

# THE WORLD CUP IN BRAZIL: FIGHTING AGAINST MONEY LAUNDERING AND CORRUPTION

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## I. A DEMOCRACY FIGHTING FOR ETHICS

The World Cup in Brazil was a success with regards to the competition itself and its organization. The games were fantastic; the TV images were awesome; the United States' played well; and teams from smaller countries like Costa Rica and Argelia proved to be big contenders on the scene.

However, spectators of the World Cup booed the Republic's President Dilma Rousseff and FIFA's President Joseph Blatter during the final match.<sup>1</sup> At musical concerts around the country, thousands of audience members shouted offensive remarks about President Rousseff<sup>2</sup> who, nonetheless, was recently re-elected after a much-disputed run for another four years.

On the streets close to the Maracanã arena, when the final game was about to start, the police violently repressed an uprising against

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1. Rodrigo Mattos, *Dilma volta a receber vaias e xingamentos na final da Copa do Mundo [Dilma Again Receives Boos and Insults in the Finals of the World Cup]*, UOL (July 15, 2014, 6:56 PM) (Braz.), <http://copadomundo.uol.com.br/noticias/redacao/2014/07/13/vaia-a-dilma-no-maracana-no-encerramento-da-copa.htm>.

2. *Rappa puxa vaia a Dilma e ganha contrato da Natura, de Leal [Rappa Draws Boos for Dilma, Wins Contract from Natura, Leal]*, *BRASIL* 247 (June 2, 2014, 6:46 PM), <http://www.brasil247.com/pt/247/midiatech/142126/Rappa-puxa-vaia-a-Dilma-e-ganha-contrato-da-Natura-de-Leal.htm>.

the World Cup.<sup>3</sup> During the repression, cameras captured violence against international reporters like Canadian journalist Jason O'Hara, who was thrown to the floor and kicked in the face by police and had his GoPro Camera stolen, and Ana Carolina Fernandes, from Reuters, who was attacked with pepper gas.<sup>4</sup> The police officers responsible for O'Hara's injuries were arrested.<sup>5</sup>

Shouldn't a country with such a passion for soccer be enthusiastic about hosting a World Cup? Not Brazil—at least not for half of its population. In fact, thousands of Brazilians went to the streets in protest, carrying banners that read, “There Won't be a World Cup” and demanding greater public spending on education, healthcare, security, and public transportation.<sup>6</sup>

When FIFA officials demanded expensive remodeling of existing arenas that met FIFA's high standards for construction of new arenas, protestors exclaimed: “We want FIFA standard schools and hospitals” instead of spending money on the World Cup and Olympics.<sup>7</sup>

If Brazilians love soccer, WHY protest? In light of its presence in the global economy, Brazil is more akin to a first-world country. Brazil is the seventh wealthiest economy in the world with a GDP of \$2.4 trillion US.<sup>8</sup> Its population has risen to over 200 million inhabitants, making it the sixth largest in the world,<sup>9</sup> all the while maintaining a steady population growth of 0.9% between 2012 and 2013.<sup>10</sup> Of these,

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3. *Vídeo mostra agressão de PM à cinegrafista durante manifestação no Rio de Janeiro* [Video Shows Beating of Cameraman by MP During a Demonstration in Rio de Janeiro], CMAIS (June 14, 2014) (Braz.), <http://cmais.com.br/jornalismo/cidades/video-mostra-agressao-de-pm-a-cinegrafista-durante-manifestacao-no-rio-de-janeiro>.

4. CMAIS, *supra* note 3; Sindicato Jornalistas Profissionais Rio, *FIFA's World Cup Closing: Dozens of People Beaten and Shot by Police; 15 Journalists Attacked*, REVOLUTION NEWS (July 14, 2014), <http://revolution-news.com/fifas-world-cup-closing-dozens-of-people-beaten-and-shot-by-police-15-journalists-attacked>.

5. Vitor Abdala, *PM determina prisão de quartos policiais suspeitos de agressão em protesto* [MP Orders Arrest of Four Cop Suspects in Protest Assaults], EBC AGÊNCIA BRASIL (June 16, 2014, 8:24 AM), <http://agenciabrasil.ebc.com.br/print/923756>.

