



UN Programme of Action

National Reporting Tool

Brazil

2016

SECTION 1: POINTS OF CONTACT

Sources National Coordination Agency

- PoA II.4 1. Has your country established a National Coordination Agency or other body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects?

Sources National Point of Contact

- PoA II.5, 24 2. Does your country have a National Point of Contact designated to act as a liaison on matters relating to the implementation of the UN Programme of Action on Small Arms (PoA)?

2.1. Details:

- a) Name : Disarmament and Sensitive Technologies Division
 b) Organization or agency : Ministry of Foreign Affairs
 c) Address : Esplanada dos Ministérios, Bloco H, Anexo I, Sala 432 CEP 70170-900 Brasília, DF, Brazil
 d) Telephone number(s) : +55 61 2030 8660 +55 61 2030 6440
 f) Email : dds@itamaraty.gov.br

- ITI 25 2.2 Is the National Point of Contact identified above also responsible for exchanging information and liaising on matters relating to the International Tracing Instrument (ITI)?

- ITI 25 2.3 If the answer to Question 2.2 is 'no', does your country have a National Point of Contact for purposes of exchanging information and liaising on all matters relating to the ITI?

2.3.1 Details:

- a) Name : Division for the Repression of Patrimony Crimes and Firearms Trafficking
 b) Organization or agency : Federal Police Department
 c) Address : SAS Quadra 6, lotes 09/10 - ED.SEDE/DPF CEP 70037-900 Brasília, DF, Brazil
 d) Telephone number(s) : +55 61 2024 8343/8089
 f) Email : dpat.dicor@dpf.gov.br; rastreamento.dpat@dpf.gov.br

SECTION 2: MANUFACTURE

Sources Laws, regulations and administrative procedures

- PoA II.2 3. Are there any SALW manufactured in your country?

- 3.1. Does your country have laws, regulations and/or administrative procedures to exercise effective control over the manufacture of SALW?

3.1.1 List laws, regulations and/or administrative procedures regulating the manufacture of SALW in your country

i. Law No. 10826 (December 22nd 2003), slightly altered by Law 10867 (May 12th 2004) – main arms control legislation, known as Disarmament Statute; ii. Decree No. 5123 (July 1st 2004) – regulates the Disarmament Statute; iii. Decree No 3665 (November 20th 2000), known as R-105 – regulates the activities (manufacture, use, import, export, customs clearance, transit and trade) involving products controlled by the Army; iv. Ministerial Act No. 7 (April 28th 2006) – issued by the Logistics Department of the Ministry of Defense to regulate the marking of firearms; v. Ministerial Act No. 16 (December 28th 2004) – issued by the Logistics Department of the Ministry of Defense to regulate the marking of ammunition.

- 3.1.2. Does your country license the manufacture of SALW?

- PoA II.3 3.1.3. Is illegal manufacture of SALW considered a criminal offence in your country?

Sources Marking at manufacture

- PoA II.7; ITI 8a 3.2. Does your country require that SALW be marked at the time of manufacture?

- ITI 8a 3.2.1. What information is included in the marking (check relevant boxes)?

- a) Name of the manufacturer
 b) Country of manufacture
 c) Serial number
 d) Year of manufacture
 e) Weapon type/model
 f) Caliber
 g) Other

All firearms acquired by the Armed Forces,

the Federal Police Department, the Federal Highway Police Department, the Military Police, the Military Fire Brigades and other federal public bodies must be marked with the Federal Republic seal as well as the name or initials of the organization.

ITI 10a

3.2.2. What part of the SALW is marked?

Its frame. Its serial number must also be printed in its barrel and its breech, when mobile.

3.2.3 Are there exceptions to the requirement to mark SALW at the time of manufacture?

No ▾

Sources Record-keeping by manufactures

PoA II.9; ITI 11

3.3. Does your country require that manufacturers keep records of their activities?

Yes ▾

ITI 12a

3.3.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW manufactured
- b) Type or model of SALW manufactured
- c) Markings applied to manufactured SALW
- d) Transactions (e.g. sales of manufactured and marked SALW)
- e) Other

ITI 12a

3.3.2. How long must manufacturing records be kept?

Indefinitely ▾

Sources Actions taken during the reporting period

PoA II.6

3.4. During the reporting period, was action taken against groups or individuals engaged in illegal manufacturing of SALW (e.g. prosecution)?

Yes ▾

3.4.1. Details.

The cases of illegal manufacturing of firearms are rare; the most common related criminal offense is the illegal refilling of ammunition.

