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BRAZIL'S GUN CONTROL CHALLENGE

Ending the firearms boom

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INTRODUCTION

Brazil has played a prominent role in the dynamics of transnational illicit markets for many years, and in 2021, the Global Organized Crime Index ranked the country 22nd in the world for criminality and 11th in terms of illegal markets.¹ Whether those markets involve the trafficking of drugs, firearms, humans or wild animals, they tend to generate violence – and as the recent history of Brazil and greater Latin America makes clear, relatively easy access to firearms and ammunition means that such violence tends to result in a high death toll.

Brazilian criminal organizations became firmly established from the 1980s onwards, initially focusing on drug trafficking and then branching into other illicit activities. Their subsequent demand for more sophisticated arsenals made the country the foremost destination for international arms trafficking in South America.

In Brazil, criminals obtain firearms in different ways. The stockpiles maintained by the police and security forces are usually seen as the principal sources from which firearms are diverted to the criminal economy. However, it is essential also to look at another source, which, despite receiving less attention, accounts for a significant share of all the firearms and ammunition diverted to criminals: those purchased by ordinary citizens.

In this regard, the measures adopted by the Brazilian federal government from 2019 onwards, which made it easier for citizens to acquire firearms, eroded the already limited effectiveness of policies aimed at combating armed violence in the country. They have also undermined the fight against organized crime in the country, as it has become easier to acquire arms and ammunition. As the Global Organized Crime Index 2021 points out, Brazil faces challenges in terms of law enforcement, contributing to its low ranking of 87th in terms of its resilience to crime.²

The unfettered growth of the domestic arms market in Brazil cannot be seen only as a Brazilian issue. New weapons have started being manufactured in the country and are already being exported to neighbouring countries and beyond. Assault rifles and other small arms, such as modern pistols in a multitude of calibres previously restricted to the armed forces, are now widely available, replacing old revolvers bought in the civilian market years ago and surplus rifles from the Falklands War trafficked from Argentina.

This study aims to retrace the historical and political development of arms-control measures in Brazil and explore the dynamics of the domestic and transnational illicit arms market that supplies criminals in the country. It discusses how the government's actions to ease arms controls and encourage civilians to own and carry firearms are having an impact on public-security policies and strengthening the illegal market.

Following the recent election of a new government under Luiz Inácio Lula da Silva, and his initial statements indicating that he intends to revoke the Jair Bolsonaro government's policies facilitating civilian's access to guns, this paper also suggests how to ameliorate arms and ammunition control in Brazil, making the case that such measures are necessary to safeguard democracy not just in Brazil but in the wider region.



CONTEXT

Armed violence in Brazil today

Armed violence remains one of the most significant challenges to Brazil's security, development and democracy, despite efforts to combat it over the last few decades, including the approval in 2003 of specific arms- and ammunition-control laws. Under the Bolsonaro government, from 2019, the relaxing of these rules not only reportedly hampered the fight against armed violence in Brazil – in addition to driving up the rates of homicide by firearms and different forms of gender-based violence – but also helped strengthen organized crime.³ These new policies led to an increase in illegal acts related to the various activities of criminal organizations, such as drug trafficking, territorial control, the illicit exploitation of services and environmental crimes.

According to data from the Brazilian Public Security Forum (Fórum Brasileiro de Segurança Pública – FBSP), 78% of the 50 033 intentional violent deaths in Brazil in 2020 were caused by firearms.⁴ It should be noted that armed violence disproportionately affects the sections of Brazil's population that suffer from racial discrimination, with Afro-descendant Brazilians constituting 76.8% of the victims.⁵ A study by Instituto Sou da Paz (ISDP) further shows that firearms are the primary weapon used in the murders of women in Brazil. Gun violence accounted for 51% of those deaths between 2000 and 2019.⁶

As for the impact of firearms on the dynamics of organized crime, operations conducted in 2022 by the Federal Police, state police departments and the Federal Prosecution Office have uncovered a number of arms- and ammunition-trafficking schemes that were supplying some of Brazil's principal criminal organizations.⁷ Also, a study by Instituto Igarapé of 369 Federal Police operations against organized crime in Brazil's Legal Amazon region (BLA) between 2016 and 2021 showed the number of operations resulting in arrests for possession of arms, ammunition or explosives more than doubled during that period.⁸

The challenges of combating armed violence in Brazil have increased particularly since 2019. Running counter to the arms-control legislation in force in Brazil since 2003, the government of Jair Bolsonaro introduced a series of federal measures that drastically weakened existing restrictions promoting civilian access to arms and ammunition without improving the state's ability to monitor stockpiles of either, thus increasing the risk that they would end up in the hands of illegal traders and criminals. These measures also hampered the efforts of government bodies and agents to act against armed violence. This facilitation of access to weapons and ammunition took place in a context of intensifying political polarization and escalation of political violence, as described by the Global Organized Crime Index in its analysis of the 2020 municipal elections in Brazil.⁹



Police search homes for guns in a favela in Copacabana, 8 December 2009. Armed violence is one of the most significant challenges to Brazil's democracy.
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Most common types of small arms and light weapons

The types of guns used by criminals in Brazil have changed over time. Small firearms and calibres still account for the largest share, but repeating firearms – such as assault rifles, generally more common in war zones – now make up a significant proportion of the weapons seized by the police throughout the country.

Criminal organizations started using higher-powered weapons in Rio de Janeiro (seen as a reliable proxy for Brazil as a whole) in the late 1980s.¹⁰ Until then, their firearms had consisted almost entirely of handguns (.38-, .32- and .22-calibre) and shotguns (12-, 16-, 22- and 28-calibre). In the 1990s, other, longer-range and higher-capacity firearms were introduced to the country due to local crime dynamics, especially drug trafficking. In this new setting, their efforts to control territory and seize control of trafficking routes and sales points demanded more sophisticated weapons, of the kind usually found in war zones. Assault rifles (5.56- and 7.62-calibre) and pistols (initially .380-calibre, but quickly replaced by .40- and 9mm-calibres) started being seized more frequently by the police.

In that sense, it seems crucial to understand the dynamics of crime in the country in order to keep track of the demand for different types of firearms. Overall, it is true that small firearms and calibres accessible to ordinary citizens, such as .38 or .32, remain in use in unorganized crime – mostly street crime – with firearms made by Brazilian manufacturers (particularly Taurus) being the most commonly used. Surveys conducted by the ISDP indicate that many of the arms seized by the police are more than 30 years old.¹¹ That means perpetrators of crimes such as robbery – whether targeting motor vehicles, businesses or homes – still mostly use handguns and pistols, often diverted to the illegal market decades ago.