6. Donna Bowater, *The Boos from Brazil*, DAILY TELEGRAPH (London), Mar. 5, 2014, at 23.

7. Jennifer Tighe, *'We Want FIFA Standard Schools and Hospitals'—What the World Cup Means for Rio*, VERSO (June 13, 2014), <http://www.versobooks.com/blogs/1617-we-want-fifa-standard-schools-and-hospitals-what-the-world-cup-means-for-rio>.

8. CENTRAL INTELLIGENCE AGENCY, *THE WORLD FACTBOOK 2013-14* at 99-100 (51st ed. 2014), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/br.html>.

9. *Id.*

10. Vitor Abdala, *População brasileira cresce 0,9% entre 2012 e 2013* [Brazilian Population Grows 0.9% between 2012 and 2013], EBC AGÊNCIA BRASIL (Aug. 29, 2013, 2:22 PM), <http://memoria.ebc.com.br/agenciabrasil/noticia/2013-08-29/populacao-brasileira-cresce-09-entre-2012-e-2013>.

nearly 272 million use cellphones<sup>11</sup> and more than fifty million access the internet daily, making Brazil one of the most connected countries in the world.<sup>12</sup> Brazil also has the world's largest iron reserve,<sup>13</sup> the third largest aluminum reserve,<sup>14</sup> massive oil reserves,<sup>15</sup> and two of the world's largest aquifers.<sup>16</sup>

Considering all of these positive aspects, Brazil should have the resources to provide its citizens with decent healthcare, housing, education, and public transportation similar to what exists in the U.S., UK, Germany, and France. But the deep rooted answer to this distinction is simple enough: Decades of a corrupt culture and impunity has led its citizens to protest against the government, contributing to a tremendous corrosion of Brazilian development and leading to a chaotic quality of life for the majority of its population.

In fact, since the military government ended in 1985,<sup>17</sup> youths now feel free enough to voice their frustrations regarding the extremely poor levels of public services, despicable medical care, and inadequate educational opportunities combined with insufficient wages for professors. As a result of Brazil's failure to address its public's concern, an astonishing number of citizens—including children—live in slums or are homeless, drifting through the streets of downtown.

There is a dramatic social contrast between the rich and the poor in Brazil, and a failure to address its underlying frustrations only fuels the pervasively high levels of violence. To further nourish the growing

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11. Sabrina Craide, *Número de celulares no país passa de 272 milhões* [Number of Mobile Phones in the Country Passes 272 Million], EBC AGENCIA BRASIL (Mar. 27, 2014, 2:52 PM), <http://agenciabrasil.ebc.com.br/economia/noticia/2014-03/numero-de-celulares-no-pais-passa-de-272-milhoes>.

12. *Brasil é terceiro país mais conectado do mundo, diz IBOPE* [Brazil is the Third Most Connected Country in the World, Says IBOPE], R7.COM (Feb. 19, 2013, 10:30 PM) (Braz.), <http://noticias.r7.com/tecnologia-e-ciencia/noticias/brasil-e-o-terceiro-pais-mais-conectado-do-mundo-diz-ibope-20130219.html>.

13. *The World's Biggest Iron Ore Mines*, MINING-TECHNOLOGY.COM (Feb. 19, 2014), <http://www.mining-technology.com/features/featurethe-worlds-11-biggest-iron-ore-mines-4180663>.

14. Aya Takada, *Aluminum Fees to Japan Seen Reaching Record on Brazil Output Cut*, BLOOMBERG (Aug. 21, 2014), <http://www.bloomberg.com/news/2014-08-22/aluminum-fees-to-japan-seen-reaching-record-on-brazil-output-cut.html>.

15. *Brazil Set to Become Major Global Oil Supplier—IEA*, REUTERS (Nov. 12, 2013, 8:57 AM), <http://www.reuters.com/article/2013/11/12/iea-outlook-brazil-idUSL5N0IX3EE20131112>.