Sources International assistance

PoA III.6

4. Does your country wish to request assistance in developing laws, regulations and/or administrative procedures regarding SALW manufacture?

No ▾

SECTION 3: INTERNATIONAL TRANSFERS**Sources Laws, regulations and administrative procedures**

PoA II.2, 12

5. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?

Yes ▾

PoA II.11

5.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.

i. Law No. 10826 (December 22nd 2003), slightly altered by Law 10867 (May 12th 2004) – main arms control legislation, known as Disarmament Statute; ii. Decree No. 5123 (July 1st 2004) – regulates the Disarmament Statute; iii. Decree No 3665 (November 20th 2000), known as R-105 – regulates the activities (manufacture, use, import, export, customs clearance, transit and trade) involving products controlled by the Army; iv. Ministerial Act No. 7 (April 28th 2006) – issued by the Logistics Department of the Ministry of Defense to regulate the marking of firearms; v. Ministerial Act. No. 9 (June 25th 2004) - issued by the Logistics Department of the Ministry of Defense to regulate the import of firearms by the Armed Forces; vi. Ministerial Act No. 16 (December 28th 2004) – issued by the Logistics Department of the Ministry of Defense to regulate the marking of ammunition; vii. Ministerial Act No. 12 (July 14th 2011) - issued by the Foreign Trade Secretary to regulate foreign trade operations.

Sources Licensing and authorisation

PoA II.11

5.2. Does a person or an entity who transfers SALW require a licence or other form of authorisation to transfer SALW from/into your country?

Yes ▾

PoA II.3

5.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?

Yes ▾

PoA II.11

5.4. What kind of documentation does your country require prior to authorising an export of SALW to another country?

PoA II.12

- a) An end-user certificate (EUC) from the importing country
- i) What elements does an end-user certificate in your country contain (check relevant boxes)?
- 1) Detailed description (type, quantity, characteristics) of the SALW or technology
- 2) Contract number or order reference and date
- 3) Final destination country
- 4) Description of the end-use of the SALW
- 5) Exporter's details (name, address and business name)
- 6) End-user information (name, position, full address and original signature)
- 7) Information on other parties involved in the transaction
- 8) Certification by the relevant government authorities of the authenticity of the end-user
- 9) Date of issue
- 10) Other

Yes ▾

b) Other types of end-user documentation

*Alternatively to an EUC, Decree 5.123/04 (art. 59) allows exporters to present a License of Import (LI) issued by the competent authority of the destination country. *Authorization from the Fiscalization of Controlled Products Office (Register Certificate and or Registration Draft.)

PoA II.12

5.5. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided?

Yes ▾

5.5.1 Details:

According to paragraph 2 of Article 178 of Decree 3665, a declaration from the Brazilian diplomatic mission in the importing country or from the diplomatic mission in Brazil of the importing country is required.

5.6. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation?

Yes ▾

5.6.1 Details:

The requirement for a declaration from the Brazilian diplomatic mission in respective country or from the diplomatic mission in Brazil of the importing country.

Sources Post-delivery controls

5.7. When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State?

No ▾

5.8. After exporting, does your country verify or seek to authenticate DVCs provided?

No ▾

5.9. When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery?

Yes ▾

Sources Marking at import

ITI 8b

5.10. Does your country require that SALW imported into your country be marked at the time of import?

Yes ▾

5.10.1. Who is required to mark the SALW?

The importer is responsible for ensuring that the markings are made.

5.10.2. What information is included in the marking on import (check relevant boxes)?

a) Country of import

b) Year of import

c) Other

- Name of manufacturer;
- Country name or acronym; - Caliber; - Serial number; - Year of manufacture, when not included in serial number system; - Brazil's Coat of Arms and name or acronym of the Federal Government agency which is acquiring the weapons, when applicable; - State's coat of arms

5.10.3. Are there exceptions to the requirement to mark imported SALW?

No ▾

5.10.4. If marked SALW imported into your country do not bear a unique marking when they arrive, does your country require that they be given such a marking?

Yes ▾

5.10.4.1 Details:

Markings can be done in Brazil by an authorized company, as long as the importer previously requests and justifies this request to the Logistics Department of the Ministry of Defense.

