

Multilateral Evaluation Mechanism MEM



Brazil

2005 PROGRESS REPORT IN DRUG CONTROL
IMPLEMENTATION OF RECOMMENDATIONS
FROM THE THIRD EVALUATION ROUND



**RECOMMENDATION 1:****RATIFY THE PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION OF THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (2000), A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002**

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Brazil reports that the Executive Branch has requested the legislature to ratify the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition of the United Nations Convention against Transnational Organized Crime. Congress began proceedings in 2003, which were approved by the Chamber of Deputies and, in 2005, sent to the Federal Senate. The process is expected to conclude during 2006.

CICAD recognizes the efforts made by Brazil and urges the country to persevere in fully implementing this recommendation, which was assigned during the Second Evaluation Round, 2001–2002.¹

RECOMMENDATION 2:**RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS (1992), A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000**

PUBLICATION DATE: JANUARY 2001

REITERATION DATE: JANUARY 2003
JUNE 2005

Brazil reports that the Congress began urgent proceedings regarding the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters in 2003, when this Convention was sent to the Constitution, Justice, and Drafting Committee. In 2005, it was sent to the Constitution, Justice, and Citizenship Committee (CCJC), where it is awaiting approval. The country estimates that the ratification process should conclude in 2006.

CICAD recognizes the efforts made by Brazil and urges the country to make all the necessary efforts to comply with this recommendation, which was assigned during the First Evaluation Round, 1999–2000.

RECOMMENDATION 3:**COMPLETE DATASISNAD WITHIN THE ANTICIPATED TIMEFRAME OF FEBRUARY 2006, AS THE NATIONAL DATABASE ON DRUGS FOR COMPILING, MAINTAINING, AND ANALYZING DRUG-RELATED DATA**

PUBLICATION DATE: JUNE 2005

Brazil indicates that the Database of the National Anti-Drug System, DATASISNAD, has been operating since 2005. This is a high-performance technological resource that will optimize the

¹ Brazil reported that on March 31, 2006, the ratification instrument for this Protocol was deposited at the United Nations.



actions of the Brazilian Drug Information Observatory (OBID) in the context of the National Anti-Drug System (SISNAD). The country reports that the OBID has embarked on a wide-ranging process of technological upgrades, and that DATASISNAD is being re-design.

The second phase of the project is planned for 2007, entailing the integration of databases belonging to agencies with records, statistics, and information of interest with the National Anti-Drug System; redesign of the data-entry interface; and implementation of the consultation system using the generation of executive reports and charts.

CICAD recognizes the progress achieved by the country and encourages it to fulfill this recommendation.

RECOMMENDATION 4:

ESTABLISH A NATIONAL INTEGRATED PLAN OF DRUG ABUSE PREVENTION PROGRAMS THAT TARGET KEY POPULATIONS

PUBLICATION DATE: JUNE 2005

Brazil reports that it started installing a national integrated system of licit and illicit drug use prevention programs. Thus, training has been developed for 3,000 Community Counselors to carry out actions among the socially vulnerable population and 5,000 teachers of the public education network for the development of prevention programs aimed at the school population.

In addition, progress has been made in drawing up a list of institutions that help street children and adolescents in the 27 capitals of Brazil and in systematizing a methodology to work with children at social risk (Street Doctor's Office Project).

It should be highlighted that two meetings per year are held with representatives of all the State Anti-Drug Councils, for the purpose of coordinating and optimizing the actions of the National Anti-Drug System.

CICAD takes note of the progress made by Brazil and encourages it to persevere in fully implementing the recommendation.

RECOMMENDATION 5:

CONDUCT IMPACT EVALUATIONS ON DRUG ABUSE PREVENTION PROGRAMS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Brazil reports that no concrete actions have been taken to implement this recommendation.

CICAD urges Brazil to fully implement this recommendation, which was assigned during the Second Evaluation Round, 2001–2002.

**RECOMMENDATION 6:****IMPLEMENT A NATIONAL CONTROLLED PRODUCT MANAGEMENT SYSTEM FOR PHARMACEUTICAL PRODUCTS AND CHEMICAL SUBSTANCES TO ENSURE THE EFFICIENCY AND EFFECTIVENESS OF ANVISA, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002**

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Brazil points out that it has made progress in installing the National Controlled Product Management System (SNGPC), which began in 2001 and which will make it possible to effectively control medications and substances under special control, especially psychotropic substances, narcotics, and anorexiant. The country reports that the SNGPC shall constitute an excellent working tool to control through a computerized system, the movement of medication and substances under special control.

