

Sustainable Governance in the BRICS

Country Report Brazil

Prof. Dr. Renato Flores, Getulio Vargas Foundation Graduate School of Economics

Prof. Dr. Detlef Nolte, German Institute of Global and Area Studies (GIGA)

Prof. Dr. Lucio Renno, University of Brasilia

Christina Stolte, German Institute of Global and Area Studies (GIGA)

Dr. Peter Thiery (Coordinator), Centre for Global Cooperation Research



EXECUTIVE SUMMARY

An evaluation of Brazil's governance shows remarkable achievements concerning the state of democracy, policy performance and the government's management capacities. It also reveals a continued upward trend in these dimensions. The country's development dynamic, facilitated by internal and external factors, as well as some degree of chance, has drawn considerable attention as a model for other countries in the region. Nevertheless, there are severe weaknesses in terms of the quality of the country's democracy, policy performance and the government's steering capability. Notable problems include shortcomings in the rule of law, persistent socioeconomic inequality and the sluggish modernization of key sectors, in particular research and innovation and education. Much also needs to be done to improve the linkages between infrastructural development, business and fiscal policy. Deficiencies in the government's steering capability and the interplay between civil society and political actors must also be addressed.

Presidential elections in 2010, which took place nearly midway through the evaluation period, brought to office Dilma Rousseff of the Workers' Party (PT), Brazil's governing party since 2002. Assuming office in January of 2011, President Rousseff took the helm of a country that had undergone a remarkable transformation, eschewing its "tumbling giant" status in the early 1990s to emerge as a global player, along with China and India.

Twenty years ago, few observers would have thought it possible that Brazil would escape its status as a newly industrializing country. In 1992, amidst mass protests, hyperinflation and an accelerating economic crisis, Brazil's first directly elected democratic president, the populist Fernando Collor de Mello, stepped down amidst corruption charges after the National Congress had voted to impeach him. In the wake of this crisis, the country slowly regained political and economic stability and set the framework, step by step, for its eventual rise during the presidencies of Fernando Henrique Cardoso (1994 – 2002) and Lula da Silva (2003 – 2010). Pursuing rather orthodox measures, Cardoso managed to stabilize the economy and sow the terrain for sound macroeconomic performance. The arrival of Lula da Silva as president marked a turning point insofar as it signified Brazilians' trust in a leftist politician and the growing importance of social policy. Sustained economic growth during Lula's presidency precipitated the rise of a new middle class, a significant reduction in poverty and moderate gains in improving social inequality. Since 2011, President Rousseff has generally continued Lula's policies and sought to impose more explicitly principles of professional leadership and good governance, though deep-rooted obstacles remain huge.

When considering the quality of democracy in Brazil, one must take into account the relatively recent nature of the process of democratization. Despite Brazil's weak legacy of

democracy, the country has successfully stabilized its democratic system and slowly but steadily pursued the consolidation of democracy, showing gains that have been identified by the Bertelsmann Stiftung's Transformation Index (BTI). Whereas the country fares pretty well concerning political liberties – secured political competition, free and fair elections (at different state levels), broad opportunities of participation at distinct state levels and in civil society, a powerful and free press – it shares with nearly all other Latin American countries the legacy of a weak rule of law and problems associated with high levels of social inequality and weak judiciary performance. The latter two issues in particular undermine social mobility and the fair distribution of power resources. Persistent deficiencies in law enforcement as well as unflagging clientelism, patronage, corruption, a climate of lawlessness (in some remote areas and in the slums of some large cities), a weak and overburdened judiciary, and an often violent police apparatus number among some of the most pressing problems to be addressed. However, there are some noteworthy deficiencies in political liberties, too. The weak enforcement of laws on party, candidate and campaign financing, combined with the oligopolistic – in several states even monopolistic – structure of mass media hampers sound political competition. A key contextual factor here, of course, is the legacy of a democratization process involving powerful old elites who accept democracy only insofar as it does not go too far in threatening their privileges. These deeply entrenched structures and interests clearly make compliance with rule of law more difficult.

The inertia of political structures, which is related to the continued presence of elite power structures in Brazil – help explain the success and failures of Brazil's policy performance as identified by the Sustainable Governance Indicators. Success can be identified primarily either in issues where the government's radius of action is virtually unconstrained (e.g., macroeconomic policies), or where it acts decidedly and strategically against entrenched powers and stakeholders with the support of its constituency as a legitimating weapon, as was the case with Lula's social policies. The inertia of societal and political structures may also explain the failures of policy performance, which are easily located: infrastructure, education, health and pension systems, and R&D (including innovation).

Concerning the ambivalent management capacities of Brazil's governance structure, one must bear in mind that the political system features a typical Latin American presidentialism in which power is concentrated in the president and his staff. This leads not only to a weaker role for parliament but also to a government style that tends to control the cooperation of ministers and the cabinet. Nevertheless, the evaluation shows that the management capacities of the Brazilian executive are still hampered by the predominance of short-term politics over long-term interests. This leads to deficiencies concerning solid planning and more stable governance structures that would be more resilient to various political influences

and permit greater efficiency and transparency in institutions. The critical issue to be addressed is not necessarily implementation, but the government's bargaining capability vis-à-vis the National Congress and in the need for improved participation among citizens. Further issues to be addressed involve the role of parties and interest organizations. On balance, however, the trend is a positive one, as Brazilian governments have been seeking to modernize government structures and bring them in line with OECD recommendations targeting a "whole-of-government" approach to regulatory quality, improved intra-governmental cooperation and strategic planning.

STRATEGIC OUTLOOK

During the past 20 years Brazil has undergone a substantial and successful process of modernization. The country has steadily moved forward, though not always rapidly, towards higher levels of policy performance and government capacity. This has been accompanied by a stabilization of its democratic regime and improvements to social mobility and political participation. These are not isolated qualities; their underpinnings – social transformation, an improved quality of life, and strong and effective poverty alleviation measures – have been steadily and sufficiently established. These developments have also strengthened the output legitimacy of Brazilian democracy and made it more robust in weathering the seemingly constant lesser crises that result from existing fissures in the political system, that is, corruption, clientelism, inequality and public security problems. Seen from this perspective, the election of Dilma Rousseff gives her a clear mandate to continue with the seemingly successful policies of former President Lula in creating jobs and lifting nearly 30 million people out of poverty and into the lower middle class.

Despite these gains, it is unclear what the future holds. Having moved to a higher league, Brazil has reached a threshold to be passed only if important steps are taken. Two of the key required steps identified here are: (1) cutting the knots present in the nexus of infrastructure, business and fiscal policy, and (2) improving the government's management, coordination and planning capacities. Business demands and appeals to profit, thriving Brazilian multinational companies and the requirements posed by greater international exposure all figure positively in creating a good solution to these issues, but they are no guarantee. In addition, the above considerations do not incorporate possible developments in the international scene. The country has been enjoying a more attractive international position thanks in part to the troubles plaguing North America, Europe and other regions, which are likely to continue. However, a serious external shock may add further difficulties to the tasks Brazil faces.

Apart from the aforementioned two major reform steps to be taken, there is of course a whole catalogue of further necessary reforms – reflected here in the SGI assessments – which cannot be ignored if Brazil wants to maintain its momentum. In terms of consolidating Brazilian democracy, improvements in the rule of law and protecting citizens' rights are as urgent as the fight against crime, violence and corruption. In terms of socioeconomic development, reducing the gap between rich and poor without compromising macroeconomic stability remains one of the biggest challenges. In addition, the recovery of industrial policy re-initiated with the Brasil Maior Plan must be deepened in order to reduce the dependence on commodity exports and increase competitiveness through the production of higher-value-

added manufactured goods and services. In order to boost innovation, further measures aiming to incentivize private sector investment are needed, as are improvements to the deficient education system and linkages between universities, research centers and business.

Given the huge task of initiating and coordinating these reforms, the Rousseff government will have to combine enhanced government capacities with the requirements of the democratic process. The Workers' Party (PT) and its allies hold a near 75% majority in both houses of the National Congress. It thus has not only the necessary quorum to promote important reforms, but also to prevent the formation of parliamentary committees of inquiry, which have been used to delay work in both legislative houses. While this might provide for a considerable margin of action concerning the executive-legislative interplay, President Rousseff must hold together a coalition of 10 political parties that span the ideological spectrum and which share a voracious appetite for government jobs and public resources. Given the traditional spoils system in Brazilian politics, its containment will be a huge task in itself as the government will have to cut privileges of some of its allies without losing their support. In her first year in office, Dilma Rousseff has signalled her decisiveness to curb corruption, but this may not be the end of the story. President Rousseff must deal at once with different expectations inside her coalition and the more radical reform expectations within her party. Up to now, she has opted to act more moderately, as did Lula. According to a Datafolha poll from April 2012, her approval rates reached a record level of 64%, while approval among the richest 4% of Brazilians rose to 70%.

Status Index

Quality of Democracy

S 1 Electoral Process

S 2 Access to Information

S 3 Civil Rights

S 4 Rule of Law

How fair are procedures for registering candidates and parties?

Everyone has equal opportunity to become a candidate for election. The registration of candidates and parties may be subject to restrictions only when in accordance with law and if deemed reasonably necessary in a democratic society. This includes protecting the interests of national security or public order, public health or morals, or protecting the rights and freedoms of others.

Legal regulations provide for a fair registration procedure for all elections; candidates and parties are not discriminated against. 10
9

A few restrictions on election procedures discriminate against a small number of candidates and parties. 8
7
6

Some unreasonable restrictions on election procedures exist that discriminate against many candidates and parties. 5
4
3

Discriminating registration procedures for elections are widespread and prevent a large number of potential candidates or parties from participating 2
1

Explanation:

Despite several attempts to improve the fairness of registration procedures, tensions and forces undermining fairness persist and are facilitated primarily by those who have (legally or illegally) acquired economic power. Legal regulations providing for fair registration procedures for all elections are in place; candidates and parties are not, in a legal sense, discriminated against. All Brazilian citizens are allowed to compete in elections, as long as they are nominated by a registered political party. Independent nominations are not allowed. Resident aliens are prohibited from participating in elections and from becoming members of political parties. Elections are regulated by law number 9.504/97, which is permanently adjusted so as to minimize inequalities in the electoral process resulting from the abuse of economic and political power. Political parties are regulated by law number 9606/95, which clearly establishes party registration rules and the rules by which they

operate. The Brazilian Supreme Electoral Court (<http://www.tse.jus.br/>) enforces these rules and is very active in judging politicians and organizations that do not respect the law, having found guilty and imposed penalties on hundreds of politicians during the period under review. Political parties operate without restriction. This is clearly demonstrated by the high number of registered parties from the Supreme Electoral Court (29 parties in February 2012). Incumbent representatives have an advantage in terms of being re-nominated for election. However, the open list system gives newcomers a good chance of being elected.

The so-called clean slate law (*ficha limpa*), which was initiated by the citizenry by popular initiative, bars politicians convicted of certain crimes (e.g., electoral fraud and the misuse of public funds) from running for elected office for eight years. Scheduled to be enforced in the past, this law was suspended by a vote of the Supreme Federal Court. It will, however, take force in 2012.

To what extent do candidates and parties have fair access to the media and other means of communication?

Every candidate for election and every political party has equal opportunity of access to the media and other means of communication, which allows them to present their political views and to communicate with the voters. Access to the media may not be restricted or refused on grounds of race, color, gender, language, religion, political or other opinions, national or social origin, property, birth or other status.

All candidates and parties have equal opportunities of access to the media and other means of communication. All major media outlets provide a fair and balanced coverage of the range of different political positions. 10
9

Candidates and parties have largely equal opportunities of access to the media and other means of communication. The major media outlets provide a fair and balanced coverage of different political positions. 8
7
6

Candidates and parties often do not have equal opportunities of access to the media and other means of communication. While the major media outlets represent a partisan political bias, the media system as a whole provides fair coverage of different political positions. 5
4
3

Candidates and parties lack equal opportunities of access to the media and other means of communications. The major media outlets are biased in favor of certain political groups or views and discriminate against others. 2
1

Explanation:

Candidates and parties have largely equal opportunities of access to the media and other means of communication. The electoral law assigns free TV and radio broadcast time to candidates and parties. One-third of the total time allotted is allocated on an equal basis to all parties; two-thirds is allocated according to a party's share of seats in the previous congressional election. This leads sometimes to distortions and compels prospective candidates to join "big parties" in order to gain a few seconds of media exposure. In addition, the open list PR electoral system and high number of registered parties in many districts often results in a considerable number of candidates, which ultimately reduces the average length of media exposure. The use of other means of communication (under what is allowed by law), is to a large extent shaped by the funds each candidate has at their disposal. In general, the major media outlets provide fair and balanced coverage of different political

positions. There are accusations by left-wing political parties currently holding the presidency that media coverage, especially by the print media, particularly the major newspapers (Folha de São Paulo, Estado de São Paulo and O Globo) and news magazines (Veja), is biased against the federal government. At the same time, the current government is often accused of fomenting an adversarial relationship with certain media outlets in part as a result of its strong support for the approval of legislative bills aiming to strengthen the regulation of media outlets.

To what extent do all citizens have the opportunity to exercise their right of participation in national elections?

To participate in national elections, every adult citizen must have the right to access an effective, impartial and non-discriminatory procedure for voting and voter registration. Voting rights also apply to convicts and citizens without a permanent residence in the country. No eligible citizen shall be denied the right to vote or disqualified from registration as a voter, otherwise than in accordance with objectively verifiable criteria prescribed by law, and provided that such measures are consistent with the State's obligations under international law. Every individual who is denied the right to vote or to be registered as a voter shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively. Every voter has the right of equal and effective access to a polling station or alternative voting method, including a feasible absentee voting option.

All adult citizens can participate in national elections. All eligible voters are registered if they wish to be. There are no discriminations observable in the exercise of the right to vote. 10
9

The procedures for the registration of voters and voting are for the most part effective, impartial and nondiscriminatory, although occasional. Citizens can appeal to courts if they feel being discriminated. 8
7
6

While the procedures for the registration of voters and voting are de jure non-discriminatory, cases of discrimination occur regularly in practice. 5
4
3

The procedures for the registration of voters or voting have systemic discriminatory effects. Groups of adult citizens are de facto excluded from national elections. 2
1

Explanation:

All adult citizens have the right to participate in national elections. Registration and voting are compulsory for all, with the exception of illiterates, citizens between 16 and 18 years old and those over 70. In practice, nearly all voters of voting age are registered. There is no observed discrimination with regard to citizens' exercising their right to vote. However, voting rights do not apply to convicts and non-nationals with a permanent residence (estrangeiros residentes) in the country; the latter must naturalize in order to participate in elections. Voters must register with their local Regional Electoral Court. Voters not present at their registered

location during elections must acknowledge their absence and are not allowed to vote in a different electoral district. Although there are (minimal) fines for abstention without justification, most voting registration procedures are not too demanding. Brazilian citizens who register as external electors at an embassy or consulate are also qualified to vote in presidential elections. Voter turnout in the most recent presidential and parliamentary elections has been close to 80%. Voting is done by means of electronic voting machines.

To what extent is private and public party financing and electoral campaign financing transparent, effectively monitored and in case of infringement of rules subject to proportionate and dissuasive sanction?

This question refers to the obligations of the receiving entity (parties and entities connected with political parties) to keep proper books and accounts, to specify the nature and value of donations received and to publish accounts regularly.

Please note that this question also includes an assessment of how effectively funding of political parties and electoral campaigns is supervised (monitored by an independent body such as electoral or parliamentary commission, anti-corruption body, audit institution etc. with checking, investigative, sanction and regulatory powers) and infringements are sanctioned (taking into account administrative, civil and criminal liability).

The state enforces that donations to political parties are made public and provides for independent monitoring to that respect. Effective measures to prevent evasion are effectively in place and infringements subject to effective, proportionate and dissuasive sanctions. 10
9

The state enforces that donations to political parties are made public and provides for independent monitoring. Although infringements are subject to proportionate sanctions, some, although few, loopholes and options for circumvention still exist. 8
7
6

The state provides that donations to political parties shall be published. Party financing is subject to some degree of independent monitoring but monitoring either proves regularly ineffective or proportionate sanctions in case of infringement do not follow. 5
4
3

The rules for party and campaign financing do not effectively enforce the obligation to make the donations public. Party and campaign financing is neither monitored independently nor, in case of infringements, subject to proportionate sanctions. 2
1

Explanation:

Political parties receive direct public funding through a party fund which is administered by the Supreme Electoral Court. Five percent of these funds are distributed equally to registered parties, the rest in accordance with their share of votes received in the last Chamber of Deputies election. A portion of public funds slated for parties is earmarked for financing the work of party foundations. For all parties, public funding is essential. Private funding becomes more important during electoral campaigns, in particular

presidential and major parties' campaigns. The law permits private donations to candidates and parties, though these must be made public and they are subject to limits (i.e., a percentage of personal or corporate income). Parties are not allowed to receive donations from public service contractors, trade unions and nongovernmental organizations that receive public funds. Infringements should be penalized. Political parties and candidates are obliged by law to present their donation and expenditure records to the Supreme Electoral Court twice during the electoral process. Details are then published online as matter of public record. Candidates and parties whose donation and expenditure reports are rejected by the Electoral Courts or who do not present their reports in the allotted timeframe, will be declined the right to take office and prohibited to compete in future elections until a complete report is presented and approved.

Although party financing is subject to independent oversight by the Electoral Courts, monitoring is frequently ineffective, in large part because the monitoring authorities tasked with auditing party finances are understaffed. In practice, there are several loopholes and the process is fraught with informal activity. According to estimates, up to 80% of campaign finances are off the books. There are also recurrent reports of cases of vote buying.