Sources Record-keeping

PoA II.9; ITI 12

5.11. Does your country require that exporters and importers of SALW keep records of their activities?

Yes ▾

5.11.1. What information must be recorded (check relevant boxes)?

a) Quantity of SALW traded

- -
 -
 -
 -
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 -
 -
 -
 -
- b) Type or model of SALW traded
- c) Markings appearing on transferred SALW
- d) Transactions
- i) Identity of buyer/seller
 - ii) Country SALW are to be delivered to or purchased from
 - iii) Date of delivery
- e) Other
- 5.11.2. How long must records of transfers be kept? Indefinitely ▼

Sources **Actions taken during the reporting period**

PoA II.6 **5.12. During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)?** Yes ▼

5.12.1 Details.
 Since our last report, Brazilian authorities have intensified Combating illicit trafficking in weapons. The Federal Police alone conducted several operations which resulted in dozens of arrests and seizures of weapons. Besides the Federal Police, the Brazilian Army, through the Fiscalization of Controlled Products Office, conducts routine inspection operations on legal persons authorized to produce, sell or export all arms and light weapons.

Sources **International assistance**

PoA III.6 **6. Does your country wish to request assistance in developing laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?** Yes ▼

6.1. What kind of assistance do you require?
 Exchange of knowledge and good practices with the ATF Bureau.

6.2. Has your country developed a project proposal for assistance? No ▼

SECTION 4: BROKERING

Sources **Laws, regulations and administrative procedures**

PoA II.14 **7. Does your country have laws, regulations and/or administrative procedures governing brokering of SALW?** Yes ▼

7.1. List laws and/or administrative procedures regulating SALW brokering in your country.
 There is no specific legislation for brokering in Brazil, but broader legislation on the manufacture, use, import and export of firearms is applied to brokering activities. i. Law No. 10826 (December 22nd 2003), slightly altered by Law 10867 (May 12th 2004) – main arms control legislation, known as Disarmament Statute; ii. Decree No. 5123 (July 1st 2004) – regulates the Disarmament Statute; iii. Decree No 3665 (November 20th 2000), known as R-105 – regulates the activities (manufacture, use, import, export, customs clearance, transit and trade) involving products controlled by the Army.

8.1.1 Are those laws and procedures part of the national arms export control system? --- Select --- ▼

7.2. Does your country require registration of SALW brokers? Yes ▼

7.3 Does your country require a licence, permit or other authorisation for each brokering transaction? Yes ▼

8.4 Does your country have measures to validate the authenticity of documentation submitted by the broker? --- Select --- ▼

7.4 Does your country regulate activities that are closely associated with the brokering of SALW? Yes ▼

7.4.1. If so which of the following activities are regulated when undertaken in connection with the brokering of SALW (check relevant boxes)?

- a) Acting as dealers or agents
- b) Providing technical assistance
- c) Training
- d) Transport
- e) Freight forwarding
- f) Storage
- g) Finance
- h) Insurance
- i) Maintenance
- j) Security
- k) Other services

Sources Actions taken during the reporting period

7.5 During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)?

No ▼

Sources International assistance

PoA III.6 8. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering?

No ▼

SECTION 5: STOCKPILE MANAGEMENT

Sources Laws, regulations and administrative procedures

PoA II.17 9. Does your country have standards and procedures relating to the management and security of SALW held by the armed forces, police or any other entity authorised to hold SALW?

Yes ▼

PoA II.17 9.1. If so, which of the following provisions are included in these standards and procedures (check relevant boxes)?

- a) Appropriate locations for stockpiles
- b) Physical security measures
- c) Control of access to stocks
- d) Inventory management and accounting control
- e) Staff training
- f) Security, accounting and control of SALW held or transported by operational units or authorised personnel
- g) Procedures and sanctions in the event of theft or loss
- h) Other

Sources Surplus

PoA II.18 9.2. When stocks are identified as surplus, what actions does your country take with regard to the surplus (check relevant boxes)?

- a) Officially declare as surplus
- b) Take out of service
- c) Record by type, lot, batch, and serial number
- d) Store separately
- e) Other

9.3. In disposing of the surplus stocks, which of the following methods may be used (check relevant boxes)?

- a) Destruction
- b) Sale to another State
- c) Donation to another State
- d) Transfer to another state agency
- e) Sale to civilians
- f) Sale or transfer to legal entities (e.g. museums, private security companies, etc.)
- g) Other

Sources Actions taken during the reporting period

PoA II.19 9.4. During the reporting period, has your country destroyed surplus stocks?

Yes ▼

PoA II.20 9.4.1. How many SALW were destroyed?

From 1997 to 2013, the Brazilian Army has destroyed 2,800,000 (two million and eight hundred thousand) SALW – of that total, 500,000 (five hundred thousand) were destroyed in 2012.

