

Independent Reporting Mechanism

Results Report:
Brazil 2021–2023

Open
Government
Partnership



Independent
Reporting
Mechanism

Executive Summary

Nine of the 12 commitments in Brazil's fifth action plan achieved moderate early results. Coinciding with elections and subsequent political transitions, the implementation period was cut short to 12 months. Despite strained relationships between civil society and the executive, Brazil's open government movement continued to advance, which underscores the OGP process as a resilient space for participation and collective action.

Early results

There were no significant early results from the implementation of Brazil's fifth national OGP action plan, although 9 of the 12 commitments achieved moderate early results. Stakeholders pointed to the lasting effects of the COVID-19 pandemic, a shortened implementation period, elections, and strained relationships between civil society and the executive as factors limiting the early results.

Among the commitments that achieved moderate early results, this report highlights those that advanced open government in areas that were under threat or were a relevant next step from previous action plans. Commitment 1 (on access to quality environmental data) and 10 (on disclosure of environmental licensing data) advanced transparency and open discussions of environmental issues. Commitment 8 (on promoting open science) continued Brazil's regional leadership in open science and built on the work from the previous plan. Furthermore, these commitments set themselves apart as they produced specific deliverables and recommendations with the active participation of the involved stakeholders.

Completion

Half of the commitments (6) in this action plan were substantially completed, two were fully completed, and four saw limited progress. Overall, the level of completion is comparable to prior action plans¹ with no notable differences in completion levels between civil society and government priority themes. In most cases, fully completed commitments benefited from active stakeholder participation (Commitment 8), lead agency's capacity to enact change (Commitment 1), and a clear continuation of work from one milestone to the next. Those with limited completion did not deliver a final product that embodied the commitment expectations (Commitment 2), had ongoing coordination and weak participation that prevented from delivering co-created results (Commitment 6), or significantly delayed by due process (Commitments 7 and 11).

Participation and co-creation

The co-creation and implementation of the fifth action plan met the minimum requirements of the OGP Participation and Co-Creation Standards.² Two bodies make up the OGP Multistakeholder Forum of Brazil: the Interministerial Open Government Committee (CIGA) oversees the OGP process and the Civil Society Working Group (CSWG) advises this committee. CIGA was actively involved during co-creation but reduced its participation during implementation.³ Throughout the action plan cycle, the CSWG had limited influence and remained an advisory body to the CIGA, without voting power.⁴ The Comptroller-General's Office of the Union (CGU) coordinates the operations of the multistakeholder forum.

IMPLEMENTATION AT A GLANCE

LEVEL OF COMPLETION

9/12

Complete or substantially complete commitments

EARLY RESULTS

9/12

Commitments with early results

0/12

Commitments with significant results

COMPLIANCE WITH MINIMUM REQUIREMENTS

Acting according to OGP process.

As in past action plan cycles, implementation of the action plan saw less active involvement of civil society in monitoring the progress and government agencies in advancing agreed milestones. Organizational and individual changes across government and civil society brought implementation hurdles, given the need to restart conversations and re-orient new participants. Interviewed civil society representatives expressed challenges such as competing priorities, limited resources, explicit normative actions that limited civic spaces, and strained relationships with the executive. Furthermore, the election period reduced the availability of government officials and civil society representatives. The COVID-19 pandemic also posed challenges, although virtual modalities were successfully adopted. The role of the CGU has been highlighted as vital in navigating these challenges for having established good practices such as frequent monitoring meetings and progress reports submission for each commitment.

Implementation in context

Brazil's multistakeholder forum decided to reduce the implementation period of the 2021–2023 cycle from two years to only one year (covering January–December 2022). This was to ensure the following action plan be in sync with the federal government plans and priorities for the 2023 administration following the October 2022 elections.⁵ Nevertheless, the IRM assessed the progress of implementation to mid-2023 in line with the original timeframe.

The CGU's steady and experienced coordination as well as the commitment of individuals within government agencies and civil society allowed the plan to advance open government and influence national policies to an extent. One of the main results of the fifth plan was keeping the open government movement going despite a challenging political context as well as the height of the COVID-19 pandemic, which required adapting to a virtual modality. The OGP process showed its resiliency as a space to advance open government with a notable expansion of civic spaces for decision-making, and the development of a Federal Open Government Strategy⁶ following the elections, which further enhanced open government practices and provided a course correction to the participatory deficiencies surrounding the fourth and fifth action plan cycles.

¹ For the third and fourth action plans, respectively 62.5% and 72.3% of commitments were fully or substantially completed. The fifth action plan had 66.7% of commitments under these categories. See Fabro Steibel, "IRM End-of-Term Report: Brazil 2016–2018," Open Government Partnership, 2 October 2020, https://www.opengovpartnership.org/wp-content/uploads/2020/10/Brazil_EOTR_2016-2018_EN.pdf; Christiana Soares de Freitas and Pedro Espallat, "IRM Transitional Results Report: Brazil 2018–2020," Open Government Partnership, Forthcoming.

² For compliance during co-creation, refer to Section III: Participation and Co-Creation of the Action Plan Review. See Luciana Tuszel, "IRM Action Plan Review: Brazil 2021–2023," Open Government Partnership, 10 January 2024, https://www.opengovpartnership.org/wp-content/uploads/2024/01/Brazil_Action-Plan-Review_2021-2023_EN.pdf. For compliance during implementation, refer to Section III of this report.

³ Comptroller-General of the Union, interview by IRM Researcher, 9 April 2024.

⁴ For additional information, refer to Section III of this report.

⁵ Comptroller-General of the Union, interview.

⁶ Examples of civic space expansion under the new administration are: (1) The 2024–2027 multi-year plan (PPA) which functions as the federal government's main budget planning instrument, increased its citizen participation components, with a reported mobilization of 32 thousand people; (2) The Transparency, Integrity, and Anti-Corruption Council (CTICC) was established—in practice an expansion of a previous council—with 30 civil society members and increased scope; (3) An interministerial social participation system, created by Executive Decree No. 11.407/2023, will establish a Social Participation and Diversity Office within each ministry to coordinate dialogue between government and civil society; (4) A Social Participation Council, formed via Executive Decree No. 11.406/2023, will serve as a direct advisory entity to the president with 68 diverse civil society representatives; (5) As a result of an assessment in collaboration with the OECD, the CGU is developing a Federal Open Government Strategy. Confirmed information received from Comptroller-General of the Union, correspondence with IRM researcher, 24 January 2024.

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Section I: Key Observations

Observation 1: National action plans are a resilient civic space to advance open government and policy work. Interviewed participants from government and civil society agreed that one of the fifth action plan's main achievements was preserving the principles of open government despite facing a political context that was resistant to it and amidst an eroding civic space and growing fatigue among civil society to engage the executive branch. There was also documented evidence of an increase in human rights and environmental protection violations.¹ Regardless, government agencies and civil society continued to collaborate and advanced open government practices and enacting policy changes in threatened areas. Commitments 1, 5, and 10 achieved moderate early results in enhancing transparency and civic participation in environmental issues, while Commitment 4 laid the foundation for the Human Rights Violation Observatory, launched by the new administration in December 2023.