16. OFFICE FOR SUSTAINABLE DEV. & ENV'T, ORGANIZATION OF AMERICAN STATES, *GUARANI AQUIFER SYSTEM: ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT OF THE GUARANI AQUIFER SYSTEM 1* (2005), available at [http://www.oas.org/dsd/Events/english/Documents/OSDE\\_7Guarani.pdf](http://www.oas.org/dsd/Events/english/Documents/OSDE_7Guarani.pdf).

17. DAVID V. FLEISHER, FED. RESEARCH DIV., LIBRARY OF CONG., *BRAZIL: A COUNTRY STUDY* 256 (Rex A. Hudson ed., 5th ed. 1998).

violence, Brazilian authorities “address” the nation’s drug problems by arresting nearly 200,000 citizens on related charges.<sup>18</sup>

## II. THE TRIGGER AND THE CHANGES

Tournament protesters knew their actions would not succeed in stopping the global tournament. However, their motivation to protest was brought upon by anger against a government that would rather spend billions of dollars on the World Cup than spend the money on its people. The World Cup’s budget, summing up to \$3.5 billion US (\$8 billion Reais) to build twelve arenas was obtained mostly by public money loans through the National Bank of Social Development.<sup>19</sup> This netted an average of \$300 million US for each arena. There were also additional expenditures totaling \$9.5 billion US (\$22 billion Reais) to build transportation and hotel infrastructure for the games, marketing, and other costs. These expenditures aggregate to approximately \$13 billion US (\$30 billion Reais).<sup>20</sup>

Although no corruption charges have been filed regarding the World Cup infrastructure construction, the mere questioning of the costs and the Government’s priorities triggered, at the time, a never before seen outrage involving people from all social levels in Brazilian society. Besides, it is interesting to see that the new reborn 1985 Brazilian democracy is already changing in response to public protests, and the freedom to use media and social network tools like Facebook and Avaaz have greatly contributed to this new proactive Brazilian society.

## III. THE CORRUPTION FIGHT AND THE OFFICE OF ECONOMIC COOPERATION AND DEVELOPMENT GUIDELINES

In the meadow of this effervescent reality, a strict fight against corruption by using media and legislation has put pressure on Brazil to implement changes to its governance. Ironically, this fight was fol-

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18. See FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA, ANUÁRIO BRASILEIRO DE SEGURANÇA PÚBLICA [ANNUAL REPORT ON BRAZILIAN PUBLIC SAFETY] 20 tbl.6, 54 tbl.25 (7th ed. 2013), available at [http://www.forumseguranca.org.br/storage/download/anuario\\_2013-corrigeido.pdf](http://www.forumseguranca.org.br/storage/download/anuario_2013-corrigeido.pdf).

19. Vinicius Konchinski, *Custo de arenas da Copa sobe R\$ 1 bi e supra investimento em mobilidade* [Costs of the Cup’s Arenas Climbs to 1 Billion Reais and Big Investments in Mobility], UOL (Nov. 25, 2013, 2:22 PM) (Braz.), <http://copadomundo.uol.com.br/noticias/redacao/2013/11/25/custo-de-estadios-da-copa-sobe-r-1-bi-e-supera-investimento-em-mobilidade.htm>.

20. *Custo total da Copa poderá chegar aos 30 bilhões de reais* [Total Cost of the Cup Could Reach 30 Billion Dollars], VEJA (Mar. 4, 2014) (Braz.), <http://veja.abril.com.br/noticia/esporte/custo-total-da-copa-podera-chegar-aos-30-bilhoes-de-reais>.

lowed by the biggest corruption scandal in Brazil's history regarding bribery charges against Petrobrás, a state-owned oil company.

As I wrote in a recently published article, during President Lula's presidency

Petrobrás purchased a refinery in Pasadena, Texas, which may have caused a loss of over \$1 billion to Brazil and Petrobrás' shareholders. [ ] Dilma Rousseff [ ] was president of Petrobrás' board at the time of the purchase and approved it. After the scandal, she denied any knowledge of the risks of the Pasadena contract, claiming that the companies' executive directors never fully informed her or the board of the contract's flaws.

