TRANSPARÊNCIA INTERNACIONAL
Brasil



BRAZIL RETROSPECTIVE ←2024

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INTRODUCTION

In 2024, Brazil failed to reverse the trajectory of recent years in dismantling the fight against corruption. Instead, the world saw a country where the President never mentions the word "corruption", the Judiciary facilitates impunity for powerful corrupt people and Congress institutionalizes corruption on a massive scale.

President Lula's silence on corruption matches the absence of anti-corruption bills and policies that marked almost the entire first half of his term in office. Almost all, because, in December 2024, the government finally presented an Anti-Corruption and Integrity Plan. The document, drafted by the Comptroller General's Office (CGU), is comprehensive, technically well-founded and was developed with public consultation.

However, in order for this plan to get off the ground, it will need strong political support, capable of confronting the hostile environment towards the issue. This means that the President must stop avoiding the issue publicly, align ministries and other government bodies currently held by the *Centrão* [*a right-wing informal coalition of political parties that tend to ally with the incumbent government in exchange for political favors*] and mobilize his base in Congress in defence of the anti-corruption agenda. There are reasons to be skeptical about the possibility that this will happen, but it is what Brazilian society needs to demand of the government and parliament.

The CGU demonstrated its commitment in other relevant areas in 2024, such as restoring Brazil's leading role in international open government forums. At the national level, cooperation between the Federal Police, the Internal Revenue Service and the Public Prosecutor's Office can be highlighted in actions against widespread corruption in the context of a parliamentary amendment scheme.

On this last front, however, the control bodies have to navigate against the tide within the government

itself. In political negotiation with Congress, Lula not only increased the volume of resources available from amendments; he has also left untouched the administration of agencies riddled with corruption accusations, such as Codevasf (São Francisco and Parnaíba Valley Development Company), the true executive arm of the "secret budget" [*a scheme that expanded the use of parliamentary amendments to the federal budget to channel billions of Reais in public investments to political purposes with low transparency and accountability mechanisms].* More seriously, the President persists in shielding his communications minister, Juscelino Filho, months after the Federal Police indicted him for passive corruption, tender fraud and criminal organization – all linked to embezzlement schemes.

The retention of a minister under serious suspicion of corruption fits in with Lula's public rehabilitation of figures, symbols of corruption and impunity in Brazil in recent years, such as the brothers Joesley and Wesley Batista. In April, the President visited their JBS factory in Mato Grosso do Sul, giving a speech praising the brothers and attacking Operation Car Wash. Even more serious than the public display of affection, was access granted to the Presidential Palace for unscheduled meetings, followed by a provisional measure that guaranteed billion-dollar benefits for the Batista businesses in the energy sector, resulting in higher electricity bills for Brazilian companies and families.

Another symbol of impunity in 2024, was the suspension and renegotiation of penalties imposed on companies investigated by Operation Car Wash, which had confessed to mass corruption. Once the corrupt have achieved their first goal of getting out of jail, the second goal of avoiding fines, and even recovering their stolen, confiscated money, advances: what seemed like merely a bad joke has actually started to unfold in Brazil in 2024.

Authorized to renegotiate the fines by the Supreme Court (STF), the CGU is responsible for conducting proceedings, which are progressing without transparency, with serious conflicts of interest and without participation by the victims – among these, retirees of state-owned companies who pay, with monthly deductions from their paychecks of up to 30%, the corruption bill through their pension funds.

In 2024, dismantling the fight against corruption made most progress in the Judiciary, particularly the Supreme Court. The most damaging decisions had already taken place at the end of 2023, such as that of Justice Dias Toffoli, who annulled all the evidence in the Odebrecht (now Novonor) leniency agreement, which dealt with the largest transnational corruption scheme in history. As expected, this unilateral decision had a devastating effect in 2024, leading to the annulment of more than a hundred cases in Brazil and benefiting other defendants in at least a dozen foreign jurisdictions. This was highlighted as Brazil's most serious breach of the OECD's Convention against Transnational Bribery, topping the list of violations for which the country, as a signatory to the convention, will have to account.