Observation 2: Brazil has complex and overlapping participatory frameworks which oversee open government. Political transitions in January 2023 introduced key actions expected to shape open government practices in Brazil, including the establishment of the Transparency, Integrity, and Anti-Corruption Council (CTICC) as well as the Social Participation Council.² These councils promise positive change to significantly increase civil society participation across various areas, but lack certainty regarding the hierarchy, procedures, and coherence with other similar participatory spaces. The IRM specifically highlights a lack of clarity regarding the roles of the CTICC and the Interministerial Open Government Committee (CIGA),³ although the Comptroller-General's Office of the Union (CGU) noted that the CTICC is an advisory council, whereas the CIGA holds decision-making authority. However, civil society only has voting power in the CTICC. In co-creating the upcoming sixth action plan, the Civil Society Working Group (CSWG) was convened through the CTICC instead of the CIGA with an expanded representation from three to nine civil society members.⁴

The CGU mentioned convening the CSWG via the CTICC allowed to address participatory deficiencies in membership and to expedite co-creation process.⁵ However, the IRM views expanding civil society membership in the CIGA and equipping them with voting power would address the deficiencies better. This is the case across other OGP countries, such as Mexico (where civil society MSF members have voting rights) and Uruguay (where MSF decisions are based on consensus). Brazil could also consider replicating Costa Rica's Open State Council model, which includes other branches of government and civil society as voting members or permanent observers.⁶ In Brazil, participation of the legislative branch could be institutionalized and enhanced with a voice in decision making, while the CTICC could serve an advisory or consultative role. Evaluating and then clarifying the functions and composition of these councils could help to streamline oversight and participation, especially as civil society has underscored several challenges that limit their engagement capacity, such as limited time and resources, competing priorities, as well as clarity of functions and support.

Observation 3: Involved and institutionalized coordination is decisive for national action plans and other open government initiatives. The CGU has ample experience in leading the coordination of action plans, having led OGP engagement in Brazil since 2011. The CGU played a key role in monitoring and encouraging the implementation of the commitments. Interviewed government and civil society participants highlighted the CGU's bimonthly monitoring meetings and quarterly progress reporting as vital to achieving results in the fifth action plan. It also navigated the political context and the institutional and leadership changes across many government agencies, itself included, by constantly engaging and informing actors of the latest updates. The expertise and dedication of CGU staff were evident and necessary to coordinate the many actors across policy areas that participated in the fifth plan, aided by its scope of work which extends beyond the OGP process. In 2022, the CGU collaborated with the OECD and published an Open Government Review of Brazil,⁷ which identifies several strengths, weaknesses, and key recommendations that informed a Federal Open Government Strategy. The

CGU was also central in the creation and coordination of the CTICC and the Federal Public Administration's Integrity, Transparency, and Access to Information System (SITAI).⁸

Observation 4: Strong government agency leadership and active civil society support in implementing reforms delivered positive results. Commitments led by government institutions and actively supported by civil society delivered positive results. Commitments 1, 8, and 10 shared the common factor of having coordinators with the institutional capacity and power to enact change. In contrast, Commitment 5 faced challenges despite the lead agency's effective coordination in previous plans due to lacking control over agricultural datasets and dependence on other institutions to be responsive and willing to bring about change. Similarly, Commitment 6 struggled due to insufficient participation from other government agencies that held the necessary databases, despite the lead agency's expertise and willingness to integrate information on the use and sale of federal properties.

Observation 5: Shortened implementation period led to weaker early results, although many commitments could achieve further results if they continue to be implemented. For the fifth plan, commitments only had 12 months for implementation instead of 24 as in previous plans. Despite this, many commitments set the foundations for achieving impact, although in many cases, the work has not continued beyond the official conclusion of the plan or has taken a reduced pace. Commitment 1 established an action plan with clear deliverables but is now delayed for completion. Commitment 2 set the themes and governance structure for a collaborative anti-corruption tool, whose the foundational work and lessons learned can inform an improved version that addresses civil society priorities. Commitment 5 proposed involving specialized institutions such as the Public Prosecutor's Office and the National Data Protection Office to resolve pending issues on further opening agricultural databases. Commitment 6 lacked notable early results that continues a trend of ineffective land transparency commitments and prompts a need for self-evaluation. Commitment 7 developed a data catalog to facilitate social monitoring, but actions were halted at the validation stage which would accomplish the commitment's pending actions to increase the social monitoring of health data and further improve the national health safety observatory platform. Commitment 8 made strides in proposing alternative evaluation metrics yet requires user case implementations. Commitment 10 did not succeed in creating technical feedback mechanisms for data users, which indicates that relying solely on access to information laws or suggestion portals may be insufficient if governments, as data custodians, want society to actively utilize this data for better social oversight and to support the business case for open data. Commitment 11 set the structure for an Open Data Users Council but fell short of having it established.

¹ "Amnesty International Report: Brazil 2022," Amnesty International, accessed 27 March 2024, <https://www.amnesty.org/en/location/americas/south-america/brazil/report-brazil>; Robbie Gramer, "Who owns the Earth's lungs? The battle to save the Amazon goes beyond Brazil," Foreign Policy, 9 December 2022, <https://foreignpolicy.com/2022/12/09/amazon-rainforest-climate-change-deforestation-bolsonaro-lula>.

² For more information on the CTICC, see "Executive Decree No. 11.528," Government of Brazil, 16 May 2023, https://www.planalto.gov.br/ccivil_03/_Ato2023-2026/2023/Decreto/D11528.htm. The Social Participation Council is a direct advisory entity to the president on matters related to civic participation in implementing public policies comprised of 68 diverse civil society representatives. See "Executive Decree No. 11.406," Government of Brazil, 31 January 2023, <https://www.in.gov.br/en/web/dou/-/decreto-n-11.406-de-31-de-janeiro-de-2023-461369516>.

³ "Executive Decree No. 11.528," Government of Brazil.

⁴ "Brazil's Repository on Civil Society Working Groups," Comptroller-General of the Union, accessed 27 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/governo-aberto-no-brasil/grupo-de-trabalho-da-sociedade-civil>.

⁵ For more details, see Section III of this report.

⁶ For more information, see "Comisión Nacional para un Estado Abierto de Costa Rica," Government of Costa Rica, accessed 27 March 2024, <https://www.gobiernoabierto.go.cr/cnea>.

⁷ "Open Government Review of Brazil: Towards an Integrated Open Government Agenda," Organisation for Economic Co-operation and Development, 21 June 2022, <https://doi.org/10.1787/3f9009d4-en>.

⁸ For more information on SITAI, see "Sistema de Integridade, Transparência e Acesso à Informação," [Integrity, Transparency and Access to Information System], Comptroller-General of the Union, accessed 27 March 2024, <https://www.gov.br/cgu/pt-br/assuntos/integridade-publica/sitai>.

Section II: Implementation and Early Results

The following section looks at the three commitments that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also took into account commitments that were not determined as promising but that, as implemented, yielded predominantly positive or significant results.

Commitment 1: Access to quality environmental data

Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA), National Institute for Space Research (INPE), Environmental Observatory of the National Council of Justice, Brasil.IO, Imaflora, InfoAmazonia, and Observatório do Código Florestal (OCF).

Context and objectives

Commitment 1 continued a strong environmental focus of Brazil action plans.¹ It was the second-most-voted theme during the consultation process and is a civil society priority commitment.² As producers and custodians of environmental data, public institutions have a strong history of transparency, including the commitment holders at the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA), which has been systematically publishing data since 1979.³ However, users of environmental databases have voiced concerns about the reliability of the data and difficulty of conducting analysis given lacking standardization and integration, requiring access multiple sources and websites.⁴ The goal of this commitment was to bring together the custodians (the government) and the users (civil society) to co-create recommendations for improving and integrating environmental databases. These actions would then permit civil society to monitor environmental issues better and increase the transparency and accessibility of key information.⁵ The IRM expressed concerns regarding the ambition level of this commitment in the Action Plan Review due to its milestones describing the development of an action plan rather than implementing certain actions.⁶

Early results: Moderate

Commitment 1 completed all of its six milestones and achieved moderate early results by transforming open government culture within the involved institutions, developing a co-created plan with specific actions institutionalized through an official ordinance, and demonstrating clear evidence of ongoing execution in collaboration with civil society. Involved civil society organizations presented the government with a list of 15 priority databases for integration and improvement (Milestone 1).⁷ Of these, 13 were managed by public institutions also involved in implementing the commitment. Civil society then identified primary obstacles they encountered as users (Milestone 2), which included incomplete and inconsistent data, lack of a common unifier, absence of municipal-level granularity, missing georeferencing, incomplete data dictionaries, limited data filters, long update time, and others.⁸ These deficiencies prevented civil society from effectively monitoring strategic matters such as deforestation and land use.⁹ An iterative dialogue then ensued to review and assess the feasibility of civil society recommendations (Milestone 3).¹⁰ For IBAMA, a key concern was aligning civil society recommendations with institutional data improvement plans.¹¹ Both civil society and government agents understood that changing IT systems, many of which were established decades ago, would require time, resources, and alignment with institutional agendas and approved plans.¹²

