



**CITIZEN
TASK
FORCE**

RESULTS 2022

**COMMITMENT
TO PUBLIC
TRANSPARENCY**



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INTRODUCTION

Civic engagement is the cornerstone of **democracy**. From the possibility of electing representatives through voting in elections to the participation in public hearings, the population has access to instruments to engage in public processes of decision-making and public management control. Nevertheless, interaction is traditionally limited, resulting in low levels of **cooperation** between society and control bodies.

However, to ensure the good and regular management of public resources, the presence of both dimensions of control is necessary: the **institutional control**, exercised by public agents instituted by law for this function, and **social control**, exercised directly by society. The existence of institutional arrangements and the effective performance of these mechanisms can **enhance** public management control.

From the point of view of formal control, the institutional arrangement is established through the presence of Control Networks in all the states of the federation. These are formal pacts, formed between various public institutions that undertake the commitment to act in a **collaborative** manner, within their respective competencies, to verify legal aspects of public management. As for social control, it is present in a diffuse and individual manner or through private civil society organizations, such as the Social Observatory of Brazil (OSB).

Despite the existence and operation of formal and social mechanisms to control public management, the actions of public administrators still pose several problems that hinder the full exercise of **citizen engagement**. Among them, it is worth mentioning the low rate of cooperation and interaction between institutional and social control, which, if it were otherwise, could allow for a broad and exponential verification of the Administration's acts.

In this scenario, representatives of institutional and social control decided to join forces and think of joint strategies to enhance public administration control. From this multi-actor cooperation came the **Citizen Task Force (FTC)**.



WHAT IS THE CITIZEN TASK FORCE?

The **Citizen Task Force (FTC)** is a **collaborative action** between the Public Management Control Networks (institutional control) and organized civil society (social control). This union of efforts aims to contribute to municipal transparency and the integration of institutional and social control mechanisms.

The Control Networks are groupings of control bodies brought together under a cooperation agreement in each federation unit in Brazil. This group includes the Federal Court of Accounts (TCU), the Office of the Comptroller General (CGU), the State Courts of Accounts, the Public Prosecution Office, among others. Organized civil society was represented by the Social Observatory of Brazil (OSB), a non-governmental, non-profit institution consisting of volunteers.

The action basically consists of an assessment process of the municipal **transparency** portals, based on a questionnaire developed from the citizen's point of view. The idea is to evaluate whether a person is able to follow all the phases of a public expense, such as a construction project or an acquisition in healthcare. The theme of transparency was chosen because it is a basic prerequisite for social control.

More than an assessment of transparency portals, the FTC is a collaborative work model that aims **to integrate institutional control with social control**, strengthening citizen engagement and expanding the audit capacity of the control bodies.

The entire action strategy was co-produced by the actors involved. The coordination group for this project was made up of representatives from the Federal Court of Accounts (Department of External Control - Government Procurement and the



Department of External Control in the state of Santa Catarina), the Office of the Comptroller General (CGU), the Court of Accounts of the State of Rio Grande do Sul (TCE/RS), and the Social Observatory of Brazil (OSB).

In addition, the Control Networks of 8 federal units have committed to follow up on the FTC's actions in their respective fields. The participating states are the following: Acre, Minas Gerais, Mato Grosso do Sul, Paraná, Rio de Janeiro, Rio Grande do Sul, Santa Catarina, and Tocantins.

LET'S TALK ABOUT TRANSPARENCY?

Social control, understood as citizen engagement in public management, is a mechanism for **preventing corruption and strengthening citizenship**. In Brazil, due to its territorial extension (8,516,000 km²) and the large number of municipalities (5,570), the need to establish a strong and active social control is highly relevant. Thus, social control proves to be an indispensable complement to institutional control.

Citizen engagement presupposes a set of instruments that are appropriate for its effectiveness and that make it possible to evaluate the actions of the administrators. The main instrument of social control is **transparency**, that is, the availability of documents and information on the acts of the public administration. The disclosure of information brings society closer to the management carried out by its representatives.

However, the mere act of making information on transparency portals available may not be sufficient. It is necessary that citizens have access to data on revenues, expenses, contracts, payments, and all the public documents concerning the day-to-day activities of the Public Administration. For example, how can a person monitor the construction work being carried out near their home if they do not have full access to the bidding process, the project, the ordinance appointing its inspector, the measurements, and payments?



