



**ORGANIZATION OF
AMERICAN STATES (OAS)**



MEM
**MULTILATERAL EVALUATION
MECHANISM (MEM)**

**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION (CICAD)**

**SECRETARIAT FOR MULTIDIMENSIONAL
SECURITY (SMS)**

Brazil

Evaluation Report on Drug Control

2014



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**Organization of American States (OAS)
Secretariat for Multidimensional Security (SMS)
Inter-American Drug Abuse Control Commission (CICAD)**

Multilateral Evaluation Mechanism (MEM)

Brazil

**EVALUATION REPORT ON DRUG CONTROL
2014**



PREFACE

The Multilateral Evaluation Mechanism (MEM) is a diagnostic tool, designed by all member states of the Organization of American States (OAS), to periodically carry out comprehensive, multilateral evaluations on the implementation level of the Plan of Action of the Hemispheric Drug Strategy of member states of the Inter-American Drug Abuse Control Commission (CICAD). As part of the Secretariat of Multidimensional Security (SMS), CICAD is the OAS specialized agency responsible for the implementation of this Mechanism, pursuant to a mandate from the Second Summit of the Americas held in Santiago, Chile in 1998.

The MEM is not only an evaluation instrument, but has also become a valuable source of information on the progress achieved by the individual and collective efforts of the governments of OAS member states, thus strengthening hemispheric cooperation, promoting dialogue among governmental authorities of member states and precisely channeling assistance to areas requiring greater attention by optimizing resources. The MEM process in itself is assessed by the Intergovernmental Working Group (IWG) comprised of delegations from all member states, which meets before the onset of each evaluation round to review and strengthen all operational aspects of the mechanism.

The national evaluation reports for the Sixth Round collect the results of the level of implementation of the 27 recommendations, emanating from the Plan of Action 2011-2015 of the Hemispheric Drug Strategy 2010, and were drafted by experts in the different areas, assigned by each member state. Experts do not work on their own country's report, guaranteeing the transparent, objective and multilateral nature of the MEM. Each chapter is based on countries' responses to a survey covering the main thematic areas of the Hemispheric Drug Strategy: institutional strengthening, demand reduction, supply reduction¹, control measures and international cooperation, as well as additional and updated information, provided by the government-appointed coordinating entities.

This report covers the country evaluation for the MEM Sixth Evaluation Round, which covers the 2013 to mid-2014 period. All MEM reports are available through the following webpage: <http://www.cicad.oas.org>.

¹ In accordance with the CICAD Commissioner's agreement at their fiftieth regular session (November 2011), the supply reduction chapter refers exclusively to the topic of illicit crops. For this reason, the CICAD Commissioners decided, at their fifty-fourth regular session (December 2013), that the recommendations in this chapter (11 to 15) would only be applied to those countries that have significant illicit crops.



INSTITUTIONAL STRENGTHENING

RECOMMENDATION 1

ESTABLISH AND/OR STRENGTHEN NATIONAL DRUG AUTHORITIES, PLACING THEM AT A HIGH POLITICAL LEVEL, WITH THE MISSION TO COORDINATE THE EFFECTIVE PLANNING AND IMPLEMENTATION OF NATIONAL DRUG POLICIES.

Evaluation: Mostly complete

Brazil has a national drug authority, the National Drug Policy Secretariat (SENAD), under the Ministry of Justice. SENAD has a legal basis and a budget. The national authority coordinates the areas of demand reduction, drugs observatory, international cooperation and program evaluation. The country has a coordination mechanism for the effective planning and implementation of national drug policies.

Brazil's SENAD does not coordinate the areas of supply reduction or control measures.



INSTITUTIONAL STRENGTHENING

RECOMMENDATION 2

DESIGN, IMPLEMENT, STRENGTHEN AND UPDATE NATIONAL EVIDENCE-BASED STRATEGIES AND POLICIES ON DRUGS.

Evaluation: Mostly complete

Brazil has a national strategy on drugs, which covers the areas of demand reduction, supply reduction, control measures, and international cooperation. The relevant actors participate in the design, drafting and execution of the National Strategy. The Strategy has a monitoring and evaluation component.

Brazil has not carried out evaluations of the National Strategy or activities to update policies, plans and programs in accordance with the results of its evaluations.