Despite the systemic effect of the decision and international damage to the court's image, the reporting judge and the STF ignored and never brought to trial challenges filed by Public Prosecutor's Office (PGR), the São Paulo Public Prosecutor's Office and the National Association of Prosecutors, which exposed grave inconsistencies in the decision's reasoning.

In addition to legal inconsistency and violation of Brazil's international obligations, Justice Dias Toffoli was strongly criticized for having potentially benefited from his own decision. Among the evidence annulled is the email that mentioned "friend of my father's friend" in the context of deals with authorities,

as well as the testimony of Marcelo Odebrecht, who confirmed that the code name referred to the then Federal Attorney General, Dias Toffoli.

But the sequence of decisions that uncovered the impunity of the corrupt and powerful people had only begun. Soon after, the same Justice Dias Toffoli suspended a record fine of R$10.3 billion imposed on the J&F group (controlled by the Batista brothers) and, in 2024, extended the decision to the R$8.5 billion fine imposed on Odebrecht (Novonor). In the decision regarding the Batista brothers' group, the inconsistency of arguments and conflict of interests were even more evident, since J&F had not even been investigated by Lava Jato and the minister's wife, the press revealed, was a lawyer for the group. Then, on the 5th of February (six days after the launch of the Corruption Perception Index 2023, along with that year's edition of this retrospective), Justice Dias Toffoli opened an investigation against Transparency International. Later, in October, the Prosecutor-General, Paulo Gonet, moved to close the investigation, pointing to a lack of substantiating evidence, and an absence of concrete facts and minimal elements indicating the occurrence of criminal practice, as well as pointing to the incompetence of Justice Dias Toffoli as rapporteur for the case. Until the beginning of 2025, the minister had not commented on the PGR's statement. These were perhaps the most visible, but throughout the year the minister made several decisions benefiting defendants in cases of mass corruption in Brazil and abroad, including former Presidents. These decisions included a ban on Brazilian prosecutors taking statements from Odebrecht collaborators to assist investigations abroad (another clear violation of the OECD Convention) and, even, a ban on requesting information from Novonor about accounts held in the principality of Andorra, associated with Odebrecht offshores. In other words, impeding the repatriation of funds to Brazil.

On a brighter note, Paulo Gonet, the Prosecutor-General, has appealed most of these decisions, unlike his predecessor Augusto Aras. However, without the appeals being considered by the reporting minister or the court, the actions of the Public Prosecutor's Office are insufficient to address the widespread impunity of mass corruption. Thus, once seen as an exporter of corruption, today Brazil is perceived as an exporter of impunity.

In 2024, leniency towards corruption and conflicts of interest in the Brazilian judiciary made international headlines, with an unprecedented number of critical articles in leading newspapers in Germany, Spain, the United States, Ireland, Portugal, the United Kingdom, Switzerland and several others in Latin America.

Issues relating to conflicts of interest have gained wide national and international visibility, mainly thanks to the Lisbon Legal Forum, held annually in the Portuguese capital under the coordination of Justice Gilmar Mendes. Nicknamed "Gilmarpalooza" in the press, the meeting has generated controversy for years, for providing ample space for the conflation of public and private interests: starting with the relationship between the event's organizers. The meeting is the result of a collaboration between the Institute of Legal and Political Sciences of the Faculty of Law of the University of Lisbon, the Getulio Vargas Foundation (FGV) and the Brazilian Institute for Education, Development and Research (IDP). The latter has Justice Gilmar Mendes himself among its partners. As for the FGV, a report published in *Piauí* magazine in March 2024 recounts how the institution "buried corruption investigations involving its directors".

The innovative "Gilmarpalooza" has become an example of success and inspiration for a growing number of judicial lobbying events. In 2024, these multiplied in Brazil, and are often held in capitals in Europe and the United States. Sponsors are a central source of concern regarding these events. In the 2024 edition of "Gilmarpalooza",

at least 12 sponsor companies were facing Supreme Court proceedings.

Despite widespread impunity for the corrupt and powerful, and serious conflicts of interest that have severely damaged Supreme Court credibility, the court was also responsible for what was perhaps the most important anti-corruption measure of 2024: tackling the "secret budget" and the amendments scandal.

