

REFLECTIONS ON GOVERNANCE IN PUBLIC POLICY FOR PROMOTING THE RIGHTS OF THE PERSON WITH DISABILITY

Abstract: this article aims to analyze and discuss governance in Public Policy for the Promotion of the Rights of the Person with Disability in Brazil, based on the technical guidelines for evaluation of governance in public policies prepared by the Federal Court of Accounts - Brazil (TCU). Through this approach, in which facts related to the formulation, implementation and evaluation of this public policy were compared to the good governance practices recommended by the TCU model, it was possible to identify governance weaknesses, which could compromise Government action and the institutional arrangements necessary for the implementation of the rights of the person with disability. The differences with regard to good governance practices were noticed in different structural aspects of public policy, such as institutionalization, transparency, coordination and consistency, organizational capacity and availability of resources, and monitoring and evaluation. In view of this, it is the duty of the oversight agencies to contribute to the improvement of governance of Public Policy for the Promotion of the Rights of the Person with Disability, using their tools for overseeing and evaluating public policies,

Keywords: Governance; Public policy; Rights of the person with disability.

1 Introduction

All actions aimed at social inclusion of the person with disability are based on standards that differ in scale, range, scope and specifics they address. This set of standards, when targeting various areas of life in society, constitutes an advanced protection system aimed to ensure the full social inclusion of the person with disability, on an equal basis with all other persons.

It could not be different: the aim of these standards is the realization of the constitutional values of human dignity and citizenship, regardless of physical and psychological characteristics that individualize each one of us and make us unique and special. Hence the need to immediately remove any idea that involves privilege, since this is not the purpose sought by the Brazilian legal system. To the contrary. All regulatory framework for the promotion of the rights of the person with disability is in harmony with the fundamental objectives of the Federative Republic of Brazil. Such objectives are geared toward building a solidary society, eradicating marginalization, reducing social inequalities and promoting the wellbeing of all, without any discrimination, as established by articles 1, items II, III and IV, and 3 items I, III and IV, of our Constitution.

In this regard, the Convention on the Rights of Persons with Disabilities and its Optional Protocol – ratified by the National Congress in Legislative Decree 186/2008 and enacted by the President of the Republic

in Decree 6.949/2009, which has constitutional status as per article 5, paragraph 3, of the Federal Constitution – point to the need to ensure to the person with disabilities the effective exercise of their individual and social rights, in various areas. Some examples are accessibility, equality, freedom and safety, freedom from exploitation, violence and abuse, integrity, liberty of movement and nationality, living independently and being included in the community, freedom of expression and opinion, access to information, privacy, education, health, habilitation and rehabilitation, work and employment, participation in political life, culture, leisure and sport, among many others.

We observe the same comprehensiveness in the Brazilian infra-constitutional legislation. Law 7.853/1989, article 2, provides for support to people with disability and their social integration, among other issues. It establishes that it is the responsibility of the public power and its agencies to ensure to people with disabilities "the full exercise of their basic rights, including the rights to education, health, work, leisure, social security, childhood and maternity support, and others, which lead to their personal, social and economic well-being, as per the Constitution and the laws ".

Law 10.098/2000, when establishing general rules and basic criteria for the promotion of accessibility of people with disabilities or with reduced mobility, encompasses several areas, including urbanization, design and location of street furniture, construction, expansion and renovation of public or collective use buildings, construction of private buildings, public transportation and communication and signaling systems. This law, as well as Law 10.048/2000 – which addresses the priority of service to people with disabilities and reduced mobility –, was regulated by Decree 5.296/2004. Known as the Decree on Accessibility, this regulation also stands out due to the scope of its rules, which deal with the implementation of architectural and urban accessibility, priority assistance, and accessibility in social interest housing, accessibility to cultural buildings, accessibility to public transport services and access to information and communication.

Although it is not directly related to the social protection of persons with disabilities, Law 12.527/2011, known as the Access to Information Act, when referring to article 17 of Law 10.098/2000 and article 9 of the Convention on the Rights of Persons with Disabilities, established that official websites of public agencies entities must meet the requirements that ensure the accessibility of content for people with disabilities. This in accordance with its article 8, paragraph 3, item VIII. Article 8 of Decree 7.724/2012, which regulated the abovementioned law, also states the same.

More recently, Law 13.146/2015, called Brazilian Law on the Inclusion of Persons with Disabilities (LBI) or Statute of Persons with Disabilities, was enacted. The LBI aims to ensure and promote, on equal terms, the exercise of the rights and fundamental freedoms by the person with disability, aiming at their social inclusion and citizenship. To ensure the necessary conditions for the full and effective inclusion of the person with disability, the rights established by the statute also stand out because of their comprehensiveness, which can be noticed by reading its article 8, as follows:

Art. 8. The State, society and family shall prioritize to the person with disability implementation of the rights relating to life, health, sexuality, fatherhood and motherhood, food, housing, education,

professionalization, work, social security, habilitation and rehabilitation, transport, accessibility, culture, sports, tourism, leisure, information, communication, scientific and technological advances, dignity, respect, freedom, family and community living, among others listed in the Federal Constitution, the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the laws and other norms that ensure their personal, social and economic well-being.

Therefore, the implementation of the rights of persons with disabilities will only be possible through the formulation and implementation of a public policy whose crosscutting nature can achieve multiple areas in which these rights should materialize. In other words, the crosscutting nature inherent to a public policy aimed at promoting the rights of the person with disability could be explained by the nature and purpose of the very rights that guide it. Ultimately, such rights, which seeking to ensure the dignity of the person with a disability, could not be treated in isolation or partially. In addition, this public policy could not try to realize such rights through actions that are sporadic, uncoordinated or of a scope restricted to certain areas of the life of the human being.

Given this complexity, governance issues gain particular importance in the implementation of a public policy of this nature. Governance in public policies refers to structuring aspects, which affect government actions in the formulation, implementation and evaluation of such policies. In view of this, the greater the complexity of the set of actions necessary to ensure that the State can intervene in reality, adapting it to the interests of society, the more decisive will be the role of governance in its various functions, such as strategic direction, coordination of stakeholders, risk management, among others.

From this perspective, the assessment of governance of public policy aimed at promoting the rights of the person with disability deserves particular attention. In this sense, based on a good practice guidance in the technical guidelines drafted by the Federal Court of Accounts (TCU) to assess governance in public policies (BRASIL, 2014c), this article intends to highlight some of the problems of governance verified in the formulation, implementation and evaluation of Public Policy for the Promotion of the Rights of the Person with Disability. In this study, this is the name assigned to the articulated and structured set of isolated or planned actions and incentives of the government that seek to change the Brazilian reality in response to demands and interests of people with disabilities.

Therefore, initially I will present a short description of the TCU technical guidelines, focusing on key concepts adopted by the model drawn up by the Court of Accounts. In the following topics, in order to highlight the flaws existing in different aspects that structure the public policy concerned, some facts concerning its formulation, implementation and evaluation will be described, analyzed and confronted with the good governance practices indicated in the mentioned technical guidelines. Finally, we will discuss governance issues identified through this approach, specifically those related to aspects of institutionalization, accountability, coordination and consistency, organizational capacity and resources and monitoring and evaluation.