INSTITUTIONAL STRENGTHENING

RECOMMENDATION 3

ESTABLISH AND/OR STRENGTHEN NATIONAL OBSERVATORIES ON DRUGS OR SIMILAR TECHNICAL OFFICES TO DEVELOP NATIONAL DRUG INFORMATION SYSTEMS AND FOSTER SCIENTIFIC RESEARCH ON THIS SUBJECT.

Evaluation: Complete

Brazil has the Brazilian Observatory on Drugs. The country has carried out all of the priority studies in the areas of demand reduction and the majority of the priority information of supply reduction. The country has carried out a study on the economic and social costs of drugs. Information on drug demand and supply reduction is disseminated to all relevant parties.



DEMAND REDUCTION

RECOMMENDATION 4

DEVELOP AND IMPLEMENT COMPREHENSIVE DEMAND REDUCTION POLICIES, PLANS AND/OR PROGRAMS.

Evaluation: Mostly complete

Brazil has comprehensive demand reduction plans and programs that include the areas of prevention, early intervention, treatment and rehabilitation, social reinsertion, and recovery support services, which are included in its national healthcare network. These plans and programs have been designed using available evidence and technical guidelines from similar organizations and include a gender perspective. The plans and programs on treatment and rehabilitation take into account survey results and relevant prevalence information from studies on drug use. Monitoring and evaluation of the plans and programs is done for the areas of treatment and rehabilitation, social reinsertion, and recovery support services. The country has adopted a multisectoral approach in its demand reduction programs, with the participation of various sectors.

Brazil does not monitor or evaluate its prevention programs or early intervention.



DEMAND REDUCTION

RECOMMENDATION 5

DESIGN AND IMPLEMENT A COMPREHENSIVE SYSTEM OF EVIDENCE-BASED UNIVERSAL, SELECTIVE, AND INDICATED PREVENTION PROGRAMS, WITH MEASURABLE OBJECTIVES, AIMED AT DISTINCT TARGET POPULATIONS, INCLUDING AT-RISK GROUPS.

Evaluation: Partially complete

Brazil has universal, selective and indicated prevention programs addressing drug use and geared to different population groups. The selective and indicated prevention programs vary according to risk factors.

Brazil does not have a comprehensive prevention system.



DEMAND REDUCTION

RECOMMENDATION 6

PROMOTE THE INTEGRATION OF TREATMENT AND RECOVERY PLANS AND PROGRAMS INTO THE PUBLIC HEALTH SYSTEM AND ADDRESS DRUG DEPENDENCE AS A CHRONIC, RELAPSING DISEASE.

Evaluation: Complete

Brazil has a network of public health system facilities responsible for health needs within its territory which covers all levels of care, from primary health care centers to hospitals and mental health services. These facilities carry out drug use screening and have screening instruments in place for the early detection of drug use, offer guidance and brief interventions, and systematically refer persons affected by drug use for treatment. This process includes the public health system, primary care centers, hospitals, private institutions, and non-governmental organizations. The public health system, non-governmental organizations (NGOs) and therapeutic communities offer outpatient and residential treatment services, rehabilitation, follow-up and recovery support for persons affected by drug use. There is an accreditation system for treatment centers. The public health system facilities, which coordinate with other sectors in offering treatment and rehabilitation services, have monitoring systems for their plans and programs, and have trained personnel available to implement and manage those systems, and enable collection and organization of information on the treatment and rehabilitation plans and programs to be documented and reported on.



DEMAND REDUCTION

RECOMMENDATION 7

FACILITATE ACCESS FOR DRUG-DEPENDENT PERSONS TO A SYSTEM OF DRUG TREATMENT, REHABILITATION, SOCIAL REINSERTION, AND RECOVERY SERVICES THAT ARE EVIDENCE-BASED AND FOLLOW INTERNATIONALLY-ACCEPTED QUALITY STANDARDS.

Evaluation: Complete

Brazil undertakes actions to facilitate access to treatment, rehabilitation, and social reinsertion for the different population groups affected by drug use. The treatment, rehabilitation, and social reinsertion interventions are tailored to the population profiles served.



DEMAND REDUCTION

RECOMMENDATION 8

EXPLORE THE MEANS OF OFFERING TREATMENT, REHABILITATION, SOCIAL REINSERTION AND RECOVERY SUPPORT SERVICES TO DRUG-DEPENDENT CRIMINAL OFFENDERS AS AN ALTERNATIVE TO CRIMINAL PROSECUTION OR IMPRISONMENT.

