

Multilateral Evaluation Mechanism MEM



Brazil

2009 EVALUATION OF PROGRESS IN DRUG CONTROL
IMPLEMENTATION OF RECOMMENDATIONS
FROM THE FOURTH EVALUATION ROUND



**RECOMMENDATION 1:****RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS (1992), A REITERATED RECOMMENDATION FROM THE FIRST EVALUATION ROUND, 1999–2000.**

Brazil reports that it has ratified the 1992 Inter-American Convention on Mutual Assistance in Criminal Matters. The ratification instrument was deposited with the General Secretariat of the Organization of American States (OAS) on December 11, 2007.

CICAD views with satisfaction the completion of this recommendation.

RECOMMENDATION 2:**ESTABLISH A NATIONAL INTEGRATED PLAN OF DRUG ABUSE PREVENTION PROGRAMS THAT TARGET KEY POPULATIONS, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Brazil reports that it established the National System on Public Drug Policies (SISNAD) in 2006 following approval of Law 11,343. One of the purposes of this law is to promote the integration of the drug abuse prevention policies, care, and social rehabilitation for users and drug dependents.

The country reports that within the framework of such an integrated national system, the National Secretariat for Drug Policy (SENAD) coordinates the implementation of the National Anti-Drug Policy (PNAD). In this context, SENAD implemented the National Prevention Program nationwide. The first initiative of this program was the training in three specific sectors: schools, communities, and the workplace.

CICAD views with satisfaction the completion of this recommendation.

RECOMMENDATION 3:**ESTABLISH A NATIONAL REGISTRY OF PATIENTS IN TREATMENT CENTERS THAT WILL PROVIDE INFORMATION ON THE TOTAL NUMBER OF PATIENTS WHO RECEIVED TREATMENT OR THE TOTAL NUMBER OF TREATMENT ADMISSIONS IN A GIVEN PERIOD.**

Brazil reports that it has established a database called DATASUS, www.datasus.gov.br, that provides access to the procedures involved in treatment for alcohol and other drug dependencies.

The public or private hospital units included in an agreement, that participate in the Unique Health System (SUS) send information on admissions to municipal and state managers. This information, obtained from Hospital Admission Authorizations (AIH), is processed in DATASUS, which then produces reports on services rendered and feeds into a database estimated to cover 70% of hospital admissions in Brazil.

In addition to DATASUS, the Ministry of Health has implemented the 2008 Evaluate Psychosocial Treatment Centers (CAPS) project, which serves as an instrument for follow-up, monitoring and evaluating such centers.

CICAD views with satisfaction the completion of this recommendation.

**RECOMMENDATION 4:****ESTABLISH A NATIONAL DATABASE THAT CONTAINS DATA ON ILLICIT DRUG LABORATORIES THAT HAVE BEEN DISMANTLED AND THEIR POTENTIAL PRODUCTION CAPACITY.**

Brazil reports that the National Anti-Narcotics System (SINDRE) is supplied with electronic data on dismantled illicit drug laboratories and their potential production by all decentralized units of the Federal Police Department.

In addition, Law 11.343 of 2006 extended SINDRE to Public Security Secretariats at the state level, and they too now feed data on their respective jurisdictions into the system.

CICAD views with satisfaction the completion of this recommendation.

RECOMMENDATION 5:**STRENGTHEN THE INFORMATION SYSTEM ON PHARMACEUTICAL PRODUCTS TO PROVIDE DATA ON THE NUMBER OF SEIZURES, THE QUANTITIES OF PHARMACEUTICAL PRODUCTS SEIZED, AND THE APPLICATION OF SANCTIONS FOR THE DIVERSION OF THESE PRODUCTS.**

Brazil reports that implementation of this recommendation has not been started.

CICAD encourages the country to implement this recommendation.

RECOMMENDATION 6:**IMPLEMENT TRAINING COURSES FOR PUBLIC AND PRIVATE SECTOR PERSONNEL RESPONSIBLE FOR THE CONTROL OF PHARMACEUTICAL PRODUCTS.**

Brazil reports that the National Health Surveillance Agency (ANVISA) has provided training courses for state and municipal health surveillance offices, in addition to conferences for pharmaceutical professionals throughout Brazil, in order to facilitate implementation of the National Controlled Products Management System (SNGPC). This system consists of a set of computerized instruments used for monitoring the movement of drugs and substances subject to special control.