However, during the September/October 2014 presidential and general election campaign, Paulo Roberto Costa—an ex-Petrobrás director who was directly involved in the Pasadena contract—confessed to receiving bribes in relation to several deals. According to the press, Costa confessed because of the possibility of jail time and external pressures, such as the threat of prosecution of his family members that may have been used to hide bribe money. The press also claimed that he had accused 12 senators, 49 federal deputies and one governor of bribery in his confession. Brazilian newspapers printed that he also confessed to receiving \$23 million from a large company that had signed contracts to build a refinery in Pernambuco for Petrobrás called 'Abreu e Lima.' According to the newspapers, Costa claimed that other large companies were also involved.

Costa recently gave a televised statement before the court, claiming that 1% to 3% of the contracts were used to fund the 2010 presidential campaigns of important political parties.<sup>21</sup>

Nevertheless, it remains to be seen whether this "fight" will prove effective in fighting different forms of corruption.

#### A. *The Brazilian Media*

Most notably, Brazil proudly encourages freedom of the press. But there have been attempts to suppress media independence. The present government tried—without success—to pass legislation regulating the "journalist profession" by requiring one to have a "diploma" to work within the media, claiming that "too many abuses have been committed" and that journalists should not investigate.

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21. Roberto Delmanto Junior, *White Collar Crime-Brazil; White Collar Crime, Criminal Investigations and Politics*, INT'L. L. OFFICE (Oct. 13, 2014), <http://www.delmanto.com/Conteudo/artigos/Internacional/2014/Roberto%20Jr/White%20collar%20crime,%20criminal%20investigations%20and%20politics%20%20International%20Law%20Office.pdf>.

Had it succeeded, the government's actions would have signaled the end of Brazil's freedom of the press as we know today.

Of course, it is important to keep in mind that freedom of the press requires responsibility. It means publishers must give a right of response and always listen to both sides. But it is of paramount importance that Brazil continues to maintain this freedom, as authorities are more inclined to investigate persons with political power or those who influence society once the community has been made aware of the corruption through the media.<sup>22</sup>

Journalists have triggered investigations and uncovered several white-collar crimes around the world. Once the news of a crime is published, police and public prosecutors begin their investigations to confirm the denunciations. Undoubtedly, there is no Democracy without absolute free media; this is a premise Brazil shall never abandon.

### *B. The OECD*

In 2000, Brazil implemented the 1997 Organization for Economic Co-Operation and Development (OECD) Anti-Bribery Convention Standards.<sup>23</sup> The Convention standards are designed to combat bribery of foreign public officials in international business. In its so-called "second phase," Brazil is gradually implementing the OECD's recommendations.

In the last fourteen years alone, a lot has changed in our legislation, inspired by the United States' 1977 Foreign Corrupt Practices Act (FCPA) via the OECD Convention and the Organization of Inter-American States (OAS) Convention Against Corruption of 1996. For example, Bill No. 10.467 of 2002, in accordance to the OECD Convention, altered the Brazilian Penal Code, redefining the crime of "international bribery" against foreign public administrators in commercial transactions,<sup>24</sup> and expanding the crime of money laundering to criminalize subsequent acts committed with the laundered funds.

Additionally, The Money Laundering Bill No. 9.613 of 1998 was recently reformed by Bill No. 12.683 of 2012. With this modification, any illicit revenue, including a single instance of embezzlement or

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22. See Anya Schiffrin, *Why We're Living in the Golden Age of Investigative Journalism*, SALON (Aug. 31, 2014, 2:00 PM), [http://www.salon.com/2014/08/31/why\\_were\\_living\\_in\\_the\\_golden\\_age\\_of\\_investigative\\_journalism](http://www.salon.com/2014/08/31/why_were_living_in_the_golden_age_of_investigative_journalism).

