

Resolution No. 5 CONAD, November 4th, 2004

Translated to English by Andreas Hernandez

Disposition on the religious use of, and research on, ayahuasca

The President of the National Anti-drug Council – CONAD, in the use of its legal powers, observing, especially, the provisions of Article 6 in the Internal Regiment of CONAD; and

WHEREAS, the plenary of CONAD adopted at a meeting held on the 17th of August, 2004, the opinion of the Technical-Scientific Advisory Board, which, in turn, recognizes the legitimacy, juridically, of the religious use of ayahuasca, and that the legitimization process began more than eighteen years ago with the provisional suspension of the plant species which constitute ayahuasca, in the lists of the Medicine Division – DIMED, by resolution of the Federal Drugs Council - CONFEN, paragraph 06, of February 4th, 1986, that this suspension became final, based on reports from 1987 and 1992 indicated in the minutes of CONFEN, published in D.O. August 24, 1992, are the subsequent considerations based on the above decision of CONAD;

WHEREAS the correct decision, of the Public Administration, on the religious use of ayahuasca, was issued on the basis of multidisciplinary analysis;

WHEREAS the importance of ensuring the constitutional right to exercise worship and individual decisions, on the religious use of ayahuasca, but that decision must be properly grounded in the broader range of information provided by professionals in various areas of human knowledge, by public organs and common experience, gathered in various segments of civil society;

WHEREAS the participation by children and pregnant women in the religious use of ayahuasca, should remain the object of parent discretion, in the exercise of family power (art. 1634 of the Civil Code), and pregnant women, who remain responsible for the measure of such participation, taking responsibility for the development of the personality of their children and the unborn;

WHEREAS any religious practice adopted by the family covers rights and responsibilities of parents "to guide the child in the exercise of their rights in a manner consistent with the evolution of their capacities" including the freedom to profess their own religion and beliefs, subject to legal constraints dictated by the general public interest (see Convention on the Rights of the Child, ratified by Brazil, promulgated by Decree No. 99,710 of 21/11/1990, art. 14);

WHEREAS there is a desirability of conducting surveys and research on therapeutic use of ayahuasca, on an experimental basis;

WHEREAS, the administrative control of the social and religious use of ayahuasca may only be structured properly, with the assistance of the knowledge held by user groups;

RESOLVES:

Article 1. A Multidisciplinary Working Group will be instituted for the surveying and monitoring of the religious use of ayahuasca, as well as experimental research into its therapeutic utilization;

Article 2. The Multidisciplinary Working Group shall be composed of six members, indicated by CONAD, from areas that examine, among others, the following dimensions: anthropological, pharmacological / biochemical, social psychological, psychiatric and law. Additionally, the group will be composed of six further members, invited by CONAD, representing religious groups, and other users of ayahuasca.

Article 3. The Multidisciplinary Working Group shall choose its president and vice-president and shall, as its first task, promote the national registration of all institutions which, in their religious practices, adopt the use of ayahuasca, these institutions must keep a permanent record of all minors who participate, along with permission from their legal guardians, among other data as required by the Multidisciplinary Working Group.

Article 4. The Multidisciplinary Working Group will structure its action plan and will submit it to CONAD within 180 days, with a view towards implementing the goals referred to in this present resolution, with the ultimate objective being the development of a document which translates the deontology of the use of ayahuasca, as a way prevent its misuse.

Article 5. CONAD, through its departments, should consolidate in reprint, all decisions of CONFEN and CONAD on the religious use of ayahuasca, for access and use by persons who may, at their own expense, make copies, subject to administrative rules.

Article 6. This Resolution shall become effective on the date of its publication.

Jorge Armando Felix
Chief Cabinet Minister
of Institutional Security and
President of the National Anti-drug Council