In contrast, more sophisticated crimes such as drug trafficking, arms trafficking, bank robbery, the robbery of cash-in-transit companies and even, more recently, the besieging of small and medium-sized towns to steal large amounts of money are usually perpetrated by organized groups that use other types of firearms. In their conflicts with law enforcement and rival groups, these organized criminals have been using firearms increasingly similar to those carried by combatants in war zones. The most widely used firearm is the 5.56-calibre assault rifle, usually from the AR series. Also common are 7.62 x 39-calibre assault rifles, pistols with high-capacity magazines, and sniper rifles.

The criminal organizations' demand for accessories to boost the destructive power of their weapons continues to be met by international arms trafficking, according to an officer of Brazilian Federal Highway Police,¹² although the number of these weapons seized has decreased since 2021. This can be explained by the fact that the new measures also made it easier to purchase them in the legal market. Among such accessories are high-capacity magazines, scopes and telescopic sights, pistol-conversion kits (commonly known as 'Roni kits') for burst firing (selector) and stabilized firing.

Civil society organizations, mainly the ISDP, have been systematically monitoring and reporting the firearms used by both unorganized and organized criminals in Brazil. ISDP researchers have identified trends in the types of arms that come into the possession of criminals by analyzing data regarding arms seizures by the police in different Brazilian regions. It is worth noting that in almost no Brazilian state do the law enforcement agencies tabulate and publish such data, so the task generally falls to civil society.¹³ The tables below show the types of arms used by criminals in Brazil and the brands most frequently seized.

State, period and survey	Revolvers	Pistols	Shotguns	Derringer-like pistols	Carbines	Rifles
ESPIRITO SANTO – SEIZURES (2014) 'Where criminals' firearms seized in the Southeast Region come from'	54.6%	14.2%	1.9%	7.7%	13.3%	N/A
MINAS GERAIS – SEIZURES (2014) 'Where criminals' firearms seized in the Southeast Region come from'	48%	9.9%	24.9%	10.5%	3.1%	N/A
RIO DE JANEIRO – SEIZURES (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	35%	46%	8%	1.5%	0.9%	6%
SÃO PAULO – SEIZURES (2015–2020) <i>Desvio Fatal</i> survey	38.4%	24.5%	13.2%	3.6%	1.7%	1.4%
GOIÁS – SEIZURES (2016–2017) 'Where the firearms and ammunition seized in the state of Goiás come from'	53%	17%	16%	4%	4%	2%
BAHIA – SEIZURES (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	47%	12%	35%	4%	0.4%	1%
PERNAMBUCO – SEIZURES (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	48%	10%	27%	1%	0.2%	1%
CEARÁ – SEIZURES (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	51%	15%	31%	0.6%	0.9%	1.8%
SEIZURES BY THE FEDERAL HIGHWAY POLICE (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	33%	40%	14%	1%	3%	5%

FIGURE 1 Firearms seized in Brazil, by type, 2014–2019.

SOURCE: Adapted from information provided by Instituto Sou da Paz

State, period and survey	Taurus	Rossi	CBC	Glock	Boito	S&W	IMBEL
ESPIRITO SANTO – SEIZURES (2014) 'Where criminals' firearms seized in the Southeast Region come from'	37.6%	14.4%	N/A	N/A	N/A	2.2%	N/A
MINAS GERAIS – SEIZURES (2014) 'Where criminals' firearms seized in the Southeast Region come from'	29.5%	19.1%	N/A	N/A	N/A	3%	1.9%
RIO DE JANEIRO – SEIZURES (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	37%	9%	1.2%	9%	1.1%	2.3%	1.4%
SÃO PAULO – SEIZURES (2015–2020) <i>Desvio Fatal</i> survey	39.8%	11.6%	7.2%	1.8%	1.5%	1.4%	1.4%
GOIÁS – SEIZURES (2016–2017) 'Where the firearms and ammunition seized in the state of Goiás come from'	49%	13%	5%	1%	2%	3%	1%
BAHIA – SEIZURES (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	31%	9%	1.7%	0.4%	1%	1.4%	0.3%
PERNAMBUCO – SEIZURES (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	39%	9%	3%	0%	2%	0.8%	0.2%
SEIZURES BY THE FEDERAL POLICE (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	22%	6%	2.9%	7%	1.4%	1.3%	0.6%
SEIZURES BY THE FEDERAL HIGHWAY POLICE (2018–2019) <i>Menos Armas, Mais Jovens</i> survey	35%	9%	3%	8%	1.8%	1.4%	0.7%

FIGURE 2 Firearms seized in Brazil, by brand.

SOURCE: Adapted from information provided by Instituto Sou da Paz



FIREARM REGULATIONS IN BRAZIL

Firearms have been in common use in Brazil throughout the country's more than 500 years of history. Their use was first regulated in 1934, during President Getúlio Vargas's administration,¹⁴ when the federal government banned the private sector from manufacturing and selling weapons of war.

Nevertheless, it was only in 1965 – during the military dictatorship – that the first comprehensive regulation on firearms and ammunition was introduced. That was when the federal government issued the 'Regulations on the Inspection Service of Imports, Storage and Transportation of Products Controlled by the Ministry of War – R105'¹⁵ during the administration of General Humberto Castello Branco (1964–1967). These new rules governed the production, sale and circulation of arms, ammunition, gunpowder, explosives and accessories. One of the goals was to foster the development of the Brazilian arms industry, including the production of firearms and ammunition.¹⁶ In addition, the legislation assigned to the investigative police department of each state the task of licensing the possession and transportation of any weapons that civilians deemed trustworthy (Section 31) were allowed to use, but it set no limits on quantities.

Ministerial Ordinance No. 1261 of 1980 introduced changes to the gun-control rules in Brazil by establishing requirements for the acquisition of firearms by civilians. The changes included a limit of six firearms per citizen and the requirements to be at least 21 years of age, have a specific occupation, and produce proof of a clean criminal record and appropriate political and social conduct.¹⁷ The gun shops were responsible for registering the firearm with the state law-enforcement department.