2 Guidelines for Evaluation of Public Policies

Through Ordinance-TCU 230/2014, the TCU approved the guidelines for Public Policies Governance Evaluation, which the Court of Accounts should observe in their oversight activities and improvement of processes related to governance (BRASIL, 2014c). Among the reasons that motivated the approval of this document, we highlight the need to guide public agencies and entities about the best practices that can contribute to the improvement of governance in public policies and, therefore, to the improvement of Public Administration for the benefit of society.

According to the concepts presented by the guidelines, public policies "are a set of structured and articulated actions and incentives that seek to change a reality in response to demands and interests of stakeholders" (MARTINS, 2007 *apud* BRASIL, 2014c, p. 21). Therefore, they are related "to the administrative and political mobilization to articulate and allocate resources and efforts to try to solve a specific collective problem" (PROCOPIUCK, 2013 *apud* BRASIL, 2014c, p. 21).

When synthesizing the findings of Diniz (2001 *apud* BRASIL, 2014c) and Azevedo and Anastasia (2002 *apud* BRASIL, 2014c), the guidelines approved by TCU consider public governance as the combination of two elements. Namely the operational capacity of governmental bureaucracy in activities of direct action and regulation of public policies; and the institutionalization of legitimate and effective channels for mobilization and community involvement in the development and implementation of these policies (BRASIL, 2014c, p. 28).

Along these lines, also according to that guidelines, "governance in public policies concerns the institutional arrangements that condition the way in which policies are formulated, implemented and evaluated, for the benefit of society" (BRASIL, 2014c, p. 32). In pragmatic terms, the TCU guidelines are more directly associated with governance models, and not with governance principles, "in a way that, for the purposes of these Guidelines, the components and factors of good governance are more directly articulated to the universe of public policies" (BRASIL, 2014c, p. 33).

When differentiating governance and management, the guidelines confer the following functions to governance: set the strategic direction; oversee management; involve stakeholders; manage strategic risks; manage internal conflicts; audit and evaluate the management and control system; and promote accountability - rendering of accounts and liability - and transparency (BRASIL, 2014c, p. 36).

Due to the nature of these functions, the approach on governance in public policies, by showing the different performance of the Court of Accounts, "guides control efforts to structural aspects which affect government intervention" (BRASIL, 2014c, p. 38). According to this perspective, without focusing, on the performance of the management of public policies itself as a priority, the Court starts focusing on "the quality of structural factors that increase the likelihood of the expected results to be achieved while fostering the creation of a better environment for the use of public resources" (BRASIL, 2014c, p. 38).

The model prepared by the Court to evaluate governance in public policies is composed by eight components that seek to cover the major structural aspects which affect government actions. They are 1) institutionalization; 2) plans and objectives; 3) participation; 4) organizational capacity and resources; 5) coordination and coherence; 6) monitoring and evaluation; 7) risk management and internal control; and 8) accountability.

According to the TCU guidelines, the **institutionalization** of a public policy regards the formal or informal aspects of its existence, "related to organizational capabilities, standardization, standards, procedures, skills and resources that enable the achievement of the goals and results of the public policy" (BRASIL, 2014c, p. 43). Although the assessment of institutionalization is not restricted to formal aspects, "it is expected that a public policy be legally and officially formalized, with the establishment of norms, standards and procedures that clearly define the decision-making arenas, the division of competences and responsibilities of the actors involved" (BRASIL, 2014c, p. 43).

Through the aspects related to the **plans and goals** of public policy, we intend to evaluate its internal cohesion: to what extent the objectives and goals previously defined are related with the interventions adopted for the implementation of public policy. "In this context, public policy is guided by a general formulation that sets its intervention logic and plans that allow executing the necessary actions, outlined according to the proposed guidelines, objectives and goals" (BRASIL, 2014c, p. 45). To this end, public policy priorities need to be set in such a way that the processes of implementation and evaluation is properly targeted and, given the lack of resources or change of scenarios, can be properly redesigned.

Another important aspect of evaluation indicated by TCU's model is **participation**, since the development of a public policy in a participatory form, in addition to obtaining information with more quality, awakens in the community the sense of belonging and collective responsibility. It is worth noting that legitimized participation, with a suitable space for dialogue between the parties concerned, must be present at the various stages of preparation, implementation and evaluation of the public policy. As recommended by the model drawn up by the Court of Accounts, "participation, although especially relevant during planning and evaluation phases, should also be encouraged in decision-making and advisory processes, as well as executive cooperation in the implementation of actions" (BRASIL, 2014c, p. 52).

With regard to **organizational capacity and resources**, the TCU model directs its approach to the examination of the operational capacity of organizations acting in different stages of development of a public policy. From the point of view of these fundamental aspects, the technical document presents guidelines to evaluate whether such organizations have appropriate structures and procedures to "carry out the activities planned, ensure proper use of public resources, oversee the decentralized actions, monitor the results and feed the decision-making process" (BRASIL, 2014c, p. 53). Still according to the TCU technical guidelines, especially regarding the resources intended for the execution of governmental actions, the structures "encompass not only the existence of budgetary and financial resources, but also the availability of materials, equipment, facilities, systems and people" (BRASIL, 2014c, p. 53). The availability of resources, applicable

according to the priorities and objectives of public policy, must be evaluated not only with regard to quantity, but also to timeliness and appropriate direction.

According to the TCU technical guidelines, **coordination** consists in ensuring that public organizations, or the various institutional and managerial systems that integrate public administration, act properly, jointly and interactively, to obtain the desired results. **Consistency**, in turn, "involves the systematic promotion of actions that are mutually reinforcing in the different stakeholders, creating synergies to achieve the goals set" (BRASIL, 2014c, p. 58).

Through the collection and analysis of information relevant to the implementation of the policy, the **monitoring** process seeks to verify if the application of resources and activities are in accordance with what was initially programmed and if the goals on the results are being achieved. When necessary, the reasons for any failures should be provided. As for **evaluation** of public policy – a process conducted before, during and/or after the implementation of this policy – we carry out "a judgment on its value or merit considering the relevance of the objectives and strategies, efficacy (or effectiveness) in achieving objectives and goals expected, efficient use of resources, impact and sustainability of intervention" (BRASIL, 2014c, p. 61).

Risk management, as addressed by the TCU model, is the set of activities coordinated among themselves to identify and deal with the internal and external factors and influences that make the achievement of public policy objectives uncertain. "Consideration of the main risks of implementation is essential during the development of a public policy, which includes identifying and treating them. Risk assessment will allow communicating about any significant risk to the implementation of the policy" (BRASIL, 2014c, p. 63).

Using the definition in TCU Normative Instruction 63/2010, which provides the rules for organizing and presenting the documents that comprise the accounts processes of the federal public administration, the technical guideline sees **internal control** as the "set of interconnected activities, plans, methods, indicators and procedures used to ensure compliance of actions and to contribute achievement of established objectives and goals" (BRASIL, 2014c, p. 64).

