



BRAZIL

PUBLIC PARTICIPATION Mechanisms in Fiscal Matters

Brazil scored 77 out of 100 on the Open Budget Index, a comparative measure of central government budget transparency.

Constitution
1988

Brazil has a number of institutions enshrined in its 1988 Constitution and in several statutes, such as the **Transparency Law**, the **Fiscal Responsibility Law**, and the **Access to Information Law**, that encourage and support **public participation** in politics and the budget.



IN-PERSON ROUNDTABLES WITH CIVIL SOCIETY / NEW POLICY INITIATIVES ON REVENUE AND SPENDING

Annual budget cycle:
Executive budget preparation

OBJECTIVE



Provide a **comprehensive form of institutionalized civil society participation** in creating, implementing, and monitoring public policies through National Councils.

MECHANISM

• **Councils are established by law. They are permanent collegiate institutions**, formally created by the Public Administration, to provide social participation in public policies. They are **COMPOSED OF BOTH GOVERNMENTAL AND NON-GOVERNMENTAL REPRESENTATIVES** related to a specific area.

• **National-level councils (conselhos)** are designed to link citizens and policy experts to specific line ministries. These **have the responsibility of**

suggesting new policies (budget formulation) as well as **monitoring government implementation**

• **Composition** of the councils follows the principle of parity: **50% government officials, 50% civil society**. Limited representation is granted to private companies and policy experts.

• **Council members must approve** the proposed budget within their policy area.

RESULTS

There are at least

33
Federal-level Councils

The **1988 Brazilian Constitution** established mechanisms for citizens to participate in the formulation, management, and monitoring of social policies

The councils are always established by law and their procedures are individually defined by the respective internal regulations. Therefore there is no complete conformity in the design of the councils.

CIVIL SOCIETY PRE-BUDGET CONSULTATIONS



Annual budget cycle:
Executive budget preparation

OBJECTIVE



Promote **SOCIAL PARTICIPATION** in: a) the elaboration and supervision of the federal **Multi Annual Plan** (instrument of government planning that establishes guidelines, objectives, and goals of the public administration) and b) a periodical and independent highly specialized audit on medium and long term government planning.

MECHANISM

• The Forum Interconselho (Inter-Council Forum) was formed by civil society entities and nongovernmental representatives who are members of the

33 national councils & commissions.

It was convened by the Ministry of Planning, Budget and Management (Ministério do Planejamento, Orçamento e Gestão) and the General Secretariat of the Presidency (Secretaria-Geral da Presidência da República).

300 members

Conselhos and from civil society are elected to participate in the Forum Interconselho.

• The Forum makes recommendations to Brazil's Multiannual Plan (Plano Plurianual (PPA)).

• The PPA is a four-year plan drafted in the first year of the term of the Chief Executive (president, governor, mayor). The four years cover three years of the current president, governor, or mayor and the first year of their predecessor. **The law contains guidelines, objectives, and targets related to capital expenditures and expenses with continuous programs**

• **Important changes in the annual budget must be included in the PPA**, so elected governments have a strong incentive to have their issues included in the forum.

The PPA is becoming a professional, expert-led participatory forum and is now a permanent structure in federal planning.

RESULTS

629

policy recommendations issued in 2011, of which **more than 90% were totally or partially included**, in the Brazilian 4-year planning law, valid from 2012 to 2015.

About **200**

CSOs representatives assessed the 4-year-plan.

The Forum was called again in 2015 to discuss a new 4-year-plan from 2016 to 2019.

Social participation

has contributed to ensure that the current PPA dedicates more than half of its budget to social plans.

ONE OF THE MOST HIGHLIGHTED ASPECTS was the need for inclusion across race, gender, ethnicity, generations, sexual orientation, heritage, and location in all programs, goals, and initiatives of the PPA.

NATIONAL CONFERENCE ON TRANSPARENCY AND SOCIAL CONTROL



Annual budget cycle:
Auditing and review

OBJECTIVE



Promote **public transparency** and encourage the participation of **society in the monitoring and control** of public administration.