Mainly from the second half of the 1990s onwards, different sections of Brazilian society engaged in a coordinated effort to demand changes in gun and ammunition regulations. This happened against the backdrop of rising armed violence in urban areas of the country,¹⁸ and international discussions about the risks of small-arms flows and the importance of the demobilization, disarmament and social reintegration of ex-combatants in countries torn by civil wars.¹⁹ Laws banning the sale of firearms were passed in Rio de Janeiro State and the Federal District.²⁰ In 1996, the Human Rights Commission of the São Paulo State chapter of the Brazilian Bar Association (Seccional São Paulo da Ordem dos Advogados do Brasil) launched the *Disarme-se que a Vida Continua* (Disarm Yourself so that Life Goes On) campaign jointly with the São Paulo State Prosecution Office and the São Paulo State Supreme Court.²¹ Supported by countless civil society organizations, business associations and student groups,

the initiative spread throughout Brazil.²² It was a crucial development in paving the way towards the legislation that eventually made carrying a firearm in public a criminal offence, whereas previously it was considered just a minor infraction.

In 1997, President Fernando Henrique Cardoso enacted Brazil's first law improving arms and ammunition control. Law No. 9347/1997 introduced criteria for gun licensing, made it a criminal offence to carry a firearm illegally, and created the Brazilian National Firearms System (Sistema Nacional de Armas – SINARM).²³ Two years later, in 1999, still during the Cardoso administration, the Ministry of Justice submitted a bill on firearms control to Congress, thereby intensifying discussion on the issue. The bill aimed to restrict the sale of arms and ammunition to the armed forces, private security companies and intelligence agencies.²⁴

The Disarmament Act: A legal milestone and the struggle to keep it

From the second half of the 1990s, the initiatives undertaken by different civil society movements to demand arms and ammunition control, as well as the active involvement of members of Congress from different political parties, reflected the massive support for the cause. As a result, Law No. 10.826,²⁵ known as the Disarmament Act, was passed by Congress in October 2003 and enacted by President Lula, during his first term of office, on 22 December of that year.

The Disarmament Act set criteria for the purchase (possession), trade, circulation and inspection of arms and ammunition in Brazil. One of its main innovations was to prohibit civilians from carrying firearms in public. Meanwhile, possession of firearms was permitted only if they were registered and licensed, and if the owner fulfilled the minimum requirements for their purchase: proof of genuine need; the technical skills and psychological fitness to handle a firearm; a clean criminal record (and not facing criminal proceedings or being involved in police investigations); a lawful occupation; a fixed place of residence; and being at least 25 years of age.

Other important advances introduced by Law No. 10.826/2003 were the monitoring of the sale and purchase of ammunition by law enforcement, the requirement for individually marked shells, and the definition of specific jurisdictions regarding the responsibilities attributed to the army and the federal police overseeing arms and ammunition life cycles. The Disarmament Act also defined the crimes of illegal firearms trading and international firearms trafficking.

After Law No. 10.826/2003 entered into force, a nationwide campaign began for people in possession of firearms to voluntarily turn them in in exchange for a symbolic financial compensation. About 440 000 weapons were handed over between June 2004 and October 2005, during the campaign's first phase.²⁶ It became the second-largest firearms-buyback campaign in history, behind only the effort in Australia in the late 1990s.

However, since the Disarmament Act was passed, there have been several initiatives aimed at relaxing or even repealing it. While the bill was being negotiated in Congress, it was decided that the original goal of banning the public sale of firearms and ammunition was too controversial without public consultation. Therefore, as early as October 2005, the entry into force of the ban on the sale of arms and ammunition throughout Brazil – as provided for in Section 35 of the new law – was put to a referendum. The strength of the groups opposing the Disarmament Act became apparent during

the referendum campaign, and contrary to what initial opinion polls had indicated, 64% of the votes were against banning the sale of firearms.²⁷

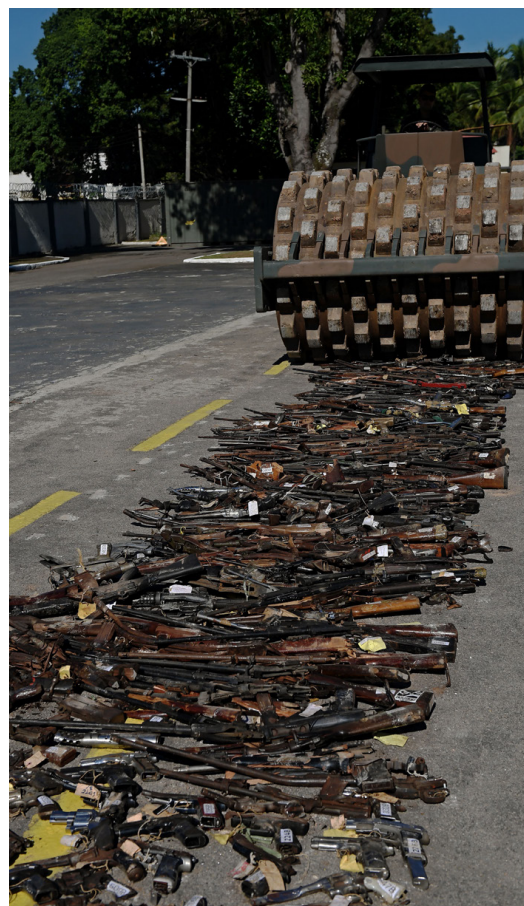
In the years that followed, until 2019, the attacks against the Disarmament Act continued. Members of Congress and political parties challenged its constitutionality before the Federal Supreme Court (Supremo Tribunal Federal – STF) and proposed bills aimed either at amending it or repealing it in its entirety.

Early in 2004, a few months after the Disarmament Act entered into force, the Partido Trabalhista Brasileiro (PTB) and Partido Democrático Trabalhista (PDT) political parties, the Association of Chiefs of Police of Brazil (Associação de Delegados de Polícia do Brasil – ADEPOL), the National Association of Arms Owners and Dealers (Associação Nacional de Proprietários e Comerciantes de Armas – ANPCA) and the National Confederation of Trade (Confederação Nacional do Comércio – CNC), in addition to associations of companies such as those in the area of private security, filed a Direct Action for the Declaration of Unconstitutionality (Ação direta de inconstitucionalidade – ADI) with the STF.²⁸ Over the following years, Congress approved a number of bills allowing citizens in certain professions to carry firearms.²⁹

In addition to pressure from different professional associations, demanding the right to carry firearms on the job and beyond working hours, the arms industry also lobbied Congress to repeal the Disarmament Act. A 2014 study by the ISDP looked at campaign financing and found that 30 candidates from 12 different parties had received funding from arms and ammunition manufacturers ahead of the elections taking place that year.³⁰ Twenty-one of those candidates were elected.