Finally, in accordance with the evaluation model under discussion, **accountability** "involves, above all, transparency, accountability, communication and systematic rendering of accounts", and includes in its framework "incentive mechanisms and penalty to those responsible for the achievement of political goals, as well as remedial measures enforcement tools" (BRASIL, 2014c, p. 65).

Along with the conceptualization of structural aspects covered by components of the evaluation model of governance in public policies, for each of these aspects the TCU technical guidelines present the good practices that would ultimately comprise examples "of what is expected in a situation where there is good governance of public policy" (BRASIL, 2014c, p. 42).

Thus, using the model developed by the TCU, in the next topics this article will highlight the facts that, compared with the good practices described by the technical guidelines, reveal the existence of **serious governance problems in the Public Policy for Promoting the Rights of Person with Disabilities, under**

development in Brazil. Especially as regards aspects of institutionalization, transparency, coordination and consistency, organizational capacity and resources and monitoring and evaluation.

3 Institutionalization of Public Policy

Among other provisions, Law 7.853/1989 provides support for persons with disabilities and their social integration. In accordance with its article 9, the federal public administration, including autarchies, public enterprises, mixed capital companies and public foundations, "will give appropriate and priority treatment to matters relating to persons with disabilities, so they can fully exercise their individual and social rights and enjoy full social integration". It is worth clarifying that the expression "disabled person" no longer exists. It was replaced by the term "person with disability". In paragraph 1 of the same article, the law establishes that such subjects "will be the object of coordinated and integrated action of the bodies of the Federal Public Administration, and **will be included in the National Policy for Integration of Persons with Disabilities, which includes plans, programs and projects subject to determined deadlines and objectives**" (emphasis added).

Therefore, one can infer from this legal provision that the plans, programs and projects relating to the guarantee of individual and social rights of persons with disabilities would make up the "National Policy for Integration of Persons with Disabilities". This is an inter sector and crosscutting public policy, since it depends on "coordinated and integrated action of the agencies of the Federal Public Administration".

When regulating Law 7.853/1989, Decree 3.298/1999 provides for the "National Policy for Integration of Persons with Disabilities", establishing its principles, guidelines, goals and tools. According to its article 1, this national policy "comprises the set of normative guidelines that aim to ensure the full exercise of individual and social rights of people with disabilities". Its inter sector and crosscutting nature – resulting from the scope of the obligations assigned to the government by article 2 of the same Decree – remains more evidenced by its goal of "integration of the actions of the agencies and public and private entities in the areas of health, education, work, transport, social welfare, public building, social security, housing, culture, sports and leisure, aiming at (...) social inclusion", pursuant to article 7, item II.

In spite of this, Decree 3.298/1999 is outdated. According to the decree, planning of the policy and proposal of measures for its implementation and development would be under the responsibility of the Secretariat of State for Human Rights, through the extinct National Coordination for Integration of Persons with Disabilities (CORDE). This agency was placed by the National Secretariat of Promotion of the Rights of Persons with Disabilities, which then became the Special Secretariat for Human Rights of Persons with Disabilities. The latter is now part of the structure of the Ministry of Justice and Citizenship. The change in the institutional position of the entity responsible for enforcing the actions of promotion of the rights of person with disabilities occurred before the formalization of the public policy initiative.

In 1987, CORDE belonged to Secretariat for Planning and Coordination of the Presidency (Seplan). In 1988, it was transferred twice. First to the Public Administration Secretariat (Sedap), and the second to the

Ministry of Housing and Social Welfare (MBES). In 1989, it was transferred to the Ministry of the Interior (Minter). In 1990, it became part of the Ministry of Social Action (MAS). In 1992, there was another change and it moved to the Ministry of Social Welfare. In 1995, it was transferred to the Secretariat of the Citizenship Rights of the Ministry of Justice. Later, it became linked to of the National Secretariat of Human Rights of the Ministry of Justice (1997) and to the State Secretariat for Human Rights (1999).

In 2003, CORDE was defined as an advisory body linked to the Special Secretariat of Human Rights (SEDH), which operated within the Presidency of the Republic. In 2009, the National Under Secretariat for the Promotion of the Rights of Persons with Disabilities, of SEDH, replaced CORDE. In 2010, this under secretariat was transformed into the National Secretariat for Promotion of the Rights of Persons with Disabilities (SNPD), under the Secretariat of Human Rights (SDH), linked to the Presidency of the Republic.

With the conversion of Provisional Measure 696, of October 2, 2015, into Law 13.266/2016, the SDH, along with the SNPD, became part of the Ministry of Women, Racial Equality, Youth and Human Rights. This ministry was created by "merging the Secretariat of Policies for Women with the Secretariat for Policies to Promote Racial Equality and the Secretariat of Human Rights. The heads of these agencies, like the Secretary the Ministry was conferred the "mandates concerning the relationship and coordination with civil society organizations, the popular consultation and participation tools and youth policy", which were performed before by the General Secretariat of the Presidency of the Republic (BRASIL, 2015a).

During the period of suspension of the President of the Republic from her duties as a result of the impeachment proceedings, Provisional Measure 726, of May 12, 2016, transformed the Ministry of Justice into the Ministry of Justice and Citizenship. The Ministry of Women, Racial Equality, Youth and Human Rights was extinguished and its agencies, the entities it supervised and its mandates – except policies on youth – were transferred to the Ministry of Justice and Citizenship (articles 1, item VII, 2, item V, 6, item IV, and 7, item IV). Later, Provisional Measure 728, of May 23, 2016, created the position of Special Secretary for the Rights of the Person with Disabilities and included its secretariat in the basic structure of the Ministry of Justice and Citizenship, along with the Special Secretariat of Policies for Women, the Special Secretariat for Policies to Promote Racial Equality and the Special Secretariat for Human Rights, among other units. Therefore, currently, the Special Secretariat on Human Rights of the Person with Disability of the Ministry of Justice and Citizenship (SEDPD/MJ) is the body responsible for the promotion of the rights of the person with disability within the federal public administration.

Therefore, although Decree 3.298/1999 was edited to establish and formalize the "National Policy for the Integration of Persons with Disabilities", one cannot affirm that this public policy is "legally and officially formalized, with the establishment of norms, standards and procedures that **clearly define the decision-making arenas, the division of competences and the responsibilities of the actors involved**" (BRASIL, 2014c, p. 43, emphasis added).

More important than outdated references is the fact that the last significant update of the referred decree occurred in 2004, with changes imposed by Decree 5.296/2004, which, among other matters,

established general guidelines and basic criteria for the promotion of accessibility for people with disabilities or reduced mobility. This means that the rules governing the national policy for the inclusion of persons with disabilities was not updated due to repeated changes of the agency responsible for its implementation. Neither were there changes due to the latest advances on the rights of persons with disabilities, such as the internalization of the Convention on the Rights of Persons with Disabilities and its Optional Protocol in Brazil.

For this reason, it is not possible to ensure that the "National Policy for Integration of Persons with Disabilities", as regulated by Decree 3.298/1999, is in line with the principles, guidelines and objectives in which the federal government bases itself to promote the actions deemed necessary to achieve the enforcement of the rights of persons with disabilities.