The commitment successfully delivered a co-created action plan (Milestone 4), which has 33 action points ranked by impact, complexity, and priority with specific government and civil society actors identified as duty bearers and a timeframe for completion (Milestone 6). Discussions of technical standards for data integration (Milestone 5) were present,¹³ with the action plan having been completed by the second quarter of 2024 due to political transitions.¹⁴ Given the reviewed evidence for the previously described actions, the IRM considers the commitment as completed, with the final deliverable of an action plan fully accomplished.¹⁵

Despite the commitment being originally coded as unambitious in the Action Plan Review,¹⁶ it saw moderate early results during implementation. Stakeholders highlighted a change of culture that led to an increased and ongoing collaboration.¹⁷ The commitment started as reactive, with civil society organizations presenting their concerns and the government pointing out several

limitations in addressing them, noting that existing tools and data policies already met many of the requests.¹⁸ The moment of change was a 2-day event conducted in September 2022 with the participation of 30 attendees, evenly from civil society and the government.¹⁹ This event allowed stakeholders to move to a more collaborative energy that recognized CSO issues and situated them within what was feasible for public institutions. The plan included actions to be developed by civil society or in consultation with them. Furthermore, the plan was officially institutionalized within IBAMA with an ordinance in March 2023.²⁰ According to one of IBAMA's commitment coordinators, it was the first time that they engaged in being the lead organization in a process of direct engagement with civil society, and although there was an adjustment period, it has enriched the institution.²¹ The IRM also confirmed that this collaboration was ongoing beyond the fifth action plan's time frame.²² Several actions have been accomplished, such as improving data dictionaries, including database filters and municipal-level disaggregation, and, most relevant, publishing better georeferenced data on forestry environmental authorizations (AUTEX).²³

Diverse enabling factors contributed to the success and impact of the commitment. First, IBAMA, as the commitment lead, was the institution responsible for managing many of the databases identified by CSOs, and they were receptive to the collaboration.²⁴ Second, all parties had clear expectations of what could be accomplished given the 1-year implementation timeframe of the fifth plan and the political context.²⁵ Third, IBAMA has been working and has launched an open data plan that looks at actions to improve its databases with specific budget lines.²⁶ This allowed them to include recommendations by CSOs in an ongoing and funded agenda. Finally, the participants of the commitment kept the work going beyond the national action plan's official conclusion. They focused on bringing the new authorities up to speed and getting them interested in the commitment, getting ordinance issued during the new administration.²⁷

Looking ahead

Both civil society and the government confirmed continued collaboration to advance the commitment implementation and expressed interest in further enhancing environmental data. The IRM recognizes the importance of maintaining momentum and completing the agreed upon actions. Formalizing collaborations with civil society through mechanisms such as a data advisory council or similar formats is crucial to effecting more significant changes.

Commitment 8: Promoting open science

Brazilian Institute of Information in Science and Technology (IBICT), Ministry of Science, Technology and Innovations (MCTI), Coordination for the Improvement of Higher Education Personnel (CAPES), Oswaldo Cruz Foundation (Fiocruz), Brazilian Agricultural Research Corporation (Embrapa), and National Council for Scientific and Technological Development (CNPq), Associação Brasileira de Editores Científicos (ABEC), Conselho Nacional das Fundações Estaduais de Amparo à Pesquisa (CONFAP), and Scientific Electronic Library Online (SciELO).

Context and objectives

The promotion of open science has a long history in Brazil, traceable to the early 2000s.²⁸ Since then, the Brazilian Institute of Information in Science and Technology (IBICT) and other organizations have promoted open access to scientific research.²⁹ In Brazil, 95% of scientific production is done by public universities³⁰ and there exists a robust research agenda that public agencies finance.³¹ Thus, a lack of access to scientific research represents a transparency and accountability issue for the government at large.

The open science theme was first included in the fourth national action plan (NAP), under Commitment 3, to establish scientific data governance mechanisms and increase the open data infrastructure. With the positive experience and impact achieved on the previous plan, there was a desire to continue promoting open science under the NAP framework.³² Commitment 8 of the fifth NAP sought to encourage open science by proposing new evaluation mechanisms for the scientific research community.³³ As producers of scientific publications and datasets, researchers must be incentivized to embrace open science. Access to publications and open data have been two foundational aspects of the open science movement.³⁴ However, the scientific evaluation system in Brazil (Qualis) is conditioned on number-of-citations metrics.³⁵ To receive a good evaluation, the scientific community has no alternative but to try and publish in highly cited journals and aggregators that commonly use paywalls, restricting open access to scientific research.³⁶ This evaluation also informs researchers' compensation, promotion, prestige,

research funding, etc. Furthermore, these Qualis evaluations affect the program rankings at each Brazilian educational institution, which can lead to less access to resources.³⁷ The commitment saw this existing evaluation structure as a challenge in incentivizing open science and set its main goal to offer alternative mechanisms to researchers and their institutions.

In the Action Plan Review, the IRM highlighted the commitment as promising due to its continued efforts, potential to revise research guidelines for publicly funded projects, and the possibility of further encouraging open science adoption by public institutions and researchers.³⁸

Early results: Moderate

The commitment achieved moderate early results in advancing open science in Brazil with the potential for enhancing transparency and accountability. Proposals for alternative metrics now exist and are more actively part of the evaluation discussions in government agencies and universities. The commitment also advanced the concept of citizen science³⁹ and led to the launch of an open science observatory. It also had a strong participatory component, with close to 36 organizations involved from government, civil society, and academia.⁴⁰ According to the commitment lead, the co-creation and richness of diverse thinking were part of the commitment from start to finish.⁴¹

The commitment was substantially completed, with work conducted on all the milestones (although not all produced a final or easily understood deliverable⁴²). Ten of the 11 commitment milestones sought to co-create and validate existing and proposed alternative evaluation metrics, while the remaining milestone focused on launching an open science observatory. During implementation, several milestones were combined, given synergies and time limitations.⁴³

Milestone 2 delivered specific criteria to evaluate open science repositories on open data, licensing, infrastructure, and interface.⁴⁴ For milestone 3, commitment stakeholders proposed guidelines for including open science criteria in funding decisions for research. Milestones 4, 6, 8, and 10 advanced efforts to measure the impact of scientific research and include alternative metrics in the Qualis system. Specifically, the working group presented a compilation of indicators and a comparative study highlighting the mismatch between observed and expected impact when relying heavily on citations as the evaluation metric.⁴⁵ Moreover, the commitment advanced the concept of citizen science by proposing an evaluation model that encourages its use (Milestone 5).⁴⁶ There was active validation and dissemination of the proposed metrics. A survey was conducted to validate and refine these alternative metrics (Milestones 1 and 7),⁴⁷ and several events were held to raise public awareness of open science and the commitment's work (Milestone 7).⁴⁸ These engagement and dissemination activities directly address IRM recommendations in the Action Plan Review. There is also evidence of advanced discussions to create alternative metrics for technical, technological, and artistic products (milestone 11), which, while not part of the Qualis evaluation, are still relevant scientific contributions.⁴⁹ The Observatory was also completed and launched under ocabr.org/pt-br/search (Milestone 9).