23. Decreto No. 3.678, de 30 de Novembro de 2000, DIÁRIO OFICIAL DO RIO DE JANEIRO [D.O.E.R.J.] de 01.12.2000 (Braz.).

24. CÓDIGO PENAL [C.P.] [PENAL CODE] arts. 337-B to 337-D (2006) (Braz.).

fraud, can fall within the purview of money laundering.<sup>25</sup> Prior to this reform, money laundering was only considered a crime if the funds were obtained from any of the following sources: organized crime; drug trafficking; terrorism; gun smuggling; fraud against national or foreign public administrations; ransom for kidnapping; extortion against the “national financial system”; and fraud involving the stock market or international money transactions.<sup>26</sup> The new money laundering code is very strong and, in my opinion, overbroad. It criminalizes almost any situation in which someone merely accused of a misdemeanor or a minor crime<sup>27</sup> disguises the origin of money or buys a car under a relative’s name.

What was traditionally considered irrelevant, non-punishable post factum conduct is now considered a crime. This disparity runs the risk of offending the double jeopardy rule. In this line of thinking, to avoid double jeopardy, the money laundering would have to be perpetrated by another person or entity, such as a bank employee, art reseller, insurance agent, or casino owner.

In fact, the Brazilian Supreme Court recently ruled that the very same person who committed a crime like theft can also be punished for laundering illegal money obtained via purchase of legal assets to disguise its criminal origin.<sup>28</sup> It is non-sense the Brazilian court would permit such double prosecution—in several situations, a conviction for money laundering carries a three- to ten-year prison sentence, a much more severe penalty than one imposed for obtaining illegal funds. For instance, the penalty for embezzlement from a private institution or person is punishable with a one- to five-year prison sentence,<sup>29</sup> while simple theft carries a sentence of one to four years.<sup>30</sup> Consequently, a person charged with both money laundering and embezzlement or theft would receive a minimum sentence of one year for the embezzlement or theft, and an additional three years for using the laundered funds.<sup>31</sup> This is not proportional.

In 2014, the Brazilian Congress approved Bill No. 12.846 which, following OECD guidelines, authorizes public administrators to im-

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25. See Lei No. 12.683, de 9 de Julho de 2012, DIÁRIO OFICIAL DA UNIÃO [D.O.U.] de 10.07.2012 (Braz.).

26. See Lei No. 9.613, de 3 de Marco de 1998, DIÁRIO OFICIAL DO RIO DE JANEIRO [D.O.E.R.J.] de 04.03.1998 (Braz.).

27. See Lei No. 12.683, de 9 de Julho de 2012, D.O.U. de 10.07.2012 (Braz.).

28. See, e.g., Simon Romero, *Brazilian Corruption Case Raises Hopes for Judicial System*, N.Y. TIMES, Oct. 9, 2012, at A4.

29. CÓDIGO PENAL [C.P.] [Penal Code] art. 171 (2006) (Braz.).

30. *Id.* art. 155.

31. *Id.* arts. 171, 155.

pose heavy fines on companies for acts of corruption with public authorities.<sup>32</sup> Once it is enacted as law, the Bill will not only permit public administrators to impose fines for corruption within international transactions, but also internal corruption among public authorities independent of the acts of their employees.<sup>33</sup> With the hope of stimulating a culture of self-responsibility and prevention, the Bill also creates a credit policy for companies who enact compliance programs following FCPA standards.<sup>34</sup> Much like American and British companies, Brazilian companies have started to create departments for internal investigation in order to avoid misconduct of employees who engage in bribery.

However, this Bill has flaws and will face some serious challenges. The biggest flaw is that it gives too much power to not only one government agency (like the Security and Exchange Commission in the United States), but to *three levels* of public administration agencies. Municipal, state, and federally controlled agencies can each administer their own investigation of a company regarding the same matter, and each one can independently impose heavy fines and prohibit contracting with a government agency.

In a country with history of corruption amongst public administrators, giving the government more power may, if not well controlled, lead to more corruption! One can easily imagine a corrupt municipal agent imposing unwarranted fines on innocent companies that could eventually sum to millions of dollars.<sup>35</sup> News of the fine would be published in official newspapers to inform the people of the “illegal acts” of the company, effectively humiliating the company in front of the whole market. Even if the company goes to the judiciary to dispute the fine, in some cases the company will fall mercy of the agency’s whim, making the company a “hostage” to corrupt authorities.