Such dissonance also seems to be reflected in the preparation and structuring of the National Plan on the Rights of the Person with Disability – or Life without Limits Plan. This plan was designed to be implemented between 2012 and 2014. Its purpose was to "promote, through integration and articulation of policies, programs and actions, the full and fair exercise of the rights of persons with disabilities in accordance with the International Convention on the Rights of Persons with Disabilities and its Optional Protocol ", as established by Decree 7.612/2011.

When examining the said decree, as well as various publications on the launching, monitoring and evaluation of the Living without Limits Plan, it was not possible to expressly identify any link of the plan to a national policy for the integration of people with disabilities. On the contrary. We infer from the publication "Living Without Limits – National Plan on the Rights of the Person with Disability", published by SDH in 2014, that the non-binding nature of the plan to a national policy previously formalized was an option of the government, which preferred to link it to the various sectoral policies in progress, as follows:

Thus, multidimensionality requires diverse policies and, to encompass them all, it is necessary to develop intervention strategies able to interconnect different public policy sectors, to result in a joint action of several programs.

For the Federal Government, this requirement has resulted in a plan that values the intersectoral and crosscutting interventions; a relational government management model, with horizontal and multi-level networks. (BRASIL, 2014b, p. 27-28)

The fact that the plan requires inter sectoral and crosscutting interventions is not reason enough to not bind it to a national inter sectoral and crosscutting policy. Nevertheless, this article does not intend to discuss the government option because this is not the scope thereof. However, the way the "National Policy for Integration of Persons with Disabilities" is currently regulated, what we have is an undesirable lack of clarity about the norms, standards and procedures that should establish the competences and responsibilities of all actors involved in the formulation and implementation of public policy for the promotion of the rights of person with disabilities.

Therefore, despite formalization of the Living without Limits Plan (Decree 7.612/2011), including the creation of specific units to manage and implement it, the "National Policy for Integration of Persons with

Disabilities" or "National Policy on [or for] Inclusion of Person with Disability" – so called in provisions on the regimental structure of the SDH (articles 15, items XI and XV, and 16, items I and IV of Annex I of Decree 8.162/2013) – were not properly formalized. This is contrary to recommend good practices of institutionalization of public policies indicated by the governance evaluation guidelines prepared by the TCU, i.e. (BRASIL, 2014c, p. 44-45):

Formal institutionalization of public policy through legal norm (law, decree, resolution etc.), issued by a body with legitimacy and competence to do so, and in which the actions of several agencies, institutions and government involved are standardized (CALMON, 2013; FREITAS, 2005);

Clear and formal definition of responsibilities of the main stakeholders involved in public policy (responsibility matrix) to enable the identification of objectives, roles, responsibilities, resources and obligations of all those involved. This includes an approach to deal with conflict resolution, identify and share risks and opportunities and establish forms of revision, evaluation and monitoring (CALMON, 2013; CIPFA, 2004; ANAO, 2006; AUSTRALIAN GOVERNMENT, 2013; NAO, 2006);

Formal institutionalization of decision-making processes regarding public policy (CALMON, 2013).

Due to this lack of clarity in the formalization of the public policy that currently guides actions by the federal government, we decided to not adopt in this article the legal names of the public policy for persons with disabilities, whether the "National Policy for Integration of Persons with Disabilities", or the "National Policy for Inclusion of Persons with Disabilities". Alternatively, according to the public policy definition in the TCU technical guidelines, we decided to call the isolated or planned articulated and structured set of actions and incentives of the government, which seek to change the Brazilian reality in response to demands and interests of people with disabilities, the Public Policy for the Promotion of the Rights of the Persons with Disabilities

Thus, regardless of how the federal government calls this set of actions and incentives, what we herein referred to as Public Policy for Promotion of the Rights of Persons with Disabilities relates to the administrative and political mobilization to coordinate and allocate resources and efforts to overcome the obstacles that impair the effective social inclusion of people with disabilities in Brazil.

4 Transparency in Budget Execution

In process TC 033.481/2011-3, through Court Decision 2.170/2012-TCU -modified by Decision 3,244/2013-TCU, the TCU examined the report of the performance audit carried out to assess the conditions of access for people with disabilities or with reduced mobility to buildings and services of the agencies and entities of the federal public administration.

On that occasion, among the various accessibility issues identified during the audit work, TCU's audit team found that budgetary resources intended for the adjustments of public buildings were dispersed in various programs and activities. With that, it was impossible to scale, with reasonable consistency and

accuracy, all the resources intended for accessibility, since it did not exist, in the General Federal Budget, a budgetary classification that identifies expenditure intended for this purpose.

Due to the lack of transparency regarding the budgetary execution of funds intended to ensure rights of persons with disabilities – in that case, specifically with regard to expenditure on accessibility – the TCU, upon suggestion of the Public Ministry of Accounts, decided to recommend that the Ministry of Planning, Budget and Management perform studies "to assess the possibility of creation and introduction of specific budget classification for spending or investment in accessibility or the adoption of other measure that enable the verification of investments in accessibility", in accordance with item 9.7 of Court Decision 2.170/2012-TCU-Plenary Court (BRASIL, 2012b).

Given the importance of the matter, as it is a measure essential to the effective control of investment in accessibility, the issue raised by the specialized body deserved special emphasis in the vote that conducted that decision, as follows:

24. (...) Two issues caught my attention and, therefore, deserve to be highlighted.

25. The first concerns the absence, within the General Federal Budget, of a budget classification that enables identification of annual expenditures with accessibility. Although Law 10.098/2000 (art. 23) establishes that the direct and indirect Federal Public Administration allocate budget resources to carry out adjustments, exclusions and deletions of existing architectural barriers in its public buildings and in those managed or used by it, the respective budgetary resources are dispersed in various programs and actions, assigned to each public agency or entity.

26. This circumstance prevents dimensioning the amount covered by these expenditures and hinders the enforcement of that legislation or prioritization of resources in the implementation of public policies to ensure accessibility (BRASIL, 2012b, emphasis added).

However, despite the concern expressed by the Court of Accounts, there is a lack of transparency with regard to the budgetary execution of resources for the implementation of the Public Policy for Promotion of the Rights of Persons with Disabilities is not restricted to expenditures with accessibility. This problem has also been observed in the implementation of the Life without Limits Plan.

Prepared with the participation of several ministries, the Life without Limits Plan foresaw a total investment of R\$ 7.6 billion by 2014, which would be used in four areas of activity: R\$ 1,840,865,303.00 in access to education, R\$ 72,240,000.00 in social inclusion, R\$ 4,198,500,000.00 in accessibility, R\$ 1,496,647,714.00 in attention to health (BRASIL, 2014b, p. 33).

Notwithstanding the large amount of resources allocated to the Life without Limits Plan, as well as the multiplicity of areas covered by it, its budgetary execution suffered from the same lack of transparency identified by the Court when examining investment in accessibility. This, coupled with low effectiveness of governmental actions, prompted the Committee for the Defense of the Rights of Persons with Disabilities of the Chamber of Deputies to approve a request to the SDH to provide budgetary and management information about the plan (BRASIL, 2014a).