Though the press generally does a good job of exposing illegal or controversial sources of funding, there remain several means by which legislation and other control mechanisms can be circumvented. Perhaps most importantly, more than 50% of exposed cases are not prosecuted.

Sources:

Timothy Power and Matthew M. Taylor, *Corruption and Democracy in Brazil*, Notre Dame: University of Notre Dame Press 2011

Silvana Krause, The need for balance in party financing in Brazil, in: Anthony Butler (ed.), *Paying for Politics*, Auckland Park 2010, 116-136

To what extent are the media independent from government?

This question asks to what extent are the media subject to government influence and the influence of actors associated with the government. The question focuses both on media regulation and government intervention. The rules and practice of supervision should guarantee sufficient independence for publicly owned media. Privately owned media should be subject to licensing and regulatory regimes that ensure independence from government.

Public and private media are independent from government influence; their independence is institutionally protected and respected by the incumbent government. 10
9

The incumbent government largely respects the independence of media, but the regulation of public and/or private media does not provide sufficient protection against potential government influence. 8
7
6

The incumbent government seeks to ensure its political objectives indirectly by influencing the personnel policies, organizational framework or financial resources of public media, and/or the licensing regime/market access for private media. 5
4
3

Major media outlets are frequently influenced by the incumbent government promoting its partisan political objectives. To ensure pro-government media reporting, governmental actors exert direct political pressure and violate existing rules of media regulation. 2
1

Explanation:

The constitution and the law provide that the media are free from government interference. Freedom of speech and freedom of the press are guaranteed. The incumbent government largely respects the independence of media. The media give broad coverage to cases of corruption. However, citing rights of privacy, the judiciary has in some recent cases issued injunctions to prevent the media from covering stories of ongoing investigations of politicians (and members of the judiciary) implicated in scandals. In general, court orders barring the publication of reports in the media – including electronic media (e-censorship) – have increased. The most famous example of court orders being used for questionable purposes involves the daily monitoring (or censorship) of the *Estado de São Paulo* newspaper, which attracted attention for publishing news involving the powerful family of former Brazilian

president, José Sarney (i.e., his son, Fernando Sarney). Google reports high rates of government and private requests for content to be removed from the company's servers. As a rule, filing a lawsuit to demand that content be taken offline is not difficult in Brazil. On a more positive note, the Supreme Federal Court repealed in September 2010 a 1997 law prohibiting television broadcasters from making fun of politicians during an electoral campaign. Less encouraging is the fact that many politicians are active stakeholders in state and local media outlets, even though the constitution and congressional codes of ethics forbid members of congress from holding media licenses. A further problem is the fact that state agencies and state governments use funding from their publicity/advertising budgets to enhance their political influence. Physical attacks against journalists have been on the rise, especially in the north and northeast. Reporting about drug trafficking or corrupt local politicians can be dangerous. Brazil is now ranked 99th in the 2011 – 2012 World Press Freedom Index, having fallen 41 ranks since the 2010 edition. The Inter-American Press Association October 2011 report cites 25 crimes/violations committed against the press in Brazil, which includes four murders, two attacks, two arrests, eight instances of physical aggression, six cases of judicial censorship and three abuses of power. In total, five journalists were killed as a direct (or probable) result of their profession in 2011; another two in the first two months of 2012.

Sources:

"The Internet in Brazil: E-Progress and E-Censorship in Latin America's Poster Child," COHA. January 12, 2012 .

Inter-American Press Association, Report on Brazil, October 2011

http://www.sipiapa.com/v4/det_informe.php?asamblea=47&inford=822&idioma=us

Reporters Without Borders, Brazil, August 2011 (<http://en.rsf.org/report-brazil,169.html>)

Reporters Without Borders, 2011-2012 World Press Freedom Index, 25.01.2012

http://en.rsf.org/IMG/CLASSEMENT_2012/C_GENERAL_ANG.pdf

Freedom House, Freedom of the Press 2011

Freedom House, Freedom on the Net 201

To what extent are the media characterized by an ownership structure that ensures a pluralism of opinions?

This question does not assume that the predominance of either private or public ownership guarantees a pluralism of opinions. Rather, the underlying assumption is that a diversified ownership structure is likely to best represent the views and positions existing in society.

Diversified ownership structures characterize both the electronic and print media market, providing a well-balanced pluralism of opinions. Effective anti-monopoly policies and impartial, open public media guarantee a pluralism of opinions. 10
9

Diversified ownership structures prevail in the electronic and print media market. Public media compensate for deficiencies or biases in private media reporting by representing a wider range of opinions. 8
7
6

Oligopolistic ownership structures characterize either the electronic or the print media market. Important opinions are represented but there are no or only weak institutional guarantees against the predominance of certain opinions. 5
4
5

Oligopolistic ownership structures characterize both the electronic and the print media market. Few companies dominate the media, most programs are biased, and there is evidence that certain opinions are not published or are marginalized. 2
1

Explanation:

Oligopolistic ownership structures characterize both the electronic and print media markets. Important opinions are represented, but there are only weak institutional mechanisms mitigating the predominance of certain opinions. Television broadcasters carry a market share of 62.9% (2010), far ahead of newspapers (12.3%), magazines (7.5%) and radio (4.2%). Private media ownership is dominated by a few media groups. Whereas the media conglomerate Globo is prevalent across the media landscape, television network and print media ownership is dominated by Igreja Universal de Deus, Editora Abril, Estado and Folha. In the television market, TV Globo carries a market share (2010) of 43.2%, TV Record of 16.5% and SGB of 12.7%. Public news outlets, which are not autonomous from government, have negligible audience levels. Radio features greater pluralism in broadcasters, with a total of 4,018 radio stations. Newspapers have a daily circulation of 5.3 million, and there are

three major newspapers: Folha de São Paulo, Estado de São Paulo and O Globo. There are relevant regional newspapers, but there are monopolies in the distribution of news in most states. Furthermore, many television and print news outlets at the local level are owned by families with close links to politics, which renders coverage at the local level more biased than that at the federal level. The apparent plurality of media outlets manifest in the sheer numbers of newspapers, magazines and television stations, masks a highly restricted and bounded market. Nevertheless, the public expresses a comparatively high trust in Brazil's mass media (Americas Barometer 2010).

Sources:

Mídia Dados Brasil 2011

<http://midadados.digitalpages.com.br/home.aspx?edicao=3>

Freedom House, Freedom of the Press 2011

Matthew L. Layton, Who Trusts the Mass Media in Latin America? Americas Barometer Insights 2012, Nr. 74

To what extent can citizens obtain official information?

To assess the accessibility of government information, you should examine

- (1) whether a freedom of information act exists or equivalent legal regulations exist,
- (2) to what extent do the rules restrict access to information (e.g., exemptions, deadlines for responding to requests etc.) and justify these restrictions, and
- (3) whether mechanisms for appeal and oversight exist to enforce citizens' right to access information (e.g., administrative review, court review, ombudsman, commission etc.) You may consult www.freedominfo.org for information specific to your country.

Legal regulations guarantee free and easy access to official information, contain few, reasonable restrictions, and there are effective mechanisms of appeal and oversight enabling citizens to access information. 10
9

Access to official information is regulated by law. Most restrictions are justified, but access is sometimes complicated by bureaucratic procedures. Existing appeal and oversight mechanisms permit citizens to enforce their right of access. 8
7
6

Access to official information is partially regulated by law, but complicated by bureaucratic procedures and some restrictions. Existing appeal and oversight mechanisms are largely ineffective. 5
4
3

Access to official information is not regulated by law; there are many restrictions of access, bureaucratic procedures and no or ineffective mechanisms of enforcement. 2
1

Explanation:

Article 5 (paragraph 33) of the constitution declares that all persons have the right to receive, from public agencies, information of private interest to such persons or of collective or general interest, unless this information represents a relevant security threat. Article 5 (paragraph 72) also guarantees habeas data. However, federal laws defining access to information have only recently been formulated and enacted. On October 25, 2011, the Brazilian Senate passed legislation on the freedom of information to regulate the constitutional provision on access to public information. Enacted in November 2011, this legislation, which secures citizens rights of access to information on public agencies,

including budgets, and is designed to protect whistleblowers, went into effect six months later. Whereas the federal government, the Chamber of Deputies and the Supreme Electoral Courts have in the past passed internal statutes to facilitate access to information (e.g., the electoral law requiring political parties to submit reports on campaign donations and spending), there were no legal mechanisms in place at the federal level ensuring public access to information. It should be noted, however, that there are cases of judicial censorship, which negatively affect oversight mechanisms in public investigations of corrupt practices among politicians.¹

¹ Sources: Inter-American Press Association, Report on Brazil, October 2011
http://www.sipiapa.com/v4/det_informe.php?asamblea=47&infoid=822&idioma=us

To what extent does the state respect and protect civil rights and how effectively are citizens protected by courts against infringements of their rights?

Civil rights contain and limit the exercise of state power by the rule of law. Independent courts guarantee legal protection of life, freedom and property as well as protection against illegitimate arrest, exile, terror, torture or unjustifiable intervention into personal life, both on behalf of the state and on behalf of private and individual actors. Equal access to the law and equal treatment by the law are both basic civil rights and also necessities to enforce civil rights.

All state institutions respect and effectively protect civil rights. Citizens are effectively protected by courts against infringements of their rights. Infringements present an extreme exception. 10
9

The state respects and protects rights, with few infringements. Courts provide protection. 8
7
6

Despite formal protection, frequent infringements of civil rights occur and court protection often proves ineffective. 5
4
3

State institutions respect civil rights only formally, and civil rights are frequently violated. Court protection is not effective. 2
1

Explanation:

The Brazilian constitution contains comprehensive guarantees for the protection of civil rights. It promises to promote the well-being of all citizens, without prejudice as to origin, race, sex, color, age or any other potential ground for discrimination. The instrument of injunction allows citizens to claim rights embedded in the constitution but not implemented by law. In these cases, the courts can interfere in politics and set legal precedents. The state respects and protects civil rights, with few infringements. Courts generally act to ensure the protection of civil rights, but inefficiencies in the system mean that civil rights violations are not always censured. In addition, the judiciary's protection of civil rights is hampered by unequal access to justice. Whereas those with more wealth enjoy comprehensive protection (which includes the capacity to elude punishment), the poor are more likely to be arrested

and imprisoned for long periods without trial. Poor citizens cannot afford appropriate legal advice and receive harsher penalties than wealthier Brazilians. In Brazil there is no independent national human rights ombudsman. Torture and extrajudicial killings at the hands of state agents continue to take place. Police brutality, which is generally exacerbated by racial discrimination, is more frequent in the poorer regions of cities. There are similar problems observed within the judiciary system, where African-Brazilians are much more likely to be convicted of a crime than are other social groups. The rights of inmates are often not respected. Imprisoned citizens face dire conditions in Brazilian prisons, where overcrowded cells and corruption among prison guards leads to differential treatment and unsanitary conditions. Brazil's homicide rate, a traditional measure of crime, are in cross-national comparison extremely high.²

² Sources. Keith S. Rosenn, Procedural Protection of Constitutional Rights in Brazil, Miami Law Research Paper Series 2011-15.

To what extent does the state concede and protect political liberties?

Political liberties constitute an independent sphere of democracy and are a prerequisite of political and civil society. They aim at the possibility of the formulation, the presentation and the equal consideration of citizens' preferences and are embodied in the codification and unlimited validity of every individual's right to speak, think, assemble, organize, worship, or petition without government (or even private) interference or restraints.

- | | |
|---|---------------------------------------|
| All state institutions concede and effectively protect political liberties. | 10 <input type="checkbox"/> |
| | 9 <input type="checkbox"/> |
| <hr/> | |
| All state institutions for the most part concede and protect political liberties. There are only few infringements. | 8 <input type="checkbox"/> |
| | 7 <input type="checkbox"/> |
| | 6 <input checked="" type="checkbox"/> |
| <hr/> | |
| State institutions concede political liberties but infringements occur regularly in practice. | 5 <input type="checkbox"/> |
| | 4 <input type="checkbox"/> |
| | 3 <input type="checkbox"/> |
| <hr/> | |
| Political liberties are unsatisfactory codified and frequently violated. | 2 <input type="checkbox"/> |
| | 1 <input type="checkbox"/> |

Explanation:

Since the demise of Brazil's military dictatorship in 1985, Brazilian society has continuously and successfully struggled to safeguard political liberties. State institutions guarantee the freedom of association and the right to assembly. The government has generally respected these rights in practice. There are no ideological restrictions to the formation of political parties or social organizations. State and civil society partnerships addressing local social problems are continuously growing. Brazil has 29 registered political parties and 22 with representation in the Chamber of Deputies. The number of nongovernmental and civil society organizations is on the rise. The current administration has consistently sought to open channels of communication between government and civil society, supporting forums such as the Council for Economic and Social Development, and the General Secretariat, which are crucial arenas in negotiating demands from social groups. However, as with civil rights, the weakness of the judiciary as a whole spells for some shortcomings in the protection of these liberties.

How effectively does the state protect against discrimination based on gender, physical ability, ethnic origin, social status, political views or religion?

This question evaluates policies of state institutions aimed at preventing discrimination. Such an evaluation should refer to the measures taken by these institutions and their impact. The extent of observable discrimination may be used as an indicator for the efficacy of anti-discrimination policies.

Please note that this question also includes an assessment of how effectively the state protects the rights of disadvantaged persons or persons belonging to minorities by positive discrimination measures, special representation rights or autonomy rights.

State institutions effectively protect against and actively prevent discrimination. **10**
Cases of discrimination are extremely rare. **9**

State anti-discrimination protections are moderately successful. Few cases of discrimination are observed. **8**
7
6

State anti-discrimination efforts show limited success. Many cases of discrimination can be observed. **5**
4
3

The state does not offer effective protection against discrimination. **2**
Discrimination is widespread in the public sector and in society. **1**

Explanation:

State anti-discrimination protections are moderately successful. There are laws in place to prohibit racial discrimination, and the government promotes affirmative action policies. In 2003, the government created the Secretary of Politics for the Promotion of Racial Equality, an office that is directly linked to the president. In 2010 a Law of Racial Equality (Lei 12.288/2010) was promulgated. Another step forward in this debate involved making racial discrimination and racially-motivated offences high crimes without bail. However, the number of pursued discrimination cases is low. Racial discrimination occurs within the police and judiciary. Afro-Brazilians are still underrepresented in politics and professional positions.

Unemployment among Afro-Brazilians is higher than among whites and average wages among Afro-Brazilians are also lower. Some 34% of Brazilians (the highest in Latin America) polled in the Latinobarómetro 2011 survey report feeling that they are discriminated against. When asked what percentage of the population suffers racial discrimination, respondents answered 46% to 100% (the second highest number in Latin America). There is also a racial education gap. There are no federal laws promoting racial inclusion. However, some ministries have implemented quotas for the public sector, and 70% of public universities established quotas to improve enrollment numbers among Afro-Brazilian students. A high percentage of Brazilians (AmericasBarometer 2010) believe that reserving slots for Afro-descendants is a fair practice. Brazilians with tertiary educated levels and whites are more likely to oppose affirmative action.

Brazil's indigenous population numbers only 650,000. Most of them live in the Amazon region and are protected by law. However, indigenous activists complain that government decisions affecting their land are often made without consultation (e.g., the implementation of large-scale infrastructural projects like hydroelectric dams). There are many conflicts over land ownership, and indigenous communities are often invaded by miners and settlers. Indigenous people are frequently not sufficiently protected against gunmen attacks. With regard to gender equality, a quota law prescribes 30% of women for candidate lists in elections both for the Chamber of Deputies and the Senate. In actuality, women comprise 9% and 16% respectively in these chambers. In 2003, a cabinet position, the Secretary of Politics for Women (Secretaria de Políticas para as Mulheres) was created.³

³ Sources: Amy Erica Smith, Who Supports Affirmative Action in Brazil? Americas Barometer Insights: 2000 Nr. 49 U.S. State Department, Human Rights Report 2011 – Brazil <http://www.state.gov/documents/organization/160156.pdf>
Da Silva, Paulo Sergio (2007): Skin Color and Educational Exclusion, ReVista. Harvard Review of Latin America, Spring 2007; <http://www.drclas.harvard.edu/revista/articles/view/954>

To what extent do government and administration act on the basis of and in accordance with legal provisions to provide legal certainty?

This question assesses the extent to which executive actions are predictable (i.e., can be expected to be guided by law).

Government and administration act predictably, on the basis of and in accordance with legal provisions. Legal regulations are consistent and transparent, ensuring legal certainty. 10
9

Government and administration rarely make unpredictable decisions. Legal regulations are consistent, but leave a large scope of discretion to the government or administration. 8
7
6

Government and administration sometimes make unpredictable decisions that go beyond given legal bases or do not conform to existing legal regulations. Some legal regulations are inconsistent and contradictory 5
4
3

Government and administration often make unpredictable decisions that lack a legal basis or ignore existing legal regulations. Legal regulations are inconsistent, full of loopholes and contradict each other. 2
1

Explanation:

Government and administrative institutions rarely make unpredictable decisions. Legal regulations are consistent, but leave a wide scope of discretion to the government or administration. Laws are not applied and enforced coherently. Judges in lower courts have considerable latitude in interpreting the law. Higher courts have only recently sought to establish the principle of binding precedent. Because there are many legal forms of appeal and delay in judicial proceedings, winning a case (including those involving the state) can take a long time. Several lawsuits involve public administration bodies that have refused to pay debts owed by the state. Some 40% of Brazilians express faith in the effectiveness of the criminal justice system (Americas Barometer 2010), which is less than the average for Latin

America more generally. Legal provisions with regard to indigenous land titles are not always enforced by public authorities.⁴

⁴ Sources: Augusto Zimmermann, How Brazilian Judges Undermine the Rule of Law: A Critical Appraisal, *International Trade and Business Law Review* 11(2008) 179-217

To what extent do independent courts control whether government and administration act in conformity with the law?