Evaluation: Mostly complete

Brazil has laws that establish and provide for alternatives to incarceration for drug-dependent criminal offenders. The country has operating procedures for identifying and selecting candidates that meet the requirements for participation in the program, and participants' progress is monitored. These procedures are applied by a judge, with the assistance of psychosocial support teams.

Brazil does not monitor or evaluate its alternatives to incarceration for drug-dependent criminal offenders.



DEMAND REDUCTION

RECOMMENDATION 9

STRENGTHEN GOVERNMENTAL RELATIONSHIPS WITH ACADEMIC AND RESEARCH INSTITUTIONS AND SPECIALIZED NON-GOVERNMENTAL ORGANIZATIONS (NGOs), IN ORDER TO GENERATE EVIDENCE ON THE DEMAND FOR DRUGS.

Evaluation: Complete

Brazil has a national drug authority that maintains cooperative ties with academic and research institutions, civil society organizations and relevant public institutions that address topics related to drug demand reduction. The information produced by academic institutions and civil society organizations is used to develop policies, plans, programs, activities and joint drug control efforts. In addition, federal public universities in Brazil conduct epidemiological studies that enable them to prepare reports on drug use trends and engage in an ongoing exchange of information.



DEMAND REDUCTION

RECOMMENDATION 10

PROMOTE AND STRENGTHEN TRAINING AND CONTINUING EDUCATION OF PROFESSIONALS, TECHNICIANS AND OTHERS INVOLVED IN THE IMPLEMENTATION OF DEMAND REDUCTION ACTIVITIES.

Evaluation: Mostly complete

Brazil has introductory training programs and continuing education in the area of demand reduction offered by the Ministry of Health for professionals in this area, social assistants, judiciary personnel and community leaders. The country provides advanced courses, backed up by higher education institutions for professionals working in demand reduction programs. In addition, the country facilitates access to advanced training programs at the international level for its technical and professional experts. Assessments and evaluations of these training programs are carried out by the mental health care sector.

Brazil does not use the results of evaluations to improve and update training programs.



SUPPLY REDUCTION

RECOMMENDATIONS 11–15

Evaluation: Not applied

In consideration of Brazil's situation, CICAD agreed not to apply any category from the evaluation scale to the following recommendations, given that the country does not have significant illicit crop areas:

RECOMMENDATION 11: ADOPT AND/OR IMPROVE COMPREHENSIVE AND BALANCED MEASURES AIMED AT REDUCING THE ILLICIT SUPPLY OF DRUGS.

RECOMMENDATION 12: ADOPT AND/OR IMPROVE DATA COLLECTION AND ANALYSIS MECHANISMS WITH A VIEW TO CARRYING OUT ASSESSMENTS THAT WILL FACILITATE THE DEVELOPMENT OF PUBLIC POLICIES AIMED AT THE REDUCTION OF THE ILLICIT SUPPLY OF DRUGS.

RECOMMENDATION 13: PROMOTE STUDIES AND RESEARCH THAT CONTRIBUTE TO THE EARLY IDENTIFICATION AND MONITORING OF NEW AND EMERGING TRENDS THAT COULD PROVIDE UPDATED INFORMATION ON THE ILLICIT SUPPLY OF DRUGS.

RECOMMENDATION 14: ACCORDING TO THE NEEDS OF EACH COUNTRY, ADOPT COMPREHENSIVE MEASURES, SUCH AS INTEGRAL AND SUSTAINABLE ALTERNATIVE DEVELOPMENT AND LAW ENFORCEMENT INITIATIVES.

RECOMMENDATION 15: PROMOTE ACTIONS TO REDUCE THE NEGATIVE IMPACT ON THE ENVIRONMENT CAUSED BY THE WORLD DRUG PROBLEM, IN ACCORDANCE WITH NATIONAL POLICIES.



CONTROL MEASURES

RECOMMENDATION 16

IMPLEMENT PROGRAMS TO PREVENT AND REDUCE THE ILLICIT PRODUCTION OF PLANT-BASED AND SYNTHETIC DRUGS.

Evaluation: Not started

Brazil does not have mechanisms to detect and identify laboratories for the illicit production of plant-based and synthetic drugs; does not have protocols for dismantling laboratories for the illicit production of plant-based or synthetic drugs; does not implement or participate in ongoing training programs in this issue, for law enforcement agents responsible for carrying out control activities; and does not have specific programs for the identification and destruction of laboratories.



CONTROL MEASURES

RECOMMENDATION 17

ADOPT OR STRENGTHEN CONTROL MEASURES IN ORDER TO PREVENT THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES TOWARDS ILLICIT ACTIVITIES.