In 2022, the Supreme Court ruled the so called "secret budget" scheme unconstitutional: up until then Congress had been diverting billions of Reais in public investments to political purposes with low transparency and accountability mechanisms through amendments to the budget signed by the federal budget rapporteur in Congress — what was referred to as "rapporteur's amendments". Since then, the "secret budget" has evolved to divert resources through different legal channels. The "secret budget" was considered by **Transparency International – Brazil** to be the largest institutionalized corruption scheme on record in the country.

In September 2023, **Transparency International – Brazil**, Transparência Brasil and Associação Contas Abertas [*Brazil Transparency and Open Accounts Association*], all three recognized as amicus curiae ("friends of the court") in the lawsuit resulting in the prohibition of the "secret budget" by the Supreme Court, filed a joint statement pointing out persistent non-compliance with the Court's decision. Based on this statement, Justice Flávio Dino, who succeeded Justice Rosa Weber as rapporteur of the case, called a settlement hearing on August 1, 2024. Simultaneously, the Brazilian Association of Investigative Journalism and the Public Prosecutor's Office filed other lawsuits to challenge the constitutionality of the "Pix amendments" (another channel opened by Congress to divert billions of public resources to political allies in municipalities, also through amendments to the

federal budget and with even less accountability mechanisms).

Following the settlement hearing, in the context of Direct Unconstitutionality Action 7.697, filed by PSOL [*Partido Socialismo e Liberdade* – Socialism and Freedom Party], the STF granted an injunction suspending mandatory budget amendments until Congress created transparency rules. In response, Congress passed Complementary Law 210, of November 25, 2024, with provisions supposed to give greater transparency to the proposal and execution of parliamentary amendments. However, as pointed out in a joint statement by **Transparency International – Brazil**, Transparência Brasil and Associação Contas Abertas the approved text contains serious problems and falls short of the transparency criteria necessary for effective social control.

Despite these limitations, Justice Flávio Dino, rapporteur of the case, authorized the resumption of payments, albeit with the imposition of conditions, such as, in relation to the so-called Pix amendments, the existence of a work plan presented and approved in advance and, in the case of caucus or committee amendments, the naming of the parliamentarian who suggested each proposal. A few days later, the decision was unanimously upheld by the Court's plenary.

Also in December, the judge suspended the execution of committee amendments totalling R$4.2 billion. As revealed in an article in *Piauí* magazine, the President of the Chamber of Deputies had orchestrated a scheme with party leaders to seize part of the committee amendments, with the aim of directing them to projects without following the procedures set out in the law.

In 2024, there was no end to the clashes between Congress and the Supreme Court over the "secret budget". However, Justice Flávio Dino, backed by his peers, has succeeded

so far in resisting the pressures of an unhinged *Centrão* addicted to the amendments scheme.

The "secret budget" and its associated practices, such as the "Pix amendments", are, without a shadow of a doubt, the most damaging creations that the Legislative branch, with the complicity of the Executive branch, has imposed on Brazil. This is grand-scale corruption, dressed up in a veneer of legality and institutional theatrics.

Transparency International – Brazil has been warning for years about the systemic impacts of the "secret budget" and the amendment scheme, in three main dimensions.

The first is destruction of the country's capacity to formulate and implement public policy with technical foundations. Uncontrolled amendments take funds away from programs developed on the basis of diagnoses, prioritization and technical planning in order to divert them to isolated spending, with no guarantee of continuity and determined by electoral logic or in order to create corruption opportunities.

The second is the dispersal of corruption to sub-national levels. While the biggest corruption schemes used to be concentrated in large public contracts with ministries or state-owned companies, today we have the phenomenon of large-scale but widespread corruption. Tens of billions of Reais are being channelled to thousands of municipalities with no institutional control capacity, which are not monitored (because they are dissociated from ministerial programs) and which have very serious transparency deficiencies.