Among the new advances, the Controlled Pharmaceutical Product Chain (CDMC) sub-project has been completed with regard to the technological development and pharmaceutical requirements of the Electronic Recordkeeping Program for Industry, Pharmacies, and Pharmaceutical Product Distributors.

Nevertheless, the project is now being totally reevaluated, bearing in mind the difficulties that arose during execution of earlier phases of the project, such as lack of financial resources, human resource training problems, and the size of the country and the regulated sector (industries, pharmacies, drug stores, and distributors). Because of this, it is necessary to modify the SNGPC's implementation schedule. The country reports that a new two-year schedule, 2006–2008 has therefore being proposed, to perfect actions now implemented and completed, as well those being developed and implemented.

CICAD recognizes the progress achieved and encourages Brazil to overcome current difficulties to fully implement the recommendation, which was assigned during the Second Evaluation Round, 2001–2002, in the proposed timeframe.

RECOMMENDATION 7:**INCORPORATE INTO THE NATIONAL JUSTICE AND PUBLIC SECURITY INFORMATION SYSTEM (INFOSEG) OF THE NATIONAL SECRETARIAT FOR PUBLIC SECURITY, DATA PERTAINING TO JUDICIAL COOPERATION REQUESTS MADE OR RECEIVED BY BRAZIL IN RELATION TO ILLICIT DRUG TRAFFICKING**

PUBLICATION DATE: JUNE 2005

Brazil reports that the central authority for international legal cooperation is the Department of Asset Recovery and International Legal Cooperation (DRCI), an agency of the Ministry of Justice's National Secretariat, in accordance with Decree 5.535 of 13 September 2005.

The DRCI controls the handling of requests for international legal cooperation by means of the Process Monitoring System (SAP). Thus, the requests for cooperation related to illicit drug trafficking that Brazil issues and receives are recorded and tracked by the system.

CICAD views with satisfaction the fulfillment of this recommendation.

**RECOMMENDATION 8:****INCORPORATE INTO THE INFOSEG OF THE NATIONAL SECRETARIAT FOR PUBLIC SECURITY, DATA PERTAINING TO THE NUMBER OF PERSONS CHARGED AND CONVICTED FOR ILLICIT POSSESSION AND TRAFFICKING OF FIREARMS AND AMMUNITION AND QUANTITIES OF SEIZED FIREARMS, AMMUNITIONS AND EXPLOSIVES**

PUBLICATION DATE: JUNE 2005

Brazil indicates that the National Justice and Public Security Information System (INFOSEG) network is intended to integrate information on public security and justice from the 27 units of the federation and from those federal agencies with correlated data.

Nevertheless, Brazil states that INFOSEG is unable to determine the number of persons charged and convicted for the illicit trafficking of firearms, ammunition, and explosives. The country adds that statistics on information of that kind can only be obtained if a central database were established and the national index brought into line with it. Such a task would require coordination with the 27 federal units and other bodies involved.

CICAD encourages Brazil to overcome the existing difficulties in order to fully implement this recommendation.

RECOMMENDATION 9:**BROADEN CURRENT MONEY LAUNDERING LEGISLATION TO INCLUDE THE PREDICATE OFFENSES OF TRAFFICKING OF HUMAN BEINGS, ORGAN TRAFFICKING, PROSTITUTION AND PORNOGRAPHY**

PUBLICATION DATE: JUNE 2005

Brazil indicates that it has prepared the draft Money Laundering Bill, which is currently being analyzed by the various ministries with authority in the subject. It will then be sent to the Presidential advisory body for final adjustments and its subsequent submission to Congress.

CICAD recognizes the progress made and encourages Brazil to continue efforts to fully implement this recommendation.

RECOMMENDATION 10:**EXPAND CURRENT ADMINISTRATIVE CONTROLS TO PREVENT MONEY LAUNDERING TO INCLUDE LAWYERS, NOTARY PUBLICS, AND ACCOUNTANTS**

PUBLICATION DATE: JUNE 2005

Brazil informs that it has prepared the draft Money Laundering Bill, which is currently being analyzed by the various ministries with authority in the subject. The country reports that it will then be sent to the Presidential advisory body for final adjustments and its subsequent submission to Congress.

CICAD recognizes the progress made and encourages Brazil to make progress to fully implement this recommendation.

**RECOMMENDATION 11:****ESTABLISH A SYSTEM TO REPORT ON THE VALUE AND DESTINATION OF ASSETS SEIZED AS A RESULT OF MONEY LAUNDERING ACTIVITIES**

PUBLICATION DATE: JUNE 2005

Brazil indicates that it has not commenced activities aimed at installing an information system on the value and destination of assets seized for money laundering activities. Nevertheless, the country estimates that the system should be operating within three months once the necessary funding is secured. The project involves a contribution of resources, together with other initiatives, and is part of an improved electronic transfer system to preserve the value of seized property. Negotiations for the release of funds, with support from the state banks, are at an advanced stage, and have the full agreement of the entities involved and their senior staff.