Evaluation: Complete

Brazil has legislation in accordance with the terms of Articles 3 and 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. The country has implemented the measures necessary to criminalize the intentional manufacture, transport or distribution of equipment, materials or substances to be used in or for the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances. Brazil has regulations to control chemical substances in the international trade sector, and on cooperation with other States, and regulates the manufacture of and domestic distribution channels for controlled chemical substances. The country has an updated register of all individuals and corporations handling these substances, and controls, via licensing of manufacturers and distributors, the production and use of the substances manufactured or distributed. Brazil conducts regular inspections or audits of establishments authorized to handle controlled chemical substances and issues administrative and civil penalties for infractions or violations to establishments that handle controlled chemical substances. The country has a competent authority with the necessary authority to coordinate actions to control the diversion of chemical precursors. The country has an authority responsible for coordinating control activities for international commerce in controlled chemical substances, in order to prevent their diversion, coordinating the mechanisms for timely issuance of and response to pre-export notifications for these substances.



CONTROL MEASURES

RECOMMENDATION 18

ADOPT OR STRENGTHEN CONTROL MEASURES TO PREVENT THE DIVERSION OF NARCOTICS, PSYCHOTROPIC SUBSTANCES, PHARMACEUTICAL PRODUCTS WITH PSYCHOACTIVE PROPERTIES AND THOSE USED IN THE PRODUCTION OF SYNTHETIC DRUGS.

Evaluation: Complete

Brazil has legislation for the control of narcotics, psychotropic substances and preparations containing them, implementing the mechanisms established in the United Nations Single Convention on Psychotropic Substances of 1961, as amended by the 1972 Protocol, and the United Nations Convention on Psychotropic Substances of 1971. The country has a national central authority that coordinates implementation of the control mechanisms to ensure the availability of narcotics, psychotropic substances and preparations containing them for medical and scientific purposes, and to prevent their diversion to illicit activities. Brazil implements mechanisms to estimate domestic requirements for narcotics, and provides for the application of administrative and civil penalties for infractions or violations of the regulations governing the work of medical professionals, professional managers, administrators, and legal representatives of establishments that handle narcotics, psychotropic substances, and psychoactive pharmaceutical products.



CONTROL MEASURES

RECOMMENDATION 19

ENSURE THE ADEQUATE AVAILABILITY OF NARCOTICS NEEDED FOR MEDICAL AND SCIENTIFIC USE.

Evaluation: Complete

Brazil conducts periodic evaluations of the availability of narcotics and psychotropic substances that include trends in the use of licit substances under international control for medical and scientific purposes, bearing in mind, *inter alia*, the recommendations of the World Health Organization (WHO), and including an analysis of impediments to adequate availability.



CONTROL MEASURES

RECOMMENDATION 20

STRENGTHEN NATIONAL ORGANIZATIONS FOR THE CONTROL OF ILLICIT DRUG TRAFFICKING AND RELATED CRIMES.

Evaluation: Partially complete

Brazil has formal mechanisms for the exchange of information among entities responsible for the control of drug trafficking and related crimes. The country takes part in ongoing training programs in this control area.

Brazil does not conduct periodic evaluations of the strengths and weaknesses of entities responsible for the control of drug trafficking and related crimes. The country has not developed periodic plans to address prevention of drug trafficking; does not have laws or regulations regarding law enforcement, including areas related to interdiction and border controls, that provide a suitable framework for the prevention of drug trafficking by air, sea and land; and does not have laws or regulations that include provisions for the safe and final disposal of seized drugs.



CONTROL MEASURES

RECOMMENDATION 21

IDENTIFY NEW TRENDS AND PATTERNS REGARDING ILLICIT DRUG TRAFFICKING AND RELATED CRIMES.

Evaluation: Complete

Brazil conducts up-to-date analyses of recent trends in drug trafficking and related crimes. These analyses include drug trafficking routes, means of transportation, regional characteristics, primary criminal groups, new criminal trends, behaviors, new financial products, new forms of committing crimes, new methods used, new markets and sectors, and weaknesses in control and identification. The list of substances subject to special controls is updated periodically, in accordance with demand. These assessments are done annually or biannually and the dissemination of this information is restricted, due to its strategic and confidential nature. The country updates its legislation based on the identification of new trends in drug trafficking and related crimes.