The lack of transparency and accountability regarding the budgetary execution of the Life without Limits Plan was also object of questioning in a public hearing in the Committee for the Defense of the Rights of Persons with Disabilities, held on 4/14/2015, convened with the objective of debating the Life without Limits Plan. At the time, dissatisfaction a member of that group was dissatisfied with the lack of information on budget execution, which was already resulting in losses to the work of the committee, including regarding submission of amendments to the budget of the Federal Government (BARBOSA, 2015).

Made aware of this lack of transparency through a representation formulated by the Public Ministry of Accounts (TC process 028.959/2015-9), the TCU determined that the Special Secretariat for Human Rights of the Ministry of Justice and Citizenship be notified to obtain consistent and updated information regarding the formalization and implementation of the Life without Limits Plan. This included data on physical, budgetary and financial execution related to the programs, actions and targets established thereon, as Decision 3.579/2016-TCU-1st Panel (BRASIL, 2016e).

Such difficulty in getting information about the application of resources of the Life without Limits Plan contrasts with the good practices of accountability mentioned by the TCU in their guidelines for governance evaluation in public policy, such as the following (BRASIL, 2014c, p. 66-67):

Definition and formalization of mechanisms and instruments for the promotion of accountability between the various actors involved, establishing the minimum acceptable standards for transparency, accountability and communication (NAO, 2001; DPMP, 2010; UKDPC, 2012);

(...)

Clear, periodic and formal accountability on the operations and results achieved by the public policy (NAO, 2001; DPMP, 2010);

Adequate disclosure of information to society and its representatives, on operations and results achieved (PETERS, 2012);

(...)

Strategy management model that considers aspects such as transparency, stakeholder involvement and focus on results (BRASIL, 2013).

Therefore, it is possible to identify relevant commitment of the governance in Public Policy to the Promotion of the Rights of the Person with Disability, due to the lack of transparency in the disclosure of information on budgetary execution of resources intended for the execution of their actions, including those that have integrated the Life without Limits Plan.

5 Coordination and Coherence

At the time of the formulation and implementation of the Life without Limits Plan, the SDH, then linked to the Presidency of the Republic, should "assist directly and immediately the President of the Republic on the formulation of policies and guidelines aimed at (...) the protection of the rights of persons with disabilities and promote their integration into community life... ", in accordance with article 24 of Law 10.683/2003,

with wording given by Law 12.314/2010, revoked by Provisional Measure 696, of October 2nd, 2015, converted into Law 13.266/2016.

As for article 10 of Law 7.853/1989, with wording given by Law 11.958/2009 combined with article 3, item I, of Law 12.314/2010, "the superior coordination of issues, governmental actions and measures for people with disabilities" was under the responsibility of SDH. In accordance with the sole paragraph of this article, that agency was also responsible for "formulating the National Policy for the Integration of Person with Disability, their plans, programs and projects, and complying with the superior instructions which concern them, with the cooperation of other government agencies".

For the Life without Limits Plan, Decree 7.612/2011 reserved to the SDH the role of coordinator of its Management Committee, responsible for "defining the policies, programs and actions, setting goals and guiding the formulation, implementation, monitoring and evaluation of the Plan", in accordance with the heading and sole paragraph of article 6. Similarly, the SDH was responsible for the coordination of the Inter-Ministerial Group of Articulation and Monitoring of the Life without Limits Plan, who was responsible for "promoting the articulation of the agencies and entities involved in the implementation of the Plan, in order to ensure the implementation, monitoring and evaluation of its policies, programs and actions", in accordance with article 7, heading and paragraph 1, of the said Decree. The SNPD, in turn, integrated SDH structure as responsible for coordinating governmental actions to promote the rights of the person with disabilities, as the various responsibilities assigned in the regimental structure of SDH existing at that time, approved by Decree 8.162/2013.

Therefore, it can be concluded from these regulations that the coordination and articulation of the Life without Limits Plan were expressly formalized by Decree 7.612/2011 through the creation of the Management Committee and the Inter-Ministerial Coordination and Monitoring Group, both then coordinated by SDH. The latter, comprised by representatives, holder and substitute, SDH, Department of State and the General Secretariat of the Presidency of the Republic and the Ministries of Planning, Budget and Management, of Finance, of Social Development and Fight against Hunger, of Health, Education, Science, Technology and Innovation, Social Security, Cities, Sports, Work and Employment, Communications and Culture.

As for other actions already unlinked from the Life without Limits Plan, the SDH, through SNPD, did not have the same strength of coordination and articulation. The Life without Limits Plan was structured so that coordination and articulation between the various organs were guided by the collaboration between them and the transverse nature of public policy. Similar structure was not necessarily replicated for the implementation of other actions which, although not covered by the plan, were also inserted in the context of the Public Policy for the Promotion of the Rights of the Person with Disability.

The public policy coordination problems were evidenced by the unjustified resistance of SDH to comply with TCU's determination issued upon judgment of the report of operational audit carried

out in order to assess the conditions of access for people with disabilities or with reduced mobility to buildings and services of the agencies and entities of the federal public administration.

Through items 9.1 and 9.1.1 the Court Decision 2.170/2012-TCU-Plenary, the Court of Accounts, when appreciating this report, determined that the SDH, "in order to provide federal public agencies and entities with full accessibility to its dependencies and the services offered by them," should draft a national plan which embraced the performance of survey on the current conditions of the basic requirements of accessibility of federal public bodies, the scheduling for instruction of professors of Brazilian sign language, the definition of progressive goals to remedy the shortcomings of existing accessibility, the dissemination on the Internet of those conditions of accessibility, among others (BRASIL, 2012b).

However, opposing to that determination by filing a request for review against the mentioned judgment, the SDH shown its difficulty to understand and perform its role of coordinator, articulator, and advisor in the implementation of the Public Policy for the Promotion of the Rights of the Person with Disability. Such difficulty was evidenced in the voting of the Court Decision 3.244/2013-TCU-Plenary, which considered such request for review, in these terms:

The planning determined by the Court, in fact, challenges the Secretariat of Human Rights to fulfill its institutional mission, provided in Law 7.853/1989 which provides for the support to people with disabilities and their social integration.

(...)

The determination does not oblige the Secretariat of Human Rights to perform an executive role, as to provide the necessary projects and works to solve the problem. It only requires it to prepare the accessibility plan, in the exercise of the powers described in Law 7.853/1989.

(...)

The Secretariat of Human Rights seems to believe that its institutional mission is restricted to the production of events, the formulation of uncompromising rhetoric with the effective solution of the problems experienced by people with disabilities. Unlike the text of the standard, it is not seen as a body responsible for the planning, coordination, monitoring and guidance of the policy of integration of the person with disability, in accordance with the relevant legislation.

The difficulty of the Secretariat of Human Rights to recognize its institutional mission, however, does not releases it from the full compliance with the duties which are imposed by the legislator.

(BRASIL, 2013b).

In this particular case, the weakening of the role of the coordination of the Public Policy for the Promotion of the Rights of the Person with Disability can hamper or even prevent the effective involvement of other agencies in the preparation of a comprehensive national plan for the adjustment and adaptation of public buildings to accessibility standards, even though such a measure has been expressly determined by the TCU. For such reason, the crosscutting in structuring the management of the national plan should be also reflected in the State structure, with nuclei or representatives in each ministry that could, in fact, cooperate with the agency responsible for coordinating the public policy.

