

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY THE  
FEDERATIVE REPUBLIC OF BRAZIL**

**ARTICLE 6**

**PREVENTIVE ANTI-CORRUPTION BODIES**

**FEDERATIVE REPUBLIC OF BRAZIL (FOURTEENTH MEETING)**

**13 - Measures taken to establish policies, mechanisms (such as working groups, task forces or other ad hoc coordination groups) and/or standard operating procedures through which bodies mandated to prevent corruption (in accordance with article 6 of the United Nations Convention against Corruption) and law enforcement authorities (including those specialized in combating corruption through law enforcement) share information, evidence or intelligence relevant to corruption prevention, detection and/or investigation;**

**- Leniency Agreements**

Regarding domestic cooperation, in 2020 a Technical Cooperation Agreement was signed between several organizations, such as the Office of the Comptroller General, the Ministry of Justice, the Federal Court of Accounts and the Attorney's General Office, under the coordination of the Brazilian Supreme Court. The cooperation agreement was designed to improve the coordination between institutions with overlapping jurisdiction to fight corruption, which was considered one of the main challenges for Brazilian authorities. Besides, this has also improved the leniency agreements framework, granting a better safe point from which companies can cooperate with the Government, admitting its wrongdoings in order to solve its corporate liability with all public institutions.

**- Special operations**

“Special operations” are investigative actions taken jointly by different Brazilian agencies, including the Office of the Comptroller General, the Federal Police, State and Federal Prosecution Offices, amongst others. Their work aims to investigate acts taken against Public

Administration that compromise the integrity of public institutions, cause financial losses to public treasury, and result in immeasurable social damages.

Special operations have a dissuasive effect in the practice of corruption as they represent the State's power to detect illicit acts. In addition, the work derived from a special operation does not end in its deflagration and detection. Once the illicit act is identified, the competent administrative, prosecutorial, and judicial authorities will continue their work, as demanded by each specific case.

The numbers of special operations that detect corruption cases are expressive. As an example, from 2003 up to May 2022, 596 operations were held in partnership between the Office of the Comptroller General, the Federal Police, with the support of other Brazilian agencies. These special operations resulted in more than 1 billion euros of calculated damages. Most of these joint actions aimed at dismantling specialized criminal organizations in the embezzlement of public funds through passive and active corruption, money laundering and influence peddling.

- Research of information about people who were appointed to occupy positions in the Federal Executive Branch.

In compliance with the legal determination, the Office of the Comptroller General, together with other bodies, shares information about the history of previous functional life of people who were appointed to occupy positions and functions of free appointment in the Federal Executive Branch with the Civil House of the Presidency of the Republic. Throughout 2022, more than 6,800 surveys of this type were carried out by the Office of the Comptroller General.

**14 - Policies, mechanisms and/or standard operating procedures through which bodies with mandates to prevent corruption (UNCAC article 6) and also conduct law enforcement operations related to corruption share intelligence, evidence or information internally within the designated body related to corruption prevention and/or detection;**

Electronic system of asset information and conflicts of interest called "e-Patri", it's the electronic platform through which the civil public agents of the federal public administration present the respective declarations of assets and also the declarations of situations that may generate conflict of interests.

# **THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED**

## **BY BRAZIL**

### **ARTICLE 6 UNCAC**

#### **PREVENTIVE ANTI-CORRUPTION BODY OR BODIES**

##### **BRAZIL (FIFTH MEETING)**

###### **Prevention Measures, Policies and Practices and Agencies for Combating Corruption**

Article 5th and Article 6th of UNAC establish that each State-Party shall create bodies in charge of preventing corruption besides formulating and applying policies against corruption that promote the society's participation and reflect the principles of the Rule of Law, the proper management of the public assets, integrity, transparency and the duty of accountability. Through the International Law, on adhering to UNAC, Brazil, through the Union, undertook such commitments. Brazil is a Federative State, which means that the State power is shared among several political institutions endowed with autonomy and competences established by the Constitution. That means that the compliance with this obligation is not solely dependent of the Union's volition, which is divided among the States and Municipalities.

With regard to the Union, the Executive Branch has the Office of the Comptroller General, CGU, established by Law No.10.638 of MAY 28,2003,which is an agency with the competency of internal control, public audit, corrective and disciplinary measures, corruption prevention and combat, as well as acting as an agency of ombudsman's activities and federal public management transparency. The CGU inspects and detects frauds and deviations in the use of the federal public money, and is also in charge of developing mechanisms for prevention against corruption. With this purpose, the CGU performs events intended of incenting social participation and control in combating corruption such as, the 1st National Conference on Transparency and Social Control - 1st CONSOCIAL, instituted by presidential Decree of December 8 ,2010, which had the participation of approximately 150 thousand citizens in its preparatory phase held from July 2011 to April 2012. These citizens were represented by one thousand and 200 delegates in its national meeting held in Brasilia in May 2012.