CONTROL MEASURES

RECOMMENDATION 22

PROMOTE IMPROVEMENTS IN INFORMATION SYSTEMS ON ILLICIT DRUG TRAFFICKING AND RELATED CRIMES.

Evaluation: Partially complete

Brazil has statistical information on drug trafficking and related crimes. The country conducts drug characterization and impurity profiling studies, based on the priorities determined by the specific characteristics of the drug trafficking problem.

Brazil does not have a national early warning system on new behaviors of criminal organizations and does not conduct technical studies and research on drug trafficking and related crimes.



CONTROL MEASURES

RECOMMENDATION 23

ADOPT MEASURES FOR EFFECTIVE COOPERATION IN CRIMINAL INVESTIGATIONS, INVESTIGATION PROCEDURES, COLLECTION OF EVIDENCE, AND THE EXCHANGE OF INTELLIGENCE INFORMATION AMONG COUNTRIES, ASSURING DUE RESPECT FOR THE VARIOUS NATIONAL LEGAL SYSTEMS.

Evaluation: Complete

Brazil has formal mechanisms for the effective and secure exchange of intelligence information in criminal investigations for drug trafficking and related crimes. The country has formal coordination mechanisms for the exchange of information and best practices for the prevention, investigation and control of activities relating to drug trafficking via the Internet. In addition, the country takes part in training workshops on the exchange of information in cases related to this issue and implements training activities on the use of special investigative techniques and managing the chain of custody for evidence in cases of drug trafficking and related crimes. The country has legal frameworks and operational guidelines for the investigation of assets within the scope of drug trafficking cases.



CONTROL MEASURES

RECOMMENDATION 24

ADOPT OR STRENGTHEN, AS APPLICABLE, CONTROL MEASURES FOR THE ILLICIT TRAFFICKING OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS ASSOCIATED WITH ILLICIT DRUG TRAFFICKING.

Evaluation: Mostly complete

Brazil has criminalized the illicit manufacture of and trafficking in firearms, ammunition, and other related materials. Also, Brazil has criminalized the illicit manufacture of explosives. In order to prevent losses or diversion, the country takes the necessary measures to ensure the security of firearms, ammunition, explosives and other related materials that are imported, exported, or in transit. Brazil requires appropriate marking of firearms, permitting identification of the name of the manufacturer, the place of manufacture, and the serial number. The country maintains a system of export, import, and international transit licenses for firearms, ammunition, explosives, or other related materials. Brazil has a national authority responsible for coordinating control activities against the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials, which include the measures in Article 8 of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials of 1997. Brazil also maintains a register of firearms, ammunition, explosives and other related materials seized in drug trafficking operations.

Brazil has not criminalized illicit trafficking in explosives, and does not require appropriate marking of any firearm seized or forfeited.



CONTROL MEASURES

RECOMMENDATION 25

ESTABLISH, UPDATE, OR STRENGTHEN LEGISLATIVE AND INSTITUTIONAL FRAMEWORKS IN MATTERS OF PREVENTION, DETECTION, INVESTIGATION, AND PROSECUTION OF MONEY LAUNDERING.

Evaluation: Complete

Brazil criminalizes money laundering according to the terms of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Transnational Organized Crime of 2000. The country has regulations for the prevention and control of money laundering and the financing of terrorism that conform to the recommendations of the Financial Action Task Force (FATF). Brazil has the Council on Financial Activities Control (CFAC), which operates in accordance with the principles of the EGMONT Group and the recommendations of the FATF on Financial Intelligence Units (FIUs). The country also has regulations that ensure precautionary measures for the custody, management, conservation, execution, and disposition of assets that are the instruments, proceeds, benefits, or related effects of money laundering. Brazil also provides for the forfeiture of assets related to money laundering, as well as provisional measures for freezing, embargo, and forfeiture of assets from illicit activities.



CONTROL MEASURES

RECOMMENDATION 26

CREATE OR STRENGTHEN, IN ACCORDANCE WITH NATIONAL LEGISLATION, THE COMPETENT NATIONAL ORGANIZATIONS FOR THE MANAGEMENT OF SEIZED AND/OR FORFEITED ASSETS, AND THE DISPOSITION OF FORFEITED ASSETS.