As these facts reveal, the important structural aspect concerning the coordination and consistency of government action received a more suitable treatment in the structuring of the Life without Limits Plan than in the formulation of the public policy it should encompass. Without diminishing the initiatives taken under the Life without Limits Plan - up to the recognized crosscutting of its actions – the Public Policy for the Promotion of the Rights of the Person with Disability shall not be limited to a national restrict and temporary plan.

The weaknesses of public policy coordination described herein are in dissonance with the good practices established by the model of the Court, as the following example (BRASIL, 2014c, p. 58-59):

Coherence between public policy, so that the actions and specific objectives of the interventions undertaken by various entities are aligned, the expected results can be achieved and mutually reinforce themselves extending the impact to th citizen (PETERS, 2012; MARINI & MARTINS, 2006; BRASIL, 2013);

(...)

Establishment of mechanisms for coordination, communication and collaboration that enable aligning strategies and operations of organizations involved in crosscutting and decentralized policies, to achieve the common result. (BRASIL, 2013; GAO, 2005);

Identification of human resources, information technology, financial and physical needed to start and maintain the cooperative effort, in the extent to which the organizations have different levels of features and capabilities (GAO, 2005);

Thus, although the present analysis refers to a singular case, the lack of coordination and coherence in the execution of Public Policy for the Promotion of the Rights of Person with Disabilities has been verified in action designed to comply with the determination of external control body, based on audit work, aimed to point out solutions to the lack of accessibility to buildings and services of agencies and entities of the federal public administration.

Accessibility to public services is an issue inherent to the rights of persons with disabilities and, therefore, was directly related to the powers of the SDH and, above all, the SNPD. Therefore, the difficulties faced by these secretariats to comply with the determination of the TCU closely linked to its basic functions reveal the weakness of the coordination and coherence in the Public Policy for the Promotion of the Rights of the Person with Disability.

In view of the recent restructuring of the Federal Executive Government, including the creation of the Special Secretariat for Human Rights of the Person with Disabilities (SEDPD) under the Ministry of Justice and Citizenship, the discussion on the role exerted by SDH ahead of the Life without Limits Plan, compared to the occupied by it to implement other actions of Public Policy for the Promotion of the Rights of the Person with Disability, reveals how it is necessary to ensure to the newly created SEDPD the formal and structural means to enable it to carry out, in fact, the articulation and coordination of the various agencies of the federal public administration for the implementation of inter sectoral and crosscutting promotion of the rights of persons with disabilities.

6 Operational Capacity and Resources

In addition to the fragility of its role of coordination of the Public Policy for the Promotion of the Rights of the Person with Disability, SDH, when responsible, also did not have operational structure and resources necessary to take over the roles that demanded not only the participation in the planning of actions, but also the ability to supervise them, monitor their results and provide the feedback necessary for the improvement of the public policy, as recommended by the benchmark of the TCU.

Such vulnerability in operational capability and availability of resources does not constitute mere inference. SDH management report for the fiscal year of 2014, last released in its website until the conclusion of this analysis, reveals the lack of compatibility between the structure of the secretariat and the amount and complexity of its competencies, especially the lack of structure in the area of personnel management and the large percentage of the workforce not linked to the public service, in these terms:

On July 30th, 2014 through Joint Ordinance MJ/SDH-PR No. 1.280, we received the from the Ministry of Justice all responsibilities relating to the area of Personnel Management. It is worth noting that the structure of personnel and of positions in the area is insufficient. There is only DAS 101.4 and another DAS 101.2. (...) SDH/PR only has Social Policy Analysts (ATPS) as own staff. SDH has the requested workforce or of careers in decentralized exercise and with 42% of the workforce comprised by people not linked to the public service.

We believe that the ideal would be to authorize SDH/PR to conduct tenders to cope with the legal and regulatory competencies. (BRASIL, 2015b, p. 98).

Only considering the effective capacity in the final area, from the total of 191 public agents who played related activities, 77 were requested servers of other entities and spheres and other 88 had no relation to the Public Administration (BRASIL, 2015b, p. 97).

Despite the transverse nature of policies under the responsibility of SDH at that time – which makes understandable, to some extent, the interest in the participation of servers from a variety of agencies and entities – it wouldn't be recommended that the secretariat's workforce was comprised by only 10 career servers related to the agency, with only eight assigned to the final area (BRASIL, 2015b, p. 97).

As registered, public policies such as the one aimed at people with disabilities, by its scope and crosscutting, require actions very coordinated and, above all, lasting and uninterrupted. A staff formed predominantly by public agents belonging to careers unlinked to the agency enhances the turnover of this staff and, hence, brings serious damage to the continuity of governmental actions necessary for the full and effective implementation of public policies, which was pointed out in that management report of SDH as risk of people management, in these terms:

There is great institutional fragility of SDH by the absence of effective servers of the staff, with risk to the development of the middle and final activities. In addition, there is a big turnover, which reached in 2014 around 38%, of the group of staff without link, occupants of Management

positions and Superior Assistance with losses to the institutional memory and ruptures usually caused by such changes. (BRASIL, 2015b, p. 100).

Therefore, the SDG has of coordinating the management committee of the Life without Limits Plan, whose investments would be around 7.6 billion by 2014, contrasted with the structure available to work on the planning, coordination, monitoring and guidance of the Public Policy for the Promotion of the Rights of the Person with Disability, especially if we consider that this was one among the several and relevant powers conferred to it by the national legislation then in force.

As expected, the good governance practices recommend special attention to the organizational capacity and the availability of resources to perform the actions necessary for the implementation of a public policy, as indicated by the guidelines approved by the TCU (BRASIL, 2014c, p. 54-55):

Availability of qualified personnel structure and in sufficient number so that all stages of the public policy can be properly developed (BRASIL, 2012; ALBERNAZ, 2013);

Identification and provision of human, physical, financial and information technology resources needed to begin and the development a public policy (BRASIL, 2012; ALBERNAZ, 2013; GAO, 2005);

Appropriately directing all forms of resources to the various public policy objectives, allowing the implementation of actions that integrate it in the necessary sequence and intensity (ALBERNAZ, 2013);

Availability of budget allocation to cover all expenses for the public policy, as well as to maintain a multi-annual budget planning of the policy (BRASIL, 2011; ALBERNAZ, 2012);

(...)

Therefore, the difficulties pointed out in the SDH management report show that there are governance problems. If they persist even after the latest changes in the organization of the federal public administration, they could significantly compromise the achievement of the desires of the population with disabilities.