In the scope of external control, the Union count on the Audit Court, which is an agency established by Art. 71 of the Constitution as an institution in charge of assisting the National Congress in the evaluation and control of budget execution by the public Administration. In this role the TCU audits the hiring of public services and works as well as expenses made by the agencies of the three branches of the Federal Public Administration, detecting incoherencies in the accountability and deviations in the use of the federal public money . In its role of an auditing agency, the TCU holds the power to prevent the progression of works and services that do not comply with the legal guidelines, as well as holding the parties administratively accountable for irregular expenses. Additionally, the audits performed by the TCU are intended to evaluate the public management performance and results.

Besides the CGU and the TCU, the Union counts on the Office of the Prosecutor General (MPF), which is an autonomous agency endowed with constitutional competency of holding accountable the responsible parties for acts of corruption and deviation of public money under the civil, administrative and criminal law code. In this role, it is MPF's competency investigating both in the penal and civil level, acts of corruption and bad management of public assets. Although MPF's role is predominately repressive, MPF's joint action with CGU and TCU has resulted in important contributions to public assets' management and the population's awareness in combating corruption. For this purpose, MPF constantly performs Public Hearings with the participation of the society and experts in different areas, aiming at establishing and adopting measures intended to prevent deviation of public money and acts of corruption such as, drawing up a budget model for public works intended to prevent overbilling, and, consequently, diversion of public funds. Additionally, MPF has authority to release recommendations aiming to alter or cease harmful practices to public coffers and require higher transparency and publicity of public management acts, implying the accountability of the public officials identified as the responsible parties for such acts.

Among the three agencies of the federal government, the MPF and the TCU have autonomy guaranteed by the Constitutional provisions, which attributes independence acting to their members. As for the CGU, it is the agency directly linked to the Presidency of the Republic, which confers autonomy in relation to the other agencies of the Federal Public Administration. Despite that, it is possible to detect in the recent Brazilian history, attempts to hinder the actions of these agencies through projects of amendments of the Brazilian legislation or weakening in the budget allotment of these agencies. Such attempts have been repealed by pressure from the society and the non-governmental organizations.

The acting of these agencies in preventing and combating corruption is coordinated through the National Strategy for Combating Corruption and Money Laundering (ENCCLA). ENCCLA consists of articulating the agencies from the three Prosecutor as well as preventing branches of the Republic, the Office of the General and the Offices of the Attorneys General the public society that act, even indirectly, in corruption and money laundering. Among the agencies composing it, are not only the agencies from the three branches, such as the Senate, the Office of the Prosecutor General, Judiciary Branch, CGU and TCU, but also intelligence agencies, such as ABIN, and institutions that compose and inspect the financial system, such as the Securities Commission (*Comissao de Valores Mobiliarios CVM*), Financial Control Board (*Conselho de Controle de Atividades Financeiras- COAF*), Complementary Pension Regulator (*Superintendencia Nacional de Previdencia Complementar-PREVIC*), SUSEP, Central Bank (*Banco Central do Brasil-BACEN*) as representatives of more varied associations, such as the Brazilian Federation of Banks FEBRABAN. ENCCLA is responsible for outlining action strategies, inspecting strategies' execution through its roughly 60 members as well as evaluating the success of implemented measures.

The federal model is repeated, to some extent, in the State and Municipal level, which count on State Audit Courts and, in some cities, such as Rio de Janeiro and sao Paulo, Municipal Audit Courts whose assignments are identical to the TCU's, but limited to the State and Municipal inspection. The States also have Offices of District Attorneys (State Public Ministry) performing assignments, within the territory scope of each federate, that are similar to the ones of the Office of the Prosecutor General. The CGU model, however, is only mirrored, for while, in few cities, such as sao Paulo, which is the biggest of the country. The Offices of the District Attorneys and representatives of State Judges, also compose ENCCLA, thus coordinating the prevention and combat against nasty corruption in the States and Cities with that performed in the federal<sup>4</sup>

level.

Among the activities performed by the nominated agencies is the propagation in the media of educational campaigns aiming to raise the population's awareness of its role in fighting corruption. Thus, Public Ministry's entities launched in 2008, the campaign "What do you have to do with corruption?", which is repeated every year and in 2010, it had the motto "Filthy past promotes no future. Have a Clean Vote" and sought to demonstrate the role and responsibility the civil society has in combating

corruption when participating in the election process (<http://www.cnmp.mp.br/portal/images/stories/cpcom/bancosdeideias/campanhasexternas/corruptcao/release-de-lancamento.pdf>). More recently, the CGU, through social media, performed the campaign "Small Corruption Acts- Say No", seeking to arise the Brazilian people's awareness of the fact that small illicit or anti-ethical acts performed daily by each citizen, such as, stealing the cable TV sign, end up reverberating on a larger scale on the public officials' conduct.