HOW WAS THE ACTION CARRIED OUT?

The collaborative action was structured in **three phases**. In the **first phase**, a multi-actor coordination group developed the project's methodology and sought the adhesion and support of the Control Networks from eight states: Acre, Mato Grosso do Sul, Minas Gerais, Paraná, Rio de Janeiro, Rio Grande do Sul, Santa Catarina, and Tocantins. The basic principle of the FTC was to carry out the assessment from the **citizen's point of view**, which differentiates the action from previous ones already undertaken in the country. This means that the assessment items sought to verify whether the transparency portals contained the information necessary to exercise social control.

Then, the decision was to evaluate transparency portals of the municipalities under the aspects of **active transparency**, both general and specific, and **passive transparency**. The assessment of the general aspects of active transparency involved all the municipalities in the participating states, which represents 2,376 Brazilian municipalities. As for the specific aspects of active and passive transparency, their assessment involved only the municipalities with more than fifty thousand inhabitants, meeting the criteria of relevance and materiality, which represents 236 evaluable municipalities, as per Figure 1.

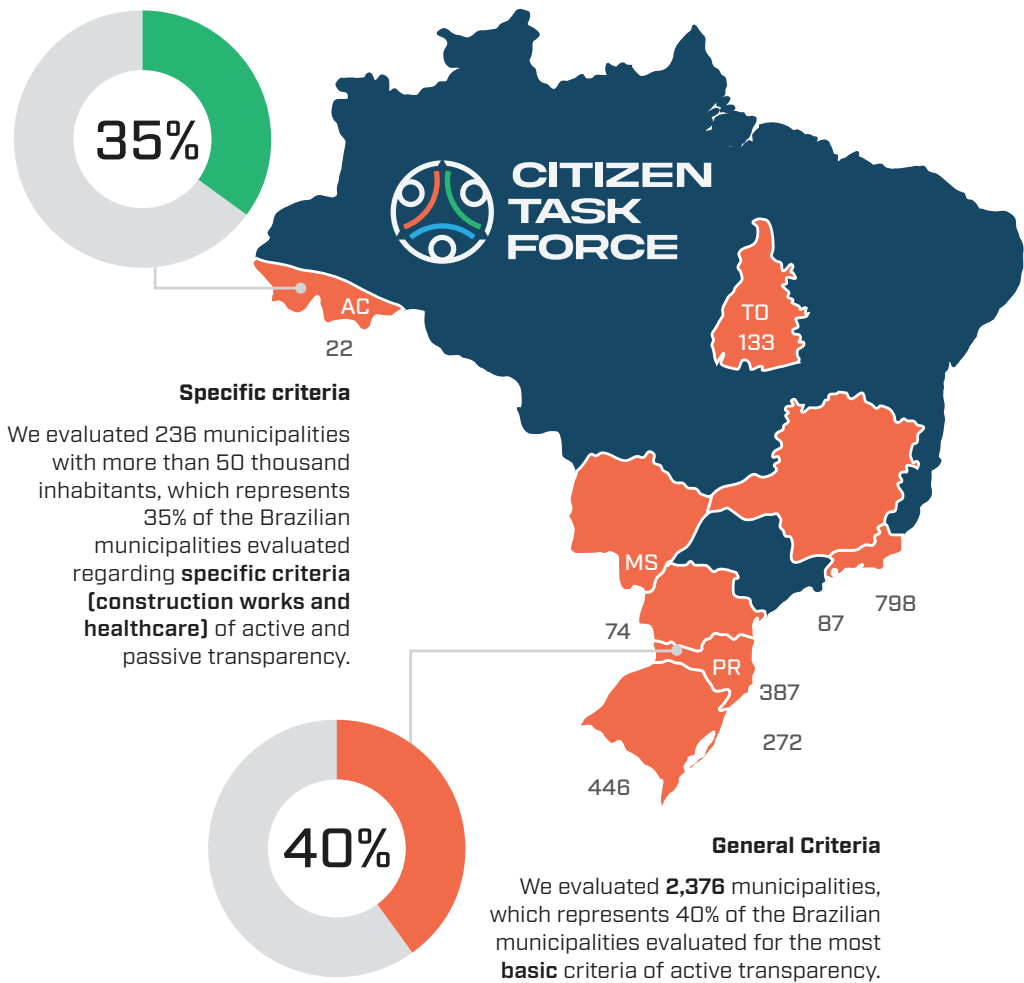


Figure 1. Number of municipalities assessed by state



The action relied on groups of **citizen auditors**, consisting of around 150 volunteers who were later trained by the participating control bodies. The OSB was responsible for selecting these volunteers, in compliance with the formalities of ethical, moral, and functional conduct stipulated by the FTC and materialized in TCU and OSB regulations. Only six public servants participated in the coordination process, four from the TCU, one from the Office of the Comptroller General, and one from the Court of Accounts of the State of Rio Grande do Sul.