This question examines how well the courts can review actions taken and norms adopted by the executive. To provide effective control, courts need to pursue their own reasoning free from the influence of incumbent governments, powerful groups or individuals. This requires a differentiated organization of the legal system, including legal education, jurisprudence, regulated appointment of the judiciary, rational proceedings, professionalism, channels of appeal and court administration.

Independent courts effectively review executive action and ensure that the government and administration act in conformity with the law. 10
9

Independent courts usually manage to control whether the government and administration act in conformity with the law. 8
7
6

Courts are independent, but often fail to ensure legal compliance. 5
4
3

Courts are biased for or against the incumbent government and lack effective control. 2
1

Explanation:

The court system is usually effective in monitoring conformity with the law on the part of the government and administration. An independent judiciary and network of accountability institutions hold the government accountable for its actions. The Brazilian Supreme Federal Court (Supremo Tribunal Federal, STF) has grown in relevance in recent years, discussing and making decisions about the constitutionality of laws originating with the executive branch and ruling against the executive branch. It has become a second forum for debates about lawmaking, given the growing use of *Ações Diretas de Constitucionalidade*, a mechanism employed by political parties and civil society organizations to request an STF decision on the constitutionality of laws approved in the National Congress. After losing decisions on the congressional floor, the opposition has pursued further action via the STF. Overloaded with cases and often unable to deliver in due time, the STF has been accused of overextending

its mandate, which is to ensure the correct application of constitutional principles in particularly important cases passed upward from lower courts. In other words, “control by independent courts” is sometimes a double-edged sword in the Brazilian political context. Judges have sometimes used their autonomy to impede court reform and often use highly formalistic legal decisions to overturn government modernization efforts.

Several national counsels have been created recently to oversee the activities of various branches of power. The National Justice Council (Conselho Nacional de Justiça) plays an important role in this respect, tasked as it is with monitoring the judiciary by investigating claims of wrongdoing among magistrates. The National Justice Council was created in response to concerns expressed by civil society actors and is integrated with the Ministry of Justice. It has recently censured judges and other high representatives of law for malpractice, adding more complexity to the analysis of the role of independent courts in general. The National Justice Council is comprised of judges and other members of the judiciary, as well as civil society experts and professionals.

To what extent does the process of appointing (supreme or constitutional court) justices guarantee the independence of the judiciary?

This question regards supreme or constitutional courts' sufficient independence from political influence as a prerequisite of a functioning democratic system. The appointment process is a crucial factor which determines judiciary independence.

The prospect of politically "neutral" justices increases accordingly with greater majority requirements and with the necessity of cooperation between involved bodies. A cooperative appointment process requires at least two involved democratically legitimized institutions. Their representative character gives them the legitimacy for autonomous nomination or elective powers. In an exclusive appointment process, a single body has the right to appoint justices irrespective of veto points; whereas in cooperative procedures with qualified majorities independence of the court is best secured.

When answering the question take also into account whether the process is formally transparent and adequately covered by public media. If your country does not have a supreme or constitutional court, evaluate the appointment process of the appellate court that is responsible for citizens' appeals against decisions of the government.

- | | |
|--|---------------------------------------|
| Justices are appointed in a cooperative appointment process with special majority requirements. | 10 <input type="checkbox"/> |
| | 9 <input type="checkbox"/> |
| <hr/> | |
| Justices are exclusively appointed by different bodies with special majority requirements or in a cooperative selection process without special majority requirements. | 8 <input type="checkbox"/> |
| | 7 <input checked="" type="checkbox"/> |
| | 6 <input type="checkbox"/> |
| <hr/> | |
| Justices are exclusively appointed by different bodies without special majority requirements. | 5 <input type="checkbox"/> |
| | 4 <input type="checkbox"/> |
| | 3 <input type="checkbox"/> |
| <hr/> | |
| All judges are appointed exclusively by a single body irrespective of other institutions. | 2 <input type="checkbox"/> |
| | 1 <input type="checkbox"/> |

Explanation:

Justices are appointed in a cooperative selection process without special majority. Supreme Federal Court justices are appointed by the president after their nomination has been approved by an absolute majority in the Senate. Nominees to the Supreme Federal Court face an interview process in the Senate that is open to the public. In general, the judiciary is shielded from unconstitutional interference by other state institutions. However, judicial

independence is greater at the federal level than on the state level. There is an ongoing dispute whether the National Council of Justice, which was created in 2004 to modernize and monitor the judiciary's administrative and financial affairs, has the right to investigate corruption within the judiciary. The Brazilian judiciary is generally considered to demonstrate independence in the appointment process, benefitting from a recruitment system that is based on merit and competitive examinations. The constitution protects judges with lifetime tenures (up to retirement). Fifty-five percent of Brazilians express trust in the Supreme Federal Court (Americas Barometer 2010). There are in total some 16,000 judges in Brazil, and they are comparatively well paid.

To what extent are public officeholders prevented from abusing their position for private interests?

This question addresses how the state and society prevent public servants and politicians from accepting bribes by applying mechanisms to guarantee the integrity of officeholders: auditing of state spending; regulation of party financing; citizen and media access to information; accountability of officeholders (asset declarations, conflict of interest rules, codes of conduct); transparent public procurement systems; effective prosecution of corruption.

Legal, political and public integrity mechanisms effectively prevent public officeholders from abusing their positions.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Most integrity mechanisms function effectively and provide disincentives for public officeholders willing to abuse their positions.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
Some integrity mechanisms function, but do not effectively prevent public officeholders from abusing their positions.	5 <input checked="" type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
Public officeholders can exploit their offices for private gain as they see fit without fear of legal consequences or adverse publicity.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Though there have been increased efforts to fight corruption and despite an extensive network of accountability institutions in Brazil, public officeholders are not effectively prevented from abusing their positions. The Accounting Tribunal, which is linked to the legislative branch, evaluates all federal level expenditures. The Public Prosecutor Office (Ministério Público) has extensive investigative powers. The federal police, which now enjoys a larger budget and personnel numbers, has become even more effective in recent years. These institutions have each played a significant role in improving oversight of wrongdoing in government. In addition, civil servants are subject to law 8112/1990, which clearly defines infringements and crimes, and stipulates punishment. Within the executive branch, an ethics committee and a General Comptroller Office (Controladoria Geral da Uniao), supported by a clearly established ethics code, have been active in investigating and preventing corruption

within the government. Finally, the government has also invested significantly in the creation of online accounting systems that make it possible to monitor contracts and concessions in real-time.

However, the judiciary and accountability institutions are fragmented, and coordination between state agencies (in particular between the state and federal levels) is poor. The judiciary is understaffed and overburdened with a large number of unresolved and pending cases). The Supreme Federal Court, for example must process some 100,000 cases each year. Widespread corruption is a problem, especially at the state and municipal levels, where accountability mechanisms are less palpable. Transparency International's Corruption Perceptions Index (2011) ranks Brazil 73rd out of 183 countries. Some 24% of Brazilians say that they have been victimized by corruption (Americas Barometer 2010). Nepotism permeates the political system, including the National Congress and the judiciary. The ease with which procedural delays in court proceedings can be introduced represents another problem. Defendants accused of corruption can continue as deputies or senators and run for re-election until convicted. Currently, 338 out of 513 members of the Chamber of Deputies and 58 out of 81 senators are facing charges before judicial bodies or auditing institutions (Accounting Tribunals).

In general, the prescriptive period for corruption delicts is quite short, beginning from the moment an investigation begins. As a result, politicians have a good chance of sitting out accusations and criminal procedures related to charges of corruption. Nonetheless, some steps forward have been taken recently, as illustrated by the resignation of six ministers in President Dilma Rousseff's cabinet amidst accusations of corruption in the first year of her mandate. In these and other cases of corruption, the media played an important role as watchdog. More generally, however, politicians are quite effectively shielded from judicial persecution in cases of corruption. In fact, politicians facing challenges of wrongdoing have been known to control the National Congress' ethical councils. Moreover, members of congress can be sentenced by the Supreme Federal Court alone, despite the fact that it normally functions as an appellate and Constitutional Court and is not particularly equipped to handle criminal trials. Following the success of a popular initiative in 2010, the National Congress passed a law (*ficha limpa*) barring persons convicted (or facing allegations) of certain crimes (e.g., electoral fraud and the misuse of public funds) from running for public office (for eight years, if convicted).

The Supreme Federal Court suspended the retroactive application of the law for the 2010 presidential and parliamentary elections. However, in February the same court ruled that it would be applicable for the 2012 municipal elections.

In sum, despite advances made in establishing integrity mechanisms, the absence of follow-up procedures means that several attempts to ensure integrity fail.⁵

⁵ *Ficha Limpia*, "Latin American Brazil & Southern Cone Report (RBS-12-01), January 2012, 11

Transparência Brasil, Ocorrências na Justiça e Tribunais de Contas

<http://www.excelencias.org.br/@casa.php?pr=1&casa=0>

Timothy Power and Matthew M. Taylor, Corruption and Democracy in Brazil, Notre Dame: University of Notre Dame Press 2011

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How successful has economic policy been in providing a reliable economic framework and in fostering international competitiveness?

This question addresses the existence of a government's general strategy to support the future-oriented development of its economy through regulatory policy. Sound economic policy is expected to adhere to the following principles: clear-cut assignment of tasks to institutions, refraining from unnecessary discretionary actions, frictionless interlinkage of different institutional spheres (labor market, enterprise policy, tax policy, budgetary policy) and the coherent set-up of different regimes (e.g. dismissal protection, co-determination rights, efficiency of anti-monopoly policies, income taxation). Countries following these principles are able to increase overall productivity, become more attractive for internationally mobile factors of production and thus raise their international competitiveness.

When answering the question, focus on the use and interplay of different regimes with regard to the aims of economic policy.

Economic policy fully succeeds in providing a coherent set-up of different institutional spheres and regimes, thus stabilizing the economic environment. It largely contributes to the objectives of fostering a country's competitive capabilities and attractiveness as an economic location. 10
9

Economic policy largely provides a reliable economic environment and supports the objectives of fostering a country's competitive capabilities and attractiveness as an economic location. 8
7
6

Economic policy somewhat contributes to providing a reliable economic environment and helps to a certain degree in fostering a country's competitive capabilities and attractiveness as an economic location. 5
4
3

Economic policy mainly acts in discretionary ways essentially destabilizing the economic environment. There is little coordination in the set-up of economic policy institutions. Economic policy generally fails in fostering a country's competitive capabilities and attractiveness as an economic location. 2
1

Explanation:

As a result of sound economic policies, Brazil has shown impressive macroeconomic performance in recent years. Disciplined fiscal and monetary management combined with prudent macroeconomic policies have provided for dynamic economic development and macroeconomic stability. Thanks to timely countercyclical measures (i.e., monetary easing,

fiscal stimuli and credit expansion) Brazil was able to weather the 2009 global financial crisis with relatively minor effects, returning to impressive economic growth rates as early as 2010. Public policies designed to increase domestic spending and credit facilitated a rise in domestic demand, which precipitated Brazil's quick economic recovery.

The remarkable economic progress Brazil has achieved in the last decade is largely attributed to a progressive strengthening of public institutions, in particular the inflation targeting framework. Since 1999, Brazil has committed itself to an inflation-targeting framework for monetary policy and a floating exchange rate regime. During the last decade, inflation was successfully contained, falling from 12.5% in 2002 to 4.3% in 2009. However, for the last two years, inflation has been on the rise again. According to the Economic Commission for Latin America and the Caribbean (ECLAC), in 2011 inflation rose to 6.6%, thus slightly exceeding the official monetary target range of 2.5% to 6.5% (though showing a downward trend since then). Brazil's economic progress is reflected by very positive macroeconomic data. In 2010 GDP grew by 7.5%, yet real GDP growth slowed to 2.9% in 2011 in the wake of sluggish international economic growth. Despite this economic slowdown, Brazil's economy registered as the world's sixth largest with a GDP of \$2.518 billion and a GDP per capita of \$11,127 in 2011, according to IMF data. Given Brazil's impressive economic development and encouraging economic outlook, it has increasingly attracted foreign investors and been upgraded to "investment" grade by all major U.S. credit rating agencies. This has contributed to a massive surge in capital inflows and a strong appreciation of the Brazilian real. Brazilian authorities have reacted to this situation by introducing foreign exchange market interventions and a tax on some forms of capital inflows in order to discourage a speculative bubble in financial markets and reduce the appreciation of the real.

Despite Brazilian authorities' prudent macroeconomic management and gradual strengthening of the institutional framework, some challenges remain in terms of ensuring sustainable growth. Critical constraints on Brazil's international competitiveness include relatively high levels of taxation and the still low quality of public spending. Brazil also seems to have retained elements of a protectionist foreign-trade policy (i.e., import-substituting industrialization policy) expressed in the fact that special exemptions and complicated registration formalities continue to hamper economic activity. Other notable problems are observed in the overlap of tasks and institutions and the unsatisfactory operation of regulatory agencies. Public policies in Brazil demand more modern and efficient

management, the global fiscal policy package should be streamlined, and the broad scope of discretionary power should be addressed.⁶

⁶ Sources: OECD (2011): OECD Economic Surveys: Brazil 2011, OECD Publishing.

Bertelsmann Foundation (forthcoming): Bertelsmann Transformation Index: Brazil 2012, Bertelsmann Publishing.

Economist Intelligence Unit (2012): Country Report Brazil (February 2012), Economist Intelligence Unit Limited: London.

ECLAC (2012): Preliminary Overview of the Economies of Latin America and the Caribbean 2011, Santiago de Chile.

IMF (2011): World Economic Outlook, September 2011

How effectively does labor market policy in your country address unemployment?

This question addresses a government's strategies to reconcile the following objectives: unemployment reduction and job security, and balancing supply and demand on the labor market by providing sufficient mobility of the labor force according to the needs of potential employers. To assess labor market policy comprehensively, special emphasis should be placed on the positive or detrimental effects resulting from labor market regulation (e.g., dismissal protection, minimum wages, collective agreements) and from the modus operandi of unemployment insurance.

- Successful strategies ensure unemployment is not a serious threat. 10
9
-
- Labor market policies have been more or less successful. 8
7
6
-
- Strategies against unemployment have shown little or no significant success. 5
4
3
-
- Labor market policies have been unsuccessful and unemployment has risen. 2
1

Explanation:

Labor market policies have been more or less successful. Brazil's unemployment rate has fallen to a record low in recent years, with figures for 2011 between 6.7% (OECD Economic Survey) and 6% (Economist Intelligence Unit). Job creation has more than offset the growth of the labor force in most sectors, especially in construction and services. Concerns regarding the high cost of doing business in Brazil during the unemployment crisis from 1998 to 2003 have since subsided. Since 2003 Brazil has been able to generate twice as many formal jobs as before, totalling more than 8.5 million net formal jobs. Considering the quality of the jobs generated, decent work appears to be on the rise, as of 2003. Temporary work and self-employment rates have fallen dramatically, reaching in 2008 their lowest levels since 1992. The share of informal work has also fallen since 2003.

However, approximately one-third of Brazil's economic output is still generated by the informal sector, requiring care and insight when analyzing unemployment and labor market data in general. Together with the tightening of the extremely efficient and IT-based Brazilian taxation system, hidden or opaque transactions are diminishing. Labor regulation is still blamed for overloading employers with payments and obligations, though it's doubtful this represents a true obstacle to job-generation. A few labor regulation adjustments are needed, but it is rather the fiscal and business regulations framework that requires urgent attention, as does the lack of qualified professionals for many open positions.

Given the relatively small set of reforms carried out since 1998, debates continue regarding the factors driving the recent boom in formal employment. Brazilian labor law stipulates a very comprehensive and rigid set of minimum standards for work contracts, leaving relatively little room for flexibility and adaptability to changes in the economic environment. A key change to the labor code, originally formulated in the 1940s, involved the introduction of temporary employment contracts that allow employers to pay lower payroll taxes and dismiss employees with considerably lower severance costs.⁷

⁷ Sources: Neri, Marcelo Cortes (2010): The Decade of Falling Income Inequality and Formal Employment Generation in Brazil, in: OECD (ed.): Tackling Inequalities in Brazil, China, India and South Africa. The Role of Labour Market and Social Policies, Paris, p. 57-107.

How successful has enterprise policy been in fostering innovation, entrepreneurship and economic competitiveness, and in stimulating private investment?

Private investment includes not only the acquisition of capital stock, but also entrepreneurial transactions aimed at investment, such as developing human capital, the restructuring of companies, establishing new companies, etc.

Enterprise policy has been successful in achieving the objectives of fostering innovation, entrepreneurship and economic competitiveness, and stimulating private investment. 10
9

Enterprise policy has largely achieved these four objectives. 8
7
6

Enterprise policy has partly achieved these four objectives. 5
4
3

Enterprise policy has not achieved the objectives of fostering innovation, entrepreneurship and economic competitiveness, and stimulating private investment. 2
1

Explanation:

Although Brazil has attracted large amounts of international investment in recent years, the country's competitiveness is in cross-national comparison rather limited. If one looks at fostering entrepreneurship and economic competitiveness, significant legislative burdens continue to weigh upon economic activity and linkages between most productive sectors and ancillary services (many of which are of poor quality) key to increasing productivity and boosting overall competitiveness are weak. High taxes, a complex and fragmented tax system and a strong regulatory environment restrain Brazil's economic potential and curb incentives to invest. In the World Bank's Doing Business Ranking, which compares the ease of doing business in 183 countries of the world, Brazil is ranked only 126. Extremely high real interest rates further impede investment by limiting credit access for small and medium-sized companies with no access to foreign finance. Corporate borrowers in Brazil paid an average

annual nominal interest rate of 31% in March 2011; personal loans were slated with an even higher average interest rate of 45%.

