources of income are established. Such programmes can again deepen the poverty of small-scale farmers, whilst largely failing to reduce drug production.³³

Despite the common failures of such schemes, some positive examples are available. One interesting case study is the Royal Highlands Project in northern Thailand. The project was developed with the active participation of drug-producing communities. It included improved infrastructure, increased government services to the Hmong people, and provisions to safeguard food security. Crop eradication happened in ways that had been negotiated with local people, and only once other crops were providing a steady income. Small-scale production for personal use was allowed. Most significantly, backing from the Thai monarchy meant that the project could be carried out over the space of decades.³⁴ Any attempts at alternative livelihoods schemes must learn from such schemes as well as the lessons from the many that have failed if they are to reduce rather than entrench poverty.



See, this is part of our tradition. Without Kani our puja [worshipping] is incomplete. During rituals and ceremonies, we must offer Kani to our gods. Some gods only accept opium poppy as an offering.

The Primary Health Centre here does not have a de-addiction centre. We have written to the DC [Deputy Commissioner – the head of district administration] so many times and I have even met him for this, three times. It has been so many days and months since they promised...and we still do not have this facility.

So de-addiction camps are sometimes organised. But they organise these camps for only two or three months and that is not enough and people start consuming it again. These camps are only for formality purpose.

For 15 days, the centre charges around INR 3000 [£33]. But an addict cannot leave drinking habit in 15 days and still he has to pay the amount. The patients who need treatment have been addicted for several years. How can they get de-addicted in just 15 days?

The participants felt that regular monitoring and counselling is required to avoid relapse after they leave the treatment camps or centres. The establishment of psychiatric wards or mental health clinics within the health facilities, staffed by specialists adept in psychiatric counselling, emerged as a key requirement for the region.

Licensed cultivation of opium poppies

Kani cultivation is an integral part of tradition for these communities. The usage extends from worship to rituals and ceremonies, meaning eradicating Kani from people's lives and culture is an unrealistic aim. The farmers wanted the scope of licensed cultivation which is permitted in certain states under particular conditions to be extended to their districts as well, so that they can cultivate the crop legally. Some farmers referenced the need to legalise opium poppy cultivation beyond purely traditional reasons in the absence of other options.

In Punjab [an Indian state], people get license for their cultivation and then it remains limited. That only one or two people can cultivate.

If we get a license to cultivate then it is very good for us. This will give us some income also. Ayurvedic medicines are also prepared from opium. That also we should consider for exporting. Now if opium sells in other regions then the younger generation would cultivate but not consume it themselves.

Conclusion and recommendations

As both case studies show, the drug policies in Brazil and India are failing to reduce drug use, production or trafficking. Instead, they punish poverty and create cycles of marginalisation.

