

Multilateral
Evaluation
Mechanism
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Brazil

Evaluation of Progress in Drug Control

Organization of American States – **OAS**

Inter-American Drug Abuse Control Commission – **CICAD**

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1999
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2000

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Organización de los Estados Americanos – OEA

Comisión Interamericana para el Control del Abuso de Drogas – CICAD

Organization of American States – OAS

Inter-American Drug Abuse Control Commission – CICAD

Organização dos Estados Americanos – OEA

Comissão Interamericana para o Controle do Abuso de Drogas – CICAD

Organisation des Etats Américains – OEA

Commission Interaméricaine de Lutte Contre l'abus des Drogues – CICAD

NATIONAL ANTI-DRUG STRATEGY

Brazil is a Federative Republic in which federal states enjoy autonomy. Therefore, despite the existence of uniform domestic legislation, much of the information submitted to CICAD is partial, reflecting the results of the activities of the Federal Police Department and the police forces and judicial authorities of some states of the Union; there is no constitutional obligation to forward information and record data.

Brazil has a National Anti-Drug Action Program, which has been in effect since 1996. It covers the areas of supply reduction, demand reduction, control measures, institutional framework, budget, and an evaluation system.

In 1998, a National Anti-Drug System was established by decree. This system is overseen by a policy-setting and deliberative council, the National Anti-Drug Council (CONAD). CONAD is comprised of the following: Institutional Security Office, the Ministry of Justice, the Ministry of Health, the Ministry of Social Welfare, the Ministry of Foreign Relations, the National Anti-drug Secretariat, the Secretariat of Internal Revenue, the Federal Police Department, the National Education Council, the Brazilian Intelligence Agency, and bodies at the state, federal district, and municipal levels that fight drugs and work to rehabilitate addicts. The Executive Secretariat of CONAD, the National Anti-drug Secretariat (SENAD) is responsible for planning, coordinating, supervising, and monitoring CONAD activities. Its legal basis is Decree No.2632 of 1998. SENAD has its own budget that forms part of the national budget and it has other legal means of self-financing. Under the 1988 Brazilian Constitution, activities to prevent and combat drug trafficking are the purview of the Federal Police Department.

Brazil has ratified the United Nations Conventions of 1988, 1971 and 1961 as well as the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. It has not ratified the Inter-American Convention on Mutual Assistance in Criminal Matters and the Inter-American Convention Against Corruption.

Furthermore, it has national anti-drug laws and regulations that conform with international conventions and CICAD Model Regulations, dealing with money laundering, diversion of chemical substances, firearms, ammunition and explosives.

Brazil is implementing an integrated system for the collection and maintenance of statistics and documents. It also has a separate collection of documents and statistics on demand reduction, supply reduction, control measures and the impact of illicit drugs on society.

Recommendations

1. **Ratify the Inter-American Convention on Mutual Assistance in Criminal Matters and the Inter-American Convention Against Corruption.**
2. **Continue to implement a comprehensive system for collection and maintenance of statistics and documents.**

DEMAND REDUCTION

Brazil has a National Demand Reduction Strategy that involves various entities of the public and private sectors. SENAD has formed a partnership with the major soccer teams in Brazil and has also established a coordination Technical Commission of the National Anti-drug Commission with the media.

Additionally, there is a national system of drug abuse prevention programs in place that targets the significant key populations. The school programs include television programs, video campaigns, dramatic arts competitions, poster competitions, and a program in coordination with the 13 major soccer teams. For street children the National Mental Health Coordinating Office is testing a drug abuse prevention model. Community leaders have access to distant education programs in order for them to deliver drug abuse prevention courses in their communities. Because programs for prisoners and other sectors of the population are delivered on a municipal and local basis, the data to measure and evaluate such programs is not available at this time.

“Drugs in the Workplace” Programs are firmly in place in both the public and private sectors. As a result of studies conducted in the last few years, an extensive list of corporations and employers have implemented programs throughout the country.

Brazil has adopted the United Nations Declaration on the Guiding Principles of Drug Demand Reduction and its Plan of Action. Guidelines on minimum standards of care for drug treatment have been established.

There are drug treatment and rehabilitation programs in place that cover all modalities. Much of the outreach work is done in partnership with the Sexually Transmitted Diseases/Acquired Immune Deficiency Syndrome (STD/AIDS) Program of the Health Ministry, as a public health measure. Multidisciplinary teams are in place to offer day programs, workshops, and other activities with both users and their families. There is a great variety of rehabilitation programs, most of which are therapeutic communities and supported by community or religious groups. Social reintegration and after care is handled by self help groups after individuals have been discharged from other programs.

Over the past 30 years, professional specialized training in drug abuse prevention and treatment has gradually been increasing. University level training programs are in place in many of the Universities, particularly in the various branches of the health sciences. Virtually every medical school offers training and sub-specialties are available for Psychiatrists. This training is being offered as distance education and is also available to psychology and nursing students.