Evaluation: Complete

Brazil has two different agencies for the management and disposal of seized and forfeited assets: the National Anti-drug Fund (FUNAD), for assets seized in connection with drug trafficking, and the Department for Asset Recovery and International Legal Cooperation (DRCI), for assets related to money laundering. Both form part of the Ministry of Justice and are governed by the National Secretariat for Drug Policy (SENAD). These agencies manage resources that originate from the seizure or loss of assets, goods and securities derived from drug trafficking crimes. The country also has regulations that establish guidelines for the proper management of seized and forfeited assets. Training programs regarding management of seized and forfeited assets are offered within the framework of the methodology implemented by the National Anti-drug Fund's General Litigation Coordinator (FUNAD), with the support of the Latin American Seized and Forfeited Assets Management Project (BIDAL).



INTERNATIONAL COOPERATION

RECOMMENDATION 27

REAFFIRM THE PRINCIPLE OF COOPERATION CONTAINED IN INTERNATIONAL INSTRUMENTS TO ADDRESS THE WORLD DRUG PROBLEM, THROUGH ACTIONS TO ENSURE COMPLIANCE AND EFFECTIVENESS.

Evaluation: Mostly complete

Brazil has ratified the United Nations Convention against the Illicit Traffic of Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime of 2000, and the Inter-American Convention on Mutual Assistance in Criminal Matters of 1992. The country permits the extradition of individuals for drug trafficking offenses, does not make extradition contingent upon the existence of a treaty, and recognizes drug trafficking and money laundering offenses as subject to extradition. The country prosecutes individuals whose extradition was denied on the grounds set out in Article 4.2.a of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. The country indicates that it has adopted measures to enable confiscation of proceeds derived from drug trafficking and has mechanisms for administrative cooperation with agencies and services in other States in inquiries into the identity, whereabouts, and activities of persons allegedly linked to drug trafficking; the movement of proceeds or assets used to commit the crime of drug trafficking; and movement of controlled substances. Brazil has designated central authorities in accordance with Articles 6, 7 and 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988; has designated an agency or single point of contact in accordance with the United Nations Convention against Transnational Organized Crime of 2000 and the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials; another pursuant to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition; and another in accordance with the Inter-American Convention on Mutual Assistance in Criminal Matters. The country has laws or other legal provisions that permit the use of controlled delivery for narcotics and psychotropic substances, to identify persons implicated in the crime of drug trafficking.

Brazil provided no evidence demonstrating that it has laws or other legal provisions that allow it to provide reciprocal judicial assistance to third party States in investigations, trials, and legal proceedings for drug trafficking.



CONCLUSIONS

The MEM Sixth Evaluation Round report reflects the country's internal reality regarding the implementation of the Hemispheric Drug Strategy (2010) and its Plan of Action (2011-2015) from 2013 to mid-2014. CICAD recognizes that among the 27 common recommendations, Brazil completed 11, seven mostly completed, three partially completed, one not started and five do not apply.

In the area of Institutional Strengthening, Brazil has a national drug authority under the Ministry of Justice and has a national anti-drug strategy. Also, the country has a national observatory on drugs and has carried out all of the priority demand reduction studies (3 of 3) and has the majority of the priority supply reduction information (9 of 10).

In the area of Demand Reduction, Brazil has comprehensive demand reduction plans and programs, most of which are monitored and evaluated. However, prevention and early intervention programs are not monitored or evaluated. The country has prevention programs, but not a comprehensive prevention system. Public health system facilities offer early detection of drug use, guidance and brief intervention, and make systematic referrals to treatment. The public health care system uses a multisectoral approach to the provision of residential and outpatient treatment services, follow up and recovery support services. The country has an accreditation process for treatment centers. Brazil has alternatives to incarceration for drug-dependent criminal offenders. Demand reduction policies, plans and programs are developed with the support of academic and research institutions and civil society organizations. Training and continuing education for demand reduction personnel is provided through advanced courses in demand reduction, but the country does not use the outcomes of the evaluations to improve its training programs.

In the area of Supply Reduction, CICAD agreed not to apply any category from the evaluation scale, given that Brazil does not have significant illicit crop areas.



In the area of Control Measures, Brazil does not have mechanisms to detect and identify laboratories for the illicit manufacture of plant-based and synthetic drugs, nor protocols for their dismantling.

Regarding the control of pharmaceutical products and controlled chemical substances, Brazil has adopted the measures provided for in international conventions to ensure their adequate availability for legitimate purposes and to prevent their diversion to illicit channels. These measures include: a legal framework, administrative controls for domestic and international sale, cooperation with authorities in other countries and the designation of national authorities responsible for fulfilling these obligations. In the case of narcotics and psychotropic substances for medical use, measures have been taken to ensure access and availability for patients who require them.