In the **second phase** began the actual assessment process of the municipal transparency portals, which focused on the availability of information and documents related to procurement carried out by the municipalities. The assessment made use of three electronic questionnaires: one for the general aspects of active transparency, one for the specific aspects of public works, and another for healthcare.

These questionnaires approached aspects of **active transparency**, ranging from the existence of information portals or electronic sites to the presentation of contracting documents, whether during the internal phase, such as justifications and preliminary technical studies, or during the external phase, such as payment commitments and actual payments. The criteria required to equalize the assessments were also described, whose practical and legal aspects were indicated during the training program in order to standardize assessments and data collection.

Once assessments are finished, the OSB sends a communication to the municipalities reporting non-compliances and irregularities found. After the communication from social control is issued, the municipal managers are expected to implement improvements. According to previously established agreements, if improvements are not implemented, the OSB will notify the Control Networks indicating the municipalities that failed to do so, initiating the third phase of the action.

The **third phase**, therefore, involves **institutional control**, with the adoption of formal control actions in case there is evidence of irregularities that have not been resolved by public managers after notification by social control.



WHAT ARE THE RESULTS?

The first stage of the assessments conducted by the FTC addressed **general aspects of the active transparency** with questions that verified, for example, access to the website/portal of transparency, the existence of a search tool, and access to general data on construction works and bidding exemptions (Law 12,527/2011, art. 8 and Complementary Law 101/2000, art. 48). This stage was carried out between August 2021 and July 2022, with the assessment of 2,227 municipalities, which corresponds to 94% of the municipalities of the participating states. Figure 2 below shows the results of this first stage.