CICAD encourages Brazil to make efforts to fully implement this recommendation.

RECOMMENDATION 12:**ESTABLISH AN ENTITY CHARGED WITH ADMINISTERING SEIZED ASSETS RESULTING FROM MONEY LAUNDERING**

PUBLICATION DATE: JUNE 2005

Brazil reports that there are several national institutions within the Presidential Office, the Ministries of Treasury, Justice and Federal Public and the Justice Tribunals with responsibilities in controlling money laundering. The country reports that these institutions constitute a network that meets annually at the ministerial level in order to assess and redefine the National Money Laundering and Asset Recovery Strategy (ENCLA). Among the goals set for this agency is the presentation, during 2006, of a project to support the handling and final disposal of seized assets.

CICAD takes note of the information provided by Brazil and encourages it to fully comply with this recommendation.

RECOMMENDATION 13:**ESTABLISH A SYSTEM TO TRACK AND REPORT ON THE NUMBER OF PUBLIC OFFICERS WHO HAVE BEEN CHARGED AND CONVICTED AS A RESULT OF ACTS OF CORRUPTION IN CONNECTION WITH ILLICIT DRUG TRAFFICKING**

PUBLICATION DATE: JUNE 2005

Brazil reports that the Office of the Federal Comptroller General has created the Corruption Prevention Secretariat. However, this agency does not yet have information on the number of public officials tried and convicted for acts of corruption related to illicit drug trafficking.

CICAD encourages Brazil to take steps toward full compliance with this recommendation.

**RECOMMENDATION 14:****ESTABLISH A DATABASE TO FACILITATE THE GATHERING AND REPORTING OF THE NUMBER OF PERSONS TRIED AND CONVICTED OF ACTIVITIES RELATED TO TRANSNATIONAL ORGANIZED CRIME**

PUBLICATION DATE: JUNE 2005

Brazil states that a database containing information on the number of individuals tried and convicted for activities related to transnational organized crime is currently being prepared.

The country notes that, as regards law and order, there are different police forces with various sets of powers. Thus, the Federal Police keeps a database on activities related to organized crime and drug trafficking, using the Integrated Statistical Data on Narcotics Repression System (SINDRE).

At the national level, the National Public Security Secretariat (SENASP) is performing, by means of the National System of Public Security and Criminal Justice Statistics (SNESP), the compilation and analysis of the trials and convictions finalized in the nation's states by each state's civilian and military police forces.

The National Justice and Public Security Information System (INFOSEG) network is to bring together the information on crimes of this nature contained in these various systems.

CICAD encourages Brazil to take steps toward full compliance with this recommendation.

CONCLUSIONS

During the Third Evaluation Round, 2003–2004, Brazil received a total of 14 recommendations. Of these, the country has completed one recommendation, has made progress in complying with eight, shows little progress with four, and has not begun work on one of the assigned recommendations. ***

CICAD notes that the recommendation regarding the keeping of records of the requests for legal cooperation received and issued by the country has been completed.

Little progress can be seen with the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters and with the ratification of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition of the United Nations Convention against Transnational Organized Crime. CICAD looks toward the prompt approval by the National Congress of the above-mentioned international instruments, bearing in mind that both are recommendations reiterated from the First and Second Evaluation Rounds, respectively.

The country has made progress in installing the national database on drugs, the DATASISNAD, which has been operational since 2005.

In the area of demand reduction, the country is installing a national integrated system of licit and illicit drug use prevention programs. However, Brazil has made no progress in conducting evaluations of the impact of prevention programs that are currently being carried-out.

*** See footnote 1



In the area of controlling pharmaceutical products, Brazil has installed the National Controlled Product Management System (SNGPC), which will make it possible to oversee the movement of said substances using computerized systems.

In the area of money laundering, Brazil has drawn up a bill, to be submitted to the National Congress for approval, which includes the establishment of predicate offenses and the expansion of administrative controls, including attorneys, accountants, and public notaries in the regulated sectors.

CICAD is concerned at the lack of progress in establishing an information system on the value and destination of the assets seized for money laundering activities, as well as the absence of an entity in charge of administering the assets seized for such an offense.

CICAD recognizes Brazil's compliance with and commitment towards the Multilateral Evaluation Mechanism (MEM).