The commitment had moderate early results in advancing open science in Brazil. The advancement of alternative metrics is a key action in encouraging the adoption of open science as the metrics consider a more multidimensional approach with quantitative and qualitative factors to evaluate research production.⁵⁰ The proposed alternative evaluation metrics potentially encourage researchers and institutions to adopt open science practices and, therefore, increase access. If the alternative metrics are adopted, the commitment can also lead to better accountability of public funds and civil servants involved in scientific research. Furthermore, the commitment enhanced the governance of data repositories established in the previous NAP⁵¹ by proposing evaluation criteria that serve as a practical checklist for repository administrators, with an official guide expected to be published in 2024.⁵² The launched open science observatory is an important step in monitoring the progress of open science in Brazil. According to the government lead, they hope it will become a useful tool in monitoring the diverse actions happening in open science and showing the clear impact of this work.⁵³

Nevertheless, since the alternative mechanisms are only proposals, the assessed impact of the commitment is reduced until they are implemented. Furthermore, the observatory remains a pilot with a lack of clarity on its potential use by citizens. The IRM previously highlighted this lack of specificity in the tool as a challenge for achieving tangible results.⁵⁴

Looking ahead

It is noted that this commitment significantly completed a high number of complicated milestones despite a one-year implementation period. For the commitment to achieve a significant and sustainable impact, government agencies and universities need to adopt these alternative metrics evaluation proposals. Additionally, although Brazil is one of the leading countries in the region in research, it lacks a national law on open science, unlike its neighbors Argentina and Peru, and other regional leaders such as Mexico.⁵⁵ A more immediate starting point is to build on the existing efforts of the commitment. The final documents outlining the proposed metrics could be refined for better clarity and understanding by all stakeholders and citizens and then officially published, for instance, on the observatory's website. Similarly, the observatory could be further developed with more guidance on its purpose and how to use it.

Commitment 10: Disclosure of environmental licensing data

Brazilian Institute of the Environment and Natural Resources (IBAMA), Ministry of the Environment (MMA), Associação Brasileira dos Membros do Ministério Público de Meio Ambiente (Abrampa), Fiquem Sabendo.

Context and objectives

Environmental issues are key in Brazil, given its status as a major player in the global agribusiness sector and holder of 60% of the Amazon rainforest.⁵⁶ Over previous action plan cycles, civil society and citizens have repeatedly brought environmental themes into the OGP process in Brazil. Two of Brazil's three environmental-related commitments in the fourth action plan had limited completion and no notable early results.⁵⁷ For the fifth plan, the concerns were even more pressing, given the reported deterioration of environmental protection actions and the increase in deforestation activities.⁵⁸ This commitment aimed to improve transparency and accessibility to federal environmental licensing data and strengthen interactions with database users. The identified problems were the difficulty in structuring the available data, interacting with the existing interfaces, exporting in open data formats, and lacking user feedback channels.⁵⁹ In its Action Plan Review, the IRM highlighted the commitment as promising, given the potential to advance open government in a key environmental aspect.⁶⁰

Early results: Moderate

Commitment 10 co-created an interface that allows better access and download of environmental licensing data in open formats, increasing civil society's ability to monitor human-driven environmental activities. It also had an active participation of civil society and government agencies throughout the commitment implementation. The commitment sought to engage civil society and users to inform several technical and system development-oriented activities. There is evidence of engagement mechanisms with civil society, including iterative dialogue, a forum, and a focal group (Milestone 1).⁶¹ Users shared insights on their data uses, needs, familiarity with data location, ease of access, and more.⁶² The more technical aspects, including defining the interface technical requirements (Milestone 2), mapping the current licensing process (Milestone 3), and establishing open data system protocols (Milestone 5), were achieved with civil society involvement and oversight.⁶³ The final deliverable was accomplished with the interface launch in early 2023 (Milestone 7).⁶⁴ The interface was integrated as a panel part of PAMGIA, a Brazilian Institute of the Environment and Natural Resources (IBAMA) platform that facilitates public analysis, visualizations, and monitoring of environmental themes.⁶⁵ Nevertheless, important milestones that aimed to allow users to report data omissions/errors (Milestone 4) and directly link them with the technical units responsible for the data (Milestone 6) remained pending.⁶⁶ These actions had little progress beyond internal discussions and a presentation of Fala.BR,⁶⁷ an existing federal tool that allows users to demand access to information or give suggestions.⁶⁸

The activities carried out under Commitment 10 improved the availability and accessibility of federal environmental licensing data through the creation of a centralized access point. In milestone 1 consultations, a majority (57.9%) of respondents expressed the need to utilize the Access to Information Law to obtain information.⁶⁹ A member of the fifth plan's Civil Society Working Group (CSWG) highlighted a significant rise in the availability of environmental licensing data as an outcome of the commitment,⁷⁰ reflecting the change from the commitment's initial stages. The interface also directly fulfilled the goal of allowing data extraction in open data formats.⁷¹ Additionally, the commitment strengthened the relationship between data providers and users by engaging them in discussions on constructing an interface that meets their possibilities and demands. While the mechanisms for ongoing feedback were not developed, the

commitment has been recognized by the Comptroller-General's Office of the Union (CGU) and actors of the CSWG as advancing transparency and improving the quality of the dialogue between civil society and government.⁷² The launch of the interface in early 2023 also reflects how the group continued collaborating despite the official end of the fifth plan. Given these early results, the commitment moderately advances the open government principles of transparency and civic participation in federal environmental licensing.

Commitment 10 presented common challenges shared across the plan, such as the electoral year and reduced implementation period. It also shared recurring challenges on commitments related to opening environmental data, as commercial and personal secrecy justifications were used to explain the inability to disclose certain requested information by civil society, such as details on the ownership of individuals and organizations involved in environmental activities.⁷³ An enabling factor was the IBAMA, the commitment lead, is responsible for environmental licensing data. This difference serves as a key observation on the need to have as commitment leads those organizations responsible for implementing the bulk of the actions. Additionally, IBAMA already counted with the PAMGIA platform, which facilitated the fulfillment of the commitment goals. Commitment 10 was also a government-defined priority with advanced planning and support, facilitating achieving its final deliverable.⁷⁴

Looking ahead

For environmental data to be more accessible and guarantee proper monitoring by civil society, the federal bodies with jurisdiction to better evaluate whether opening datasets violates secrecy provisions need to be more actively involved.

Furthermore, the value of citizen monitoring has been evident in the environmental commitments of this plan (e.g., Commitments 1, 5, and 10). As users of the data, they have valuable insights to share with the producers of the information. A natural next step would be the implementation of the feedback mechanisms outlined in Commitment 10. One potential avenue is leveraging the Fala.BR platform, but it should be validated by civil society as a mechanism that provides more technically oriented feedback to report data omissions and errors.

¹ The fifth action plan has three commitments (1, 5, and 10) with an environmental focus. The fourth action plan also had three commitments (8, 9, and 10) that advanced actions on land use transparency, climate change policies evaluation, and water resources management monitoring. The third action plan had one commitment (15) related to transparency in environmental issues.

² "Brazil Fifth National Action Plan on Open Government," Comptroller-General of the Union, 2021, https://www.opengovpartnership.org/wp-content/uploads/2022/01/Brazil_Action-Plan_2021-2023_EN.pdf; Luciana Tuszal, "IRM Action Plan Review: Brazil 2021–2023," Open Government Partnership, 10 January 2024, https://www.opengovpartnership.org/wp-content/uploads/2024/01/Brazil_Action-Plan-Review_2021-2023_EN.pdf.

³ Brazilian Institute of the Environment and Natural Resources (IBAMA), interview by IRM researcher, 5 February 2024.

⁴ IBAMA, interview; "Brazil Fifth National Action Plan on Open Government," Comptroller-General of the Union; Imaflora, interview by IRM Researcher, 1 March 2024; Observatorio doCodigo Florestal (OCF), interview by IRM Researcher, 4 March 2024.

⁵ IBAMA, interview; Imaflora, interview; OCF, interview.

⁶ Tuszal, "IRM Action Plan Review: Brazil 2021–2023," Open Government Partnership.

⁷ See Milestone 1 in: "Commitment 1: Information and documents related to the commitment," Comptroller-General of the Union, accessed 27 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-1-meio-ambiente-e-floresta/meio-ambiente-e-floresta-monitoramento-e-execucao>.