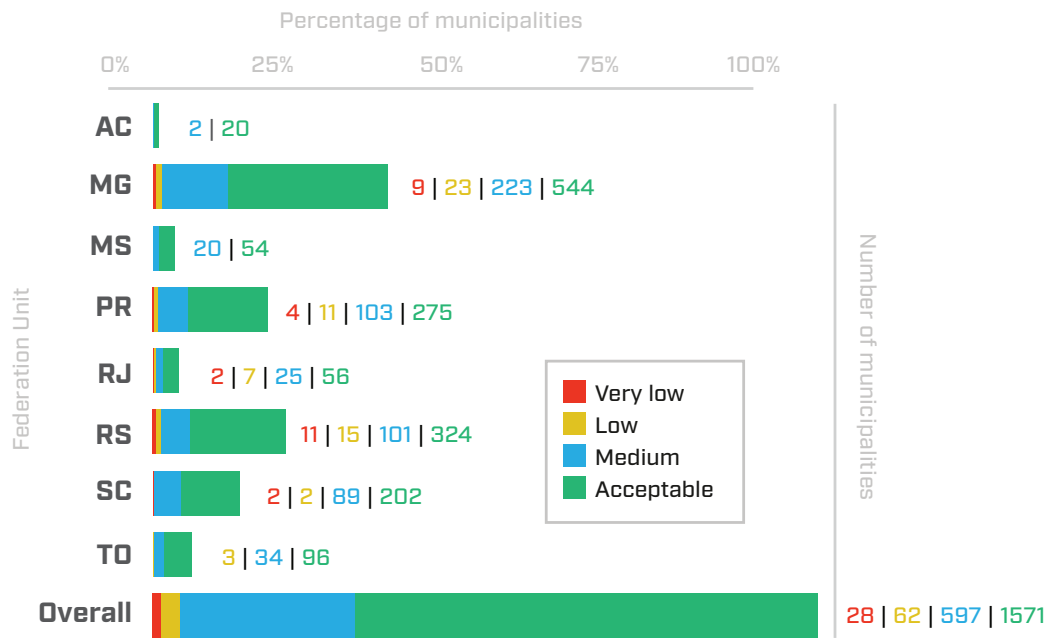


Figure 2. Assessment of active transparency - General criteria

The figure shows that 2,013 municipalities (90% of those assessed) have an acceptable or average index regarding the general aspects of active transparency. The general aspects assessed here were defined based on requirements established by the Access to Information Law (Law No. 12,527/2011). The results of the assessment indicate that the majority of Brazilian municipalities meet the most **basic** transparency criteria.



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The second stage of assessments addressed **specific aspects of active transparency**, by examining the details of a public works contract and a tender waiver in healthcare, starting from the internal phase documents to the payments made. This choice was justified by the relevance and materiality that **construction works and healthcare expenditures** represent in the municipal budget. The aim was to verify whether the information available allowed society to exercise direct control.

The legal criterion adopted was art. 8, §1, item V of Law 12,527/2011, which stipulates that the disclosure of information must include, at least, general data that enable agencies and entities to monitor programs, actions, projects, and construction works. The same goes for art. 4, § 2 of Law 13,979/2020, which states that all contracts or acquisitions made during the pandemic period would be immediately available on a specific website on the world wide web (internet). This stage was carried out between October 2021 and July 2022, with the assessment of 236 municipalities, corresponding to all the municipalities with more than 50 thousand inhabitants in the participating states. Figure 3 below presents the results of the active transparency of public works.

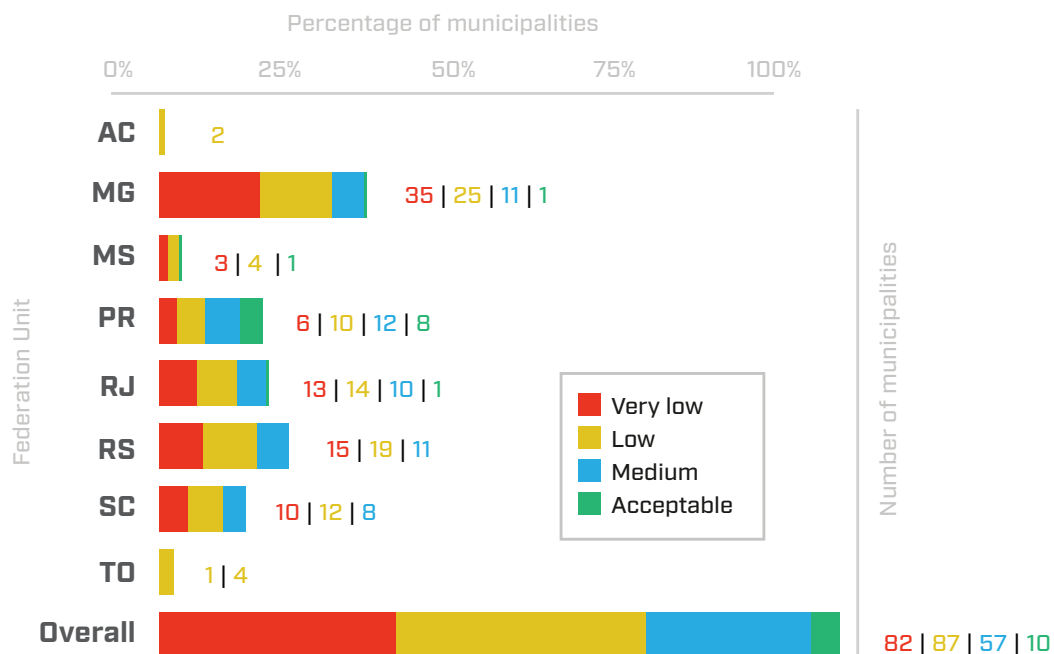


Figure 3. Active Transparency Assessment – Construction Works



It is visible, therefore, that the results from assessing specific aspects of active transparency regarding public works **contrast** considerably with the results of the general aspects. Considering all the states (overall), 170 municipalities (72% of those assessed) have low or very low transparency rates for the aspects evaluated, while this rate was only 10% when assessing the general aspects of active transparency. Figure 4 below reports the results of active transparency related to bidding exemptions in healthcare.