The third is the most serious dimension of systemic impact, concerning the distortion of electoral competition, which has a major impact on the quality of democracy in Brazil. Seizure of the federal budget by parliamentarians makes the electoral contest extremely unequal between those who hold these funds and those who do not. In other

words, the contest between those who are already in power and those who are not. In the 2022 elections, it was already possible to identify the substantial electoral advantage that parliamentarians obtained in relation to the previous election, and the significant impact on their votes produced by allocation of resources to their electoral bases. The renewal rate of the Chamber of Deputies in those elections was lower (39%) than in previous elections (47%), but still within the historical average. However, among parliamentarians with access to the rapporteur's amendments, the re-election rate was 71%. Out of the 50 candidates able to direct more resources through this instrument, 86% were re-elected.

This process of electoral feudalization generates a vicious cycle, maintaining and expanding the power of the most corrupt sectors of Brazilian politics. The so-called *Centrão* today is far from limited to National Congress. It dominates state assemblies, city councils, town halls, state governments, ministries and state companies. Increasingly, the *Centrão* is also present in the Judiciary, through its influence on judgments or the appointment of its representatives. It is enough to observe the capacity of its maximum leader, Arthur Lira, to evade corruption charges – and even convictions – in the courts for more than a decade.

2024 was yet another year in which Brazil consolidated this process of state capture, a process increasingly difficult to reverse. The evidence that we have entered the advanced stage of this phenomenon is already becoming clear: the growing and explicit presence of organized crime in state institutions. The capture of the state by corrupt oligarchies and violent organized crime is increasingly distancing Brazil from the only effective way to sustainably confront corruption: the democratization of spaces of power.

Transparency International – Brazil will continue to denounce the corruption of the powerful, unperturbed by reprisals. It will continue to believe in the capacity of Brazilian society and institutions to reverse the trend of state capture. And it will continue to fight corruption for what the cause truly represents: **a fight for rights**.

POSITIVE HIGHLIGHTS

- STF decisions to give greater transparency and traceability to parliamentary amendments, in reaction to demands made by **Transparency International – Brazil**, Transparência Brasil and Associação Contas Abertas and, in another initiative, by the Brazilian Association of Investigative Journalism.

- Launch of the Integrity and Anti-Corruption Plan 2025-2027 by the CGU, bringing together relevant action on the subject within the federal public administration.

- The Transparency Portal has started to disclose data, albeit incomplete, on tax benefits and waivers, one of the main advances in public transparency in recent years.

- Environmental enforcement efforts have reduced deforestation in the Amazon and the Brazilian savannah region and significantly reduced gold mining in the Amazon, while the National Strategy to Combat Corruption and Money Laundering (ENCCLA) has made progress in the fight against environmental crime through an anti-corruption and anti-money laundering approach.

- Investigations against corruption networks among judges are advancing in an unprecedented way, although there are still risks of obstructions to investigations into the involvement of members of higher courts.

- Approval by the Chamber of Deputies of a bill authorizing anonymous requests for access to information (PL 5531/2020).

- Approval of Law No. 15,001 of 2024, which originated in the Chamber of Deputies and expands transparency and social control over education data.

NEGATIVE HIGHLIGHTS

- President Lula's repeated silence regarding anti-corruption.
- Renegotiation of leniency agreements to benefit companies involved in large-scale corruption, through processes vulnerable to conflicts of interest, without transparency and without participation by the victims of the schemes.
- Maintaining in office the Minister of Communications, Juscelino Filho, indicted for criminal organization, money laundering and passive corruption.
- Return to influence over the government by businessmen who have confessed to large-scale corruption schemes and remain unpunished, such as the Batista brothers from J&F, publicly honored by President Lula, who enjoy open access to the Presidential Palace and have benefited from provisional measures in the electricity sector, to the serious detriment of energy consumers.
- Lack of transparency and adequate conditions for social control in the new PAC [*Accelerated Growth Plan*], one year since its launch.
- Perception of growing political interference at Petrobras, reinforced by agreements and investments questioned by technical staff and appointments to the Board of Directors in alleged violation of the Law on State-Owned Companies.
- Persistent corruption in the National Department of Works Against Drought (DNOCS) involving the *Centrão* and embezzlement of parliamentary amendments, undermining efforts to adapt to climate change.