With few exceptions, Brazil's manufacturing base lags behind in terms of innovation and competitiveness. In September 2011, President Dilma Rousseff declared innovation a priority and introduced a new program "Plano Brasil Maior" (Bigger Brazil Plan), which comprises measures aimed at boosting the competitiveness of Brazilian industry, including cuts in payroll taxes in sectors requiring large numbers of employees. However, in order to boost innovation, further measures are needed, including private sector incentives, improvements to the education system and greater cooperation between universities, research centers and business. The Ministry of Development, Industry and Foreign Trade has taken steps in this direction, but much remains to be pursued.

Finally, private investment is perhaps the strongest point. In spite of its problems, the country remains very attractive for private investors.⁸

⁸ Sources: OECD (2011): OECD Economic Surveys: Brazil 2011, OECD Publishing.

Worldbank (2012): Doing Business 2012: Doing Business in a More Transparent World, Economy Profile Brazil, The International Bank for Reconstruction and Development: Washington.

Rodríguez, Alberto; Dahlman, Carl; Salmi, Jamil (2008): Knowledge and Innovation for Competitiveness in Brazil, in: World Bank (ed.): WBI Development Studies, Washington.

To what extent does taxation policy realize goals of equity, competitiveness and the generation of sufficient public revenues?

The objectives of justice and allocative efficiency suggest that taxation policies do not discriminate between different groups of economic actors with similar tax-paying abilities, such as corporate and personal income taxpayers (horizontal equity). Tax systems should also impose higher taxes on persons or companies with a greater ability to pay taxes (vertical equity). Tax rates and modalities should improve or at least not weaken a country's competitive position. However, tax revenues should be sufficient to ensure the long-term financing of public services and infrastructure. "Sufficiency" does not assume any specific ideal level of public expenditure, but refers only to the relationship between public revenues and expenditures.

Taxation policies are equitable, competitive and generate sufficient public revenues. 10
9

Taxation policies fail to achieve one of the three principles. 8
7
6

Taxation policies fail to achieve two of the three principles. 5
4
3

Taxation policies fail to realize the following three principles: equity, competitiveness and the generation of sufficient public revenues. 2
1

Explanation:

The technical administration and enforcement of tax policy is quite advanced. According to some experts, Brazil, together with Sweden and the United States, ranks among the top three worldwide in terms of its modern and comprehensive IT-based tax collection system. However, Brazil's tax policy does not feature strong horizontal equity and fails to generate or facilitate competitiveness. In cross-national comparison, Brazil has a highly regressive and inefficient tax system with distortionary costs. With a total tax rate of nearly 37%, Brazil's tax burden is twice that of the Latin American average and significantly higher than that of developed countries such as Japan (17.6%) or the United States (26.9%). Brazil's high total tax rate, together with the tax system's complexity and fragmented nature, have a negative impact on Brazil's productive sectors and investment rates. However, because the tax

system has generated high revenues for the government, Brazilian policymakers have repeatedly postponed tax reform.⁹

⁹ Sources: Pereira, Carlos (2010): Tax Policy in Brazil: The Reform that never was, in: Brookings Institution, September 08, 2010.

OECD (2011): OECD Economic Surveys: Brazil 2011, OECD Publishing.

To what extent does budgetary policy realize the goal of fiscal sustainability?

This question focuses on the aggregate of public budgets and does not assess whether budgets reflect government priorities or induce departments to manage efficiently. Sustainable budgeting should enable a government to pay its financial obligations (solvency), sustain economic growth, meet future obligations with existing tax burdens (stable taxes) and pay current obligations without shifting the cost to future generations (inter-generational fairness).

Budgetary policy is fiscally sustainable.	10 <input type="checkbox"/>
	9 <input checked="" type="checkbox"/>
<hr/>	
Budgetary policy achieves most standards of fiscal sustainability.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
Budgetary policy achieves some standards of fiscal sustainability.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
Budgetary policy is fiscally unsustainable.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Within the last decade, Brazil has consolidated its commitment to fiscal responsibility, strengthening in particular its fiscal framework through the adoption in 2000 of a fiscal responsibility law (Lei de Responsabilidade Fiscal), which set primary surplus targets, established debt limits and restricted salary increases for civil servants. The combined effects of a strong commitment to the maintenance of a primary surplus, improved debt management and a lower debt-to-GDP ratio have significantly strengthened public finances and allowed for the creation of a buffer that helped mitigate the effects of the 2008 – 2009 global financial crisis. However, expansionary public spending resumed in the second half of 2009 and continued into 2010, when the recovery was already underway, fueling an already bustling domestic demand. President Dilma Rousseff, after taking office in January 2011, began to reverse the fiscal impulse introduced during the crisis. In a first step toward fiscal consolidation, the government announced a BRL 50 billion cut to the 2011 federal budget that corresponded with a cut in spending of about 0.5% of GDP. Thanks to this spending restraint and above-budget revenue growth, Brazil achieved in 2011 its overall primary surplus target of 3.1% of GDP. In addition, Brazil's outstanding external debt could be

significantly reduced from 33.7% of GDP (2000) to 12.2% (2010). At the same time, Brazil's international reserves have grown considerably, its total international reserves having increased from \$180 billion in 2007 to \$355 billion in 2010 alone. Fiscal sustainability is therefore not a problem; how well key development goals and societal needs are reflected in the budget are rather the problem.¹⁰

¹⁰ Sources: OECD (2011): OECD Economic Surveys: Brazil 2011, OECD Publishing.

Bertelsmann Foundation (2012): Bertelsmann Transformation Index: Brazil 2012, Bertelsmann Publishing.

Economist Intelligence Unit (2012): Country Report Brazil (February 2012), Economist Intelligence Unit Limited: London.

How effective and efficient are health care policies in your country?

Public health care policies should aim at providing high-quality health care for the largest possible share of the population and at the lowest possible costs.

Of the three criteria – quality, inclusiveness and cost efficiency – efficiency should be given less weight if the first two criteria can be considered fulfilled.

Health care policies provide high-quality health care for a majority of the population and services are efficiently organized. 10
9

Health care policies provide high-quality health care for a majority of the population, but services are inefficiently organized. 8
7
6

Health care policies provide poor-quality health care for a majority of the population and services are inefficiently organized. 5
4
3

Health care policies provide poor-quality health care for a majority of the population. Health care services are underfinanced, overloaded, unreliable and inefficiently organized. 2
1

Explanation:

In spite of some gains made, the quality and supply of basic health care services does not meet demand. Private suppliers, at high costs, are preferred by most who can afford them. Brazil's Unified Health System (SUS), created in 1989 through the merger of two state systems, is based on the principle of health being a citizen's right as expressed in the 1988 constitution. The SUS has vastly improved access to primary and emergency care and, although it does provide universal vaccination and prenatal care coverage, it still falls short of providing universal health care everywhere. In 2008, 93% of those seeking health care received treatment, suggesting that health care is available to most when needed. But service is still lacking in remote rural areas or urban slums (SUS's family doctors reach only one Brazilian in two) and SUS services provided are often perceived to be poor. As a result, one-fourth of Brazilians have additional private insurance policies, and private providers are flourishing. People with private health plans and insurance policies, however, often still

receive vaccines, high-cost services and complex procedures through the SUS. SUS services are provided by the state at the federal, state and municipal levels and financed by federal, state and municipal taxes and budgets. However, these funds are not sufficient to ensure adequate or stable financial resources for the public system. Federal spending on health care since 2003 increased in nominal terms, but adjustment for inflation shows a net decrease. In 2007, only 8.4% of GDP was spent on health care. Paradoxically, despite the constitutional declaration of universal health care rights, nearly 60% of all spending on health care in Brazil is private. As a result, the public share of health spending in Brazil is lower than that in the United States, where public health spending accounts for around 45%. Bridging the gap between the SUS's health care aspirations and reality to ensure universality, equity and long-term sustainability would require a thorough reform of the system's financial structure.¹¹

¹¹ Sources: Paim, Jairnilson (et al.) (2011): The Brazilian Health System: History, Advances, and Challenges, in: The Lancet, Vol.377; No. 9779, p.1778-1797, Mai 2011.
The Economist (2011): Health Care in Brazil. An injection of reality, in: The Economist, July 30, 2011.

To what extent does social policy in your country prevent exclusion and decoupling from society?

Reducing the various risks of social exclusion is a core task of social policy. The prevention of poverty and the provision of enabling conditions for equal opportunity in society are essential elements of such a policy. In addition to poverty, please take also into account additional dimensions of exclusion like the experience of marginalization and the desire to be appreciated when evaluating socioeconomic disparities.

Policies very effectively enable societal inclusion and ensure equal opportunities. 10
9

For the most part, policies enable societal inclusion effectively and ensure equal opportunities. 8
7
6

For the most part, policies fail to prevent societal exclusion effectively and ensure equal opportunities. 5
4
3

Policies exacerbate unequal opportunities and exclusion from society. 2
1

Explanation:

Preventing exclusion remains a key pillar of governmental policies. As a result of one of the largest social inclusion movements in history, a significant and increasing number of the poor now number among the “lower middle class.” Nevertheless, equal opportunity remains a distant goal, given the long history of inequality and social exclusion.

The Lula administration (2003 – 2010) successfully combined efforts to foster economic growth and enhance social equity. Despite the fact that Brazil remains among the countries with the highest income inequality in the world, the country has witnessed a clear redistributive trend during the last decade. Inequality measured by the Gini index fell every year in this decade (1% on average between 2002 and 2008), which represents an unprecedented improvement. From the beginning of its first term, the Lula administration launched several social initiatives and unified existing conditional cash transfer programs within the Bolsa Família scheme in order to enhance effectiveness in national poverty reduction. Bolsa Família provides financial aid to poor Brazilian families on the condition that

their children are vaccinated and attend school regularly. Beyond the direct cash transfers that aim at a short-term reduction of poverty, the program aims to increase human capital among the poor through by making cash transfers conditional upon school attendance and participation in health care programs. The program's coverage expanded quickly from 3.6 million families in 2003 to 11.1 million families in 2006, thus reaching approximately 25% of the Brazilian population. Moreover, the Bolsa Família program has a strong ratio of fiscal cost to social benefit in terms of inequality reduction. Although it reaches more than a quarter of the Brazilian population, it costs less than 0.4% of Brazilian GDP. Targeted governmental income programs like Bolsa Família, combined with substantial increases in the minimum wage and pensions benefits (more than 50% in real terms after 2003), have yielded remarkable gains in the reduction of inequality and poverty in Brazil. Since 2003 nearly 30 million people have been lifted out of poverty, enabling Brazil to accomplish the first millennium development goal ahead of schedule.¹²

¹² Sources:

OECD (2010): Tackling Inequalities in Brazil, China, India and South Africa. The Role of Labor Market and Social Policies, OECD Publishing.

Rawlings, Laura; Rubio, Gloria (2003): Evaluating the Impact of Conditional Cash Transfer Programs - Lessons from Latin America, Volume 1, World Bank Policy Research Working Paper 3119, August 2003, The World Bank, 2003.

The Economist (2008): Happy families: An anti-poverty scheme invented in Latin America is winning converts worldwide, February 7, 2008.

The World Bank (2007): Bolsa Família: Changing the Lives of Millions in Brazil, The World Bank, August 22, 2007.

To what extent do family support policies in your country enable women to combine parenting with participation in the labor market?

Traditional family patterns confine mothers to opt out of gainful employment and focus on household and child care work, a division of roles that has lost acceptance among an increasing number of women. This question is based on the assumption that an optimal system of family support should enable women to decide freely whether and when they want to remain full-time mothers or take up full- or part time employment.

Family support policies effectively enable women to combine parenting with employment. 10
9

Family support policies provide some support for women who want to combine parenting and employment. 8
7
6

Family support policies provide only few opportunities for women who want to combine parenting and employment. 5
4
3

Family support policies force most women to opt for either parenting or employment. 2
1

Explanation:

Despite their growing relevance, family support policies still provide only limited opportunities for women who want to combine parenting and employment. Brazilian mothers are granted a 120-day childbirth leave in which they get paid 100% of their original wages. The National Plan for Women's Policies of 2004 reaffirms the government's commitment to addressing gender inequality through public policies. The plan identifies "autonomy and equality in the labor market and in citizenship" as the first of four core areas of action. Increasing access to pre-school/kindergarten facilities has been targeted as an instrument in facilitating equality in the labor market. As the proportion of single mothers and families headed by women has grown rapidly in the last decade, the task of supporting women to combine parenting with participation in the labor market has become even more pressing, though more difficult to accomplish. Unemployment rates among women (11% of the female labor force) are twice as high as those among men (5% of the male labor force), and women still earn only 70% of

what men earn. Child care density is at a medium level at best, while the fertility rate has steadily declined from 2.36% in 2000 to 1.86% in 2009.

Dilma Rousseff, Brazil's first female president, pledged gender equality in her victory speech. She has appointed women to many of her government's most important posts, prompting the national and international media to speak of a new "matriarchy" in the Brazilian capital.

However, gender equality remains a distant goal. The 2011 Gender Gap Index of women's political empowerment ranks Brazil 114th out of 135 countries. In terms of its overall score, which comprises indices of economic participation, educational attainment, political empowerment, and health and longevity, Brazil ranks slightly better (82nd out of 135).¹³

¹³ Sources:

World Economic Forum (2012): The Global Gender Gap Report 2011, Geneva.

Glüsing, Jens (2012): Rousseff's Gender Revolution. Women take power in Brazilian Government, in: The Spiegel, 3/2012 (January 16, 2012)

The European Parliament (2007): Women and Maternity in Brazil. The role of the European Union in development cooperation and solidarity. Women and maternity in Latin America, in particular Brazil, Brussels, European Parliament

To what extent does pension policy in your country realize goals of poverty prevention, inter-generational equity and fiscal sustainability?

An optimal pension system should prevent poverty among the elderly due to retirement and should be based on distributional principles that do not erode the system's fiscal stability. It should ensure equity among pensioners, the active labor force and the adolescent generation. These objectives may be achieved by different pension systems: exclusively public pension systems, a mixture of public and private pension schemes, or publicly subsidized private pension plans. Accumulating public and private implicit pension debt is undesirable.

The pension policy is fiscally sustainable, guarantees inter-generational equity and effectively prevents poverty caused by old age. 10
9

The pension policy fails to realize one of these three principles. 8
7
6

The pension policy fails to realize two of these three principles. 5
4
3

The pension policy is fiscally unsustainable, does not effectively prevent old-age poverty and fails to achieve inter-generational equity. 2
1

Explanation:

Brazil has a contributory pay-as-you-go old age pension system that is comprised of two components. The General Regime of Social Security (Regime Geral de Previdência Social - RGPS) is a public, mandatory, pay-as-you-go scheme covering all private sector workers up to a pension ceiling of approximately \$800. The Pension Regime for Government Workers (Regimes Próprios de Previdência Social, RPPS) is a pay-as-you-go regime with specific pension provisions for civil servants. In 2003, the government adjusted the parameters of the pension regime for government workers and promoted a greater convergence of rules between the private and the public sector pension system, thus cutting several privileges previously afforded civil servants.

A specific feature of the Brazilian system is that minimum pension benefits are indexed to the minimum wage, which has risen rapidly over the last decade (more than 50% in real terms since 2003). In order to contain soaring pension costs, it would be preferable to index minimum pension benefits to an average of consumer price inflation and wage increases. Pension-related expenditure is currently around 9% of GDP but is expected to rise when the effects of population aging starts to kick in. Despite the reform of the Brazilian pension system, a number of measures in the pension system are still not cost-effective (e.g., granting a survivor pension to beneficiaries who already receive their own pension). In addition to the parametric reform of the PAYG pension system, Brazil has established a voluntary private pension scheme, offering an alternative for medium- and high- income workers to maintain their standard of living in retirement. Thus, whereas poverty is more or less prevented (despite existing inequalities), the pension scheme's fiscal sustainability remains a crucial problem.¹⁴

¹⁴ Sources: OECD (2010): Tackling Inequalities in Brazil, China, India and South Africa. The Role of Labor Market and Social Policies, OECD Publishing.

OECD (2011): Pensions at a Glance: Retirement-Income Systems in OECD and G20 Countries, OECD Publishing.

How effectively do policies in your country support the integration of migrants into society?

This question covers integration-related policies comprising a wide array of cultural, education and social policies insofar as they affect the status of migrants or migrant communities in society. The objective of integration precludes forced assimilation but favors integration by acquisition of nationality.

Cultural, education and social policies effectively support the integration of migrants into society.	10 <input type="checkbox"/>
	9 <input checked="" type="checkbox"/>
<hr/>	
Cultural, education and social policies seek to integrate migrants into society, but have failed to do so effectively.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
Cultural, education and social policies do not focus on integrating migrants into society.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
Cultural, education and social policies segregate migrant communities from the majority society.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Although Brazil is not currently a major destination country of large immigration flows, the country does easily absorb migrants of all origins. Integration is not rendered more difficult as a consequence of immigration. Thanks to its tradition of immigration since the end of the 19th century, Brazil has become a truly multicultural society with past immigration flows stemming mainly from Europe (i.e., Poland, Germany), the Middle East (i.e., Lebanon, Syria) and Japan. The then-largely-unskilled immigrants have since integrated into Brazilian society, many now belong to the country's economic elite. Despite being a multicultural society, foreign nationals living legally in Brazil now account for only 1% of the country's population, though immigration to Brazil is rapidly increasing thanks to the country's recent economic growth. Government figures suggest that the number of foreign-born people increased by 50% in 2011, and the number of work visas issued was 32% higher than in 2010. Given the rapid rise in immigrant numbers, the Brazilian Secretariat of Strategic Affairs is now working

to reform an outdated immigration policy designed originally under the military dictatorship. Hurdles to attain work visas and permanent residence permits that were established by the Statute on Foreigners in 1980 are now being removed to attract high-skilled workers and professionals from Europe, while at the same time restrict the entry of humanitarian refugees (mostly Haitians).¹⁵

¹⁵ Sources:

Burghardt, Peter (2012): Zukunft am Zuckerhut. Boom-Land Brasilien zieht Einwanderer aus Europa an, in: Süddeutsche Zeitung, January 19, 2012.