In 2014, a special committee in the lower house of Congress (the Chamber of Deputies) was tasked with examining Bill 3722/2012, until then the most comprehensive effort to repeal the Disarmament Act, just over a decade after it was enacted. Ten of the 24 members of the committee, including the chair, had received donations from arms and ammunition manufacturers in their election campaigns. Another six deputies to the assigned members of the committee had also received donations from that industry.³¹

In 2015, Bill 3722/2012 was analyzed in a new special committee, which approved it by a vote of 19–8. However, the efforts of a number of congresspeople against the bill, combined with pressure from civil society, helped prevent it from being brought to the floor of the Chamber of Deputies and submitted to the upper house (Senate). In fact, between 2004 and 2018, despite many attempts from congresspeople backed by arms association and the industry, there was no substantial progress in altering the arms- and ammunition-control legislation approved in Brazil both in courts and in Congress.



Police use a steam roller to destroy more than 4 000 firearms confiscated from criminals in the previous two years, Rio de Janeiro, 2 June 2017.
© Anadolu/Getty Images

On the other hand, it can be argued that between 2004 and 2018, several implementation challenges became evident when it came to enforcing Brazil's legislation on firearms. However, it was clear what the federal government's strategy was. It mainly focused on strengthening state control over arms and ammunition stockpiles, regulating the possession of firearms, and banning civilians from carrying them unless in exceptional cases. This approach is described in an open letter signed by 11 former ministers of justice in response to the changes in the firearms- and ammunition-control policy introduced in 2019 by the recently elected President Bolsonaro:

We, former Ministers of Justice and Public Security, responsible for conducting public security policy at the federal level at different times in history, hereby express our deep concern about the setbacks in arms and ammunition control and the impact of its dismantling of the main pillars. [...] Regardless of the political parties in power and the ideological leaning of the administrations in which we participated, we were always committed to promoting advances that consolidated the role of Brazil as a benchmark for the responsible regulation of arms and ammunition both in Latin America and worldwide.³²

Bolsonaro's arms policy, 2019–2022

From 2019, during the presidency of Jair Bolsonaro, the federal government set about dismantling Brazil's arms- and ammunition-control legislation. Importantly, it promoted and largely allowed access to arms and ammunition without improving the state's ability to monitor stockpiles, thus increasing the risk that arms and ammunition would be diverted to the illegal market and used by criminals.

The first executive order ushering in dozens of regulatory changes was published on 15 January 2019, in the first fortnight of Bolsonaro's term of office.³³ After that, more than 40 executive orders, ordinances and resolutions, and two bills put forward by the president, led to significant changes in policy.

The large number of rules enacted, repealed and reissued in fewer than four years makes it challenging to monitor how the arms- and ammunition-control policy is managed, and affects the transparency of that process. It also hampers the work of the actors enforcing the rules. This patchwork of rules and the ensuing legal uncertainty was worsened by the fact that many of these measures have been challenged for exceeding the regulatory power of the executive branch of government.³⁴ Furthermore, both the introduction of those regulations and the proposals included in the bills put forward by the federal government ignored all the concerns expressed by the central bodies enforcing the arms- and ammunition-control policy, including the Federal Police, about their possible impacts.³⁵

Among the setbacks, it is worth noting the changes that caused an increase in gun ownership – mainly for people working in certain specific professions – to large quantities of arms and ammunition, and those undermining the state's ability to monitor and inspect stockpiles. Some of the main changes were:

- **Higher limits on the purchase of firearms, ammunition and gunpowder by hunters, sports shooters and collectors (CACs)³⁶**

Until 2018, the purchase limit for sports shooters, based on how involved they were in shooting competitions, was 16 firearms, 60 000 bullets and 12 kilograms of gunpowder per year. With the changes introduced since 2019, any shooter, regardless of their competitive involvement, can purchase up to 60 firearms (30 of which are for restricted use), 180 000 bullets and up to 20 kilograms of gunpowder per year.



A former police officer poses with his guns during a practice shooting session. An explosion in the number of guns in circulation in Brazil was cause for concern ahead of the 2 October presidential election. © Mauro Pimentel/AFP via Getty Images

In turn, hunters – previously allowed to buy up to 12 guns, 6 000 bullets and 2 kilograms of gunpowder per year – may now purchase up to 30 firearms, 90 000 bullets and 20 kilograms of gunpowder. The annual purchase limit for collectors, for whose collections there is no maximum limit, was increased from one to five firearms of each model.

In addition, the possibility of exceeding that limit was introduced, but without clearly defined criteria.

- **Permission to purchase and carry firearms hitherto restricted to the security forces, with an impact on the review of the sentences of those convicted for possessing or carrying formerly restricted firearms³⁷**

Until 2019, civilians were allowed to purchase and carry small firearms with muzzle energy of up to 407 joules (J), such as .22, .32, .38 and 380 handguns and pistols; long-barrelled firearms, such as carbines, with muzzle energy of up to 1 350 J; and 12-gauge or smaller smoothbore long guns, such as shotguns. In 2019, the muzzle-energy limit for long-barrelled firearms was increased by almost 300 J (from 1 355 to 1 620 J), and by almost four times for small firearms (from 407 to 1 620 J), the most purchased category.

In practice, calibres previously used only by the military or the police became available to ordinary citizens, security companies and security guards. Some examples of firearms formerly restricted to security forces are 9mm pistols, .40 semi-automatic carbines, 9mm AR-type semi-automatic carbines and 33-round Colts.

In addition to the risks posed by increased circulation of these types of firearm, the change made it possible for those convicted of carrying restricted weapons to request a review of their sentence.³⁸

■ **Increased validity of Firearm Registration Certificates (CRAFs)³⁹**

The validity of Firearm Registration Certificates was increased from five to 10 years. This is a serious problem, mainly due to the large number of firearms owned illegally by individuals in Brazil. A survey conducted by the Brazilian Public Security Forum indicated that in the case of more than 1.5 million firearms previously registered with the Federal Police, the registration had expired.⁴⁰

■ **A shorter list of items controlled by the army**

The Bolsonaro administration shortened the list of products controlled by the Army Command, subject to specific regulations and restrictions on access and sale. This measure allowed access to accessories not justifiably used for personal defence or sport.⁴¹ An STF preliminary injunction suspended the exclusion from the list of items such as projectiles for small arms or portable weapons up to a maximum calibre of 12.7mm, machines and presses for reloading ammunition, and telescopic sights. However, some important items, such as flash hiders and magazines of any capacity, were no longer controlled products. The government also lifted the ban on selling pistol magazines with more than 20 rounds, ignoring the risks posed by high-capacity magazines that make it possible to fire multiple bullets without interruption.