In 2007, the country organized 33 conferences for a total of 12,825 pharmaceutical professionals and software developers, and 13 conferences for a total of 880 health surveillance officers. In 2008, five conferences were held for a total of 1,490 pharmacists and developers, and a training room with ten computers has been set up in ANVISA (Brasilia) for a two-week practical instruction course for state and municipal surveillance offices.

CICAD views with satisfaction the completion of this recommendation.

**RECOMMENDATION 7:****CARRY OUT RESEARCH AND TRAINING ACTIVITIES RELATED TO THE PREVENTION AND CONTROL OF ILLICIT TRAFFIC OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS VIA THE INTERNET, WHICH WILL ENABLE THE COUNTRY TO IDENTIFY ITS REGULATORY AND OPERATIVE NEEDS.**

Brazil reports that during 2008, the Public Relations Office of the National Health Surveillance Agency (ANVISA) held a conference for federal officers on the risk of using the Internet as a means of advertising drugs and other products that could cause serious health risks.

In addition, the use of technology for more effective tracking of medications on the market and for facilitating the identification of counterfeit products will put the national health surveillance system in a better position to control and supervise activities involving medications in the Brazilian market. In this respect, Public Consultation No. 08 was published on March 4, 2008, with a view to establishing the minimum requirements for regulating a technological solution to improve the traceability and authenticity of medications in the Brazilian market. Likewise, an interagency working group (Decree 585 of May 13, 2008) was established to consider, among others, responses to the public consultation and produce a final document for publication of regulations in this area.

The country reports that work is still pending on regulating the trade of pharmaceutical products and other drugs over the Internet by pharmacies and drugstores, and on the constant monitoring of web sites. Also pending is the organization of awareness campaigns for the general public about the risks of purchasing drugs over the Internet, and on the important role individuals can play in monitoring the system by reporting cases they detect.

CICAD acknowledges Brazil's efforts in this area and encourages the country to progress toward the full implementation of the recommendation.

RECOMMENDATION 8:**DEVELOP AN INFORMATION SYSTEM ON THE CONTROL OF ILLICIT DRUG TRAFFICKING THAT CONSOLIDATES DATA PROVIDED BY THE POLICE AGENCIES, PUBLIC PROSECUTOR'S OFFICE, AND JUDICIAL BRANCH.**

Brazil reports that Law 11.343/06 requires the Federal Police's National Anti-Narcotics System (SINDRE) to also include data from state police forces. Consequently, SINDRE has been integrated with the National Justice and Public Security Information System (INFOSEG) of the National Public Security Secretariat (SENASP), which collects data from the 27 states of the federation.

The federal government of Brazil, through the Federal Police Department (DPF) of the Ministry of Justice, and the states, through their Public Security Secretariats, signed an agreement (pursuant to Article 17 of Law 11.343/06) to create a national statistics database on the repression of illicit drug trafficking, to be administered by the DPF. The agreement has been published by 13 of the nation's 27 states.



Under Article 67 of Law 11.343/06, the transfer of federal budget appropriations to the federal states, for drug supply and demand reduction activities is conditional on the submission of data to update the SINDRE.

CICAD acknowledges the progress made by Brazil in this area and encourages it to persevere toward full implementation of the recommendation.

RECOMMENDATION 9:

INCORPORATE INTO THE NATIONAL JUSTICE AND PUBLIC SECURITY INFORMATION SYSTEM (INFOSEG) OF THE NATIONAL SECRETARIAT FOR PUBLIC SECURITY, DATA PERTAINING TO THE NUMBER OF PERSONS FORMALLY CHARGED WITH AND CONVICTED OF ILLICIT POSSESSION OF AND TRAFFICKING IN FIREARMS AND AMMUNITION, AND THE QUANTITIES OF FIREARMS, AMMUNITION AND EXPLOSIVES SEIZED, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Brazil states that the National Justice and Public Security Information System (INFOSEG) network contains basic information in its index of National Criminal Involvement related to firearms and drug trafficking, making possible a basic count of persons charged with these crimes.

It also states that following the integration of the INFOSEG network with the National Anti-Narcotics System (SINDRE), it will be able to provide information on the quantities of firearms, ammunition, and explosives seized.