⁸ See Milestone 2 in: "Commitment 1, Information and documents related to the commitment," Comptroller-General of the Union; "Ordinance N. 66," IBAMA, 31 March 2023, <https://www.ibama.gov.br/component/legislacao/?view=legislacao&legislacao=139294>.

⁹ Imaflora, interview.

¹⁰ See Milestones 3 and 4 in: "Commitment 1: Information and documents related to the commitment," Comptroller-General of the Union. IBAMA officially responded to civil society concerns in a technical note. The iterative dialogue to discuss and prioritize actions was mostly accomplished in a 2-day in-person event with commitment holders. Interviews with IBAMA and Imaflora highlighted the presence of an iterative dialogue.

¹¹ IBAMA, interview.

¹² IBAMA, interview; Imaflora, interview.

¹³ See Milestones 2, 3, and 4 under Commitment Execution Report (7 February 2023) and Meeting Notes (12 December 2022) in: "Commitment 1: Information and documents related to the commitment," Comptroller-General of the Union.

¹⁴ "Ordinance N. 66," IBAMA; IBAMA, interview; Imaflora, interview; OCF, interview.

¹⁵ In the government self-assessment report, Milestone 6 was marked as 50% completed as it incorporated progress up to December 2022, whereas the IRM evaluation considered evidence up to mid-2023.

¹⁶ Tuszal, "IRM Action Plan Review: Brazil 2021–2023," Open Government Partnership.

¹⁷ IBAMA, interview; Imaflora, interview; OCF, interview.

¹⁸ Imaflora, interview; See Milestone 3 in: “Commitment 1: Information and documents related to the commitment,” Comptroller-General of the Union. The IRM researcher reviewed the technical note submitted by IBAMA as a response to civil society recommendations (Milestone 3) and concluded similarly that the government position was reactive at first and less flexible in accommodating the civil society issues and recommendations.

¹⁹ IBAMA, interview; Imaflora, interview; See Milestone 4 in: “Commitment 1: Information and documents related to the commitment,” Comptroller-General of the Union.

²⁰ “Ordinance N. 66,” IBAMA; IBAMA, interview.

²¹ IBAMA, interview; “Brazil Third Action Plan,” Comptroller-General of the Union, 14 December 2016, https://www.opengovpartnership.org/wp-content/uploads/2017/04/Brazil_Action-Plan-3_2016-2018.pdf. IBAMA participated in different councils that include civil society, but none as lead organization, including Commitment 15 in the third action plan as a supporting entity.

²² IBAMA, interview; Imaflora, interview.

²³ IBAMA, interview; Imaflora, interview.

²⁴ IBAMA, interview; Imaflora, interview; See Milestone 1 in: “Commitment 1: Information and documents related to the commitment,” Comptroller-General of the Union.

²⁵ IBAMA, interview; Imaflora, interview; OCF, interview. The political context refers to the tension between civil society and the Bolsonaro administration, as well as implementation period coinciding with the electoral cycle.

²⁶ “Ibama publica seu Plano de Dados Abertos 2022–2023,” [Ibama publishes its 2022–2023 Open Data Plan], Comptroller-General of the Union, February 2022, <https://www.gov.br/cgu/pt-br/governo-aberto/noticias/2022/02/ibama-publica-plano-de-dados-abertos-2022-2023>; “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union. Moreover, the commitment description specifies that around 12 million reais were available for database improvement.

²⁷ IBAMA, interview; Imaflora, interview; “Ordinance N. 66,” IBAMA.

²⁸ Brazilian Institute of Information in Science and Technology (IBICT), interview by IRM researcher, 2 February 2024; “Manifesto brasileiro de apoio ao acesso livre à informação científica,” [Brazilian manifesto in support of free access to scientific information], IBICT, 2005, <https://livroaberto.ibict.br/Maccnifesto.pdf>.

²⁹ IBICT, interview; “Brazilian manifesto in support of free access to scientific information,” IBICT.

³⁰ Mariluce Moura, “Universidades públicas respondem por mais de 95% da produção científica do Brasil,” [Public universities account for more than 95% of scientific production in Brazil], Academia Brasileira de Ciências, 15 April 2019, <https://www.abc.org.br/2019/04/15/universidades-publicas-respondem-por-mais-de-95-da-producao-cientifica-do-brasil>.

³¹ Brazil has several institutions that promote or conduct research such as the Brazilian Institute of Information in Science and Technology (IBICT), the Brazilian Agricultural Research Corporation (Embrapa), the National Council for Scientific and Technological Development (CNPq), and the Oswaldo Cruz Foundation (Fiocruz).

³² Christiana Soares de Freitas and Pedro Espailat, “IRM Transitional Results Report: Brazil 2018–2020,” Open Government Partnership, Forthcoming; IBICT, interview. The IRM reviewed the open science commitment of the fourth action plan as having “major” results. Its outcomes brought about notable transformations in the realm of open science policies in Brazil. It enabled collaboration to foster a culture of transparency and accountability in scientific production by ensuring the public disclosure of scientific data.” The positive environment and impact of this previous commitment serve as an inspiration to come together for another commitment.

³³ See Commitment 8 in: “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union.

³⁴ Paola Andrea Ramirez and Daniel Samoilovich, “Ciencia Abierta en América Latina,” [Open Science in Latin America], UNESCO & Foro Abierto de Ciencias Latinoamericana y Caribe, March 2022, <http://forocilac.org/wp-content/uploads/2022/03/PolicyPapers-CienciaAbierta-ES-v2.pdf>.

³⁵ IBICT, interview. The Coordination for the Improvement of Higher Education Personnel (CAPES) is a foundation within the Brazilian Ministry of Education that is responsible for the evaluation of undergraduate and postgraduate institutions. CAPES publishes the Qualis, which is their own journal evaluation system that is influenced by existing journal citation indexing methods. Researchers and their institutions that publish in better-cited journal (usually evaluated with a higher Qualis) are better evaluated. For more information on the Qualis system, see: Daniel Martínez-Ávila, “Qualis Periódicos: el sistema brasileño de evaluación de revistas,” [Qualis Periodicals: The Brazilian journal evaluation system], Anuario ThinkEPI, 17 January 2019, <https://doi.org/10.3145/thinkepi.2019.e13e01>.

³⁶ The issue of paywalls in scientific publications has been well-documented. For more information, see Miranda Dixon-Luinenburg, “Tearing down the academic research paywall could come with a price,” Vox, 18 September 2022, <https://www.vox.com/future-perfect/2022/9/18/23356630/open-science-academic-research-paywall-biden>.

³⁷ IBICT, interview. Specifically on initiatives to raise funds and receive national and international grants.

³⁸ Tuszal, “IRM Action Plan Review: Brazil 2021–2023,” Open Government Partnership.

³⁹ Citizen science refers to citizen involvement in defining and engaging in research agendas and is one of the most recent pillars of open science. Based on the definition used by UNESCO (2021) and the one given under Milestone 5 of the final document available at https://drive.google.com/file/d/1fnYM6fN7bdLj2_lucl1qiC6RhOq2jaH/view.

⁴⁰ “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union, 2023, https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/brazil-end-of-term-self-assessment_5p.pdf.

⁴¹ IBICT, interview.

⁴² See Milestone 8 deliverable which encompassed work relevant to Milestones 4 and 6 at https://drive.google.com/drive/u/0/folders/1DUil6WGUcdkqjDjN3fEGlOUb1LFGbP_K.

⁴³ See “Commitment 8 Implementation Report,” Comptroller-General of the Union, 29 November 2022, <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-8->

transparencia-em-ciencia-novos-mecanismos-de-avaliacao-para-o-avanco-da-ciencia-aberta/monitoramento_8-4_29nov2022.pdf.

⁴⁴ Based on: “Guia de Critérios de Avaliação para Repositório de Dados e Publicações,” [Guide to Evaluation Criteria for Data Repositories and Publications], IBICT, accessed 16 February 2024,

<https://docs.google.com/document/d/1m35QqeFeDc9h0vgurP01ATsYZ5acmrP3/edit>.