The prevalence of drug use in the general population has not been measured. Research on drug use in Brazil is a relatively recent phenomenon. In the past two decades, great strides have been taken in the training of demand reduction professionals, in international research exchanges, and in scientific studies. We recognize that Brazil, because of its large territory and population, still lacks comprehensive information on drug use by the population overall. It has however, conducted research on particular regions and specific populations. Evaluations of drug abuse prevention programs have been conducted.

Information has been gathered in an isolated manner, so there are no statistics representing the entire population to determine the age of first use of illicit drugs. There is no data available to determine the annual incidence of new drug users in the country. There are no studies evaluating treatment and rehabilitation programs.

Recommendations

1. **Create and implement a process to measure the prevalence of drug use to include the age of first use of illicit drugs and the annual incidence of new drug users.**
2. **Evaluate all Demand Reduction programs.**

SUPPLY REDUCTION

Brazil reports that it eradicated 216 hectares of cannabis crops and destroyed two cocaine production laboratories. There is no system for identifying cultivation, although the country reports that one is currently being established.

Brazil is undertaking efforts to prevent the establishment and expansion of illicit crops through the use of alternative development strategies are notable. Since 1999, the Banco do Nordeste has been running alternative development programs in the region of Moxoto-Pajeu (Mandacaru Operation), targeted at 7,178 families. They include social actions, supplying credit to small and mid-sized farmers, creating infrastructure, land control, professional training and development, and strengthening community leadership.

Pharmaceuticals and chemical substances are controlled by two different bodies: the National Health Monitoring Agency (ANVS) and the Federal Police Department. Pharmaceuticals are controlled by the ANVS; other substances are controlled by the Federal Police Department. Official interagency exchanges take place through the National Anti-drug Council, in which these two bodies participate. Other information can be shared directly by the two agencies on an informal basis.

In addition, there is a system for monitoring and regulating professions involved in the distribution and use of pharmaceutical drugs, operated by state, municipal, or Federal District authorities.

There are national laws and regulations for imposing criminal and administrative sanctions for the diversion of controlled chemical substances and pharmaceuticals; civil sanctions also exist for the latter. In 1999, 184 administrative sanctions were imposed in cases involving controlled chemical substances.

During the period under review, a total of 144.63 liters of controlled chemical substances were seized. The following controlled chemical substances were seized:

Controlled chemical substances	Quantity seized	Unit of measurement
Hydrochloric acid	0.50	liters
Sulfuric acid	0.72	liters
Acetone	142.51	liters
Ether	0.90	liters

Regarding international controlled substance transactions, Brazil recognizes the importance of a pre-export notification mechanism for controlled substances. In this context, the National Health Monitoring Agency (ANVS) is implementing a system for issuing notifications, allowing for compliance with the task of issuing notifications for pharmaceuticals.

The Federal Police Department reports that in 1999 replies were sent to 55 pre-export notifications, but it did not issue any notifications. However, the ANVS has been responding to notifications and sending them directly to the interested country.

Recommendations

1. Develop systems to determine the area planted with cannabis and the existence of cocaine processing laboratories.
2. Create a system to estimate controlled chemical substances needs of the licit industry.

3. **Strengthen the application of the pre-export mechanism for controlled chemical substances pursuant to the 1988 United Nations Convention.**
4. **Ensure proper coordination among the municipal, state, and federal levels so as to obtain complete information to prevent the diversion of controlled chemical substances.**

CONTROL MEASURES

The Federative Republic of Brazil has law enforcement agencies, and judicial and administrative agencies responsible for investigating, controlling, and eliminating illicit drug trafficking. Law enforcement agencies are: the Federal Police Department and the National Health Surveillance Agency. Administrative agencies mentioned are: the Federal Police Department and the National Health Surveillance Agency. Judicial agencies with jurisdiction over this area are: the federal courts and the state courts.

Brazil reports that the National Anti-drug Secretariat (SENAD), in the area of prevention, and the Federal Police Department (DPF) under the Ministry of Justice, in the area of suppression, exchange operational information and collaborate with the various national authorities involved in this area. The Office of Institutional Security and SENAD are responsible for international exchange of information and coordination, in accordance with commitments acquired under international agreements in this area.

The country indicates 2,815 drug seizure operations and the quantities seized, and types of drugs are detailed below.

Type of Drugs	Quantity	Unit of Measure
Cocaine base	636	Kilograms
Cocaine salts	6,834	Kilograms
Cannabis plants	3,462	Square feet
Leaf cannabis – “grass”	69,185	Kilograms
Cannabis resin	38	Kilograms
Cannabis seed	56	Kilograms
Others – crack	176	Kilograms
Coca leaf	597	Kilograms

The country also states that 9,928 people were arrested, 5,888 people were prosecuted, and clarifies that the figures cited were drawn from data obtained by the Ministry of Justice from Public Prosecutors’ Offices in some states only and do

not include information from the federal Public Prosecutor's Office. It reports that 8,182 people were convicted and mentions that, according to the Ministry of Justice, the figure given above includes data from the courts of some states and that it does not have the information from Federal Justice.