CICAD acknowledges the progress made in this area and urges Brazil to persevere toward full compliance with this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003–2004.

RECOMMENDATION 10:

EXPAND THE LIST OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE ALL CRIMINAL ACTIVITIES CONSIDERED SERIOUS CRIMES UNDER THE PALERMO CONVENTION (PUNISHABLE BY A MAXIMUM PRISON SENTENCE OF AT LEAST FOUR YEARS OR A MORE SERIOUS PENALTY), A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Brazil reports that, regarding predicate offenses for money laundering, Senate Bill No. 209 was converted into Bill No. 3.443. This last Bill was approved by the Public Security and Organized Crime Committee of the Chamber of Deputies on December 16, 2008.

CICAD notes the progress made and urges Brazil to fulfill this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003–2004.

**RECOMMENDATION 11:****EXPAND CURRENT ADMINISTRATIVE CONTROLS TO PREVENT MONEY LAUNDERING TO INCLUDE LAWYERS, NOTARIES PUBLIC, AND ACCOUNTANTS, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Brazil informs that Senate Bill No. 209, which was later converted into Bill No. 3.443, was approved by the Public Security and Organized Crime Committee of the Chamber of Deputies on December 16, 2008. This Bill expands the current administrative controls for the prevention of money laundering to other types of natural or legal persons, such as lawyers, public notaries, and accountants.

CICAD notes the progress made by Brazil and urges the country to implement this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 12:**EXPAND THE JURISDICTION OF THE NATIONAL ANTI-DRUGS FUND (FUNAD) TO SEIZED ASSETS RESULTING FROM MONEY LAUNDERING, PROCEEDING FROM SERIOUS OFFENSES OTHER THAN NARCOTRAFFICKING, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Brazil reports that, with respect to assets seized as the laundered proceeds of serious crimes other than drug trafficking, the country has decided to create a National Recovered Assets Fund, intended to improve the legal system for the confiscation of assets, rights, and securities in criminal proceedings. The creation of this fund and the definition of its managing body were included as goals in the National Strategy to Combat Corruption and Money Laundering (ENCCLA) for the period 2007-2008.

CICAD notes the activities carried out by Brazil and encourages it to progress toward full compliance with this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 13:**ESTABLISH A SYSTEM TO REPORT ON THE VALUE AND DESTINATION OF ASSETS SEIZED FROM MONEY LAUNDERING ACTIVITIES, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Brazil reports that on December 16, 2008, the National Justice Council created, by means of Resolution No. 63, the National Seized Assets System (SNBA). This system is fully operational, and is intended to consolidate data on assets seized during criminal proceedings before the judiciary.

CICAD views with satisfaction the completion of this recommendation.



CONCLUSIONS

During the MEM Fourth Evaluation Round, Brazil was assigned a total of 13 recommendations. Of these, it fully implemented six recommendations and made progress in five. Regarding the other two, the country reported activities that do not indicate progress. Three of the recommendations not implemented were originally assigned in the Third Evaluation Round.

In the area of international cooperation, the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters of 1992 is noteworthy.

In the area of information systems, the country complied with three of the recommendations issued: establish a national database that contains data on illicit drug laboratories that have been dismantled and their potential production capacity; establish a system to report on the value and destination of assets seized from money laundering activities; and establish a system for registering the patients in treatment centers.

In the area of demand reduction, the country complied with the recommendation to establish an integrated system of drug abuse prevention programs that target specific populations.

Regarding the implementation of training courses for public and private sector personnel responsible for the control of pharmaceutical products, Brazil has fulfilled the MEM recommendation.

Another area in which some progress was made was in training and investigation related to the prevention and control of illicit trafficking in pharmaceutical products and other drugs over the Internet.

The country has progressed in integrating data on individuals formally charged with or convicted of possession of and illicit trafficking in firearms and ammunition, and on the quantities of firearms, ammunition, and explosives seized. The country still has to create a national registration system for seized assets that includes information on firearms and ammunition.

Progress was also observed in connection with expanding the list of predicate offenses for money laundering and the administrative controls to cover lawyers, notaries public, and accountants.

CICAD recognizes the participation of Brazil in the Multilateral Evaluation Mechanism (MEM) process and encourages the country to continue its efforts to fulfill the pending recommendations.