■ **Removal of the tariff on arms exports to South America, Central America and the Caribbean**

The government also removed the tax on arms exported to South America and Central America. This tariff had been created in 2001 to avert the so-called 'boomerang effect' of firearms exported legally to neighbouring countries such as Paraguay being purchased cheaply there and then returning to Brazil through the illegal market.

■ **No improvement in the state's ability to monitor and inspect stockpiles**

The measures widening access to firearms and ammunition were not accompanied by any measures to reduce the risks that they could be diverted from the legal to the illegal market. On the contrary, three army ordinances⁴² that improved the tracing of army-controlled products and ammunition markings were repealed in 2020. The repeal was announced by Bolsonaro on Twitter.⁴³ It should be noted that these ordinances had been the result of recommendations and audits by the Federal Prosecution Office and the Federal Accounting Court. Their repeal was later suspended by an STF preliminary injunction.⁴⁴

A study conducted by Instituto Igarapé and the ISDP on data obtained from the army also revealed cuts in the budget and personnel allocated to inspections of shops selling firearms and ammunition, shooting clubs and CACs from 2019. The army's budget to fight firearms-related fraud – ranging from non-compliant documentation and storage to the diverting of weapons to organized criminal groups – totalled R\$3 million in 2020, down 15% from 2018 and 8% from 2019. The number of army personnel allocated to inspections was also reduced: 2 121 in 2020, down 28% from 2018 and 54% from 2019.⁴⁵



SOURCES OF FIREARMS IN BRAZIL

From 2019, the measures adopted to facilitate access to firearms and ammunition in Brazil, without increasing the state's ability to control and inspect them, made it increasingly difficult to combat the diversion and trafficking of arms and ammunition in the country. Although sound policies and infrastructure to control arms and ammunition had been created from 2003 onwards, there had been various difficulties over the years when it came to practical implementation. From a lack of up-to-date technologies and institutions to direct attacks from Congress and later from the President's Office itself, the gaps in national policy have helped criminals gain access to arms and ammunition in different ways.

Studies tracing arms and ammunition in Brazil indicate two major sources: legal firearms diverted from state stockpiles and private owners (the domestic legal market), and international arms and ammunition trafficking.⁴⁶

Firearms diverted from authorized users

Unfortunately, little data is available for the purpose of achieving a more accurate breakdown of the sources of arms diverted from the legal to the illegal market. The process of tracing firearms and ammunition is still in its early stages in Brazil, and tends to take place only in the wake of particular criminal acts. Nevertheless, it is not difficult to identify several diversions on three different fronts:

Government stockpiles

Firearms can be diverted from the stockpiles of the country's security and defence forces, as well as from collections of weapons held in judicial custody.

In May 2020, the newspaper *O Estado de São Paulo* reported on a series of arms and ammunition diversions from the armed forces.⁴⁷ In 2021, the ISDP published a survey containing data on weapons and ammunition lost by or stolen from the police or armed forces. Out of 27 state police secretariats, only four were able to produce reports accounting for the loss of arms and ammunition, which illustrates the flaws in the Brazilian security forces' stockpile-management policies. At the federal level, between 2015 and 2020, there were 185 diversion instances in São Paulo, Bahia and Pernambuco



A gun shop in São Paulo. The Bolsonaro administration eased national gun laws despite fears it could aggravate violent crime.
© Miguel Schincariol/AFP via Getty Images

states. In turn, the Federal Police, the Federal Highway Police and the National Security Force together lost 323 arms and 18 000 pieces of ammunition in the same period.⁴⁸

Although measures adopted by the National Council of Justice have improved in recent years,⁴⁹ arms in court houses and storage facilities often vanish into the hands of criminals. Arms and ammunition diversion is made more likely because of insecure facilities, often managed by private security companies whose staff are poorly trained. For example, in 2017, two court houses in São Paulo lost 566 weapons in one month alone.⁵⁰

Private collections

Security companies

In Brazil, most firearms and ammunition diverted from the legal market originate from private security companies. A 2013 survey found that at least 3 577 firearms were diverted from security companies in the state of São Paulo during a three-year period.⁵¹ A similar survey carried out by a Parliamentary Committee of Investigation showed that between 2006 and 2016, 17 662 firearms and 9 663 rounds of ammunition were diverted from security companies in the state of Rio de Janeiro.⁵²

According to data from the *Anuário Brasileiro de Segurança Pública 2022* (Brazilian Public Security Yearbook 2022), there are 3 625 private security companies in the country.

Individual owners

Citizens who own firearms also constitute a major source of the weapons that end up being used by criminals in Brazil. A survey conducted by the ISDP on firearm diversions in the state of São Paulo showed that 46% of all firearms taken in robberies, stolen or lost between 2011 and 2020 came from private homes.⁵³ Most of those weapons were small firearms, mainly handguns (49.7%) and pistols (28.8%). Similar figures emerged from a survey by the *Folha de São Paulo* newspaper, which found that of 11 285 firearms diverted to criminals in São Paulo between 2010 and 2019, 44% had come from private homes.



INTERNATIONAL ARMS AND AMMUNITION TRAFFICKING

According to the United Nations Office on Drugs and Crime (UNODC), the Southern Cone of Latin America is the destination for a transnational flow of arms from Eastern and Western Europe and the US.⁵⁴ The fact that firearms and ammunition are also produced on a significant scale in the Southern Cone further fuels the transnational trafficking of arms and other illegal products manufactured in the region to other parts of the globe.

While in many other parts of the world the illegal arms trade supplies combatants involved in conflicts or uprisings, the illegal cross-border arms market in the Southern Cone supplies criminals. Brazil is the leading destination, and the country's criminal organizations are the main customers. Paraguay comes second, but this position has more to do with its role as a primary recipient of firearms coming from the global North before they get smuggled to Brazil. This perception is corroborated by the Global Organized Crime Index 2021, in which Brazil and Paraguay – the most important players in arms trafficking in the Southern Cone – are identified as the most prone to this illegal activity.⁵⁵

An essential feature of the dynamics of transnational arms trafficking in the region is that it is associated with other kinds of cross-border criminality, mainly drug trafficking. In fact, security professionals consulted stated that hardly any drug seizures occur without arms and ammunition also being seized.⁵⁶ In other words, arms and ammunition traffickers use the same routes and flows through which drugs are exported from the drug-producing countries bordering Brazil.