MECHANISM

• A **Presidential Decree** convened the **First National Conference on Transparency and Social Control** (1ª Conferência Nacional sobre Transparência e Controle Social) in 2012.

4 major themes:
- Transparency and access to information and public data; mechanisms of social control, engagement, and social capacity-building for the control of public administration; performance of the public policies councils as instances of control; guidelines for the prevention and fight against corruption.

• The Union General Controllorship organized a series of preparatory

conferences between July 2011 and April 2012 in the municipal, regional, state, and federal levels.

• **Open conferences could be held by any group of people interested in submitting proposals** on the main themes of the Conference.

• A **Virtual Conference** was also held, in collaboration with the E-Democracia Portal.

• The **National Stage** presented a final document intended to transform the proposals into public policies and bills: the National Plan on Transparency and Social Control.

RESULTS

80

proposals were approved with at least 10 priorities in each thematic area.

The final report of the 1st CONSOCIAL was forwarded to the public authorities of the three levels of government.

The preparatory stage mobilized more than **150,000** people.

The national stage drew approximately 1,200 delegates, and the virtual conference drew

2,960 participants.

CIVIL SOCIETY CONSULTATIONS ON THE APPROACH TO AUDIT



Annual budget cycle:
Auditing and review

OBJECTIVE



• To receive, examine and forward charges, complaints, compliments, suggestions, and requests for information regarding procedures and actions of the Federal government.

• Create a **Transparency Portal** containing key information on government resources.

MECHANISM

• **Creation of the Transparency Portal** in 2004 by the Union General Controllorship, transparencia.gov.br

• The portal contains information pertaining to **transfer of funds, direct expenditures, budgetary data and execution** and information on **expected revenue, among others**

• Currently, **states and many municipalities have their own transparency portal.**

• Public participation involves **engaging the public on the FOIA requests**, as well as holding a public policy conference that focuses on public oversight coordinated by the Union General Controllorship.

• The Federal Ombudsman, linked to the Union General Controllorship, is responsible for receiving, examining and forwarding charges, compliments, suggestions and requests for information regarding the procedures and actions of the Federal government.

RESULTS

Currently (2015) receiving around

7000

requests per month with an average turnaround time of

14 days

LEGISLATURE

The participation of citizens and civil society organizations in the budgeting process under the federal legislative power can occur through: **direct contact** with legislators; **sending legislative suggestions**; participation in **public hearings** of the budget of the Joint Committee on Plans, Public Budgets, and Supervision; participation in the **Participatory Legislation Committee**; the **E-Democracy Portal**.

CIVIL SOCIETY CONSULTATIONS ON SPECIFIC ISSUES OR NEW POLICY INITIATIVES



Annual budget cycle:
Design, production and delivery of public goods and services

OBJECTIVE



Civil society presents suggestions ranging from complementary law proposals to amendments to Brazil's Multiannual Plan (PPA) and to the Annual Budget Law (LDO).

MECHANISM

• The Participatory Legislation Committees are spaces for organized civil entities to present their suggestions, technical advice and amendments to the laws.

• The e-Democracia portal (edemocracia.camara.gov.br) created in 2007, is the main channel for the virtual participation of civil society

in projects discussed in the House of Representatives. Any citizen can propose new laws, modifications to laws, and participate in debates.

• The Portal hosts **interactive events**, such as public hearings in which citizens can participate through chat rooms, and issue-specific debate forums.

RESULTS

No information available in the case study.

CIVIL SOCIETY PRE-BUDGET CONSULTATIONS



Annual budget cycle:
Pre-budget consultations

OBJECTIVE



Ensure public participation throughout the process of drafting and discussing budgetary plans and discussing guideline laws.

MECHANISM

• **Public participation in public hearings** of the budget held by the Joint Committee on Plans, Public Budgets, and Supervision.

• **Public hearings can be called at any point in the**

cycle, but there is no mandatory timetable.

• Not all meetings are open to the public, but those seeking clarifications from the responsible ministers (Finance and Planning) tend to be public.

RESULTS

Results of this mechanism are unclear, since the public hearings are not always held, and some hearings involving government officials are not open to the public.



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