With the change of the federal public administration structure by MP 696/2015, converted into Law 13.266/2016, and later by MPs 726 and 728/2016, it seems, in principle, that there were no improvements in the operational capacity of the agencies involved in the formulation and implementation of the Public Policy for the Promotion of the Rights of the Person with Disability. As it is a fairly recent change, it was not yet possible to infer the size of the real impact on the operational capacity and the availability of resources. However, it can be understood by the rationale of the recent MP 726/2016 – as in the previous rationales of MP 696/2015 – one of the key aspects underpinning the changes promoted by the Federal Executive Government was the reduction of the budgetary impact resulting from the maintenance of the government structure, as follows:

By adopting this provisional decree, we have two basic, urgent and relevant purposes. On one hand, we want to reorganize the structure of the federal public administration, notably of its ministries and bodies comprising the Presidency of the Republic. The idea is to recombine skills and assignments, in order to provide better organicity, systematic and efficiency to the activities performed, enabling the administrative units, operating alone or working with each other, to become capable of acting rationally and effectively. **On the other hand, we believe it is necessary**

to adapt the administration structure to the economic reality of the Country, reducing the number of administrative units and creating conditions for the reduction of public spending. (BRASIL, 2016f, emphasis added).

Considering that the rationales themselves, given the relevance of the fiscal scenario experienced by the Country, point to the reduction of expenses with special positions as the basic guideline adopted in the proposals for restructuring the Federal Executive Government, it would not be rash to consider likely the decrease of resources available for the implementation of the Public Policy for the Promotion of the Rights of the Person with Disability, as well as for all other public policies now under the responsibility of the newly created Ministry of Justice and Citizenship. This will require from the administrative units of the federal government greater articulation and coordination capacity in order to rationalize and optimize the actions necessary for the implementation of public policies in which it is involved.

7 Monitoring and Evaluation

As initially recorded, the proper monitoring of the public policy would make it possible to verify the progress of the implementation and, given the continuous measurement of the results, adjust government performance in order to achieve the objectives and goals originally expected, or even adapt them to a new reality.

The results of the Life without Limits Plan were released in a book published by the SDH in 2014 (BRASIL, 2014b) and in the website of the secretariat entitled Observatory of Living Without Limit (BRASIL, 2016a). The Observatory, available to the public on the Internet, is "an information management tool that assists in the monitoring and transparency of the plan" and "allows easy access to the results of all actions" (BRASIL, 2014b, p. 145).

However, we can infer from some of the results published by SDH in these channels that the monitoring carried out by the management of the public policy was not suitable enough to correct the course of certain actions of the plan and, consequently, ensure the achievement of the targets set in previous publications of the secretariat, following the example of the first primer published by the federal government to disseminate the national plan (BRASIL, 2012a) and the primer updated in 2013 (BRASIL, 2013a).

As an illustration, within the "Access to Education" axis, initially the Life without Limits Plan had "as a goal to offer 150 thousand places of Training Grant to people with disabilities by 2014" (BRASIL, 2012a, p. 10). The Training Grant is one of the actions of the National Program of Access to Technical Training Grant (Pronatec) that offers technical courses and initial and continuing training, also known as professional qualification courses. However, only 17 thousand enrollments were carried out upon publication of the book Living Without Limit in 2014 (BRASIL, 2014b, p. 75) or "19,021 enrollments as of January 21st, 2015" (BRASIL, 2016b).

During the aforementioned public hearing in the Committee for the Defense of the Rights of Persons with Disabilities of the Chamber of Deputies, when asked about the failure of that Pronatec action, the Secretary of the then SNPD, in addition to confirming the unsatisfactory result, acknowledged the lack of interest of the qualifying entities to prepare courses tailored to the needs of persons with disabilities. According to the former secretary, "the qualifying entity prefers to tell the person with a disability that there is no vacancy, and open that vacancy to a person without disabilities (...) [a] leave the comfort zone and hire a sign language interpreter or provide Braille, even with the Ministry of Education paying more for this enrollment..." (DO NASCIMENTO, 2015).

While the secretary of the extinct SNPD recognizes the flaws in the qualifying action for people with disabilities through Pronatec, the Life without Limits Plan was released in November 2011 and its targets should have been met by 2014. Therefore, there was enough time for a proper monitoring, by providing reliable and relevant information, to support the performance of adjustments in the action and, with that, to allow the best results. From the perspective of good governance, the monitoring carried out by the manager of the public policy was inappropriate, particularly with regard performance of the training action by offering initial training and technical and continuing courses through Pronatec.

Perhaps this was why the SDH preferred to abandon the initial goal and, instead, consider it as a mere "priority in filling vacancies with people with disabilities" (BRASIL, 2013a, p. 12), as contained in the primer on the Life without Limits Plan in 2013, replacing the previous primer. In its website, the SDH even informed that the program of technical training, rather than providing for "the creation of specific classes for people with disabilities or the allocation of exclusive vacancies to this audience," seeks "to guarantee that all vacancies of the Technical Training Program can be accessed by people with disabilities, regardless of the supplier, the course and type of disability with preferential assistance in the filling of vacancies" (BRASIL, 2016b). However, besides being less transparent than the quantitative goal of 150 thousand vacancies, the new guideline was also far from being reached, as confirmed by the then secretary of the extinct SNPD in the public hearing.

Still within the "Access to Education" axis of the Life Without Limits Plan it was expected that there would be "the implementation of more than 17 thousand classrooms [with multifunctional resource]" (BRASIL, 2012a, p. 6) – later reduced to 15 thousand classrooms (BRASIL, 2013a, p. 12 and BRASIL, 2014b, p. 35) – as well as adaptation of those already in operation with the acquisition of "30 thousand update kits" (BRASIL, 2013a, p. 12 and BRASIL, 2014b, p. 35). According to the results published by SDH in its website, "13,360 schools received equipment to cater to the needs of a special group" and "14,999 schools received kits for upgrading its classrooms (from 2011 to 2014)" (BRASIL, 2016c). Based on these data, the results published by SDH would not have achieved the goals initially set.

On the other hand, according to the book published by SDH, "with the beginning of the Life Without Limits Plan in 2011, the financial and budgetary resources were increased; the goal was to reach 40 thousand schools with resource classrooms. The plan also provided for new kits to upgrade 30 thousand classrooms

previously created” (BRASIL, 2014b, p. 68). According to that publication, "in 2010, there were already around 24,800 classrooms implemented in Brazilian public schools" and "currently there are nearly 42 thousand rooms that cater to 100% of Brazilian municipalities", which would represent an increase of around 17,200 classrooms during the period of the Life Without Limits Plan (BRASIL, 2014b, p. 67 and 69). Therefore, by signaling fulfillment of the goal of 42 thousand classrooms with the addition of around 17 thousand classrooms, the publication reinforces the lack of clarity of the results achieved and, mainly, the shortcomings in monitoring the Life Without Limits Plan.

At the same time they revealed inconsistencies in the monitoring of the national plan, the results published by SDH did not reflect the effectiveness of actions aimed at increasing accessibility and social inclusion in Brazilian public schools. This is because, although the data indicated the number of schools assisted with federal resources, they said nothing about the effects of the use of these multi-function features on school inclusion of students with disabilities.

The lack of an adequate assessment – which, in addition to mere quantitative data, provides data to assess the quality and impact of government action – compromises the effectiveness of actions within the public policy concerned. This aspect was also highlighted by a member of the Committee for the Defense of the Rights of Persons with Disabilities of the Chamber of Deputies in the aforementioned public hearing, in these words: "It is precisely the qualitative analysis of the [multifunction] resources classrooms that will be an important indicator for us of the success or lack thereof of school inclusion (...)" (BARBOSA, 2015).