- Another unilateral decision by Justice Dias Toffoli with a severe impact for impunity, this time granting Novonor (formerly Odebrecht) the suspension of payments resulting from the leniency agreement signed by the Odebrecht Group with the Public Prosecutor's Office.

- Archives and serial annulments, ordered by the STF, of large-scale corruption cases resulting from the annulment of evidence produced by the Odebrecht Group's leniency agreement.

- 17 months of inertia on the part of the STF in relation to the pending appeal by the Public Prosecutor's Office against the unilateral decision by Justice Dias Toffoli annulling all evidence in the Odebrecht leniency agreement, which involved the biggest transnational corruption scheme in history and which is provoking systemic and international impunity.

- Precautionary dismissal and initiation of disciplinary administrative processes against four magistrates who acted in the scope of Operation Car Wash, alongside the annulment of corruption convictions, reinforcing the chilling effect and demobilization of law enforcement agents in the face of the impossibility of punishing powerful corrupt people.

- Repeated episodes of conflict of interest among magistrates, especially in judgments involving relatives' law firms and in increasingly frequent judicial lobbying events, such as the Lisbon Legal Forum ("Gilmarpalooza") and the like.

NEGATIVE HIGHLIGHTS

- Inertia by the Brazilian Bar Association (OAB) in dealing with increasing use of the legal profession by organized crime and involvement in corruption in the Judiciary, in particular by its resistance to making the profession subject to elementary forms of control – such as non-compliance with provisions in the Anti-Money Laundering Law.

- Systematic disrespect for due legislative process in the Chamber of Deputies by then President Arthur Lira, with intensive use of ploys that violate procedural rules and norms, concentrating power and drastically reducing transparency and social control of the legislative process.

- Institutionalization of large scale corruption with the persistence, swelling and lack of control of budget amendments, in clear defiance of the Supreme Court's decisions, which declared all practices related to the "secret budget" as unconstitutional.

- Uncontrolled, opaque activity by the business lobby and influential civil service sectors in strategic legislative processes for the country, such as tax reform regulation, electricity sector regulation and the fiscal adjustment package.

- Approval of the Amnesty PEC (proposal for constitutional amendment), which constituted the fourth amnesty for political parties that failed to comply with electoral rules, especially minimum funding for women and black people.

- Approval by the Senate Constitution and Justice Committee (CCJ) of a bill that legalizes casinos, bingo, numbers rackets and horse racing, greatly expanding opportunities for money laundering in Brazil.

- The performance of the External Control Secretariat for Consensual Resolution and Conflict Prevention (SecexConsenso) at the Federal Court of Auditors, especially due to its lack of transparency, its leniency with contract defaults and concentration of powers in a control body that simultaneously assumes the role of mediator and guarantor.

- A lack of progress on legislative proposals with the potential to have a positive impact on the Brazilian anti-corruption agenda, such as the Escazú Agreement.

RECOMMENDATIONS

FOR THE FEDERAL GOVERNMENT

→ Ensure full budgetary transparency and an end to the use of opaque mechanisms of political negotiation, such as the "secret budget" or other equivalent.

→ Demonstrate political support for and implement the Integrity and Anti-Corruption Plan 2025-2027, monitoring efforts made by all bodies involved, making this process transparent, as well as carrying out at least one review by the end of the year to incorporate new strategic actions, such as those related to transparency and integrity of parliamentary amendments.

→ Ensure that renegotiation of leniency agreements is carried out according to technical and objective criteria, resulting in proportional and deterrent sanctions, and that there is transparency and scope for victims to participate in this process.

→ Demand that acts of transnational bribery carried out (and acknowledged) by companies that have signed leniency agreements with the CGU be effectively penalized, and that these funds be used to repair the violations caused.

→ Guarantee maximum transparency and oversight in public investment programs: in particular, the new PAC; the reopening of BNDES (Brazilian National Development Bank) financing for service exports (especially engineering services);

and investments by state-owned companies (especially Petrobras).

