GOOD PRACTICES AND INITIATIVES IN THE PREVENTION OF CORRUPTION: ART. 5 OF THE UNCAC - BRAZIL’S EXPERIENCE

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OUTLINE

• Overview
• Background
• Clean Record Act
• Implementation in national and local elections
OVERVIEW

• Constitutional nature of disqualification of corrupt practices/conviction for certain offences: ineligibility for candidates - protecting the integrity and morality in the exercise of administrative mandate

• Prevent people whose previous life unauthorize access to an elective office: a trigger for a virtuous cycle to anti-corruption policies
Demand for “clean records” in the Brazilian Democratic Constitution (1988): Art 14 paragraph § 9

Phases of “clean records” law

1. Act 64/1990
2. Act 135/2010 – “Clean Record” Act (people’s initiative, art 60, par. 2 Constitution) **1.6 million voters signed the initiative**
CLEAN RECORD ACT

- **HUGE REPERCUSSION:** CANDIDATES WITH CRIMINAL RECORDS AND OTHERS MAJOR OFFENCES
  - INELIGIBLE FOR 8 YEARS

- **FEATURES**

- **FACTS/CIRCUMSTANCES/CONDUCTS** PROSCRIBED BY THE LAW
IMPLEMENTATION IN NATIONAL AND LOCAL ELECTIONS

- Brazil: continental country/fragmented database
- 26 states; thousands of municipal governments. 6,000 database and 25,000 candidates (2014)
- SISCONTAS (Search System for Electoral Accountability): Giant database created by the Federal Prosecution Service. Partnership with anticorruption organizations and institutions.
- Triggering a virtuous cycle of commitment to good governance and fighting corruption