On the same occasion, the lack of consistency of data on the implementation of inclusive residences was criticized – social assistance units intended for institutional hosting of young people and adults with disabilities and in a situation of dependency. As disclosed by the SDH within "Social Inclusion" axis, out of the 200 inclusive homes planned for 2014, there were "74 units in operation" and with the "adherence of 155 municipalities and 6 State governments" a "total of 205 homes" would be achieved (BRASIL, 2016d). The numbers disclosed in the publication Living Without Limits are similar: "there was the adherence of 154 municipalities and six State governments" and, "overall, 205 residences were co-financed, of which 73 were already in operation" (BRASIL, 2014b, p. 108).

However, unlike what is reflected in the results reported by the secretariat, adherence of the municipalities does not necessarily mean the imminent implementation of residences, as highlighted in the public hearing aforementioned. According to a member of that committee, "despite the numbers (...) showing (...) that [the result] was close to the goal, this is not real, because what happened was the adherence of 155 municipalities, but these municipalities (...), when they were acquainted with the model of inclusive residence, (...) saw that the resources were not satisfactory" (BARBOSA, 2015).

In the case of inclusive households, in addition to inadequate evaluation, which allowed the disclosure of data that does not reflect the effectiveness of the action, we note that the municipalities did not participate in the definition of the proposed model for inclusive residences. According to the guidelines for governance evaluation in public policy, participation can occur at different times in the cycle of a public policy

"because, although it is especially relevant during the planning and evaluation phases, it should also be encouraged in the decision-making and advisory processes, in addition to executive cooperation in the implementation of actions" (BRASIL, 2014c, p. 52). According to the model prepared by the TCU to evaluate governance in public policy, "there must be adequate space to facilitate the dialogue between stakeholders in order to enrich the discussion processes of diagnosis and analysis of alternatives" (BRASIL, 2014c, p. 52).

The lack of participation of municipalities raised at that public hearing – depending on the issues involved that needed to be better examined – could also be a reflection of a problem of vertical coordination, when actors are involved from other spheres of government and different hierarchical levels in the public administration (MARTINS, 2003 *apud* BRASIL, 2014c). Especially in Brazil, this aspect of governance related to vertical coordination "is of fundamental importance to build more comprehensive evaluations about governmental action, in so far as the relationship between the federal government, State and municipalities often presents itself as a determining factor for the success of public policies", as stressed in the TCU technical guidelines (BRASIL, 2014c, p. 31).

It is important to note that this degree of overlap between the issues to be evaluated – in this case, between vertical coordination, participation and evaluation – was already expected by the model proposed by the Court. "Aspects that are strongly determined in a component can be observed, more indirectly, in another component", since "the topics discussed are related" and "this overlap aims to give strength to each of the individual components considered" (BRASIL, 2014c, p. 42).

Therefore, in the actions analyzed herein, it was possible to verify that the monitoring and evaluation carried out by the agencies responsible for the implementation of the Life Without Limits Plan did not match what is expected in a situation where there is good governance in public policy, differing from the good examples indicated by the model drawn up by the Court of Accounts, as the examples below show (BRASIL, 2014c, p. 62):

Sufficient availability of reliable and relevant data to support the policy performance reports (ANAO, 2006);

(...)

Regular communications about the progress of the policy through implementation reports to key stakeholders (ANAO, 2006);

(...)

Internalization of lessons learned before the start of subsequent steps in the case of policies consisting of sequenced initiatives (ANAO, 2006);

(...)

Scheduled communication of the results of the evaluation, in order to promote the timely feedback within the public policy cycle (NAO, 2001; ANAO, 2006; EUROPEAN COMMISSION, 2009);

Development of mechanisms to monitor, evaluate and report results of collaborative efforts (GAO, 2005).

Although the analysis was limited to monitoring and evaluation of certain actions, the facts mentioned herein are sufficient to indicate the existence of weaknesses which, by its relevance, expose serious problems of governance in the Public Policy for the Promotion of the Rights of the Person with Disability.

8. Conclusion

Based on the evaluation model of public policies governance prepared by the TCU, relevant governance failures in the Public Policy for the Promotion of the Rights of the Person with disability were identified, notably in its structural aspects related to institutionalization, transparency, coordination and coherence, operational capacity and resources and monitoring and evaluation.

Based on the analysis of the current legislation, it can be concluded that the public policy concerned is not properly formalized through legal standards that identify, clearly and consistently, the functions and duties of the main actors involved in its formulation, implementation and evaluation. In addition, the lack of information on the budgetary enforcement of resources allocated to the implementation of public policy actions, such as those contained in the Life Without Limits Plan is not in accordance with transparency practices recommended for good governance.

Furthermore, the coordination and coherence problems in the implementation of the public policy under review made clear the difficulty of complying with the determination of the TCU that by targeting the solution of the problems of accessibility to public buildings and services, required coordinated involvement of different bodies and entities of the federal public administration. Based on the SDH management report for the year of 2014, which highlighted the lack of adequate personnel structure for the exercise of its powers, it was also possible to identify weaknesses in governance related to the operational capacity and the necessary resources for the effective implementation of the public policy. Finally, the critical analysis of the results of the Live Without Limits Plan disclosed by the federal government has identified gaps in the monitoring and evaluation processes of the Public Policy for the Promotion of the Rights of the Person with Disability.

Although this work was based on the analysis and discussion of specific facts involving the formulation, implementation and evaluation of the public policy for the population with disabilities, the weaknesses highlighted reflect serious problems of governance, especially because the set of evidences was not limited to a specific evaluation component. On the contrary, the disagreements with the good governance practices were identified in various stages of the public policy cycle, since its institutionalization through its coordination and monitoring, and reaching its evaluation process, among other structural aspects.

Considering that the reflections presented herein indicated the existence of problems in structural aspects of the public policy concerned, it is appropriate that the external control bodies attempt to identify, based on performance audits to evaluate governance in public policies, the actions to be carried out by the

government in order to overcome the difficulties that, as stated herein, have impaired the good governance of the Public Policy for the Promotion of the Rights of the Person with Disability.

Such measures are even more pertinent given the relevant change in the scenario involving the implementation of that policy. With the recent modifications of the federal public administration structure, with direct impact on the agency responsible for promoting the rights of the person with disability, there is a new situation in which the expressive reduction of financial resources and the need for rationalization of the administration will require from stakeholders an even greater capacity and coordination for actions whose scope and crosscutting aspect reflect the nature of the rights it intends to guarantee.

The rights of the person with disability will only be realized through the formulation and implementation of a public policy with a crosscutting nature that achieves, broadly and effectively, all areas essential to the dignity of the human being. To do so, only with good governance in the Public Policy for the Promotion of the Rights of the Person with Disability will it be possible to adapt the State performance to formulate and implement actions that are coordinated, perennial and truly able to intervene in reality and adapt it to the essential conditions for everyone to be entitled to a dignified and full life.

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