⁴⁵ The provided evidence is vast as many documents were done. For the funding guidelines (Milestone 3), there is a list of recommendations to encourage the discussion and give the first steps in including open science as a criterion in these funding decisions. See <https://drive.google.com/drive/folders/1dHrGXe0vyewiJUBwJitCVfYgai5GLOiz>. For measuring the impact of scientific research and alternatives to be included in the Qualis system, Milestones 4, 6, 8, and 10 advance this work. A list of indicators that are related to open science metrics impact was put forward. However, to a person not familiar with the subject, they are not as clear. For example, there are documents showing proposed metrics to evaluate access, open data, transparent peer review process, and others. See

https://drive.google.com/drive/u/0/folders/1DUil6WGUcdkqjDjN3fEGIOUbl1FGbP_K. For milestone 10, see <https://docs.google.com/document/d/1wkhwCUmQiuNi27WHsTN-a4CMu6BV049p/edit>. The commitment had its own

repository, with a link in the official repository that takes there, see

<https://wiki.rnp.br/pages/viewpage.action?pagelid=164663114>. All documents were accessed 16 February 2024.

⁴⁶ Based on evidence for citizen science given at

https://drive.google.com/file/d/1fnYM6fN7bdJj2_lucl1qjC6RhOq2jaH/view, accessed 16 February 2024.

⁴⁷ The designed survey is available at

https://docs.google.com/document/d/1HoIK2fPXv24t_ZXZd7isJZ9Uz5cyPQ7f/edit, accessed 16 February 2024.

⁴⁸ See evidence of the events at

https://docs.google.com/spreadsheets/d/1qbKn22gPThZTiCq06kveTJPpVbTlJAJ_2JZfbAN_8eA/edit#gid=0, accessed 16 February 2024. The IRM also verified that all milestones had presentations and dissemination activities.

⁴⁹ IBICT, interview. For evidence of Milestone 11 evidence, see

https://drive.google.com/drive/folders/1fMILVuEoHDFaY_T8nxmkdefd2eluaGgQ, accessed 16 February 2024.

⁵⁰ Ramirez and Samoilovich, “Open Science in Latin America,” UNESCO & Foro Abierto de Ciencias Latinoamerica y Caribe.

⁵¹ De Freitas, “IRM Transitional Results Report: Brazil 2018–2020,” Open Government Partnership.

⁵² IBICT, interview.

⁵³ IBICT, interview.

⁵⁴ Tuszel, “IRM Action Plan Review: Brazil 2021–2023,” Open Government Partnership.

⁵⁵ Ramirez and Samoilovich, “Open Science in Latin America,” UNESCO & Foro Abierto de Ciencias Latinoamerica y Caribe.

⁵⁶ “The Amazon Rainforest Location,” World Wildlife Fund, accessed 1 March 2024, [https://www.wwf.org.uk/where-we-work/amazon#:~:text=Nearly%2060%25%20of%20the%20rainforest,an%20overseas%20territory%20of%20France](https://www.wwf.org.uk/where-we-work/amazon#:~:text=Nearly%2060%25%20of%20the%20rainforest,an%20overseas%20territory%20of%20France;);

“Agro do Brasil No Mundo – Retrospectiva 2022,” [Agriculture of Brasil in the World – Retrospective 2022], Ministry of Agriculture, accessed 1 March 2024, <https://www.gov.br/agricultura/pt-br/campanhas/expirados/retrospectiva-2021/agro-do-brasil-no-mundo>.

⁵⁷ The IRM evaluated Commitments 8 and 9 as having limited completion and no change in open government practices. See De Freitas, “IRM Transitional Results Report: Brazil 2018–2020,” Open Government Partnership.

⁵⁸ Robbie Gramer, “Who owns the Earth’s lungs? The battle to save the Amazon goes beyond Brazil,” Foreign Policy, 9 December 2022, <https://foreignpolicy.com/2022/12/09/amazon-rainforest-climate-change-deforestation-bolsonaro-lula>.

⁵⁹ See Commitment 5 in: “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union.

⁶⁰ Tuszel, “IRM Action Plan Review: Brazil 2021–2023,” Open Government Partnership.

⁶¹ Based on the 6th execution report of Commitment 10, the IRM Researcher also analyzed evidence that shows the steps taken to include civil society and other groups in defining the interface. See https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso10-governo-aberto-no-licenciamento-ambiental-federal/rse_10-6_09jan2022.pdf;

https://drive.google.com/drive/folders/1Elx7mQ4TU_wqHDD2FtNNofqXVyG-DXP, both accessed 1 March 2024.

⁶² Based on partial reports of activities in March 2022.

⁶³ See https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso10-governo-aberto-no-licenciamento-ambiental-federal/rse_10-6_09jan2022.pdf;

https://drive.google.com/drive/folders/1Elx7mQ4TU_wqHDD2FtNNofqXVyG-DXP, both accessed 1 March 2024; Transparencia Brasil, correspondence with IRM Researcher, 4 March 2024.

⁶⁴ See https://pamgia.ibama.gov.br/pamgia_homolog/?page=Licenciamento-Ambiental&views=Sobre%2CExibir-5%2CLicenciamento-Ambiental-Federal%2CPain%C3%A9is, accessed 21 March 2024.

⁶⁵ To access the environmental licensing panel, users only need to select the theme under “Temas” [Topics] at <https://pamgia.ibama.gov.br/home>.

⁶⁶ These pending actions specifically refer to Milestones 4 and 6 in Commitment 10. In the self-assessment they were marked with 0% completion. In the 6th execution report, there is also evidence that no advancements were made beyond internal discussions. See “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union; “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union.

⁶⁷ See <https://falabr.cgu.gov.br/web/home>.

⁶⁸ Evidence of these discussions and presentations can be found at “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union.

⁶⁹ Based on partial reports of activities in March 2022.

⁷⁰ Transparencia Brasil, correspondence.

⁷¹ Users can download the data under the “Dados Aberto” [Open Data] tab at https://pamgia.ibama.gov.br/pamgia_homolog/?page=Licenciamento-Ambiental&views=Sobre%2CExibir-5%2CLicenciamento-Ambiental-Federal%2CDados-Abertos----, accessed 1 March 2024.

⁷² Comptroller-General of the Union (CGU), interview by IRM researcher, 5 April 2024; Comptroller-General of the Union (CGU), correspondence with IRM researcher, 9 April 2024; Transparencia Brasil, correspondence.

⁷³ CGU, interview; OCF, interview; Transparencia Brasil, correspondence.

⁷⁴ Transparencia Brasil, correspondence.

Section III. Participation and Co-Creation

Despite challenges posed by the COVID-19 pandemic, competing government priorities, and eroding civic space, the open government agenda remained active and recorded some advancement on a few themes. Leadership of the Comptroller-General of the Union in coordinating the OGP process and consistent support from some individual stakeholders were key to sustaining active engagement and navigating the broader political context.