Brazil has formal mechanisms for the exchange of information among the institutions responsible for the prevention and control of drug trafficking and related crimes, as well as formal mechanisms for the secure and effective exchange of intelligence information in the investigation of related cases. The country has ongoing training programs for personnel, statistical information at the national level on drug trafficking and related crimes, and updates its legislation based on the identification of new trends. However, the country does not have regulations for the safe and final disposal of seized drugs, nor a national early warning system for new behaviors of criminal organizations.

Brazil criminalizes the illicit manufacture of and trafficking in firearms, ammunition, and other related materials, and includes measures to prevent losses or diversion in the course of legal trade. The country has established a national authority that carries out these measures and has a register of such items seized in operations and activities related to drug trafficking. However, the country does not require the marking of seized or forfeited firearms, nor does it criminalize the illicit trafficking of explosives, though their illicit manufacture is criminalized.

Brazil has legislation criminalizing money laundering, as well as regulations for its prevention and control. In addition, the country has a Financial Intelligence Unit and regulations that allow the seizure of assets related to money laundering, in line with international principles and requirements in this area. It has also designated an agency responsible for the appropriate management and disposal of the proceeds of drug trafficking and money laundering, and carries out training programs on these topics.



In the area of International Cooperation, Brazil has ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime of 2000, the Inter-American Convention on Mutual Assistance in Criminal Matters of 1992 and has designated central authorities, in accordance to said conventions. The country has legal provisions to permit extradition for the crimes of drug trafficking and money laundering. Also, there are laws and legal provisions that permit the use of controlled delivery of narcotic drugs and psychotropic substances in order to identify persons involved in the crime of drug trafficking. The country has not provided evidence demonstrating that it has laws or other legal provisions that allow it to provide reciprocal judicial assistance to third party States in investigations, trials, and legal proceedings for drug trafficking and money laundering.

CICAD recognizes Brazil for its continued participation and commitment during the Sixth Evaluation Round of the MEM. In accordance with its national situation, the country is encouraged to fully implement the Plan of Action (2011-2015) of CICAD's Hemispheric Drug Strategy (2010).



SUMMARY OF THE STATUS OF COMPLIANCE WITH RECOMMENDATIONS

INSTITUTIONAL STRENGTHENING		
NO.	RECOMMENDATION	EVALUATION
1	Establish and/or strengthen national drug authorities, placing them at a high political level, with the mission to coordinate the effective planning and implementation of national drug policies.	MOSTLY COMPLETE
2	Design, implement, strengthen and update national evidence-based strategies and policies on drugs.	MOSTLY COMPLETE
3	Establish and/or strengthen National Observatories on Drugs or similar technical offices to develop national drug information systems and foster scientific research on this subject.	COMPLETE
DEMAND REDUCTION		
4	Develop and implement comprehensive demand reduction policies, plans and/or programs.	MOSTLY COMPLETE
5	Design and implement a comprehensive system of evidence-based universal, selective, and indicated prevention programs, with measurable objectives, aimed at distinct target populations, including at-risk groups.	PARTIALLY COMPLETE
6	Promote the integration of treatment and recovery plans and programs into the public health system and address drug dependence as a chronic, relapsing disease.	COMPLETE
7	Facilitate access for drug-dependent persons to a system of drug treatment, rehabilitation, social reintegration, and recovery services that are evidence-based and follow internationally-accepted quality standards.	COMPLETE
8	Explore the means of offering treatment, rehabilitation, social reinsertion and recovery support services to drug-dependent criminal offenders as an alternative to criminal prosecution or imprisonment.	MOSTLY COMPLETE
9	Strengthen governmental relationships with academic and research institutions and specialized non-governmental organizations (NGOs), in order to generate evidence on the demand for drugs.	COMPLETE
10	Promote and strengthen training and continuing education of professionals, technicians and others involved in the implementation of demand reduction activities.	MOSTLY COMPLETE