Frayssinet, Fabiana (2012): Brazil to open doors to skilled immigrants, slam shut to others, in IPS Inter Press Service, March 7, 2012.

Centro de Direitos Humanos e Cidadania do Imigrante/ Rede Sulamericana Espaço sem Fronteiras (Forthcoming): Políticas Migratórias na América do Sul, São Paulo.

How effectively does external security and defense policy in your country protect citizens against security risks and safeguard the national interest?

This question rests on the assumption that the aims of protecting citizens against security risks and safeguarding the national interest can be achieved by many different ways and combinations of security and defense policies. In addition a combination of various domestic and external policies can achieve an effective protection against new security risks arising from threats like terrorism. On the one hand the effectiveness of these policies depend on the relation between the aims and strategies of the defence policy and the way the military forces are financed, fitted with high-tech and state-of-the-art equipment and supported by a national consensus on the desired defense policy. On the other hand the membership in collective security alliances/organizations/treaties, the internal integration of domestic intelligence communities and their cooperation with regional/international counterparts, the promotion of neighborhood stability, conflict prevention and assistance/risk containment for failed states are necessary pre-conditions to a successful security policy. Whereas military expenditures alone say little about the effectiveness of external security policy, they have to be taken into account in order to assess the cost/benefit-ratio of these policies.

- | | |
|---|--|
| External security policy protects citizens against security risks and safeguards the national interest very effectively. | 10 <input checked="" type="checkbox"/>
9 <input type="checkbox"/> |
| <hr/> | |
| External security policy protects citizens against security risks and safeguard the national interest more or less effectively. | 8 <input type="checkbox"/>
7 <input type="checkbox"/>
6 <input type="checkbox"/> |
| <hr/> | |
| External security policy does not effectively protect citizens against security risks and safeguard the national interest. | 5 <input type="checkbox"/>
4 <input type="checkbox"/>
3 <input type="checkbox"/> |
| <hr/> | |
| External security policy exacerbates the security risks and does not safeguard the national interest. | 2 <input type="checkbox"/>
1 <input type="checkbox"/> |

Explanation:

Brazil looks back at an outstandingly peaceful tradition within its regional neighborhood. With the exception of the Paraguayan War (1864 – 1870), Brazil has never been involved in an armed conflict with neighboring states. In fact, after overcoming its regional isolation after the military dictatorship (1964 – 1985), Brazil has taken on the role of a regional peace broker. The country manages to sail through fairly smoothly even when important neighbors like Venezuela and Colombia are at odds with each other, helping to bring them back to the

table. Brazil is a signatory of the Treaty of Tlatelolco that prohibits the testing, use, manufacture, production or acquisition of nuclear weapons, and the 1988 constitution restricts nuclear activities to peaceful uses. As a founding member and initiator of both the MERCOSUR (Common Market of the South, 1991) and the UNASUR (Union of South American Nations, 2008) Brazil has actively furthered regional integration and peace in South America. External security is secured through peaceful means only. Despite increases in the national military budget and a modernization of the equipment of the armed forces in recent years, Brazil has promoted collective security measures and multilateral cooperation in security policy. The proposal for the creation of a South American Defense Council (2008) is primarily Brazilian-driven. By institutionalizing security relations within South America, Brazil is seeking to forestall regional ad-hoc responses to crisis or extra-regional interventions. Brazil pursues a regionalization of its own security interests such as protecting the Amazon and the securitization of its maritime borders to protect the fuel resources discovered along the Brazilian coast. Through the modernization of its armed forces and cooperation with neighboring countries, Brazil is now better able to control its borders, airspace and sparsely populated regions. National interest is effectively safeguarded by top-level diplomacy, and the military express a strong sense of duty and national pride that go far in supporting a morale that guarantees nearly optimal performance and care.¹⁶

¹⁶ Sources:

Gratius, Susanne (2007): Brazil in the Americas. A Regional Peace Broker?, in: FRIDE Working Paper, No. 35, Fundación para las Relaciones Internacionales y el Diálogo Exterior, Madrid.

Flemes, Daniel; Nolte, Detlef; Wehner, Leslie (2011): Der südamerikanische Verteidigungsrat der UNASUR: Regionaler Krisenmanager und nationales Machtinstrument, in: Hans-Jürgen Burchardt/ Rainer Öhlschläger/ Ingrid Wehr (eds.), Unsicherheit in Lateinamerika, Studien zu Lateinamerika 11, Baden-Baden: Nomos, 59-75.

How effectively does internal security policy in your country protect citizens against security risks?

This question rests on the assumption that the aims of protecting citizens against security risks like crime, terrorism and similar threats that are more and more internationally organized can be achieved by many different ways and combinations of internal security policies. For example, an effective policy includes objectives such as the internal integration of domestic intelligence and police communities and their regional cross-border cooperation with regional/international intelligence and police communities, the domestic strategy of intelligence and police communities and so on. Whereas expenditures on public order and safety alone say little about the effectiveness of internal security policy, they have to be taken into account in order to assess the cost/benefit-ratio of this policy.

Internal security policy protects citizens against security risks very effectively.

10
9

Internal security policy protects citizens against security risks more or less effectively

8
7
6

Internal security policy does not effectively protect citizens against security risks.

5
4
3

Internal security policy exacerbates the security risks.

2
1

Explanation:

The state of internal security in Brazil is less encouraging. Problems such as high crime rates resulting in part from massive inequalities and rapid urbanization continue more or less unabated despite efforts to reduce poverty and strengthen social inclusion. External activities, such as the U.S.-led Plan Colombia targeting drug trafficking, may have helped Colombian efforts to stem drug trafficking, but have forced drug networks into neighboring countries such as Brazil. Average citizens often fall victim to corruption-related or other illegal

activities carried out by a sizeable army of outlaws (some with international connections) within Brazil. Economic growth coupled with growing social inclusion, improved technologies and deliberate internal security policies, may eventually succeed in reducing crime rates.

Brazil still features very high homicide rates. In the past 30 years, more than 1.1 million Brazilians have been murdered, making Brazil one of the most violent countries on the South American continent. Violence has increased from 11.7 homicides per 100,000 inhabitants in 1980 to 29.2 homicides per 100,000 inhabitants in 2011. The pattern of violence has changed in recent years: Whereas the overall level of violence has increased, particularly in the poorest states in Brazil's northeast (Bahia's homicide rate has grown 303% in Bahia in the last ten years), the rate of violence in Rio de Janeiro and Sao Paulo has fallen substantially during the same period. Due to more efficient, holistic security campaigns introduced in preparation of the FIFA world championship 2014, violence in Rio has decreased from 51 to 26.2 homicides per 100,000 inhabitants and in São Paulo from 42.2 to 13.9 homicides per 100,000 inhabitants in the last decade. Falling homicide rates have been interpreted as a dividend of the "pacification program" that has been underway since 2008. The program establishes "pacifying police" units (UPP) that are to create a lasting state presence and promote socioeconomic integration schemes in favelas after special police and military units have cleared the communities of drug lords. However, the short- and long-term costs and benefits of such programs are not yet clear.¹⁷

¹⁷ Sources:

Instituto Sangari (2012): Mapa de Violencia 2012. Os Novos Padrões da Violência Homicida no Brasil, São Paulo. URL: <http://www.sangari.com/mapadaviolencia/>

Heinrich Böll Stiftung (2011) Segurança Pública e Cidadania. Uma Análise Orçamentária do Pronasci. URL: http://br.boell.org/downloads/PRONASCI_Seguranlica_e_cidadania_percent282_percent29.pdf

How effectively does environmental policy in your country protect and preserve the sustainability of natural resources and quality of the environment?

This question covers a government's activities aimed at safeguarding the environment and thereby securing the prerequisites for sustainable economic development.

Environmental policy effectively protects, preserves and enhances the sustainability of natural resources and quality of the environment. 10
9

Environmental policy largely protects and preserves the sustainability of natural resources and quality of the environment. 8
7
6

Environmental policy insufficiently protects and preserves the sustainability of natural resources and quality of the environment. 5
4
3

Environmental policy has largely failed to protect and preserve the sustainability of natural resources and quality of the environment. 2
1

Explanation:

Seeing and presenting itself as a developing country, Brazil has long prioritized economic development over environmental issues. In recent years, Brazil has developed many of the requisite legal and institutional instruments for reconciling development and environmental protection, including regulations addressing water management, forest protection and biodiversity. Compared with other BRICS countries like China or India, Brazil's current and projected emissions of greenhouse gases from energy use are low. Moreover, it has a relatively "green" matrix of energy sources that relies heavily on renewable resources: nearly 85% of its electricity derives from hydropower and biofuels comprise almost half of Brazil's fuel consumption. However, biofuel production also has its environmental and social impacts, including atmospheric pollution resulting from sugarcane burning, the degradation of soils and aquatic systems and the exploitation of cane cutters. On the other hand, the construction of new hydroelectric power plants requires the construction of dams and the flooding of large areas which alter the ecosystem.

Oil, natural gas and electricity consumption has grown rapidly in recent years. Due to sustained economic growth, total primary energy consumption in Brazil has increased by nearly 33% in the last decade. In 2009, Brazil voluntarily committed to cutting its emissions by 36% to 39% by 2020. Given that a considerable part of Brazil's emissions stems from agriculture and deforestation, the fight against Amazon deforestation will be the key to success in effectively reducing emissions. President Dilma Rousseff has reiterated Brazil's commitment to reducing forest losses by 80% by 2020. However, after celebrating a record fall in Amazon deforestation in late 2010 (650,000 hectares, the lowest deforestation rate in 22 years), rates have spiked again in 2011 (deforestation in March and April 2011 alone was six times higher than in the corresponding period in 2010) according to the figures of the Real Time Deforestation Detection System operated by the National Institute of Space Research. Environmentalists see growing deforestation as a key indicator of the devastating effects of the Brazilian forestry code reform under debate in the National Congress. These reforms will allow for a relaxation of the long-standing legislation designed to protect the Amazon forest and will grant amnesty for illegal deforestation prior to July 2008. This stands in contrast to the country's efforts to raise its profile as a green and sustainable economy by hosting the Rio+20 United Nations Conference on Sustainable Development in June 2012.¹⁸

¹⁸ Sources: Energy Information Administration (2012): Country Analysis Briefs. Brazil, Washington, D.C.
World Wildlife Fund (2011): WWF warns on looming Amazon Deforestation Disaster as Brazil Senate votes to dismantle Protections, Brasília, December 7, 2011.
Bertelsmann Foundation (2012): Bertelsmann Transformation Index: Brazil 2012, Bertelsmann Publishing.

To what extent does research and innovation policy in your country support technological innovations that foster the creation and introduction of new products?

This question comprises subsidies and incentives for research institutions conducting basic and applied research, as well as subsidies and incentives for establishing start-up companies that transfer scientific output into products and enhanced productivity. Bureaucratic impediments to research and innovation should also be taken into account.

Research and innovation policy effectively supports innovations that foster the creation of new products and enhance productivity. **10**
9

Research and innovation policy largely supports innovations that foster the creation of new products and enhance productivity. **8**
7
6

Research and innovation policy partly supports innovations that foster the creation of new products and enhance productivity. **5**
4
3

Research and innovation policy has largely failed to support innovations that foster the creation of new products and enhance productivity. **2**
1

Explanation:

Research and innovation is basically concentrated within large companies belonging to or originating in Brazil's public sector. Government policies originally pursued during the military dictatorship have yielded some outstanding results: The Petrobras Research Center in Rio de Janeiro is a world class research institute; EMBRAER, which maintains a close association with the air force engineering institute, conducts innovative industrial and technological research; the agricultural research enterprise, EMBRAPA, is world-renowned for its accomplishments and contributions to Brazil's agricultural power. R&D spending, though far from investment levels observed in European and North American OECD countries, compares relatively well to other BRICS states. Apart from the aforementioned institutes, there are few pools of excellence. Brazil lacks an integrated and comprehensive

policy to support research and innovation, and subsidies or incentives for start-up companies to transfer scientific output into products and enhance productivity are poorly or insufficiently designed.

According to the World Bank Intellectual Property Organization (WIPO), Brazil accounted for only about 0.18% of patents in 2000. Brazil's relative underperformance in innovation (compared with China and India) is largely due to significant underinvestment in innovation by the private sector. As Brazil's productive sector operated within a relatively protected economy until the 1990s, government policy traditionally provided few incentives for private sector investment in innovation. However, President Dilma Rousseff has declared innovation a priority of her government. The new governmental program "Plano Brasil Maior," launched in September 2011 and amounting to BRL 21 billion (0.6% of GDP), aims to boost industrial competitiveness and stimulate private sector innovation.¹⁹

¹⁹ Sources:

Rodríguez, Alberto; Dahlman, Carl; Salmi, Jamil (2008): Knowledge and Innovation for Competitiveness in Brazil, in: World Bank (ed.): WBI Development Studies, Washington.

OECD (2011): OECD Economic Surveys: Brazil 2011, OECD Publishing.

Ministério do Desenvolvimento, Indústria e Comércio Exterior (2011): Plano Brasil Maior, Brasília. URL <http://www.brasilmaior.mdic.gov.br/>

To what extent does education policy in your country deliver high-quality, efficient and equitable education and training?

This question assesses the extent to which a government's education policy facilitates high-quality learning that contributes to personal development, sustainable economic growth and social cohesion. Your response should focus on the following, irrespective of the education system's organization: the contribution of education policy towards providing a skilled labor force, the graduate output of upper secondary and tertiary education, and (equitable) access to education. While the latter pertains to issues of fairness and distributive justice, it also has implications for a country's international competitiveness as unequal education implies a waste of human potential.

Education policy effectively delivers efficient and equitable education and training. 10
9

Education policy largely delivers high-quality, efficient and equitable education and training. 8
7
6

Education policy partly delivers high-quality, efficient and equitable education and training. 5
4
3

Education policy largely fails to deliver high-quality, efficient and equitable education and training. 2
1

Explanation:

Brazil's education policy only partially delivers high-quality, efficient and equitable education and training, which is a widely acknowledged problem among experts and politicians. During the last decade, the government has launched several programs to improve quality and equity, and increased its investment in education, from 4% of GDP in 2000 to 5.2% of GDP in 2009 (i.e., slightly below the OECD average of 5.9%). However, the educational system is still of varying quality and does not yield the skilled labor force the country needs. Problems start many times with basic education. Government policies have done little to increase the number of technical institutes and engineering schools and bring about reforms to outdated curricula.

Brazil spends below the OECD average on primary and secondary education. In fact, the secondary school level presents the greatest challenge for Brazilian education policy. According to UNESCO figures, despite having doubled the proportion of young people attending secondary education since 1995, only 85% of girls and 78% of boys attend secondary school. Brazil is ranked among the 53 countries that have not achieved – and are far from meeting – the “Education for All Goals” of UNESCO by 2015. Brazil has also in recent years improved substantially according to the OECD Programme for International Student Assessment (PISA), climbing from last place in 2000 to rank 53 of 65 countries in 2009. According to the UK’s “The Times Higher Education’s 2010 – 2011 World Universities Ranking,” Brazil is the only BRICS country without a representative in the top 100 universities of the world. President Rousseff, like her predecessors, has identified education as a policy priority and endeavors to diversify Brazil’s economy and build knowledge-driven sectors, creating clusters of excellence in fields ranging from deep water exploration to oil drilling to shipbuilding and aeronautics.²⁰

²⁰ Sources:

OECD (2011): Brazil: Encouraging Lessons from a Large Federal System, in: OECD (2011): Strong performers and Successful Reformers in Education, OECD Publishing Paris.

The Economist (2010): Education in Brazil. No longer Bottom of the Class, December 9, 2010.

The Times Higher Education’s 2010 – 2011 World Universities Ranking, London. URL:
<http://www.timeshighereducation.co.uk/world-university-rankings/2010-2011/top-200.html>

Management Index

Executive Capacity

Steering Capability

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- M 7 Adaptability
- M 8 Organizational Reform Capacity

How much influence does strategic planning have on government decision-making?

Organizational forms of strategic planning include planning units at the center of government and personal advisory cabinets for ministers or the president/prime minister or extra-governmental bodies.

An indicator of influence may be the frequency of meetings between strategic planning staff and the head of government. Please substantiate your assessment with empirical evidence.

Dominant influence.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Considerable influence.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input checked="" type="checkbox"/>
<hr/>	
Modest influence.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
No influence.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Although the record is more or less mixed, strategic planning has considerable influence on government decision-making. The Brazilian Applied Economic Research Institute (IPEA), a think tank focusing on developmental issues and design plans for development achievement, was moved from the Ministry of Planning, Budget and Management to the Secretariat of Strategic Affairs, bringing long-term planning to the government's core. In addition, the Lula government initiated the National Counsel on Economic and Social Development, which brought together prominent actors in civil society, industry and agriculture to assist the presidency in long-term planning. This counsel is subordinated to the General Secretary of the Presidency. Finally, during Lula da Silva's last year in government (2010), then-Chief of Staff Dilma Rousseff played various roles in the daily operations of the government.

Monitoring and planning the Growth Acceleration Plan (PAC), the government's main source of infrastructure investment, was a key task. It should be noted that the fiscal framework provided by the Fiscal Responsibility Law not only limits considerably the government's radius of action, but enables its strong commitment to the maintenance of a primary surplus, improved debt management and a minor debt-to-GDP ratio, each of which must be considered in policy-making.