The Interministerial Open Government Committee (CIGA), comprised of 13 executive government agencies, led the OGP process in Brazil for the fifth action plan cycle.¹ Civil society participation was facilitated through a Civil Society Working Group (CSWG), an advisory group to the CIGA, albeit with no official voting power.² Membership of the CSWG consisted of four civil society organizations, one professional association, one workers' union, and one academia.³ The CIGA and CSWG form the multistakeholder forum (MSF), in line with OGP Participation and Co-Creation Standard.⁴ The Comptroller-General's Office of the Union (CGU), which has been a constant part of the OGP process since the first action plan, continued to coordinate engagement in the MSF.⁵

Two civil society working groups existed during the fifth action plan period: the Second CSWG (2019–2021) led the co-creation of the action plan and the third CSWG (2022–2023) monitored its implementation.⁶ Both groups had identical members although the individual representatives changed several times.⁷ An open selection process was conducted to establish the second CSWG, in which civil society organizations put forward their candidacies and were voted through a virtual election in 2018.⁸ The third CSWG was an extension of the second one and was officially established in April 2022 as a temporary group until the plan's conclusion. However, it did not observe an open selection process,⁹ which the CGU attributed to time constraints and exacerbated by the shortened implementation period of only 12 months.¹⁰

Brazil met the OGP minimum requirements for co-creation. It maintained a multistakeholder forum in the form of the CSWG and CIGA. A total of 142 individuals (representing 41 civil society organizations and 38 public institutions) participated in the co-creation process,¹¹ during which reasoned response on public feedback was used to shape the draft action plan.¹²

During implementation, the government maintained an online repository to disseminate information to the public that was updated frequently.¹³ The MSF received commitment updates every two to three months, also published under each commitment's portal.¹⁴ Monitoring meetings were held every two months involving the CGU, public institutions, and civil society commitment holders. However, the IRM researcher noticed that civil society organizations were not always present. The CGU confirmed that invitations were sent three months in advance, and the meeting minutes were sent to all relevant stakeholders¹⁵ and also published on the portal.¹⁶ The CGU produced a self-assessment approved by the CIGA in consultation with the CSWG and commitments stakeholders.¹⁷

Overall, the MSF played an active role throughout the fifth action plan cycle, although more often directly via the CGU and CSWG than individual government institutions.¹⁸ The CIGA was less involved during the implementation period and did not convene as frequently.¹⁹ There were some personnel changes within the CGU, but there were no notable negative impacts on the OGP process,²⁰ especially noting that both the co-creation and implementation of the action plan occurred during a period in which civil society felt constant and systematic attacks from the federal executive branch and an erosion in transparency and civic spaces.²¹ For example, Decree N. 9.759/2019 limited the creation of any advisory group or similar to the federal government to a maximum of one year,²² which effectively limited civic participation in the fourth and current action plans.²³ The new administration revoked the decree on 1 January 2023.²⁴

The COVID-19 pandemic forced stakeholders to resort to online modalities throughout the co-creation and most of the implementation periods. On top of competing priorities, this brought new challenges in convening and coordinating stakeholders.²⁵ The CGU played a vital role in monitoring and encouraging the progress of each commitment and disseminating information to the MSF and the public in general. Stakeholders highlighted to the IRM that the CGU performed excellently to advance open government agenda and navigate overarching political tensions.²⁶

The involvement of civil society and government institutions varied between different commitments and is described under each commitment narrative in Section II and Annex I. Commitments on environmental issues, which corrects a lack of participation and collaboration evidenced in the fourth national action plan under some of the environmental-related commitments, saw higher participation than others.²⁷ Similarly, the open science commitment is highlighted for an active and empowering participatory environment. There was also the participation of subnational governments, the legislative branch, and an autonomous electoral body.²⁸ Nevertheless, overall engagement with civil society declined due to ongoing difficulties with the executive.²⁹ Under several commitments, government agencies were not actively involved or were less open to critically discussing civil society demands.³⁰

Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP’s Participation and Co-Creation Standards for the purposes of procedural review.³¹ During co-creation, Brazil acted according to the OGP process. The two minimum requirements listed below must achieve at least the level of ‘in progress’ for a country to have acted according to the OGP process.

Key:

- Green = Meets standard
- Yellow = In progress (steps have been taken but standard is not met)
- Red = No evidence of action

Acted according to OGP process during the implementation period?	
The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of the action plan's development and implementation. Brazil’s OGP repository can be accessed at gov.br/cgu/pt-br/governo-aberto/a-ogp and was updated at least on a quarterly basis throughout the fifth action plan implementation period. ³²	Green
The government provided the public with information on the action plan during the implementation period. Detailed information on commitment implementation progress was published under individual commitment webpage at gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro . The repository included a news section that publishes relevant information on action plan implementation and other open government advancements. ³³	Green

¹ The CIGA was officially established by “Decree N.10, 160/2019,” CIGA, 2019, accessed 27 March 2024, <https://repositorio.cgu.gov.br/handle/1/45169>.

² “Civil Society Working Groups,” Comptroller-General of the Union (CGU), accessed 27 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/governo-aberto-no-brasil/grupo-de-trabalho-da-sociedade-civil>.

³ “Second and Third Civil Society Working Groups,” Comptroller-General of the Union, accessed 27 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/governo-aberto-no-brasil/grupo-de-trabalho-da-sociedade-civil>.

⁴ “OGP Participation and Co-Creation Standards,” Open Government Partnership, 24 November 2021, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>.

⁵ “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union, 2021, https://www.opengovpartnership.org/wp-content/uploads/2022/01/Brazil_Action-Plan_2021-2023_EN.pdf, p. 7.

⁶ The second and third CSWGs continued the advancement of Brazil’s OGP process since 2011. The Second CSWG was officially established by Portaria N. 3.414 of 14 December 2018. The Third CSWG by Portaria N. 732 of 13 April 2022. More information on the two working groups is available at “Second and Third Civil Society Working Groups,” Comptroller-General of the Union.

⁷ For the second CSWG composition, see: “Ordinance N. 3.414,” Comptroller-General of the Union, 14 December 2018, <https://www.gov.br/cgu/pt-br/governo-aberto/central-de-conteudo/documentos/portaria-de-nomeacao-do-gt-34142018.pdf>; for the third CSWG composition, see “Second and Third Civil Society Working Groups,” Comptroller-General of the Union.

⁸ The selection process of the second CSWG can be seen at <https://www.gov.br/cgu/pt-br/governo-aberto/noticias/2018/cgu-lanca-edital-para-composicao-do-segundo-gt-da-sociedade-civil>, accessed 1 March 2024.

⁹ “Ordinance N. 732,” Comptroller-General of the Union, 13 April 2022, <https://www.in.gov.br/en/web/dou/-/portaria-n-732-de-13-de-abril-de-2022-393682582>.

¹⁰ Comptroller-General of the Union (CGU), interview by IRM researcher, 5 April 2024.

¹¹ “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union; “Second and Third Civil Society Working Groups,” Comptroller-General of the Union.

¹² Luciana Tuszel, “IRM Action Plan Review: Brazil 2021–2023,” Open Government Partnership, 10 January 2024, https://www.opengovpartnership.org/wp-content/uploads/2024/01/Brazil_Action-Plan-Review_2021-2023_EN.pdf.

¹³ The repository is held at <https://www.gov.br/cgu/pt-br/governo-aberto>, with specific evidence for the fifth action plan available at <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro>, both accessed 1 March 2024.

¹⁴ The individual commitment portal is available at <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro>, accessed 27 March 2024.

¹⁵ CGU, interview.

¹⁶ The attending participants of each monitoring meeting are listed in the published meeting minutes under each commitment. See: “Brazil OGP Repository,” Comptroller-General of the Union, accessed 1 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/governo-aberto-no-brasil>.

¹⁷ CGU, interview; Observatório do Código Florestal (OCF), interview by IRM Researcher, 4 March 2024; “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union, 2023, https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/brazil-end-of-term-self-assessment_5p.pdf.

¹⁸ CGU, interview.

¹⁹ CGU, interview.

²⁰ Based on meeting notes from the CSWG and CIGA. CGU confirmed that four different coordinators led the fifth action plan process. See: “Brazil OGP Repository,” Comptroller-General of the Union; CGU, interview; CGU, correspondence with IRM Researcher, 9 April 2024.

²¹ OCF, interview; Transparencia Brasil, correspondence with IRM Researcher, 4 March 2024; “Open Government Review of Brazil: Towards an Integrated Open Government Agenda,” Organization for Economic Co-operation and Development, 2022, <https://doi.org/10.1787/3f9009d4-en>.

²² “Decree N. 9.759,” Planalto, 11 April 2019, https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9812.htm#art1.

²³ Christiana Soares de Freitas and Pedro Espailat, “IRM Transitional Results Report: Brazil 2018–2020,” Open Government Partnership, Forthcoming.