SUPPLY REDUCTION		
11	Adopt and/or improve comprehensive and balanced measures aimed at reducing the illicit supply of drugs.	NOT APPLIED
12	Adopt and/or improve data collection and analysis mechanisms with a view to carrying out assessments that will facilitate the development of public policies aimed at illicit supply of drugs reduction.	NOT APPLIED
13	Promote studies and research that contribute to the early identification and monitoring of new and emerging trends that could provide updated information on the illicit supply of drugs.	NOT APPLIED
14	According to the needs of each country, adopt comprehensive measures, such as integral and sustainable alternative development and law enforcement initiatives.	NOT APPLIED
15	Promote actions to reduce the negative impact on the environment caused by the world drug problem, in accordance with national policies.	NOT APPLIED
CONTROL MEASURES		
16	Implement programs to prevent and reduce the illicit production of synthetic and plant-based drugs.	NOT STARTED
17	Adopt or strengthen control measures in order to prevent the diversion of controlled chemical substances towards illicit activities.	COMPLETE
18	Adopt or strengthen control measures to prevent the diversion of narcotics, psychotropic substances, pharmaceutical products with psychoactive properties and those used in the production of synthetic drugs.	COMPLETE
19	Ensure the adequate availability of narcotics needed for medical and scientific use.	COMPLETE
20	Strengthen national organizations for the control of illicit drug trafficking and related crimes.	PARTIALLY COMPLETE
21	Identify new trends and patterns regarding illicit drug trafficking and related crimes.	COMPLETE
22	Promote improvements in information systems on illicit drug trafficking and related crimes.	PARTIALLY COMPLETE
23	Adopt measures for effective cooperation in criminal investigations, investigation procedures, collection of evidence, and the exchange of intelligence information among countries, assuring due respect for the various national legal systems.	COMPLETE
24	Adopt or strengthen, as applicable, control measures for the illicit trafficking of firearms, munitions, explosives, and other related materials associated with illicit drug trafficking.	MOSTLY COMPLETE



25	Establish, update, or strengthen legislative and institutional frameworks in matters of prevention, detection, investigation, and prosecution of money laundering.	COMPLETE
26	Create or strengthen, in accordance with national legislation, the competent national organizations for the management of seized and/or forfeited assets, and the disposition of forfeited assets.	COMPLETE
INTERNATIONAL COOPERATION		
27	Reaffirm the principle of cooperation contained in international instruments to address the world drug problem, through actions to ensure compliance and effectiveness.	MOSTLY COMPLETE



GLOSSARY

I. INSTITUTIONAL STRENGTHENING

Relevant actors: includes civil society, scientific community, university based researchers, government at the national, regional and local levels.

II. DEMAND REDUCTION

Alternatives to incarceration: vary from jurisdiction to jurisdiction, but most involve suspension of the judicial process provided the offender volunteers to participate in a monitored drug treatment program.

Available evidence: use of information, from different sources, to support an effect with an adequate degree of confidence, so that it can be used as a basis for a particular recommendation. The quality of the information sources will indicate the level of confidence for the estimate of the effect.

Comprehensive (prevention) system: organizations and programs that provide addiction prevention services, and are interconnected with each other and with several organizations, programs and channels that provide support services.

Indicated prevention programs: a set of actions targeting persons who use drugs.

Public health system: Includes all organizations, institutions and resources whose principal objective is to carry out activities designed to improve health. The majority of national health systems include the public, private, traditional and informal sectors. The four primary functions of a health system include: provision of services, generation of resources, financing and management.

Selective prevention programs: a set of actions targeting a specific segment of the population, which, because of personal, social, family, or socio-cultural and related characteristics, is vulnerable to the diverse risk factors leading to drug use.



Social reinsertion: any social intervention with the aim of integrating former or current problem drug users into the community. The three 'pillars' of social reinsertion are (1) housing, (2) education and (3) employment (including vocational training). May also be referred to as "social re-integration."

Universal prevention programs: a set of preventive actions targeting the entire population independent of risk.

III. SUPPLY REDUCTION

Regulatory framework: the set of established laws and regulations that governs the activities of the institutions responsible for the formulation, development and application of drug supply reduction policies and/or programs.

Risk factors: risk factors are those conditions that contribute to the emergence or strengthening of illicit activities and/or to the neutralization of law enforcement activities.

Social inclusion: a situation which ensures that all citizens, without exception, are able to exercise their rights, use their skills, and take advantage of opportunities available to them.

Vulnerable populations: those sectors or population groups that, due to poverty, ethnic origin, health, age, gender or disability, are unable to develop and improve their circumstances. This vulnerability places such persons at a disadvantage with regard to exercising their full rights and freedoms.

IV. CONTROL MEASURES

Drug characterization and impurity profiling: use of scientific laboratory information in support of law enforcement operation work, aimed at establishing links between drug samples. It consists of the systematic collection and sharing, in a standardized form, of physical and chemical information on a drug seizure, including the analysis and use of trace impurities to link different drug samples.



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