9.4.2. Any further comments regarding destruction?

Sources International assistance

PoA II.29; III.6 10. Does your country wish to request assistance in developing standards and procedures on stockpile management? No

PoA III.6; 14 11. Does your country wish to request assistance in developing capacity for the destruction of weapons? No

SECTION 6: COLLECTION

Sources Collection

12. During the reporting period, did your country collect any SALW? Yes

PoA II.21 12.1. How many SALW were collected?
According to data extracted from the SINARM System, in 2013, 16.105 firearms were seized; in 2014, 8.866 firearms were seized; and in 2015: 10.616 firearms were seized. Although the SINARM is the national database which all country states should feed, there is a great underreporting of seizures. According to data extracted from the SINARM System, in 2013, 13.681 firearms were collected; in 2014, 18.630 firearms were collected; and in 2015, 8.681 firearms were collected.

12.2. What action was taken with respect to the SALW collected (check relevant boxes)?

- a) Stored securely pending further action
- b) Marked
- c) Registered or recorded
- d) Destroyed
- e) Other Firearms with obliterated markings were submitted to technical/forensic exam to try to recover numbers.

Sources International assistance

PoA III.6 13 Does your country wish to request assistance in building capacity for confiscation and seizure of the illicit SALW? No

SECTION 7: MARKING AND RECORD KEEPING

Sources Marking

ITI 8d 14. Does your country take measures to ensure that all SALW in the possession of government armed and security forces for their own use are duly marked? Yes

14.1. Describe the markings that are applied to government-held stocks.

All firearms acquired by the Armed Forces, the Federal Police Department, the Federal Highway Police, the Military Police, the Military Fire Brigades and other federal public bodies must be marked with the Republic Coat of Arms, as well as the name or acronym of the organization. State public bodies and municipal guards are required to do the same, substituting the Republic Coat of Arms for that of the State. Other required markings: a) Name of the manufacturer; b) Country of manufacture; c) Serial number; d) Weapon type/model; e) Caliber.

ITI 8c 14.2. When government stocks are transferred to civilians or private companies in your territory, are such stocks marked to indicate that your government transferred the stocks? No

ITI 8e 15. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings? Yes

15.1 Details

Existing legislation requires specific procedures for marking that reduce the possibilities of their alteration or removal.

Furthermore, TAURUS, Brazil's main SALW producer, installs, upon request, a chip in the firearm's frame that allows for the retrieval of essential data. Legislation obligates a minimum depth of the markings to avoid removal, and that the number must be marked in more than one place: frame and barrel, and in the breech when mobile (pistols, for example).

Record-keeping

PoA II.9 **16. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?** Yes

16.1. What records relating to SALW are kept by the State (e.g. manufacturing, brokering, import and export licences granted, sales to other States, SALW held by State agencies such as the armed forces etc)?

Since 1997, the Brazilian Government maintains a National Arms Registry (SINARM), initially created by Law No. 9,437. After the entry into force of the Disarmament Statute, in 2003, SINARM has coexisted with the Military Firearms Management System (SIGMA). SINARM was established by the Ministry of Justice and is operated by the Federal Police Department, while SIGMA was established by the Ministry of Defense and is operated by the Brazilian Army. Both registers have national jurisdiction and are mutually accessible. These registers allow the Brazilian Government to identify the characteristics and owners of firearms, as they contain information regarding all firearms produced, imported and sold in Brazil. These records also include all authorizations to carry firearms and the renewals of these authorizations, as well as all transfers of ownership, loss, theft, robbery and other events liable to alter the original status of a weapon. All firearm dealers operating in Brazil are registered, including authorized manufacturers, wholesalers, retailers, exporters and importers of firearms, accessories and ammunition. Firearms seizures, including those related to police and judicial proceedings, are also entered in the database. Every effort has been made to successfully integrate both registers and to consolidate all existing information regarding firearms in Brazil. Despite the undeniable difficulties of such an undertaking, all relevant areas of the Brazilian Government are committed to the continuing improvement of the available information, a process which has received increased attention over the years. The firearms registered under SINARM are: i. institutional firearms of the Federal Police Department, the Federal Highway Police, the State police and other public bodies whose officers may have the right to carry firearms; ii. seized firearms not previously registered in SINARM or SIGMA; iii. firearms of restricted and permitted use owned by public security officers, as allowed by the current legislation; iv. other firearms of restricted use, except those of the Armed Forces, the Brazilian Intelligence Agency and the Institutional Security Cabinet of the Presidency; v. firearms owned by citizens, as allowed by the current legislation. The firearms registered under SIGMA are: i. institutional firearms of the Armed Forces, the Military Police, the Military Fire Brigades, the Brazilian Intelligence Agency and the Institutional Security Cabinet of the Presidency; ii. firearms owned by officers of the Armed Forces, the Brazilian Intelligence Agency and the Institutional Security Cabinet of the Presidency; iii. exported firearms, ammunition and other products controlled by the Army Command; iv. imported firearms or firearms acquired by Brazil for testing and technical evaluation purposes; v. obsolete firearms; vi. firearms owned by collectors, sport shooters, hunters and diplomatic missions.