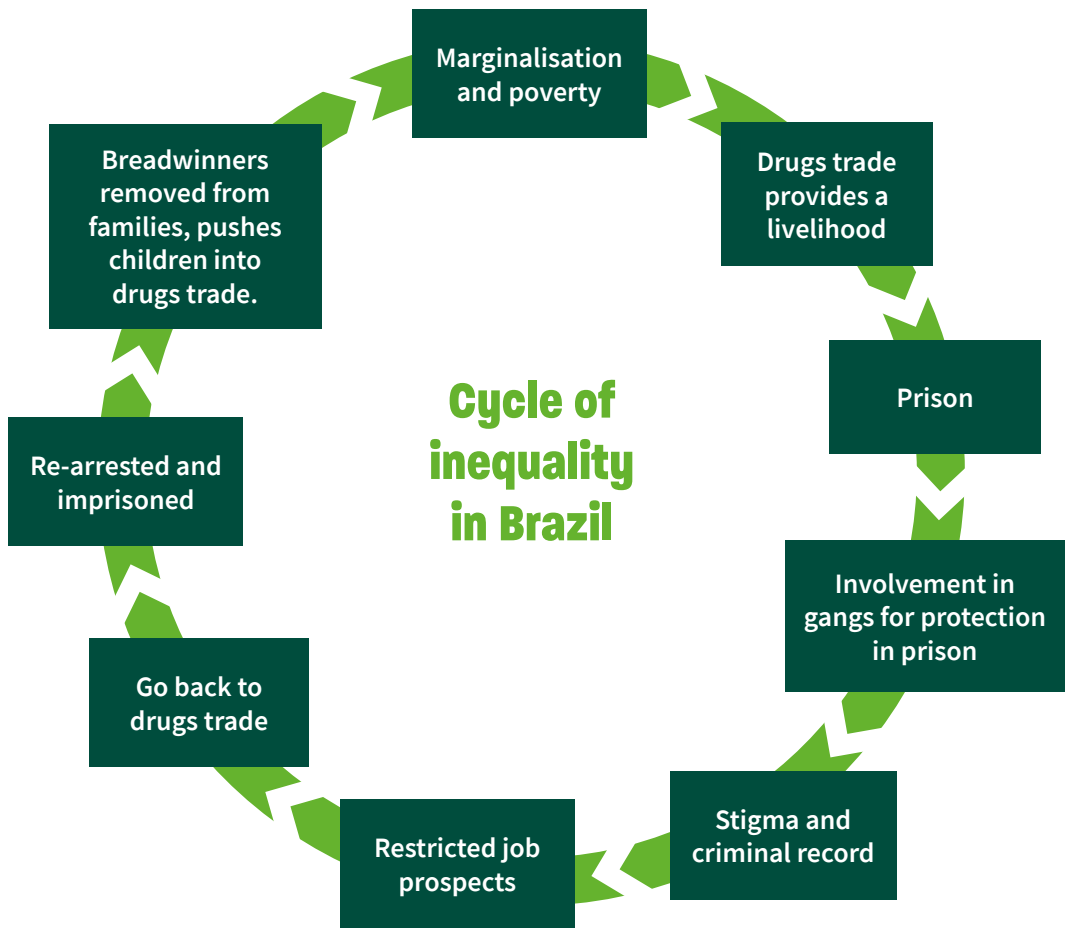
In both contexts, punitive drug policies have failed to reduce the drugs trade. In Brazil, those orchestrating the trade at a higher level are largely not targeted, and the threat of arrest and imprisonment does not deter people who feel they have little or no other options than engaging in low-level drug trading. When low-level dealers are imprisoned, they are easily replaced to meet the consistent demand. Meanwhile in India forced eradication, fines, imprisonment and violence are not preventing communities from cultivating opium poppies to sustain their livelihoods in the absence of other options.

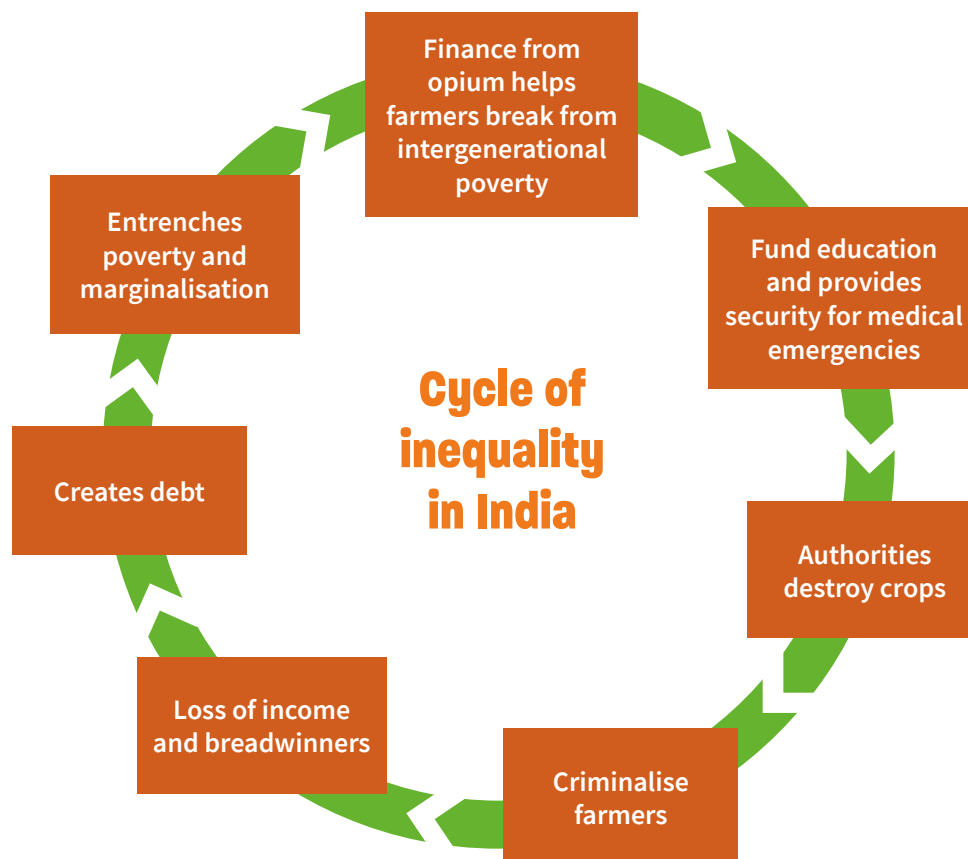
Instead, as both case studies highlight, drug policies are driving a cycle of poverty, violence and exclusion, impacting on individuals, families and communities and reverberating through generations.