During Dilma Rousseff's first year in government (2011) most of the aforementioned initiatives were continued, though the PAC administration was moved to the Ministry of Planning, which is now headed by Dilma's right-hand person, Miriam Belchior, who worked with her in the chief of staff office. In short, investment in long-term planning has grown during both the Lula and Dilma administrations. Clearly, the government is not just "muddling through." It maintains tight control over its key social and economic development projects.

How influential are non-governmental academic experts for government decision-making?

An indicator of influence may be the frequency of meetings between government and external academic experts. Please substantiate your assessment with empirical evidence.

Dominant influence.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Considerable influence.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
Modest influence.	5 <input checked="" type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
No influence.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

There is some interaction between the government and the academic world, but the influence exerted by scholars has until recently been modest. President Rousseff has made efforts to improve this situation. During Lula's government, academic experts from the Workers' Party and other members of the coalition were brought into the government. Marco Aurélio Garcia, Lula's main international affairs adviser, an academic from Unicamp (Campinas State University), worked closely with Lula, but held a position within the administration. Marcio Pochmann, another left-wing academic from Unicamp was made president of IPEA. Both are also members of the Rousseff administration.

Does the government office / prime minister's office (GO / PMO) have the expertise to evaluate ministerial draft bills substantively?

This question examines whether the government office (referred to in some countries as the prime minister's office, chancellery, etc.) has capacities to evaluate the policy content of line ministry proposals. In case this question does not fully apply to the structure of relevant institutions in your country, please answer this question according to possible functional equivalents.

The GO / PMO has comprehensive sectoral policy expertise and provides regular, independent evaluations of draft bills for the cabinet / prime minister. These assessments are guided exclusively by the government's strategic and budgetary priorities. 10
9

The GO / PMO has sectoral policy expertise and evaluates important draft bills. 8
7
6

The GO / PMO can rely on some sectoral policy expertise, but does not evaluate draft bills. 5
4
3

The GO / PMO does not have any sectoral policy expertise. Its role is limited to collecting, registering and circulating documents submitted for cabinet meetings. 2
1

Explanation:

A key position in the institutional structure of the Brazilian presidency is that of the chief of staff. The role of the chief of staff during the Lula administration, and with Rousseff in the seat, was to administer the everyday business of the government, monitor the implementation of public policies, coordinate actions between ministries and determine which ministry legislative proposals would be sent to the National Congress. The executive branch's decision-making process regarding the submission of bills to the National Congress is unquestionably centralized. Within the Office of the Chief of Staff, there are two sub-secretaries responsible for these decisions. SAJ is the secretary for juridical matters and SAG is the secretary responsible for the analysis and evaluation of policies. Both are responsible for oversight regarding the legal and political aspects of bills proposed by different ministries and figure prominently in deciding which bills are to be submitted to the

National Congress. Tasked with evaluating the policy content of bills, both offices are staffed to achieve that end. What happens during the bargaining processes thereafter, and how political pressures and clientelism undermine decisions made, are other matters altogether.

Can the government office / prime minister's office return items envisaged for the cabinet meeting on the basis of policy considerations?

Please assess whether the GO/PMO is de facto, not only legally, able to return materials on the basis of policy considerations. In case this question does not fully apply to the structure of relevant institutions in your country, please answer this question according to possible functional equivalents.

- The GO/PMO can return all/most items on policy grounds. 10
9
-
- The GO/PMO can return some items on policy grounds. 8
7
6
-
- The GO/PMO can return items on technical, formal grounds only. 5
4
3
-
- The GO/PMO has no authority to return items. 2
1

Explanation:

Given the specific decision-making mechanisms and hierarchies in the context of Brazil's presidential system, cabinet meetings are not frequent. Discussion between ministries is usually mediated by the chief of staff.. The coordination between ministries is conducted through the Office of the Chief of Staff, which has the power to return ministry proposals and/or recommend line-item deletions in specific sectoral policies administered by a ministry. Cabinet meetings are rare and far in-between. They usually provide an opportunity for the government to present to civil society and the media its general directives and are not a loci for decision-making.

To what extent do line ministries have to involve the government office/prime minister's office in the preparation of policy proposals?

Please assess whether line ministries involve the GO/PMO de facto, not only legally, in the preparation of policy proposals. In case this question does not fully apply to the structure of relevant institutions in your country, please answer this question according to possible functional equivalents.

There are interrelated capacities for coordination in the GO/PMO and line ministries.	10 <input type="checkbox"/> 9 <input type="checkbox"/>
The GO/PMO is regularly briefed on new developments affecting the preparation of policy proposals.	8 <input checked="" type="checkbox"/> 7 <input type="checkbox"/> 6 <input type="checkbox"/>
Consultation is rather formal and focuses on technical and drafting issues.	5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/>
Consultation occurs only after proposals are fully drafted as laws.	2 <input type="checkbox"/> 1 <input type="checkbox"/>

Explanation:

Line ministries always have to involve the President's Office in key decision-making processes, which are centralized in the Executive Office of the President (Casa Civil). The president's chief of staff must increasingly monitor and evaluate the formulation and implementation of policies. Tasked with centralizing the submission of legislative proposals that structure public policies implemented by the government, the central office of the presidency plays a key role in integrating the line ministries' policy proposals with general government guidelines. This activity obviously varies with the importance of specific line ministries in implementing different aspects of the government's agenda. Hence, some ministries have a closer relationship with the government, and others are rarely contacted.

Given the considerable power vested in the president, the extent to which line ministries involve the office of the presidency is a function of an individual president's style. Both Lula da Silva and Dilma Rousseff have strong personalities, and both are adept at focused management, though in different ways. Whereas former President Lula gave his ministers

considerable latitude in their daily duties, consulting them only when necessary, President Rousseff prefers to keep a close eye on their activities and maintain regular communication by holding weekly meetings.

How effectively do ministerial or cabinet committees prepare cabinet meetings?

This question studies whether cabinet committees (composed exclusively of cabinet members) or ministerial committees (composed of several ministers and individual non-cabinet members) effectively filter out or settle issues so that the cabinet can focus on strategic policy debates.

Please assess whether ministerial or cabinet committees are de facto, not only legally, able to prepare cabinet meetings. In case this question does not fully apply to the structure of relevant institutions in your country, please answer this question according to possible functional equivalents.

The large majority of issues are reviewed and scheduled first by/for the committees. 10
9

Most of the issues are prepared by committees. Or: Issues of political or strategic importance are reviewed and scheduled by/for the committees. 8
7
6

There is hardly any preparation of cabinet meetings by committees. 5
4
3

There is no preparation of cabinet meetings by committees. Or: There is no ministerial or cabinet committee. 2
1

Explanation:

Brazil's presidential system has mechanisms other than cabinet or ministerial committees to *effectively* filter or settle issues so that the cabinet can focus on strategic policy debates. Meetings between ministers are scheduled by the office of the presidency and the chief of staff in particular. Sectoral meetings occur, but they are proposed and organized by the presidency. As a consequence of the considerable power held by the president and the top-down mode of communication, coordination can also vary considerably. Although it might appear that the extent to which the political agenda is filtered may have improved under President Rousseff, former President Lula also demanded expert preparation in advance of meetings expected to address complex issues.

How effectively do senior ministry officials prepare cabinet meetings?

This question examines whether senior ministry officials (leading civil servants or political appointees including junior ministers below the cabinet level) effectively filter out or settle issues so that the cabinet can focus on strategic policy debates.

Please assess whether senior ministry officials are de facto, not only legally, able to prepare cabinet meetings. In case this question does not fully apply to the structure of relevant institutions in your country, please answer this question according to possible functional equivalents.

Most issues arrive in time to be reviewed and scheduled first by/for the senior ministry officials (i.e., more than 70 percent of cabinet agenda items are prepared). **10**
9

Many of the issues are prepared by senior ministry officials (i.e., 50-70 percent of cabinet agenda items are prepared). **8**
7
6

There is some preparation of cabinet meetings by senior ministry officials (i.e., less than 50 percent of cabinet agenda items are prepared). **5**
4
3

There is no or hardly any preparation of cabinet meetings by senior ministry officials. **2**
1

Explanation:

Coordination among senior ministry officials in filtering agendas has only limited application to the Brazilian context because much of this is carried out by political appointments (rather than career civil servants) in the president's chief of staff office. Ministries rarely coordinate with each other directly. The chief of staff can nonetheless count on coordination structures within the ministries. These are administered on a daily basis by two key actors: a minister's chief of staff and executive secretary. The latter is the formal number two in the structure of the ministry and the former is responsible for the minister's agenda. Both significantly filter the topics that make it to the minister's agenda. One could say that nothing decided in the ministry that involves budgetary costs or legislative proposals, as well as ministry level ordinances (portarias), are approved without the knowledge and support of the executive secretary. In addition, ministries have secretaries who focus on key sectors and are responsible for submitting proposals to the minister, but always with the support of the executive secretary.

How effectively do line ministry civil servants coordinate policy proposals?

This question refers to administrative coordination and examines to what extent civil servants of individual ministries effectively coordinate the drafting of policy proposals with other ministries so that political coordination bodies and the cabinet can focus on strategic policy debates.

In case this question does not fully apply to the structure of relevant institutions in your country, please answer this question according to possible functional equivalents.

Most policy proposals are effectively coordinated by civil servants.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Many policy proposals are coordinated by civil servants.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
There is some coordination of policy proposals by civil servants.	5 <input checked="" type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
There is no or hardly any coordination of policy proposals by civil servants.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

This model of coordination has only limited application to the Brazilian context where coordination is conducted through the president's chief of staff office and primarily by political appointees rather than career civil servants. Nonetheless, interministerial coordination can vary and depends on the political affiliations of individual ministers and how well they get along. Some forms of coordination may be imposed by the incumbent president, others are the outgrowth of initiatives taken by experienced and well-intentioned civil servants familiar with the government machine.

How effectively do informal coordination mechanisms work?

This question examines whether there are informal coordination mechanisms (examples: coalition committees, informal meetings within government or with party groups, informal meetings across levels of government) which effectively filter out or settle issues so that the cabinet can focus on strategic policy debates?

Most policy proposals are effectively coordinated by informal mechanisms.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Many policy proposals are coordinated by informal mechanisms.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
There is some coordination of policy proposals by informal mechanisms.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input checked="" type="checkbox"/>
<hr/>	
There is no or hardly any coordination of policy proposals by informal mechanisms.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

There are no clearly established patterns of informal decision-making. The chief of staff does not meet frequently with other ministers and government leaders in the National Congress, but these meetings are invariably set within very formal structures. Such mechanisms are also highly dependent on a given minister and the traditions within certain ministries.

Does the government regularly assess the potential socioeconomic impact of the draft laws it prepares (regulatory impact assessments, RIA)?

If RIA activities are not centrally registered, please try to obtain exemplary information that is representative of the situation in your country. **Please Note: If RIA are not applied or do not exist, please give your country a score of “1” for this question AND for M3.2 and M3.3.

In case this question does not fully apply to your country, please answer this question according to possible functional equivalents and substantiate your answer.

RIA are applied systematically to new or existing regulations, but are limited to those matching defined criteria. **10**
9

RIA are not applied systematically to study the impact of regulations. **8**
7
6

RIA are applied randomly. **5**
4
3

RIA are not applied or do not exist. **2**
1

Explanation:

To date, Regulatory Impact Analysis (RIA) is not required in Brazil. However, the government, with IDB and British Better Regulation Executive (BRE) support, has begun introducing RIA activities via the Program for the Strengthening of the Institutional Capacity for Regulatory Management (PRO-REG) established by Decree N. 6062 of March 16, 2007. PRO-REG has initiated research to develop an RIA system suited to the Brazilian institutional framework as well as specific RIA training for civil servants. Currently, there are RIA pilot projects with six Brazilian regulatory agencies for the following sectors: power (ANEEL); oil, gas and biofuels (ANP); health insurance (ANS); food and drugs (ANVISA); port and maritime transport (ANTAQ); and motion picture (ANCINE). However, some ministries and government institutions already undertake some form of impact analysis when introducing or modifying regulations, but this is done without systemic application.

Impact assessments are mandatory for environmental issues and social issues. This activity is beginning to gain traction and is increasingly demanded by different groups of stakeholders. For example, the press has reported evidence of results that contradict official statements issued when new legislation is proposed or passed. The *Bolsa Família* program provides interesting (and perhaps ironic) examples of this: Its success prompted the government to pursue rigorous results analyses, followed by impact assessments as well further legislation in the area. There is considerable demand for the government to conduct an impact analysis for the comprehensive infrastructure initiative (PAC), which has been accompanied by several decrees and bylaws aimed at providing funding for the initiative. Infrastructure projects must be accompanied by social and environmental impact assessments. If hurdles are not cleared, the project will most definitely be stalled, mostly through action taken by the public prosecutor. Dilma Rousseff (as both Lula's chief of staff and as current president) focuses on constant evaluation, monitoring and analysis of the government's main public policy projects. As a result, the power of the Sub-Secretaria de Acompanhamento e Monitoramento (SAC) of the Casa Civil has grown considerably in the past year, influencing deeply policy formulation and modifications in ongoing programs through the systematic evaluation of how existing public policies operate.²¹

²¹ Sources: OECD (2011): Regulatory Management Indicators. Brazil 2011.

To what extent do RIA analyze the purpose of and need for a regulation?

This question seeks to assess the analytical depth of RIA. Please try to obtain exemplary information that is representative of the situation in your country. In case this question does not fully apply to your country, please answer this question according to possible functional equivalents and substantiate your answer.

RIA define the purpose of and need for a regulation in a clear, concise and specific manner. 10
9

RIA mention the purpose of and need for a regulation, but the specification is not sufficiently clear, concise and/or well-defined. 8
7
6

RIA mention the purpose of and the need for a regulation, but do not specify. 5
4
3

RIA do not analyze the purpose of and the need for a regulation. 2
1

non-applicable

Explanation:

RIA is a rather new instrument in Brazil, and there is hardly any information on that point. In general, obtaining documents on impact assessments is extremely difficult as they are restricted from public access.

To what extent do RIA analyze alternative options?

This question seeks to assess the scope of RIA.

Please try to obtain exemplary information that is representative of the situation in your country. In case this question does not fully apply to your country, please answer this question according to possible functional equivalents and substantiate your answer.

RIA analyze alternative options (including “do nothing”) and quantify the costs and benefits of the different alternatives. 10
9

RIA highlight alternative options and consider the pros and cons of each option. 8
7
6

RIA consider some alternative options. 5
4
3

RIA do not analyze alternative options. 2
1

non-applicable

Explanation:

There is no empirical evidence to allow for an assessment of this aspect of RIA.

To what extent does the government consult with trade unions, employers' associations, leading business associations, religious communities, and social and environmental interest groups to support its policy?

This question assesses how successfully the government consults with economic and social actors in preparing its policy. Successful consultation is conceived here as an exchange of views and information that increases the quality of government policies and induces economic and social actors to support them.

The government successfully motivates economic and social actors to support its policy.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
The government facilitates the acceptance of its policy among economic and social actors.	8 <input checked="" type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
The government consults with economic and social actors.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
The government hardly consults with any economic and social actors.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Groups such as trade unions, religious communities, employers' and business associations, and social and environmental interest groups have progressively gained power, most clearly during election time, but also during actual governing periods. This assessment considers President's Lula last year in office (2010), which was an election year, and President Rousseff's first year (2011) in office. Lula's administration was well known for its openness toward civil society. Emblematic of this was the creation of the Economic and Social Development Council (Economic Conselho de Desenvolvimento Economico e Social, CDES), which is chaired by the secretary of institutional affairs and aims to strengthen dialogue between various stakeholders and the government on long-term development projects. Comprised of leaders from business, civil society and intellectuals, all with a two-year mandate, CDES provides a forum for the debate of important national issues and acts

as an advisory body to the president. In addition, the Secretaria Executiva of the presidency became, during Lula's administration, a direct government negotiator with civil society, especially organized groups of traditionally excluded groups, such as cooperativas de coletores de lixo (trash collectors cooperatives) and the MST (Movimento dos Sem Terra), among others. Hence, under Lula, there was a direct opening of the presidency to organized civil society. Furthermore, Lula's administration was marked by the occurrence of hundreds of so-called National Conferences (nationwide consultation processes to propose public policies) on various different areas (health, education, culture, human rights) that resulted in many reports that would be used to substantiate executive level legislative proposals. However, in Lula's last year, given the election in October and probably inter-ministerial problems generated by the very polemic Human Rights Program, derived from the National Human Rights Conference, the pace of such meetings was slower in 2010 and was not picked up by Dilma. Sources inside the presidency have mentioned that the consulting with civil society has become scarce and far in-between in Dilma's administration. Her decision-making process is much more centralized in a small group of technocrats that work directly with her, mostly in the Sub-Secretaria de Acompanhamento e Monitoramento (SAC).

To what extent does the government implement a coherent communication policy?

The government effectively coordinates the communication of ministries; ministries closely align their communication with government strategy.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
The government seeks to coordinate the communication of ministries through consultation procedures. Contradictory statements are rare, but do occur.	8 <input checked="" type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
The ministries are responsible for informing the public within their own particular areas of competence; their statements occasionally contradict each other.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
Strategic communication planning does not exist; individual ministry statements regularly contradict each other.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Given the centralized character of the Brazilian presidential system, the implementation of a coherent communication policy is pretty well achieved. Ministers' public statements are closely observed and discussed with the president, especially during President Rousseff's first year. Nelson Jobim, a very powerful minister during Lula's second term who stayed on in Rousseff's cabinet, was fired three months into the Rousseff administration not only because of his statements regarding government policy, but also because of who he voted for in the 2010 elections. Another key figure of the Lula administration, who was appointed secretary of drug policies in the Ministry of Justice under Rousseff, was fired during the new government's first week in power for statements he made in an interview to a major newspaper in Brazil. These two early events in Rousseff's administration sent a clear message to cabinet members: they should not express ideas publicly that cause trouble for the government.