ITI 12 a,b **16.2. How long does the government keep such records?**
Indefinitely.

ITI 13 **163. In the event that they go out of business, are companies engaged in SALW activities (e.g. manufacturing, importing, exporting etc) required to submit all records held by them to the government?** No

Sources International assistance

PoA III.6, ITI 27 **17. Does your country wish to request assistance in building capacity for record-keeping?** No

SECTION 8: INTERNATIONAL TRACING

Sources Laws, regulations and administrative procedures

PoA II.10; ITI 14, 24 **18. Does your country have procedures in place to trace SALW?** Yes

Sources Tracing requests

ITI 25; 31a **18.1. Which government agency is responsible for making a tracing request to another country?**
Federal Police Department.

ITI 17 **18.2. What information does the designated agency include in a tracing request? (check relevant boxes)**

- a) Circumstances under which the SALW was found
- b) Reasons why the SALW is considered to be illegal or illicit
- c) The intended use of the information being sought
- d) Any markings on the SALW
- e) Type/calibre of SALW
- f) Other

"Importer": firearms imported by the US and found in illegal situation in Brazil are traceable only with the importer's data - a demand of the ATF/DOJ

Sources Cooperation with INTERPOL

PoA II.37; ITI 33 19. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ?

Yes ▼

Sources International assistance

PoA II.36;
III.6; ITI 27

2420. Does your country wish to request assistance in developing procedures to trace SALW? <td>

No ▼

&n

PoA III.10; ITI 28

2521. Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW? <td>

No ▼

&n

SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCE

Sources Assistance requested / received / provided

PoA III.3, 6

2622. During the reporting period, in addition to the assistance requested/received mentioned in the Sections 2-8 above, has your country requested / received / provided assistance to implement the PoA and ITI? <td>

Yes ▼

PoA III.16, PoA III. 6, PoA III.7, PoA III.18, PoA III. 15

22.1 If so, in what areas (check relevant boxes)?

a. Establishing/designating National Coordination Agency/National Point of Contact

--- Select --- ▼

b. Disarmament, demobilization and reintegration (DDR)

Provided ▼

a) Nature of the assistance:

i) financial --- Select --- ▼

ii) technical Provided ▼

b) Amount of assistance provided/received (if financial):

c) Description of the assistance activity:

Provided public security assistance in Haiti in the context of MINUSTAH.

d) Duration of the assistance provided/received:

e) State(s) or organization(s) that provided/received the assistance:

Brazilian Army.

c. Capacity-building and training on SALW issues

Provided ▼

a) Nature of the assistance:

i) financial --- Select --- ▼

ii) technical Provided ▼

b) Amount of assistance provided/received (if financial):

c) Description of the assistance activity:

Brazil has been sharing patterns and test data, as well as its experience with the development of its national system, SINARM. With the support of the UNODC, Brazil was involved in training neighbor countries in combat of illicit firearms trafficking (Ciudad del Est/Paraguay and La Paz/Bolivia)

d) Duration of the assistance provided/received:

e) State(s) or organization(s) that provided/received the assistance:

Federal Police and INTERPOL.

d. Law enforcement

--- Select --- ▼

e. Customs and borders

--- Select --- ▼

f. Action-oriented research

--- Select --- ▼

&n

- [g. Children/youth](#)
- [h. Awareness-raising](#)
- [i. Organized crime, drug trafficking and terrorism](#)

[j Other](#)

Any further comments on PoA and ITI, including implementation challenges and opportunities?>

States in South America must develop their tracing services to attend tracing requests pursuant to the ITI/CIFTA/Firearms Protocol. Some of them do not respond to requests.

[Additional information may be uploaded/attached, if necessary:](#)

SECTION 10: INFORMATION TO BE SUBMITTED

Information on national marking practice

2823. Pursuant to paragraph 31 of the International Tracing Instrument, States will provide the Secretary-General with the following information, updating it when necessary:>

- a) National marking practices related to marking used to indicate country of manufacture and/or country of import as applicable.**

[Additional information such as images and illustrations may be uploaded/attached, if necessary:](#)

Note: Relevant information might have been provided in questions 4.2.1, 4.2.2 and 18.1 in this report.