As mentioned previously, the criminal organizations that are able to control routes and territories on the outskirts of large urban centres in Brazil have achieved their current position through access to increasingly sophisticated and powerful firearms. Since the first years of the 2000s, conventional handguns and pistols have given way to assault rifles,⁵⁷ polymer pistols with high-capacity magazines, and often even machine guns,⁵⁸ anti-aircraft guns,⁵⁹ hand grenades⁶⁰ and explosives.

Known international trafficking routes to Brazil

Arms trafficking routes tend to change frequently in response to police operations and technical co-operation. Nevertheless, arms traffickers tend to make use of well-established routes across Brazil's long land and river borders with Bolivia, Paraguay, Argentina and Uruguay. As for Brazil's northern borders with Peru, Colombia and Venezuela, Federal Police and Federal Highway Police officers



Cocaine and handguns seized during an operation against drug trafficking in São Paulo. Transnational arms trafficking is strongly associated with other kinds of cross-border criminality, mainly drug trafficking. © Mauricio Lima/AFP via Getty Images

interviewed stated that although recently these have been identified as new drug corridors, seizures of weapons there have so far been insufficient to consider them significant arms trafficking routes.

Of the total of firearms, ammunition and accessories coming to Brazil, it is claimed in media statements that most enter by land from neighbouring countries. However, a significant portion are reportedly shipped to seaports such as Santos⁶¹ in São Paulo state and airports such as Tom Jobim International Airport in Rio de Janeiro, according to news reports.⁶² Most of these are said to be illegal imports into Brazil, via either land or sea, either originating from the US or passing through the country en route to South America.

Regarding manufacturing countries, some reports describe the tracing of firearms to companies in Eastern Europe (Hungary, Serbia, Czech Republic), Turkey, Israel and the US. They are usually legally exported to the US and then trafficked to the region straight to Brazil or transitioning through neighbouring countries. Some of the routes mapped after these weapons arrive in Latin America are described below.

Regional gateways

PARAGUAY:⁶³ According to law-enforcement professionals interviewed, Paraguay is one of the main sources in Latin America for arms trafficked to Brazil. Arms and ammunition imported legally into Paraguay are diverted to the illegal market and become the object of trafficking when they cross the border illegally into Brazil. They are known to be diverted mainly in the capital, Asunción. They are then transported by land to cities on the border with Brazil: Pedro Juan Caballero, Salto del Guairá and Ciudad del Este. After crossing the border, firearms and other illicit items reach their final destination by interstate highways. In the Global Organized Crime Index, Paraguay has the second-highest score in South America for criminality (6.7 of 10) and receives a score of 8.5 for arms trafficking (the South American average is 5.92).⁶⁴

- **Seized items:** all types of firearms, parts of firearms, ammunition and explosives
- **Means of transportation:** usually speedboats, trucks, tourist buses or private cars
- **Borders used:** Pedro Juan Caballero/Ponta Porã, Salto do Gairá/Guaíra and Ciudad del Este/Foz do Iguaçu

ARGENTINA:⁶⁵ Argentina is also on the arms trafficking route to Brazil, with weapons either manufactured in the country itself or just transiting it. The port and international airport of Buenos Aires are the traditional gateways for arms and ammunition arriving from abroad. Police officers interviewed describe arms trafficking routes going from Buenos Aires to Asunción (the first stage of international trafficking) by inland waterways via the Paraguay

River. Arms then follow the routes described above to Brazil (the second stage). It is worth noting that Argentinian arms used in the 1982 Falklands War have been seized in Brazil. The Global Organized Crime Index ranks Argentina 10th in South America for criminality (4.3 out of 10) and gives it a score of 3 for arms trafficking, a satisfactory score when compared to neighbouring countries.⁶⁶

- **Seized items:** pistols, ammunition, rifles, grenades and explosives
- **Means of transportation:** speedboats
- **Borders used:** Paraguay River

BOLIVIA: According to Brazilian law-enforcement officials interviewed, the border with Bolivia used to be more commonly utilized by international arms traffickers in the past.⁶⁷ Measures taken by former Bolivian president Evo Morales (2006–2019) to combat the illegal arms trade in border cities led to a sharp decrease in criminal activity there. However, Chilean customs have seized arms en route to Brazil through Bolivia at the port of Iquique.⁶⁸ In the Global Organized Crime Index, Bolivia ranked 11th in South America for its

criminality score (4.3 of 10) and scored 4 for arms trafficking (with 5.92 being the South America average).⁶⁹

- **Seized items:** pistols, ammunition and rifle parts
- **Means of transportation:** trucks
- **Borders used:** Puerto Quijaro/Corumbá

URUGUAY: Uruguay is an alternative to Paraguay as an international arms trafficking route to Brazil.⁷⁰ Arms usually reach the country through the port of Montevideo and cross the long land border with Brazil by car, truck, or tourist bus. The Global Organized Crime Index ranks Uruguay 12th in South America for criminality (2.69 out of 10, a good position in comparison to other countries in the region), and gives it a score of 2.5 for arms trafficking, another good rate in comparison to its neighbours.⁷¹

- **Seized items:** pistols, ammunition, accessories and rifle parts
- **Means of transportation:** trucks, private cars or tourist buses
- **Borders used:** Rivera/Santana do Livramento

Arms traffickers' modus operandi

According to the result of most police operations in the field, arms and ammunition use the same routes as the illegal drug trade when transiting the Southern Cone towards Brazil. In many cases they are concealed in false bottoms of trucks, or inside cars, or in passengers' luggage in tourist buses. According to customs and public-security officers interviewed, despite the efforts to combat arms trafficking, it still takes place on a large scale in Brazil because of its profitability – a calculation that may be changing due to Bolsonaro's new, more relaxed measures governing the purchase of firearms by Brazilian citizens. Indeed, traffickers make a hefty profit if shipments reach their destination.