When you criminalise drugs, you are not suppressing drug sales or drug use. You are creating another market: if there is demand, somebody will sell.

Luciana Boiteux, 42-year-old white female drug policy expert, Rio de Janeiro

In Brazil’s prisons, young people who may not previously have been involved in gangs must do so for protection, while stigma and criminal records worsen their already limited options for employment. Both these factors lead to high rates of reoffending. The incarceration that takes primary caregivers and breadwinners away from their families appears to be reinforcing intergenerational inequality by pushing their children into the drugs trade and generating a cycle of vulnerability that perpetuates marginalisation and inequality across generations. Stigma, discrimination and violence also have severe implications for wider communities.





In India the finance from illicit opium poppies is helping some farmers break the cycle of intergenerational poverty, pursue education opportunities, provide security for medical emergencies and empower women. This is then undone by eradication and criminalisation, resulting in loss of incomes, creating debt and further entrenching poverty and marginalisation. In this context, the criminalisation and punishment of these small-scale or low-level drug trade activities essentially amounts to the criminalisation of poverty.

There are alternatives to the harmful and futile ‘war on drugs’. Ultimately legal regulation of the drugs trade is the only way to control both its most harmful impacts and the policies that for too long have failed to contain it.

Yet moving to a model of legal regulation that supports rather than further harms vulnerable communities will take time and thought. In the meantime, there are clear tangible steps that can be taken immediately by governments to reduce the harm, starting with the decriminalisation of all low-level engagement in the illicit drugs trade, including for crop cultivators and traffickers, and an immediate end to forced crop eradication initiatives.

For many in marginalised communities, illicit drug-related activity is an important livelihood source, but also a precarious one. The removal of punitive measures should be accompanied by further research and comprehensive development and welfare initiatives to address the needs of community members as they see them, and to generate suitable employment or livelihood opportunities funded by the diversion of funds previously directed towards drug control.

To do this, it will be necessary to first overcome the mistrust created by criminalisation and punitive drug control to build trust and dialogue between affected communities, government representatives and development actors, to create a foundation for community participation.

Support to address the poverty, inequality and vulnerability that push people into engaging in the illicit drugs trade in the first place is vital, including poverty reduction, provision of public services such as healthcare and education, access to employment and training, and treatment for addiction.







The above measures must form the starting point for addressing the reasons people are forced into the trade, and the damage these communities have experienced as a result of prohibition. However, in the long run, legal regulation of the drugs trade is the only way to put an end to the devastation caused by this failed war.

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 Health Poverty Action, 31-33 Bondway, Vauxhall, London SW8 1SJ
 +44 20 7840 3777  campaign@healthpovertyaction.org
 healthpovertyaction.org  HealthPovertyAction  @healthpoverty

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