To what extent can the government achieve its own policy objectives?

This question seeks to evaluate a government's implementation performance against the performance benchmarks set by the government for its own work. The assessment should therefore focus on the major policy priorities identified by a government and examine whether declared objectives could be realized.

The government can largely implement its own policy objectives.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
The government is partly successful in implementing its policy objectives or can implement some of its policy objectives.	8 <input type="checkbox"/>
	7 <input checked="" type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
The government partly fails to implement its objectives or fails to implement several policy objectives.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
The government largely fails to implement its policy objectives.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

The government is partially successful in implementing its policy objectives, though outcomes vary from area to area. The implementation of social policies is very successful, but other policy areas, such as infrastructural development (energy, transport) fare significantly worse. Whereas the record on industrial policy implementation is rather mixed, government has been unable to pass a tax reform through the National Congress. Some ministries have increasingly professionalized the implementation of major programs, such as the Ministry of Social Development's Bolsa Familia program, based on a very broad monitoring mechanism, and the Ministry of Planning's PAC (Programa de Aceleramento do Crescimento) program. Both are closely monitored to improve implementation. However, the Public Prosecutor and Accounting Tribunal have repeatedly intervened in PAC program activities in order to ensure compliance with the law, causing some delays and resulting in some inefficiencies within the government. The governments' main policy programs are very closely monitored, and assuring effective implementation has become a main goal of the Workers' Party (PT) governments, both during Lula's term and now, increasingly so, during

the Rousseff administration. The SAC's influence on the president's decision-making process has grown, as many decisions about current and future policies are made based on assessments of existing programs.²²

²² Sources: Pereira, Carlos (2010): Tax Policy in Brazil: The Reform that never was, in: Brookings Institution, September 08, 2010.

To what extent does the organization of government ensure that ministers do not seek to realize their self-interest but face incentives to implement the government's program?

Organizational devices providing incentives for ministers include prime ministerial powers over personnel, policies or structures, coalition committees, party summits, comprehensive government programs/coalition agreements and cabinet meetings. In case this question does not fully apply to your country, please answer this question according to possible functional equivalents and substantiate your answer.

The organization of government successfully provides strong incentives for ministers to implement the government's program. 10
9

The organization of government provides weak incentives for ministers to implement the government's program. 8
7
6

The organization of government partly prevents ministers from realizing departmental self-interests. 5
4
3

The organization of government fails to prevent ministers from realizing departmental self-interests. 2
1

Explanation:

Some ministries are subject to close supervision by central government structures (presidency and its various secretariats), while others are not. Ministers key to the implementation of the governments' main programs and projects are closely monitored and their positions are usually filled by the president's most trusted and close group of appointees. These ministers are usually from the president's party, which has been the PT (Workers' Party) during the period under review. There are several mechanisms at work to hold this inner circle of ministers close together and ensure that the government's goals are achieved. These mechanisms include regular meetings with the president, close communication with the chief of staff's office and effective tools in evaluating and monitoring policy implementation. The story is completely different for ministries considered less vital to the government's success and thus headed by other members of the coalition. Apparently, the government's control over the functioning of such ministries is less vigorous and these

ministers have more leeway in implementing policies that reflect their own party's interests. Self-interest here is usually aligned with party interests, meaning ministers often allocate resources to constituencies in ways that favor their (or their party's) political prospects. A recent example was that of the Ministry of National Integration, headed by the PSB (Brazilian Socialist Party). The minister was accused of transferring to his home state of Pernambuco (where he is a potential gubernatorial candidate) more than 80% of the budget slated for crisis-prevention in the wake of natural disasters.

How effectively does the government office / prime minister's office monitor line ministry activities?

This question assumes that effective delegation from the core executive to ministries is reflected in the monitoring of line ministry activities by the administration of the core executive. While such monitoring is not sufficient to prevent line ministries from prioritizing sectoral over government interests, the presence or absence of monitoring is taken here as a proxy of effective delegation policies. In case this question does not fully apply to your country, please answer this question according to possible functional equivalents and substantiate your answer.

- The GO / PMO effectively monitors the activities of line ministries. 10
9
-
- The GO / PMO monitors the activities of most line ministries. 8
7
6
-
- The GO / PMO shadows the activities of some line ministries. 5
4
3
-
- The GO / PMO does not monitor the activities of line ministries. 2
1

Explanation:

The government has increasingly invested in monitoring the implementation of public policies that are key to the government. As a result, those ministries responsible for implementing these key policies are more closely monitored than the rest. Monitoring has grown more important during President Rousseff's year in office.

How effectively do ministries monitor the activities of executive agencies?

An effective implementation may be constrained by bureaucratic drift. To ensure that agencies act in accordance with government policies, this question assumes that ministries and their leading officials should monitor the activities of semi-autonomous executive agencies in their task area.

In federal states with few executive agencies at the central level of government, the assessment should also consider regional-level decentralized agencies acting on behalf of the federal government.

The ministries effectively monitor the activities of all executive agencies.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
The ministries monitor the activities of most of the executive agencies.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input checked="" type="checkbox"/>
<hr/>	
The ministries monitor the activities of some executive agencies.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
The ministries do not monitor the activities of executive agencies.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

The dimensions of the country and the breadth of executive agencies make an assessment of effective monitoring difficult. In addition, there are the questions of overlap between (independent) regulatory agencies and ministries, their interaction and the need for streamlining. In general, monitoring within ministries is much less efficient than that of central government over the key ministries. Hence, the results above vary significantly, depending on the ministry's importance. Some ministries face difficulties in monitoring also because of the sheer magnitude of their budgets and programs, such as the Ministry of Health and the Ministry of Education. Each has significant internal structures for monitoring as well as the increasing use of online monitoring systems to control contracts and concessions. Moreover, the increasing use of modern IT tools and devices by the executive has progressively tightened the government's grip on its various agencies.

To what extent does the central government ensure that tasks delegated to subnational self-governments are adequately funded?

A high or low degree of decentralization as such does not constitute a meaningful indicator of executive capacity. Rather, this question focuses on the delegation problem associated with decentralization.

If the central government delegates a public task to lower levels of government (as a rule: regional self-government and in unitary states without regional self-government, local self-government), the central government needs to ensure that such tasks are adequately funded. The absence of corresponding funding sources (“unfunded mandates”) indicates a lack of responsibility and strategic design. Funding may be provided through grants (shares of centrally collected taxes) from the central budget or by endowing subnational self-governments with their own revenues.

Please note that subnational self-government refers to directly elected subnational administrative authorities with considerable discretion. The broad concept of “delegation” applied here is taken from principal-agent theory and includes independent powers of subnational self-government enshrined in the constitution. Thus, no difference is made between independent powers and those central government powers that have been delegated by laws or executive regulations to subnational self-government.

The central government enables subnational self-governments to fulfill all their delegated tasks by funding these tasks sufficiently and/or by providing adequate revenue-raising powers. 10
9

The central government enables subnational governments to fulfill most of their delegated tasks by funding these tasks sufficiently and/or by providing adequate revenue-raising powers. 8
7
6

The central government sometimes and deliberately shifts unfunded mandates to subnational governments. 5
4
3

The central government often and deliberately shifts unfunded mandates to subnational self-governments. 2
1

Explanation:

In general, the central government enables subnational governments to fulfill most of their delegated tasks by funding these tasks sufficiently. Occasionally, however, the central government “shifts unfunded mandates to subnational governments” but in a way that cannot be qualified as deliberate (let’s put that situations oblige it to do so). Some issues remain controversial, the best example being the pre-salt revenues: Former President Lula preferred

to pass this decision on to his successor, and to date, President Rousseff has not decided how to allocate these funds, as the proposal on her table has raised fierce opposition by the states of Rio de Janeiro, São Paulo and Espírito Santo. A rigorous analysis of these problems would require that tasks be clearly defined and the origin of related funds be identified. The case of pre-salt funds is illustrative because subnational tasks are poorly defined and confusing when it comes to assigning resources (the three aforementioned coastal states claim that, in the event of a disaster, the burden rests completely on their shoulders, though the government and other states do not agree). It must also be pointed out that this issue is intertwined with the larger issue of fiscal reform which, among other things, could shed more light on how fiscal revenues are divided among the federal-state-municipal levels.

There are two main forms of fund transfers from the federal government to subnational governments. Voluntary transactions represent one form. These must be included in the annual budgetary law and approved by the National Congress to be available for disbursement, but their financing is not guaranteed. These transactions include investment projects and funds for policies with a short-term impact. The other main form of transfer is through mandatory transactions. These are defined in the constitution and refer to monies required for the operation of government and maintaining civil services. Such policies, defined as special funds for the education and health systems, are assured annually. Thus, more than 70% of the budget is mandatory. However, the remaining 30% is determined by the executive branch, which has considerable leeway in choosing the policy programs to be funded and leverages this in negotiations with coalition partners. Not all proposals that may be included in the annual budgetary law receive funding, especially those proposed by federal deputies, senators and ministries with a secondary position in cabinet. In sum, the government's main programs, which also require delegation to lower levels of the union, never face a scarcity of funds. However, funding is not assured for those programs considered secondary.

To what extent does central government ensure that substantial self-governments may use their constitutional scope of discretion?

As a high or low degree of decentralization as such does not constitute a meaningful indicator of executive capacity, this question takes the constitutional scope of regional self-government or, in unitary states without regional self-government, local self-government autonomy, as a point of reference.

Central government institutions are assumed to enable subnational self-governments to use this autonomy fully. Subnational autonomy may be curtailed by legal, administrative, fiscal or political measures of the central level. Such de facto centralizing policies may be deliberate or unintentional, unconstitutional or in accordance with the constitution.

The central government enables subnational self-governments to use their constitutional scope of discretion fully.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Central government policies inadvertently limit the subnational self-governments' scope of discretion.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input checked="" type="checkbox"/>
<hr/>	
The central government formally respects the constitutional autonomy of subnational self-governments, but de facto narrows their scope of discretion.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
The central government deliberately precludes subnational self-governments from making use of their constitutionally provided autonomy.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Subnational self-governments' scope of discretion is usually limited when the government uses its powerful fiscal weapon. Loopholes or shortcomings still present in the fiscal legislation allow the government to behave in this manner. In addition, regional and local level governments face various constraints from the federal level regarding the autonomy to spend public monies. First, the Fiscal Responsibility Law of 2001 clearly establishes golden standards for public expenditures, especially with personnel. Furthermore, online systems that monitor the execution of contracts place serious restrictions on defaulting municipalities, NGOs and state governments that present some form of problem, whether this be in the administration of the program or in the reporting of its stages. The Ministry of Finance's

financial information system (Sistema de Informação de Administração Financeira, SIAFI, http://www.tesouro.fazenda.gov.br/siafi/index_conheca_siafi.asp) is the most relevant tool for controlling and monitoring the expenditure of public funds. It also maintains data on defaulting entities, adding them to a list of those prevented from receiving further public funds until pending issues are solved. Thus, the constitutional autonomy of subnational units is curtailed by laws and norms that ensure fiscal responsibility.

To what extent does central government ensure that subnational self-governments meet national standards of public services?

This question seeks to assess how central government ensures that the decentralized provision of public services complies with standards (rules, performance figures, etc.) agreed upon and set on the national level.

Central government effectively ensures that subnational self-governments meet national standards of public services. 10
9

Central government ensures largely that subnational self-governments meet national standards of public services. 8
7
6

Central government ensures that subnational self-governments meet national minimum standards of public services. 5
4
3

Central government does not ensure that subnational self-governments meet national standards of public services. 2
1

Explanation:

There are only a few mechanisms in place allowing the central government to ensure identical standards for public services in each state. The diversity found within Brazil's nearly 30 states and more than 5,000 municipalities poses significant problems to such insurance. Merit-based hiring has been introduced at all levels of the union established in the 1988 constitution, representing a step in the right direction. Public exams for specific public service jobs have spread throughout public administration, changing public services are conducted in the country. This, however, does not represent a unified code of behavior beyond that established in law 8112/1990 which, as the civil service law, applies to most public servants at all levels of the union. This law does not, however, define a specific standard of performance that the current government enforces; it establishes rights, duties and punishment for offences.

To what extent does the government respond to international and supranational developments by adapting domestic government structures?

Government structures include the organization of ministries, the cooperation among ministries and in cabinet, the center of government and relations with subnational levels of government. This question asks whether these structures have been adapted to address inter / supranational developments and their effects for policy formulation and policy implementation.

Please note that structural reforms are also studied in view of their role in institutional learning (question M 8.2).

The government has appropriately and effectively adapted domestic government structures to international and supranational developments. 10
9

The government has largely adapted domestic government structures to international and supranational developments. 8
7
6

The government has partly adapted domestic government structures to international and supranational developments. 5
4
3

The government has not adapted domestic government structures. 2
1

Explanation:

Most domestic adaptations of international and supranational developments have taken place before the period under review. But the government structure does change over time, adjusting to new pressures and emerging issues. However, these major adjustments are rather a response to domestic politics than to international or supranational developments. In Brazil, national sovereignty and the rule of non-intervention in sovereign states is highly valued. The government, with the broad support of the Supreme Federal Court and the Ministry of Foreign Affairs, is in principle resilient to many adaptations, especially when Brazil is reduced to the role of a rule taker (in contrast to a rule maker). However, some adaptations to international developments are carried out in a rather straightforward manner, as in the case of airport security or instances related to trade (WTO) and agribusiness regulations, even if these changes do not always dovetail with the particular (usually international not supranational) development. The refusal to adapt to other developments, as is sometimes the case with Mercosul directives and legal proceedings, somewhat impairs important supranational projects.

To what extent does the government participate in the international coordination of joint reform initiatives?

This question evaluates whether the government actively collaborates in reform initiatives promoted by international fora or organizations. The underlying assumption is that – given the transnational integration of modern states – executive capacity increasingly depends on whether a government is able to actively participate in international institutions and in shaping international policies.

Joint reform initiatives concern challenges or problems that cannot be mastered unilaterally by an individual country and that aim to facilitate international cooperation in fields such as international security, economic development, social progress, human rights issues or environmental protection.

The government actively participates in the international coordination of joint reform initiatives as often as possible. 10
9

The government often participates in the international coordination of joint reform initiatives. 8
7
6

The government selectively and sporadically participates in the international coordination of joint reform initiatives. 5
4
3

The government does not participate in the international coordination of joint reform initiatives. 2
1

Explanation:

Given Brazil's capacity, potential and sphere of power/influence, the government is a willful and highly cooperative actor in efforts related to the international coordination of joint reform initiatives. The constructive role played by Brazil in the G-20 is a good example. But the country has been doing more. Together with Turkey, Brazil brokered in 2010 a nuclear deal with Iran under considerable criticism from the United States and the EU. Brazil has also been active in repeated pledges to reform the United Nations (and the Security Council), which represents an undoubtedly complex power game, and has facilitated far-sighted South-South trade initiatives (which proved a boon during the 2008 – 2009 peak of the financial crisis). These activities signal that Brazil is aware of global matters and eager to bring a more comprehensive view of international issues (e.g., reform initiatives or joint and innovative peace initiatives), to global forums. The world has changed; the established order is in transition, and Brazil intends to bring forward constructive, at-times alternative, perspectives that derive from a respect for diversity, culture, religion and peaceful solutions that adhere to U.N. principles and the rule of non-intervention in sovereign states.

To what extent do actors within the government monitor whether institutional arrangements of governing are appropriate?

Institutional arrangements include the rules of procedure and the work formats defined there, in particular the cabinet, the office of the head of government, the center of government, the portfolios of ministries, the advisory staffs of ministers and the head of government as well as the management of relations with parliament, governing parties, ministerial administration and public communication.

The institutional arrangements of governing are monitored regularly and effectively.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
The institutional arrangements of governing are monitored regularly.	8 <input type="checkbox"/>
	7 <input checked="" type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
The institutional arrangements of governing are selectively and sporadically monitored.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
There is no monitoring.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

The institutional arrangements of governing, especially the relationship between the executive and legislative branches and the coordination within the governing coalition, are closely monitored by the chief of staff and the Secretariat of Institutional Relations in the Office of the President (Presidencia da Republica). These arrangements are based on continuous meetings between the latter and leaders of the governing coalition in the National Congress. This does not, however, ensure success in managing the coalition. Problems regarding specific votes in the National Congress often emerge and negotiations are, to a great extent, dependent on the personal abilities of the negotiators involved. Despite the presence of monitoring mechanisms, personnel and technology, including advisory staff and institutionally defined attributions, the personalities of those holding strategic positions in the government matter a lot, and informal elements play a role here.

To what extent does the government improve its strategic capacity by changing the institutional arrangements of governing?

For a list of institutional arrangements, see question M 8.1. Strategic capacity is the capacity to take and implement political decisions which take into account the externalities and interdependencies of policies, are based on scientific knowledge, promote common goods and represent a long-term orientation.

