

**UNODC - 5th session of the Working Group on
Prevention 8-10 September 2014**

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

DENISE NEVES ABADE
FEDERAL PROSECUTOR
INTERNATIONAL COOPERATION UNIT



Brazil's Federal Prosecution Service

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OUTLINE

- Overview
- Background
- Clean Record Act
- Implementation in national and local elections



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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



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BACKGROUND

- 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**



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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



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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