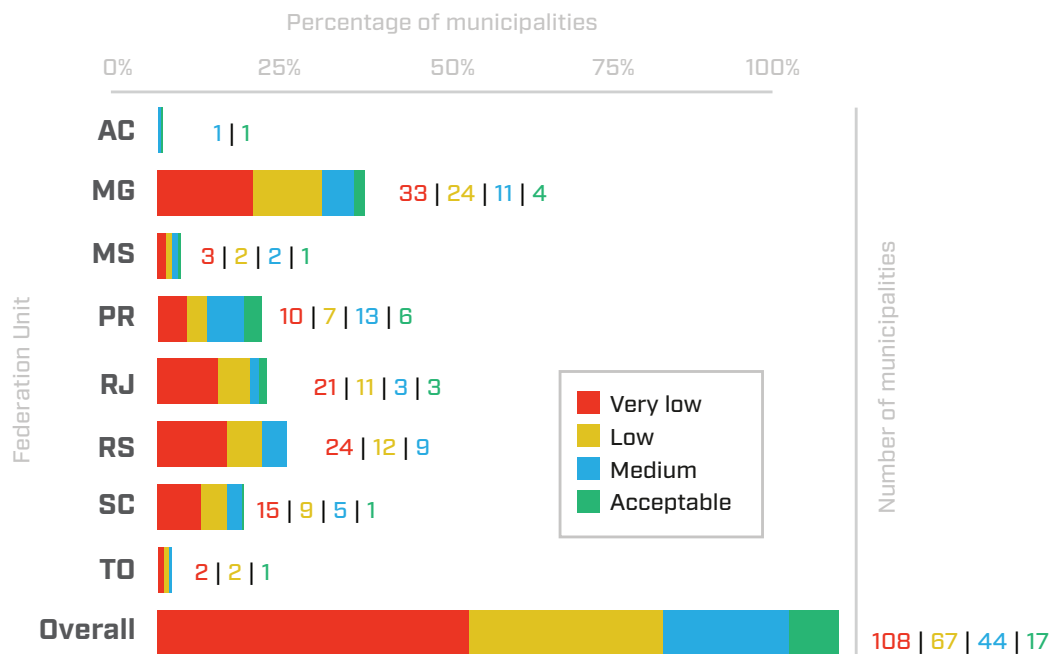


Figure 4. Active Transparency Assessment - Healthcare

Once again, it is possible to notice significantly worse results than those of the general aspects assessment. Considering all the states (overall), 176 municipalities (75% of those assessed) showed low or very low transparency rates for the specific aspects of active transparency in healthcare.



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To evaluate **passive transparency**, municipalities were asked to provide information, which was then categorized according to their content. Figure 5 below shows the results of passive transparency. It should be noted that the scale is different from the previous graphs.