However, it is worth mentioning some strategies to circumvent inspections recently observed by the authorities:

- **Micro-trafficking:** This recently observed practice involves carrying small quantities of parts of firearms and ammunition instead of large shipments. They are usually hidden in the false bottoms of trucks.⁷² Criminals also disassemble long firearms, mainly rifles, and send only parts of them, which are later reassembled at their destination. Micro-trafficking is increasingly popular and accounts for much of the arms-trafficking flow from Paraguay to Brazil.⁷³
- **Recruitment of smugglers who are 'above suspicion':**⁷⁴ In addition to micro-trafficking, authorities have recently observed criminal organizations using people with no criminal record or direct involvement in crime to traffic arms and ammunition from Paraguay to the large urban centres in south-east Brazil. In some cases, entire families are recruited: they spend a weekend on the border

between Foz do Iguaçu and Ciudad del Este, with the criminal organizations paying for all their expenses, then return home in cars adapted to carry large quantities of arms and ammunition. Women and teenagers have also been caught carrying small amounts of ammunition. Again, the idea is to use people who are less likely to arouse suspicion.

- **Methods of concealment:** Micro-trafficking usually involves quite rudimentary forms of concealment, with arms and ammunition hidden in suitcases or boxes carried in cars or buses. However, the Federal Highway Police have recently found ammunition, and in some cases parts of firearms, attached to smugglers' bodies.



An arms dealer with ammunition attached to his body with duct tape. He was part of a group of traffickers caught carrying more than 5 000 rounds of rifle ammunition from Foz do Iguaçu to Curitiba.⁷⁵
Photo: Federal Highway Police



IMPACT OF FIREARMS ON BRAZILIAN SOCIETY

The recent exponential growth in firearms privately owned by Brazilian citizens may have serious consequences. Indeed, some of these consequences are already being felt only three and a half years after the federal government moved to relax regulations, encourage the purchase of firearms and defund state agencies responsible for supervising and monitoring private gun ownership.

The 2021 Global Organized Crime Index gave Brazil a low score of 3 out of 10 for its capacity for political leadership and governance, and also for its judicial and detention systems, in its assessment of the country's resilience to crime. This evaluation not only underlined the fact that Brazil's government has much to do in terms of boosting its capacity to combat crime and violence, but also included the specific observation that the Bolsonaro administration's policies had a 'negative impact on security'.⁷⁶

The most significant repercussions of the changes introduced by the Bolsonaro government are described below.

Arms and ammunition diversion

The Bolsonaro administration promoted and widened access to arms and ammunition without accompanying advances in the fight against the illegal trade and the state's ability to control stockpiles – indeed, it repealed measures that had facilitated control. As a result, it not only worsened previously identified problems, such as the gaps in the implementation of arms- and ammunition-control policy, but also created new ones.

Promoting civilian ownership of firearms by relaxing regulations without introducing control mechanisms increases the risk that new sources from which arms and ammunition are diverted from the legal to the illegal market will arise. In 2022 alone, investigations have found cases in which individuals registered with the army purchased arms and ammunition legally in order to subsequently resell them to criminal organizations. In July 2022, the army admitted having (mistakenly) authorized a member of the Primeiro Comando da Capital (PCC), one of the foremost criminal organizations in Brazil, to register as a CAC and to purchase rifles. The individual in question had been prosecuted 16 times and charged with five crimes, including aggravated homicide.⁷⁷

The risk that arms and ammunition may be diverted from CACs – who have easy access to large quantities of both, including semi-automatic rifles – obviously rises when CAC registrations are apparently being granted without basic checks.

	2018	2019	January– October 2020	January– November 2021	January– July 2022
Total	89 783	147 806	171 057	388 138	399 725
Registration per hour	45	72	101	211	340

FIGURE 3 Number of CAC registrations by the army, 2018–2022.

SOURCE: Data obtained by Instituto Igarapé through the Access to Information Act

As for the quantity of firearms in the possession of civilians in Brazil, data from the Federal Police and the army indicates that the number increased by more than 1 million between 2018 and 2022.

Year	2018	2019	2020	2021	January– June 2022
Total	696 909	890 946	1 151 053	1 605 788	1 897 782

FIGURE 4 Number of firearms held by citizens, including CACs, 2018–2022.

SOURCE: Data obtained by Igarapé Institute from the System for the Military Management of Weapons (Sistema de Gerenciamento Militar de Armas – SIGMA) updated July 2022, and the Federal Police's SINARM updated June 2022

As mentioned previously, some of the firearms found in the possession of criminals in Brazil are decades old – but it is worth noting that firearms are typically sturdy enough to remain in use for many years without requiring much maintenance. It is therefore likely that the huge number of firearms that started circulating during the Bolsonaro years will continue to be diverted to the illegal market and used by criminals for decades to come.

In addition, the measures adopted by the federal government since 2019, mainly in making it possible for citizens to possess and carry arms of calibres previously restricted to the security and defence forces, have significantly increased the number of weapons accessible to the general population and, consequently, to criminals.

Until 2019, assault rifles were produced in Brazil by only one manufacturer, IMBEL, and they were used exclusively by the armed forces. Civilians were not permitted to own or use this type of firearm. Following the relaxation of regulations under the Bolsonaro administration, however, the country now has two manufacturers of 9mm, 5.56 and 7.62 AR rifles: Taurus Armas SA and Fire Eagle Armory. Also, .40 pistols, carbines and submachine guns used by security forces can now be sold to civilians, as can 9mm pistols.

A protest in support of gun rights in Brasília, 9 July 2022. The Bolsonaro administration promoted and widened access to arms and ammunition without advances to combat the illegal trade. © Mateus Bonomi/Anadolu Agency via Getty Images



The quality of the army's databases

Due to the increased quantities of arms and ammunition in Brazil, and the easier access to them, the tools for monitoring official data on arms and ammunition are even less adequate than they were previously. In addition to the increase in CAC registrations, an analysis of the information shared by the army – the principal body managing arms and ammunition policy in Brazil – has exposed a series of inconsistencies in the army's arms-registration database, SIGMA.

In 2021, a study by Instituto Igarapé and the newspaper *O Globo* examined the records for 638 000 weapons registered with the army between 2017 and 2019, and revealed alarming inconsistencies.⁷⁸ In addition to the inconsistencies, a lack of information needed to identify or classify firearms made it impossible to analyze about 22% of the database – the army did not have accurate information on about 138 000 of the firearms registered in 2017, 2018 and 2019. In one of the most glaring errors, the database stated that Adélie Land, a territory of Antarctica, was the country in which certain firearms had been made.