To better protect Brazilian companies, more control and transparency from the government is required. Companies will undoubtedly have to be vigilant with its employees by monitoring internal compliance offices, data centers, and email controls—all of which are expensive.

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32. See Lei No. 12.846, de 1 de Agosto de 2013, D.O.U. de 02.08.2013 (Braz.).

33. *Id.*

34. See *Brazil's New Anti-Corruption Law: Hard to Read*, ECONOMIST (Jan. 29, 2014, 9:40 PM), <http://www.economist.com/blogs/schumpeter/2014/01/brazil-s-new-anti-corruption-law>; *The Morning Risk Report: Brazil's Anti-Bribery Law Comes into Force*, WALL ST. J. (Jan. 29, 2014, 7:00 AM), <http://blogs.wsj.com/riskandcompliance/2014/01/29/the-morning-risk-report-brazils-anti-bribery-law-comes-into-force>.

35. See Lei No. 12.846, de 1 de Agosto de 2013 (Braz.).



Another challenge associated with this Bill is its “leniency agreement” regulation.<sup>36</sup> Different from Bill No. 12.529 of 2011, which was created to protect free competition and prevent cartels by granting criminal immunity for whistleblowers, the “anti-corruption” Bill No. 12.846 of 2013 does not guarantee the same immunity. Instead, the whistleblower will most likely sign a leniency agreement with each level of the public administration (federal, state, and municipal), which will surely insufficiently protect the whistleblower. In contrast, if someone involved in organized crime is the first to denounce and cooperate and is not the leader of the criminal organization, the recently approved Bill No. 12.850 of 2013 grants public prosecutors the discretion to not charge the cooperating criminal.<sup>37</sup> This is something absolutely new to Brazil and is already making a drastic impact on criminal prosecutions.

### C. Technology

Advancements in technology assist with reducing corruption. For example, fiscal institutions can use technology to track transactions in the country and use their websites to be transparent to the public.<sup>38</sup> Additionally, individuals using smart phones provide a tremendous amount of criminal evidence in judicial proceedings, which has been instrumental in fighting corruption and other crimes.<sup>39</sup>

However, a drawback of using this modality for criminal investigation is that it potentially undermines one’s sense of personal privacy. Only in the future will we be able to properly analyze the pros and cons regarding the monitoring of emails, SMS, and phone calls. Legislators around the world will have the difficult task of setting up very clear and strong limits regarding when it is acceptable to monitor

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36. *See id.* It is a top priority for the OECD as a part of “leniency agreements” or “cooperation agreements” to grant immunity to the criminal who “cooperates.” In fact, it makes things much easier to criminal prosecutors and authorities. Although it is a reality nowadays, I am not enthusiastic about this method of investigation because it has an ethical issue: a criminal is pardoned only because he is the first to confess and denounces others who were involved in the criminal activity. And he does it, not because he regrets the wrongdoing, but only to get free.

37. *See* Lei No. 12.850 de 2 de Agosto de 2013, D.O.U. de 05.08.2013 (Braz.).

38. *See* MAZARS IN BRAZIL, *DOING BUSINESS IN BRAZIL* 2013/2014, at 50-51 (2013) (using the tax reporting system as an example of transparency in Brazil).

39. *See generally* S.T.F., HC 91.867/PA, Relator: Min. Gilmar Mendes, 20.9.2012, 185, Supremo Tribunal Federal Jurisprudencia (S.T.F.J.), 20.09.2012, 1 (Braz.); Jordana Timerman, *Brazil Cell Phone Cameras Play a Powerful Role*, CITY LAB (Oct. 8, 2014) <http://www.citylab.com/crime/2014/10/in-brazil-where-police-killings-are-commonplace-cell-phone-cameras-play-a-powerful-role/381212>.

the public. Otherwise, the citizenry's freedom will be doomed and corruption will run rampant.

#### IV. CONCLUSION

Corruption will certainly remain a part of human nature, as there will always be those who decide to act in extremely selfish and greedy ways. But to survive, Brazil must control and reduce it.