The government improves considerably its strategic capacity by changing its institutional arrangements. 10
9

The government improves its strategic capacity by changing its institutional arrangements. 8
7
6

The government does not improve its strategic capacity by changing its institutional arrangements. 5
4
3

The government loses strategic capacity by changing its institutional arrangements. 2
1

Explanation:

Each new administration that takes office implements institutional changes in the internal organization of the executive branch. Dilma Rousseff retained most of the ministries and the structure of the presidency present during the Lula administration. Due to her technocratic background and capabilities, she has sought to improve strategic capacity by changing a few institutional arrangements. Reforms were conducted in the first few months of her tenure. The government, therefore, has shown flexibility in adjusting its institutional design to accommodate domestic political pressures. In addition, the government also promotes changes within the existing structure by substituting personnel in nominated positions, and by rearranging the attributions of different offices based on the profile of its occupant. For instance, the downfall in May 2011 of Antonio Palocci, President Rousseff's first chief of staff, led to a change in the role of at least two of the president's close advisors. The incoming chief of staff was less involved with National Congress negotiations and focused instead on coordination within the executive branch. The former secretary of institutional relations was relegated to a less important role as minister of fishing and aquaculture, and the new secretary gained more prominence in negotiations with the National Congress. Hence, without a change in laws or a new institutional structure, the actual role and competency areas of specific ministers changed, especially those in the center of government (Presidencia da Republica).

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To what extent are citizens informed of government policy-making?

This question assesses the extent to which citizens have information and knowledge enabling them to evaluate government policy-making adequately. The question focuses on policies, not the personnel or political composition of government or the power struggles that often dominate government. A high level of information about policies presupposes that citizens understand the motives, objectives, effects and implications of policies.

Please rely on local opinion survey data to substantiate your evaluation.

Most citizens are well-informed of a broad range of government policies.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Many citizens are well-informed of individual government policies.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
Few citizens are well-informed of government policies; most citizens have only a rudimentary knowledge of policies.	5 <input checked="" type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
Most citizens are not aware of government policies.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Levels of political information overall are low in Brazil, according to the limited data available. According to the Brazil round of the 2010 Americas Barometer, collected in April of 2010, only 40% of Brazilians report understanding the most important issues of the country, which is one of the lowest percentages in Latin America. Moreover, only 12% of Brazilian respondents correctly answer an item regarding the country's unemployment rate, whereas 66% know the U.S. president's name and 27% know how many Brazilian states there are. On the other hand, 80% know the length of a presidential term. Though clearly not policy specific issues, these responses give us an idea of how informed Brazilian citizens are. An approximation of knowledge about specific policies can be derived from answers to a question about whether the respondent has a family member who is a beneficiary of the Bolsa Familia program: Only 2% of the sample did not respond to this item, suggesting that most respondents are aware of the program. Again, this is a highly visible public policy of the government, so it is not a surprise that citizens are aware of it. According to another survey, the Brazilian Electoral Study of 2010, conducted in November of 2010, 77% of the

respondents say they know at least one social policy program of the government. Some 52% could name two programs. In this same survey, at least 57% of all respondents were able to mention, at least, the Bolsa Família Program. All other programs were mentioned much less often. The housing program Minha Casa, Minha Vida was identified by 25% of the respondents. In the case of the Latinobarometro data (2011) only 36% of those surveyed (the lowest percentage in Latin America) say that Brazilians are willing to demand their rights.

Structures and Resources of Legislative Actors

Category: Legislature

Number of Committees

How many parliamentary committees are there?

The underlying assumption is that a parliament with a sufficient number of committees is better able to discuss bills, whereas too many committees may lead to fragmentation. Based on comparative studies, 12 – 18 committees are considered optimal. Please consider only regular parliamentary committees, not committees established ad hoc to investigate specific questions.

Total parliamentary committees:

*Enter into Excel
inputmask*

Committee Size

How many members does a parliamentary (sub-)committee have on average?

It is assumed that parliamentary committees can best respond to their task of control if they have neither too many nor too few members. Based on comparative studies, 13-25 committee members are considered optimal.

Please consider only regular parliamentary committees, not committees established ad hoc to investigate specific questions.

Average number of committee members:

*Enter into Excel
inputmask*

Where subcommittees exist, average number of subcommittee members:

*Enter into Excel
inputmask*

Are parliamentary committees able to ask for government documents?

Please assess whether parliamentary committees are de facto, not only legally, able to obtain the documents they desire from government. Specify if you consider the rights of committees limited. This question considers regular parliamentary committees only, not committees established ad hoc to investigate specific questions.

Parliamentary committees may ask for most or all government documents; they are normally delivered in full and within an appropriate time frame. 10
9

The rights of parliamentary committees to ask for government documents are slightly limited; some important documents are not delivered or are delivered incomplete or arrive too late to enable the committee to react appropriately. 8
7
6

The rights of parliamentary committees to ask for government documents are considerably limited; most important documents are not delivered or delivered incomplete or arrive too late to enable the committee to react appropriately. 5
4
3

Parliamentary committees may not ask for government documents. 2
1

Explanation:

The executive branch is required by law to deliver documents requested by committees and by individual legislators. The legislative branch enforces this by having specific employees who keep up with the requests and communicate with the executive branch to assure compliance. For example, the Planning, Public Budget and Control Combined Committee (CMO) of the National Congress is tasked with examining the executive branch's draft budget. There are no data available about how many requests go unanswered and whether non-compliance is penalized. Still, the law establishes the need for the executive branch to respond to the informational demands of committees. A public servant that is summoned to attend a committee meeting must do so, under penalty of law.

Are parliamentary committees able to summon ministers for hearings?

Please assess whether parliamentary committees are de facto, not only legally, able to summon ministers to committee meetings and to confront them with their questions. Please specify if you consider the rights of committees limited. This question considers regular parliamentary committees only, not committees established ad hoc to investigate specific questions.

Parliamentary committees may summon ministers. Ministers regularly follow invitations and are obliged to answer questions. 10
9

The rights of parliamentary committees to summon ministers are slightly limited; ministers occasionally refuse to follow invitations or to answer questions. 8
7
6

The rights of parliamentary committees to summon ministers are considerably limited; ministers frequently refuse to follow invitations or to answer questions. 5
4
3

Parliamentary committees may not summon ministers. 2
1

Explanation:

Committees have the power to summon ministers, who must answer all questions posed, unless they are personally at risk of civil action or accused of a crime. The constitution establishes that citizens cannot be forced to create evidence against themselves; hence ministers can refer to this constitutional clause and remain silent.

Are parliamentary committees able to summon experts for committee meetings?

Please assess whether parliamentary committees are de facto, not only legally, able to invite experts to committee meetings. Please specify if you consider the rights of committees limited. This question considers regular parliamentary committees only, not committees established ad hoc to investigate specific questions.

Parliamentary committees may summon experts.	10 <input type="checkbox"/>
	9 <input checked="" type="checkbox"/>
<hr/>	
The rights of parliamentary committees to summon experts are slightly limited.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input type="checkbox"/>
<hr/>	
The rights of parliamentary committees to summon experts are considerably limited.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
Parliamentary committees may not summon experts.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

Committees have an absolute right to summon experts. Experts, however, are not required to attend, they are invited to be heard, and their presence is voluntary.

To what extent do the task areas of parliamentary committees and ministries coincide?

If the task areas of parliamentary committees match the task areas of ministries, each parliamentary committee may focus on monitoring the activities of its corresponding ministry, thereby increasing the control capacity of the legislature. There are two possible ill-fitting constellations between committee and ministerial portfolios. If there are fewer committees than ministries, the committees may be overburdened with monitoring ministerial activities. If there are more committees than ministries, control responsibilities are split and the parliament may act non-cohesively.

This question considers regular parliamentary committees only, not committees established ad hoc to investigate specific questions.

The task areas of parliamentary committees and ministries fully coincide. **10**

Parliamentary committees monitor ministries effectively. **9**

The task areas of parliamentary committees do not fully correspond to the **8**

task areas of ministries. Parliamentary committees are largely capable of **7**

monitoring ministries. **6**

The task areas of parliamentary committees do not correspond to the task **5**

areas of ministries. Parliamentary committees fail to monitor ministries **4**

effectively. **3**

The task areas of parliamentary committees differ widely from the task **2**

areas of ministries. Parliamentary committees frequently fail to monitor **1**

ministries effectively.

Explanation:

There are 35 ministries (including secretariats with ministry status) and 20 permanent committees, so the match between the two is far from perfect. Committees are staffed with support personnel, but the capacity to fully monitor the functioning of ministries in different areas is limited, especially because the themes of some committees cut across different ministries. Worth noting is the fact that this is not yet a common practice.

To what extent is the audit office accountable to the parliament?

This question assesses the extent to which the parliament can rely on its own auditing capacities.

The audit office is accountable to the parliament exclusively. 10
9

The audit office is accountable primarily to the parliament. 8
7
6

The audit office is not accountable to the parliament, but has to report regularly to the parliament. 5
4
3

The audit office is governed by the executive. 2
1

Explanation:

There is a single auditing office in Brazil, the Tribunal de Contas da União (TCU), which is subordinated to the legislative branch; it also has state-level branches, the Tribunais de Conta dos Estados (TCE). There are many other oversight institutions, such as the General Comptroller, the Public Prosecutor, and the Ethics Committee of the Executive Branch, but none of these focus exclusively on auditing functions. Only the TCU and TCEs have such prerogatives. In sum, many institutions within the executive-judiciary framework perform auditing functions; those which belong to the judiciary are not accountable to the parliament, though they are quite powerful.

Does the parliament have an ombuds office?

This question asks whether parliaments have institutions that listen to the concerns of citizens, publicly advocate the issues raised by citizens and initiate governmental action to address them.

The term “ombuds office” is used here as a label representing these functions and may be institutionalized in different organizational formats. Please also consider possible functional equivalents and substantiate your answer.

- The parliament has an effective ombuds office. 10
9
-
- The parliament has an ombuds office, but its advocacy role is slightly limited. 8
7
6
-
- The parliament has an ombuds office, but its advocacy role is considerably limited. 5
4
3
-
- The parliament does not have an ombuds office. 2
1

Explanation:

The Brazilian Chamber of Deputies has a permanent committee, the Comissão de Legislação Participativa, which is charged with systematizing legislative proposals originating from citizens and civil society organizations and transforming these into bills. The Brazilian Chamber of Deputies also has an ombuds office, the Ouvidoria Parlamentar, created by Resolução nº 19, de 2001. It can also present bills. This office, subsumed within the presidency of the Chamber of Deputies, was created to provide a channel of communication between the Chamber and society by transmitting citizens' demands to the respective state agencies. The roles of both the committee and the ombuds office, however, are not very pronounced as they do not represent the usual channel in Brazil for addressing queries, criticisms, or questions regarding the legislative.

This question seeks to assess the extent to which the media provide contextualized information, analysis and background information that enables the broader public to evaluate the government's decisions. For reasons of comparability and simplicity, the question focuses on:

(1) your country's main TV and radio stations (excluding all other electronic and print media as well as pure news channels) and

(2) decisions taken by the government (and not political issues or the political process in general). A lack of in-depth information is not tantamount to a complete lack of information but to the dominance of "infotainment programs" framing government decisions as personalized power politics and diverting attention from the substance of decisions to entertaining events and stories.

The main TV and radio stations every day produce high-quality information programs analyzing government decisions. **10**
9

The main TV and radio stations produce a mix of infotainment and quality information programs. Programs with in-depth information on government decisions comprise between five and seven hours a week. **8**
7
6

The main TV and radio stations produce many superficial infotainment programs. In-depth information on government decisions is limited to programs lasting between three and five hours a week. **5**
4
3

The main TV and radio stations are dominated by superficial infotainment programs. In-depth information on government decisions is limited to programs lasting between one and three hours a week. **2**
1

Explanation:

TV and radio stations are reasonably open and provide information on decisions made by the government. However, mainstream "open" (i.e., non-pay) television news reports rarely provide in-depth coverage of governmental decision-making. Coverage of politics provided by the main TV and radio broadcasters is superficial at best. For instance, there are few television programs in which members of the government or experts are invited to explain policy decisions. This scenario is very different on radio and cable television broadcasters. Radio programs frequently broadcast interviews with policymakers and specialists, as do news channels on cable TV.

To what extent do the electoral programs of major parties in your country propose plausible and coherent policies?

This question seeks to assess the quality of parties' policy proposals by analyzing the electoral programs of parties. It is assumed that programs document a party's capacity to formulate policies and to engage in a programmatic competition with rival parties.

Two criteria of quality are given: a proposal is plausible if its underlying problem diagnosis, the suggested policy instruments/measures, policy objectives and expected policy impacts are reasonably linked with each other; a proposal is coherent if it does not contradict other proposed policies.

Your evaluation will imply an assessment about whether proposed policies are likely to work, although the question is more focused on the plausibility of policy proposals. Please avoid an assessment of objectives pursued by individual parties, their appropriateness, desirability etc. "Major" parties are conceived here as parties supported by more than ten percent of the voters in the last national elections.

Most electoral programs propose plausible and coherent policies.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Many electoral programs propose plausible and coherent policies.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input checked="" type="checkbox"/>
<hr/>	
Few electoral programs propose plausible and coherent policies.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
Most electoral programs do not propose plausible or coherent policies.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

The Brazilian party system – like many others in the region with the exception of Chile and Uruguay – is considered to exhibit generally low programmatic orientation (cf. Jones 2007). Though showing slow improvement in recent years (cf. Hagopian et al. 2009), this issue remains low on the political debate agenda. Brazil is an extreme case of a multiparty system. However, of the registered parties, about eight hold a significant number of seats in the National Congress (more than 40 seats) and six hold governorships. These eight are mostly arranged in two national coalitions, one headed by the PT and the other by the PSDB. If we focus on the proposals of these two broad coalitions and their heading parties, the general policy proposals appear plausible and coherent. However, this is not the case for all parties.

Given the huge political diversity found within Brazil, parties may defend distinct policies in different regions of the country. Thus, any evaluation of national parties must be weighted by the relevance of local politics in defining party agendas. Still, it is possible to identify some policies with party reputations, especially the top two coalition leaders. However, only 28% of the voters feel close to a party (Latinobarometro 2011), which is the second lowest percentage in Latin America. And only 16% of those that feel close to a party support this party strongly.²³

²³ Sources: Jones, Mark P. (2007): Political Parties and Party Systems in Latin America. Paper prepared for the symposium "Prospects for Democracy in Latin America," April 5-6. Denton, Texas: Department of Political Science, University of North Texas.

Hagopian, Frances et al. (2009): From Patronage to Program The Emergence of Party-Oriented Legislators in Brazil, in: Comparative Political Studies 2009 42: 360-391.

To what extent do economic interest associations propose reasonable policies?

“Reasonable” policy proposals identify the causes of problems, rely on scholarly knowledge, are technically feasible, take into account long-term interests and anticipate policy effects. These criteria are more demanding than the criteria used to evaluate party programs as interest associations can be expected to represent a specialist, substantive policy know-how.

The assessment should focus on the following interest associations: employers’ associations, leading business associations, trade unions.

Most interest associations propose reasonable policies. 10
9

Many interest associations propose reasonable policies. 8
7
6

Few interest associations propose reasonable policies. 5
4
3

Most interest associations do not propose reasonable policies. 2
1

Explanation:

Most major corporations and business associations have become extremely professional in organizing their institutional relations with the government and the National Congress. These corporations and associations have specific offices designed to organize relations with political institutions. There is also an increasing number of lobbying organizations, which perform tasks of representation and information dissemination, offering services to business associations. Thus, associations are usually well informed and equipped to influence the policy-making process. However, most proposals are still heavily focused on administrative and tax issues. More technical approaches are lacking but might be articulated in the future. Labor unions are also powerful actors in the Brazilian political scenario and well organized in coordinating their activities and negotiations with the National Congress. Independent lobbying firms for this sector also exist, DIAP – Departamento Intersindical de Assessoria Parlamentar being the best example. This firm provides information and representation in Brasilia for different labor unions.

“Reasonable” policy proposals identify the causes of problems, rely on scholarly knowledge, are technically feasible, take into account long-term interests and anticipate policy effects. These criteria are more demanding than the criteria used to evaluate party programs as interest associations can be expected to represent a specialist, substantive policy know-how.

The assessment should focus on the following interest associations: social interest groups, environmental groups and religious communities.

Most interest associations propose reasonable policies.	10 <input type="checkbox"/>
	9 <input type="checkbox"/>
<hr/>	
Many interest associations propose reasonable policies.	8 <input type="checkbox"/>
	7 <input type="checkbox"/>
	6 <input checked="" type="checkbox"/>
<hr/>	
Few interest associations propose reasonable policies.	5 <input type="checkbox"/>
	4 <input type="checkbox"/>
	3 <input type="checkbox"/>
<hr/>	
Most interest associations do not propose reasonable policies.	2 <input type="checkbox"/>
	1 <input type="checkbox"/>

Explanation:

NGOs from all sectors, especially those targeting gender issues and environmental problems, have also enhanced their organizational structures and increased resources allocated to negotiate with government and the National Congress. But one example is the Brazil Budget Forum (FBO), a network made up of 57 civil society entities which defends public budget transparency, grassroots participation in decision-making spaces, and budgetary priority for social policies.

The participation of civil society, including the involvement of various councils and committees at the regional, state and municipal levels, is seen as important for developing effective public policy. Since redemocratization, several types of arrangements between the state and civil society organizations have evolved with respect to the implementation and co-management of public policies, particularly those of social character. The Lula administration conducted a process of consultation throughout the country, involving more than 2,000 civil society organizations representing labor, women’s groups, environmentalists, consumer forums, indigenous peoples, Afro-Brazilians, the landless movement, religious communities and the handicapped. It also created and convened popular national councils and forums focusing on various aspects of the government’s policies.

Address | Contact

Bertelsmann Stiftung
Carl-Bertelsmann-Straße 256
33311 Gütersloh
Germany
Phone +49 5241 81-0
Fax +49 5241 81-681999

Dr. Daniel Schraad-Tischler
Program Evidence-based Policy Strategies
Phone +49 5241 81-81240
daniel.schraad-tischler@bertelsmann-stiftung.de

Najim Azahaf
Program Evidence-based Policy Strategies
Phone +49 5241 81-81411
najim.azahaf@bertelsmann-stiftung.de

www.bertelsmann-stiftung.de

www.sgi-network.org