In 2022, the army declined a new request to share data on firearms registered by CACs, justifying this refusal by admitting it could not produce detailed reports. It offered the explanation that SIGMA fields are not standardized, and that errors made while filling them had led to the inclusion in the system of arms that CACs are not allowed to possess and carry, such as mortars and cannons.⁷⁹

Such information gaps not only make it difficult to understand the distribution of these stockpiles, or their dynamics – which would be an important step in guiding inspection operations – but also constitute a major constraint on tracing activities involving, for example, investigations of both armed violence and arms and ammunition trafficking.

The spread of arms through Brazil's Legal Amazon

The numbers regarding Brazil's Legal Amazon (BLA) clearly show the negative impact of the increased circulation of firearms and ammunition in Brazil, both in terms of murders and recorded activities by organized criminal groups.

According to a survey by Instituto Igarapé, firearm registrations by individuals soared by 219% in BLA between 2018 and 2021 (from 57 737 to 184 181), compared with the sharp increase of 130% in the country as a whole.⁸⁰

There was also a rise in firearm-related deaths in BLA. Between 2012 and 2020, recorded firearm-related murders fell by 15% (from 40 071 to 33 993) in Brazil as a whole, but rose by 4% (from 5 537 to 5 780) in BLA. In 2012, BLA accounted for 14% of all firearm-related murders recorded in Brazil; in 2020 the figure was 17%. And between 2012 and 2020, five BLA states – Acre, Amapá, Maranhão, Roraima and Tocantins – were among the 11 nationwide that saw an increase in murders.⁸¹

Another study by Instituto Igarapé, on the ecosystem of illicit acts and environmental crimes, based on 369 Federal Police operations in BLA between 2016 and 2021, indicated a rise in violent crimes associated with that ecosystem. It further revealed that the number of operations leading to arrests of individuals caught in possession of arms, ammunition and explosives more than doubled in the same period. This data serves to emphasize the serious consequences of the increased circulation of weapons and ammunition in a region characterized by intense activity by cross-border organized criminal groups – including in the dynamics of environmental crimes, a South American problem already highlighted in the 2021 Global Organized Crime Index.⁸²

Anti-democratic discourse: Challenges for Brazilian security and democracy

The measures promoting the arming of Brazil's civilian population between 2019 and 2022 are a product of the political environment during this period. The deterioration of the civic space in Brazil, coupled with the permanent state of tension between the branches of government that was created by President Bolsonaro himself and exacerbated by speeches in which he adopted an anti-democratic tone and, seemingly, a positive stance towards the country's 1964–1985 military dictatorship – made the promotion of civilian gun ownership a national-security issue. In addition to showing intolerance to opponents in his speeches, Bolsonaro stated that it was crucial to facilitate the population's access to firearms even for the purposes of political action, supposedly including the defence of the democratic state itself.⁸³

Bolsonaro made little progress on measures crucial for arms- and ammunition-control policy. Indeed, his position had a negative impact on that policy, which was based on Law No. 10.826/03 and is essential for Brazilian security and democracy.⁸⁴ By exceeding its authority to implement regulations in the field of firearms and ammunition, and instead proposing measures that contradicted the text of the law, the federal government under Bolsonaro – even though challenged by STF preliminary decisions – set a dangerous precedent in Brazilian law.⁸⁵

Furthermore, expanding Brazilian citizens' collections of arms and ammunition was an even more serious issue against the backdrop of an anti-democratic discourse encouraging citizens to use firearms to claim rights or oppose politicians they disagreed with.⁸⁶



RECOMMENDATIONS TO PREVENT DIVERSIONS

With the election of a new government in October 2022, Brazil now has a chance to put its firearms and ammunition policies back on track. Even though president-elect Lula has already signalled his intention to review all Bolsonaro's attempts to change arms regulation in Brazil, there is still a need to clarify what changes he will promote and what impacts can be expected.

Simply cancelling these legal measures will not suffice, given the quantity of firearms and ammunition that entered Brazil during Bolsonaro's four-year term of office. Now, the new government faces a two-sided problem: what to do to stop more firearms being purchased, and to prevent private stockpiles increasing under the current regulations; and how to go after the weapons that were sold legally to well-intentioned citizens under a regulation that set the country back 20 years in its approach to arms control.

On the first issue, it seems paramount to revoke the norms put in place by the Bolsonaro government and to re-establish the pre-2019 regulatory framework on firearms and ammunition. This might seem straightforward, but considering that Bolsonaro's government implemented more than 40 different normative acts, there is more than meets the eye. On the second issue, there may be no alternative to undertaking the difficult task of retrieving a significant proportion of the more than 1 million guns sold between 2019 and 2022, especially high-powered ones such as assault rifles and different pistols of previously prohibited calibres.

The list below is intended to contribute to an initial roadmap for the new government on what must be done in order to reclaim the Brazilian national firearms-control policy that was established back in 2003 with the Disarmament Act.

Regulatory framework

- Revise the executive orders, ordinances and resolutions that facilitated access to and increased the circulation of arms and ammunition in Brazil, mainly since early 2019, in conflict with the arms and ammunition control law approved in 2003.

- Streamline and harmonize regulations so that they fulfil the goals of Law No. 10.826/03 in banning the carrying of firearms, requiring the regular registration of firearms, and assigning responsibilities for granting licences and inspecting private stockpiles effectively.
- Reinstate regulations and conduct regular and thorough inspections – mainly of security companies, arms and ammunition stores, shooting clubs, and individuals in professions where it is more common to possess significant quantities of firearms and ammunition.

Oversight of the legal market

- Create a dedicated federal civil agency that brings together the current arms- and ammunition-control bodies and works jointly with Brazil's states to implement a national arms-and-ammunition-control policy effectively.
- Consolidate and improve databases so that they cover the entire life cycle of arms and ammunition, from manufacture and import to tracing their end users.
- Encourage all local, state and federal law-enforcement officers to feed the federal database.

Tracing/investigation

- Require ballistic fingerprinting for all firearms in Brazil, so as to allow ballistic comparisons and criminal investigations.
- Improve the ammunition-marking legislation by extending the requirement for individual cartridge markings from ammunition sold to the police and the armed forces to all ammunition sold in Brazil.
- Create police units specialized in arms-trafficking investigations.

International cooperation

- Strengthen the cooperation mechanisms between the police forces of the Southern Cone countries in combating international trafficking, mainly by promoting the quick exchange of information regarding arms and ammunition imports and seizures, as well as investigations into organized crime.

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