→ Strengthen governance mechanisms at state-owned companies, preventing them from becoming bargaining chips with the *Centrão* and the target, once again, of major corruption schemes.

→ Strengthen the regulatory framework and oversight of the governance, integrity and transparency of state pension funds, shielding them from private political and economic interests and, above all, defending the rights of retirees and active workers who participate in the funds.

→ Remove from office high-ranking government officials under investigation or being prosecuted for corruption and related irregularities.

→ Promote integrity, inclusion and diversity in appointments to senior positions and in the judiciary, as a way of democratizing the state and tackling institutional corruption.

→ Mobilize anti-corruption, anti-money laundering and control bodies — ENCCLA, comptroller generals, COAF (*Conselho de Controle de Atividades Financeiras*, Brazil's Financial Intelligence Unit), Receita Federal (Federal Revenue Service), among others — to tackle environmental crimes and related misconduct; and to

strengthen specialized structures on the subject in bodies such as the Federal Police and COAF.

→ Reinforce compliance measures in federal public agencies responsible for policies related to the climate agenda, including environmental, land, agricultural, energy, infrastructure, transportation and regional development agencies, as well as encouraging such measures in sub-national entities.

→ Promote transparency and compliance measures in the process of organizing the Climate Conference (COP 30), which will be held in Belém, especially in relation to the transparency of agendas pertaining to authorities involved in holding the event; and conflict of interest policies for these authorities and the Brazilian delegation, the latter of which should not include lobbyists, especially from the oil, gas and agriculture sectors.

→ Ensure the independence of the Department of Asset Recovery and International Legal Cooperation (DRCI/MJSP) and strengthen the capacity of Brazilian authorities to cooperate in cases of transnational corruption and money laundering.

→ Ensure full compliance by Brazil with its commitments under international anti-corruption conventions and the Open Government Action Plan, drawn up in conjunction with the Open Government Partnership (OGP).

→ Definition of clear and transparent guidelines and processes for utilizing the hypothesis of secrecy of personal information provided for in the Access to Information Law (LAI) to justify denials of access to information, as well as situations in which there are already established principles on the subject, avoiding legislative changes that could lead to legal setbacks.

FOR THE NATIONAL CONGRESS

→ Establish transparent, fair and technical mechanisms for allocation of resources via parliamentary amendments, reducing corruption risks associated with the distribution of these resources to municipalities without adequate control and transparency structures and policies.

→ Ensure transparency, participation and respect for due legislative process, rejecting political machinations that sabotage parliamentary and public debate, guaranteeing transparent and balanced representation of all interest groups affected by the projects being analyzed. In the Chamber of Deputies, specifically, it is recommended that proposals included in the "Open Chamber" package, proposed by the Pact for Democracy and **Transparency International – Brazil**, be brought forward for deliberation.

→ Promote discussions and advance the passage of proposals with potential to improve the legal and institutional anti-corruption framework in Brazil, such as the one restricting the circulation of paper money.

→ Ratify the Escazú Agreement in time for COP 30, reinforcing the country's commitment to environmental transparency and the protection of environmental defenders, frequent victims of violence and other forms of rights violations.

→ Ensure wide-ranging debate on potential changes to electoral rules, guaranteeing the participation of society as a whole – a society that has already condemned the approval of changes that promote impunity and undermine historic progress toward the promotion of diversity in spaces of power.

→ Improve the bill regulating lobbying, already approved in the Chamber of Deputies and pending discussion in the Senate's CCJ, expanding transparency and integrity mechanisms that allow the country to advance towards international standards.

FOR THE PUBLIC PROSECUTOR'S OFFICE

→ Continue to make progress in re-establishing political independence for the Public Prosecutor's Office, so that it can perform its role of constitutional control and accountability for action taken by officials and authorities under its jurisdiction.

→ Maintain an assertive role in defending leniency and plea bargain agreements that have been regularly signed and serve as the basis for recovering assets embezzled in major corruption schemes.