Corruption is still very prevalent, and the World Cup expenses are only an example of how severe it is in Brazil. After all, how can a country finance—with public money—a \$13.4 billion US budget<sup>40</sup> for the construction of ten arenas and supporting infrastructure for one competition *and not* fund projects to improve the welfare of its citizens? To discover the truth, full transparency is demanded!

But things are changing in Brazil. In fact, in December 2012, the Brazilian judicial system had 2,703 people incarcerated for corruption,<sup>41</sup> comprising less than 0.5% of its prisoner population.<sup>42</sup> This is a 133% increase from the last four years.<sup>43</sup> Furthermore, bribery convictions have become a reality, and these convictions have even been against high-ranking political figures.<sup>44</sup>

Despite all the advancements, there is one crucial point that has not been fully addressed by multilateral organizations or countries—even by those who serve as agents in combating corruption. The biggest source of corruption in Brazil is the private financing of political campaigns by large corporations. To determine where the money is being used, one need only look to the million dollar contracts between public administrators and construction companies. After all, why would a private construction company donate millions of dollars to a political campaign? Political engagement? Here lays the biggest challenge with corruption, which must now be faced by multilateral organizations.

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40. CHRISTIAN RUSSAU ET AL., *WORLD CUP FOR WHOM AND FOR WHAT?* 14, 21, 34 (Marilene de Paula & Dawid Bartelt eds., Fal Vitiello de Azevedo trans., 2014).

41. Carlos Henrique da Silva Ayres, *How Brazil is Fighting Corruption*, FCPAMÉRICAS (Nov. 1, 2013, 1:53 PM), <http://fcpamericas.com/english/anti-money-laundering/brazil-fighting-corruption>.

42. Edson Sardinha & Rodolfo Torres, *Presos por corrupção são apenas 0,1% no Brasil [Just 0.1% are Arrested for Corruption in Brazil]*, CONGRESSO EM FOCO, (Oct. 30, 2013, 8:00 AM) (Braz.), <http://congressoemfoco.uol.com.br/noticias/presos-por-corrupcao-sao-apenas-01-no-brasil>.

43. *Id.*

44. Kevin E. Davis et al., *Transnational Anti-Corruption Law in Action: Cases from Argument and Brazil*, *LAW & SOC. INQUIRY* (forthcoming) (manuscript at 4, 33-36) (on file with authors); Romero, *supra* note 28.

The Brazilian Supreme Court, a currently proactive judiciary, is in the process of ruling on this issue by adjudicating an action presented by the Brazilian Bar Association, which claims that federal laws that allow companies to make campaign donations are unconstitutional.<sup>45</sup> On April 2, 2014, the majority of the eleven Brazilian Supreme Court Justices voted to prohibit companies from making campaign donations.<sup>46</sup> Only Justice Teori Zavascki voted to keep the status quo.<sup>47</sup> However, the issue is still ongoing and may change, as the composition of the Supreme Court may evolve with the retirement of current Justices.<sup>48</sup> Maybe Brazil will show the world that changes are possible in the fight against corruption. But most important—it might become more concerned with prioritizing ethics, human rights, due process of law, privacy, and the presumption of innocence. To do so, Brazil might consider imposing constitutional limits on legislators who expand laws to ensure compliance with the democratic standards of a plural and liberal country.

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45. S.T.F., ADI 4650 DF, Relator: Min. Luiz Fux, 26.03.2013, 59, DIÁRIO DA JUSTIÇA [D.J.], 02.04.2013 (Braz.).

46. *Notícias STF*, SUPREMO TRIBUNAL FEDERAL (Apr. 2., 2014) (Braz.), <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=263981> (including Justices Dias Toffoli, Luís Roberto Barroso, Luiz Fux, Joaquim Barbosa, Marco Aurélio Mello, and Ricardo Lewandowski).

47. *Id.*

48. *See Brazilian Corruption Judge Joaquim Barbosa to Retire*, BBC NEWS (May 29, 2014, 5:20 PM), <http://www.bbc.com/news/world-latin-america-27629961>.