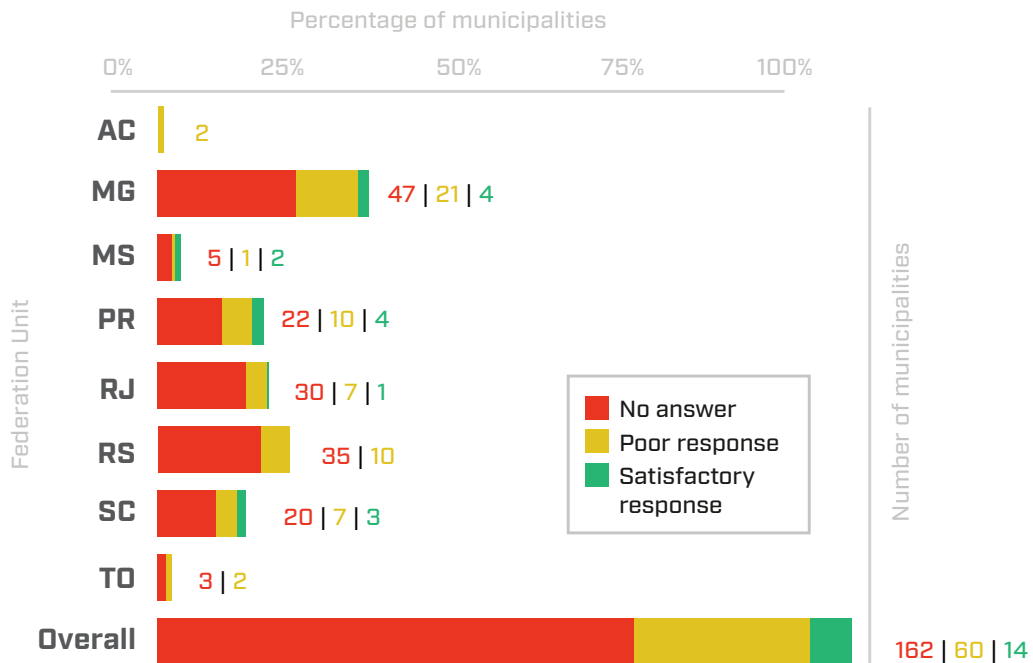


Figure 5. Passive transparency assessment

The assessment shows a high number of lack of responses, as well as a large number of unsatisfactory ones, such as those protocol responses referring to the transparency portal, without indicating the access link. Thus, the conclusion is that the municipalities seek to comply with the legal deadline for responses, but with **little concern about the content requested**.



Finally, Figure 6 below presents the **overall compared results**.

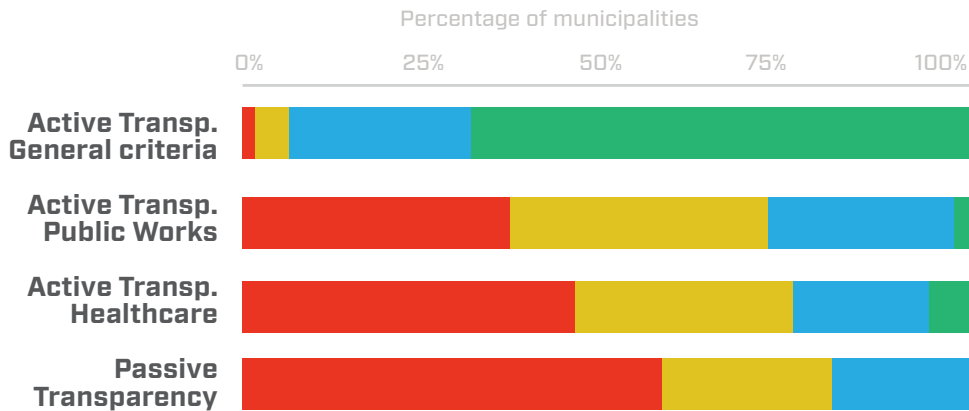


Figure 6. Compared overall result

The results provided by the FTC show a good assessment for the most **basic** aspects of active transparency. The same cannot be said for the specific aspects of passive and active transparency of public works and exemptions from bidding in healthcare, in a logic that is inversely proportional to the citizen’s need for access. This implies that **citizens are unable to objectively consult** information such as values, periods of execution, contracts, object, origin of funds, payment commitments made, reports of audit performed, and authorizations for payments made. This context **hinders effective control** over the actions of public managers, reducing the expectation of controlling and combating corruption.

It is noteworthy that these 236 cities are among those with more than fifty thousand inhabitants, which, in principle, would denote greater capacity and structure to have more effective instruments of active transparency. Despite several initiatives to encourage transparency, the FTC reveals that this subject is still of high priority and lacks structuring measures, such as the definition of clear criteria as to how the instruments should work in favor of institutional and, particularly, social control.



WHAT'S NEXT?

From now on, the Social Observatory of Brazil (OSB) will promote meetings to get closer to the participating Control Networks, which is the moment when the database containing the evaluation results will be made available to the control bodies. It should be noted that the **integration between institutional and social control** is not only a byproduct of the FTC, but an explicit goal since its conception.

Having the FTC's evaluation as input, Control Networks are expected to continue to coercively demand adequate measures from municipal administrators whose transparency portals were not complying with the evaluation criteria. **The constant support of institutional control is essential for social control to be able to carry out its role.**



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**DO YOU HAVE ANY QUESTIONS OR
SUGGESTIONS?**

**CONTACT US THROUGH THE E-MAIL
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