Brazil reports that it has made requests for international cooperation to investigate and prosecute drug traffickers, citing 550 requests and 550 informative replies. Brazil has defined as an offense the illicit manufacture, trafficking, importation and exportation of firearms, explosives, ammunition, and other related materials. It has mechanisms or authorities for the control of these areas. It also has an entity responsible for interagency coordination and information exchanges.

Brazil reports 33 persons prosecuted for the manufacture of firearms, but observes that this data are partial, since it corresponds to only two states; it underscores that although it has uniform legislation, Brazil is a federation and its states enjoy autonomy. No data are provided with respect to numbers of people convicted.

No data has been provided on the number of seizure operations of firearms, ammunition, explosives, or other related materials. Brazil reports 2,957 firearms of various kinds seized in connection with drug trafficking, but no details are provided. However, it does not provide quantities of ammunition, explosives, or other related materials seized. It identifies the origin of these articles and the routing employed in their diversion.

Brazil does not provide data on requests for international cooperation to investigate and prosecute offenses involving the illicit manufacture and trafficking of firearms, ammunition, explosives, and other related materials.

Asset laundering is a crime under Brazilian law, which covers the suppression and prevention of the laundering of the proceeds of drug trafficking. It also has preventive administrative controls in place; its legal framework authorizes the freezing or seizure and forfeiture of this property.

Brazil has a financial intelligence unit known as the Brazilian Financial Intelligence Unit, which processes data obtained from disclosures of information relating to suspicious transactions. There are also national laws requiring reporting of suspicious transactions, and an entity known as the National Anti-Drug Fund, which manages assets seized in connection with drug trafficking. It reports 0 persons arrested for money laundering offenses and specifies that it refers to data sent by some states only. It defines that by persons "arrested" they refer to those who have been sentenced and are actually serving time in prison. Twenty-seven people have been charged for this offense and mentions that the source data is the Federal Police Department. Brazil does report on convictions or administrative sanctions.

Brazil reports that it has made requests for international cooperation to investigate and prosecute asset laundering offenses, citing 21 requests and 21 replies thereto.

Recommendations

1. Establish a record of data on the number of seizures operations of firearms, ammunitions, explosives, and other related materials; and on the ammunitions, explosives, and other related materials seized;
2. Establish a record of data on the number of arrested, convicted and administrative sanctions for money laundering offenses and
3. Establish international cooperation to investigate and prosecute offenses involving the manufacture and illicit trafficking of firearms.

HUMAN, SOCIAL AND ECONOMIC COST OF DRUGS

Estimating Human, Social and Economic cost of the drug problem in all of its manifestations constitutes a complex process. This information is relevant to each country's understanding of the magnitude of the drug problem. This would enable each country to appreciate the direct and indirect cost in proportion to their Gross National Product or national annual budget. Because many countries have difficulty in providing these estimates, CICAD is proposing a hemispheric-wide program involving training and technical assistance, which should assist the country in its effort in confronting the drug problem and fulfilling this indicator's requirements.

Recommendation

1. Develop the capacity to estimate the human, social, and economic cost of the drug problem.

SUMMARY OF RECOMMENDATIONS

CICAD recommends that Brazil's anti-drug efforts be strengthened by addressing the following:

1. Ratify the Inter-American Convention on Mutual Assistance in Criminal Matters and the Inter-American Convention Against Corruption.
2. Continue to implement a comprehensive system for collection and maintenance of statistics and documents.
3. Create and implement a process to measure the prevalence of drug use to include the age of first use of illicit drugs and the annual incidence of new drug users.
4. Evaluate all Demand Reduction programs.
5. Develop systems to determine the area planted with cannabis and the existence of cocaine processing laboratories.
6. Create a system to estimate controlled chemical substances needs of the licit industry.
7. Strengthen the application of the pre-export mechanism for controlled chemical substances pursuant to the 1988 UN Convention.
8. Ensure proper coordination among the municipal, state, and federal levels so as to obtain complete information to prevent the diversion of controlled chemical substances.
9. Establish a registry or data base on the number of seizures operations of firearms, ammunitions, explosives, and other related materials; and on the ammunitions, explosives, and other related materials.
10. Establish a registry on the number of arrested, convicted and administrative sanctions for money laundering offenses.
11. Establish international cooperation to investigate and prosecute offenses involving the manufacture and illicit trafficking of firearms.
12. Develop the capacity to estimate the human, social, and economic cost of the drug problem.