→ Improve accountability mechanisms for actions by members of the Public Prosecutor's Office, increasing transparency with clear and responsible institutional communication policies, adopting procedures for investigating official case closure decisions, and expanding and democratizing the ombudsman system, unifying disciplinary regimes, rationalizing appeal systems and prescriptions within the CNMP (a national council tasked with internal accountability for the Prosecution offices), improving internal information governance systems to prevent leaks, adopting measures to combat institutional racism and significantly improving performance in the role of external control of police activity.

→ Ensure legal security and protection for members of the Public Prosecutor's Office against retaliation for carrying out their constitutional duties, especially those acting in cases involving powerful and influential individuals, and shielding bodies and disciplinary procedures from external interference and political interests.

→ Promote a broad debate, involving the Superior Council of the Public Prosecutor's Office and other relevant internal bodies, on the best structures and mechanisms for improving the joint work model of the "task forces", in addition to the GAECOS (specialized anti-organized crime units), as well as ensuring that both bodies have the necessary resources and governance system to adequately carry out investigations against macro-criminality, protecting them from internal and external political interference.

→ Re-establish the Amazon Task Force or create a similar permanent structure of the Public Prosecutor's Office for the region, allowing for greater coordination and scale of action, especially dedicated to combating mass environmental crime and its connections to other crimes, such as corruption, drug and arms trafficking, among others.

→ Ensure effective compliance with the constitutional cap on remuneration for members of the Public Prosecutor's Office, abolishing privileges and guaranteeing full transparency of salary information.

FOR THE JUDICIARY

- → Ensure the implementation of Supreme Court rulings declaring the patent unconstitutionality of the "secret budget" and related practices, holding dissenting officials accountable for non-compliance with court orders.

- → Judge the appeal by the Public Prosecutor's Office pending for 17 months, which demonstrates the inconsistency of Justice Dias Toffoli's unilateral decision to annul all the evidence in the Odebrecht leniency agreement, which dealt with the largest transnational corruption scheme in history and is producing a systemic and international effect of impunity, as well as exposing Brazil to a very serious violation of the OECD Convention against transnational bribery.

- → Ensure that judicial decisions do not prevent Brazilian authorities from cooperating, in accordance with the law, with their international counterparts on anti-corruption investigations, as Brazil is obliged to do under the OAS, UN and OECD anti-corruption conventions.

- → Ensure the validity of and compliance with leniency agreements signed regularly between government authorities and companies known to be involved in major corruption schemes.

- → Put in place mechanisms to prevent conflicts of interest in the conduct of judges, especially at senior levels.

→ Advance implementation of diversity promotion policies, encouraging the effective democratization of national courts.

→ Ensure accountability, under the law and without violations of due process, for individuals involved in conspiracies and attacks against democratic institutions, especially those who incited, coordinated and financed them.

→ Ensure that exceptional measures to deal with threats to Brazilian democracy do not themselves generate violations of fundamental rights and guarantees or lead to the weakening of institutions.

→ Restore the competency of courts specialized in combating financial crimes and organized crime to investigate corruption cases in electoral contexts, ensuring that their structures are more appropriate.

→ Ensure that higher court decisions which reverse jurisprudence and/or produce systemic effects are voted on by the full bench, and respect the reasonable duration of proceedings, minimizing legal uncertainty and preventing the worsening of impunity.

→ Ensure effective compliance with the constitutional ceiling on judges' salaries, abolishing privileges.

→ Significantly improve mechanisms for correcting the conduct of magistrates.

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COORDINATION ← Bruno Brandão and Johanna Nublat

AUTHORS ← Guilherme Siqueira, Guilherme France and Bruno Brandão

RESEARCH ← Amanda Faria Lima, André Aranega, Dário Cardoso, Olivia Ainbinder and Renato Morgado

TECHNICAL AND TEXT REVIEW ← Henrique Bronzoni, Renato Morgado, Johanna Nublat and Bruno Brandão

GRAPHIC DESIGN ← Guto Rodrigues

TRANSLATION ← Damian Platt

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Every effort has been made to verify the accuracy of the information contained in this report. All information is believed to be correct as of February 2025. However, Transparency International – Brazil is not responsible for the consequences of using this information for other purposes or in other contexts.

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