²⁴ CGU, interview; “Decree N. 11.371,” Planalto, 1 January 2023, https://www.planalto.gov.br/ccivil_03/_Ato2023-2026/2023/Decreto/D11371.htm#art1. This decree revoked Decree N. 9.759.

²⁵ “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union, p. 7 & 17.

²⁶ OCF, interview; Imaflora, interview; IBICT, interview; IBAMA, interview; Embrapa, interview; Transparencia Brasil, correspondence.

²⁷ See the evaluation of Commitments 8 and 9 in: De Freitas, “IRM Transitional Results Report: Brazil 2018–2020,” Open Government Partnership.

²⁸ See the assessment of Commitments 11 and 12 in Annex I.

²⁹ Transparencia Brasil, correspondence; OCF, interview.

³⁰ Based on IRM analysis of the 12 commitments as well as interviews with civil society stakeholders.

³¹ Please note that future IRM assessments will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022. See: “OGP Participation and Co-Creation Standards,” Open Government Partnership, 24 November 2021.

³² The reviewed evidence show monitoring and advancement reports were published at least quarterly for each commitment. See: “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union.

³³ “News,” Comptroller-General of the Union, accessed 27 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/noticias>.

Section IV. Methodology and IRM Indicators

This report supports members’ accountability and learning through assessment of (i) the level of completion for commitments’ implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country’s OGP repository.¹ Based on these actions, the IRM identified the commitments that signaled the strongest results from implementation and those that lacked key information to be evaluated.²

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.³ The IRM will revisit its products, processes, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports:

Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.⁴ The level of completion for all commitments is assessed as one of the following:

- *No Evidence Available*
- *Not Started*
- *Limited*
- *Substantial*
- *Complete*

Early results

The IRM assesses the level of results achieved from the implementation of commitments that have a clear open government lens, a high level of completion or show evidence of achieving early results (as defined below). It considers the expected aim of the commitment or cluster prior to its implementation, the specific country context in which the commitment or cluster was implemented, the specific policy area and the changes reported. For commitments that are clustered, the level of results is typically assessed at the cluster level, rather than the individual commitment level.

In the Action Plan Review for Brazil’s 2021–2023 Action Plan, Commitments 5 and 10, concerning the opening of agricultural data and the disclosure of environmental licensing data, were clustered together into “Open Government and Environment.” The rationale was that both show promise in advancing open government in related key environmental aspects. However, implementation of these commitments varied widely. As such, this results report does not assess these commitments as a cluster and conducts the assessment of early results at the individual level rather than the cluster level.

The early results indicator establishes three levels of results:

- **No Notable Results:** According to the evidence collected through desk research, interviews, etc., the implementation of the open government commitment led to little or no positive results. After assessing the activities carried forward during the period of implementation and its outcomes (if any), the IRM did not find meaningful changes towards:
 - improving practices, policies or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.
- **Moderate Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:

- improving practices, policies or institutions governing a policy area or within the public sector, or
- enhancing the enabling environment to build trust between citizens and the state.
- **Significant Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to significant positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
 - improving practices, policies or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.Significant positive results show clear expectations for these changes (as defined above) will be sustainable in time.

This report was prepared by the IRM in collaboration with Pedro Espaillat and was reviewed by IRM external expert Germán Emanuele. The IRM methodology, product quality, and review process are overseen by the IRM’s International Experts Panel (IEP), whose membership for this action plan cycle included:

- Snjezana Bokulic
- Cesar Cruz-Rubio
- Mary Francoli
- Maha Jweid
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual⁵ and in Brazil’s Action Plan Review 2021–2023.⁶ For more information, refer to the “IRM Overview” section of the OGP website.⁷ A glossary on IRM and OGP terms is available on the OGP website.⁸

¹ “Brazil OGP Repository,” Comptroller-General of the Union, accessed 1 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro>.

² For these commitments, the necessary interviews and correspondence were done to the best of the IRM’s ability. The details are documented within each commitment’s narrative and references. For an overall view of the Plan’s early results and participation levels, the IRM could only interview and communicate with two organizations (Observatório do Código Florestal and Transparência Brasil) from the Civil Society Working Group (CSWG) and the Comptroller-General of the Union (CGU), who coordinates the Interministerial Open Government Committee (CIGA). A majority of the seven organizations in the third CSWG, responsible for the action plan implementation, were contacted by IRM Researcher on 25 January and 4 February 2024 but did not generate any responses.

³ See: “Creating OGP’s Future Together: Strategic Planning 2023–2028,” Open Government Partnership, January 2023, <https://www.opengovpartnership.org/creating-ogps-future-together>.

⁴ The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses “potential for results” and “early results” at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

⁵ “IRM Procedures Manual, v.3,” Open Government Partnership, 16 September 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

⁶ Luciana Tuszal, “IRM Action Plan Review: Brazil 2021–2023,” Open Government Partnership, 10 January 2024, https://www.opengovpartnership.org/wp-content/uploads/2024/01/Brazil_Action-Plan-Review_2021-2023_EN.pdf.

⁷ “IRM Overview,” Open Government Partnership, accessed 27 March 2024, <https://www.opengovpartnership.org/irm-guidance-overview>.

⁸ “OGP Glossary,” Open Government Partnership, accessed 27 March 2024, <https://www.opengovpartnership.org/glossary>.

Annex I. Commitment Data¹

Commitment 1: Access to quality environmental data

- | | |
|---|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear | <ul style="list-style-type: none"> • Completion: Completed • Early results: Moderate |
|---|--|

This commitment is assessed in Section II.

Commitment 2: Anti-corruption guidance and standards

- | | |
|---|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear | <ul style="list-style-type: none"> • Completion: Limited • Early results: No Notable Results |
|---|--|

Commitment 2 aimed to establish a laboratory/repository to increase collaboration and knowledge-sharing in the fight against corruption. The commitment presented evidence of initial work in all its six milestones. Stakeholders identified specific themes and subthemes in which the knowledge sharing and reference materials were to be created and grouped (e.g., contracting, elections, public works and services, and public sector cash flows), as well as the overall governance and structure of the repository (Milestones 1 and 2).² To an extent, the commitment identified non-available data to be prioritized (Milestone 5), with two items related to federal purchases and congressional-approved budget amendments highlighted.³

These activities partially responded to IRM assessment in the Action Plan Review about the commitment not identifying specific actions on what themes and data to be published.⁴ However, no guidance materials based on these themes were produced as stipulated (Milestone 3), and the identified non-available data was limited and broadly defined.⁵ The tangible outcome of the commitment was the creation of the online laboratory/repository (Milestone 4),⁶ but the URL hosting the laboratory was not functioning.⁷ The Comptroller-General of the Union (CGU) explained that the structure was created, but not many materials were uploaded, and the tool was not being used. Thus, it was taken down to rethink its added value.⁸ According to civil society participants, limited budgetary allocation restricted the ambition of the commitment to an information compilation exercise rather than the creation of an open and collaborative tool to consolidate understanding, legislations, and other materials on anti-corruption.⁹ Without an active repository, it is not possible to achieve the promotion of its use and the production of material by its users (Milestone 6). Given the presented evidence and a non-functioning laboratory/repository, the commitment is evaluated as limited in completion and with no notable results. Overall, the commitment laid the foundations in identifying themes, an initial governance structure, and interested stakeholders that can be leveraged to finish a useful collaborative knowledge tool in the fight against corruption.

Commitment 3: Combating animal mistreatment

- | | |
|---|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear | <ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate |
|---|--|

Commitment 3 identified a lack of awareness, coordination, and enforcement as some of the main issues towards an effective animal mistreatment policy. Milestones 1, 3, 5, and 6 provided actions related to engaging actors, while Milestones 2, 3, 4, 5, and 6 gathered best practices and standardizing information, and Milestone 7 gave recommendations to reduce animal cruelty.¹⁰ The commitment had an implementation focus on awareness and engaging actors.

Six out of the seven milestones were completed or had substantial advancements, which resulted in a social media campaign on animal cruelty, newly developed training and guidelines, and seminars to openly discuss issues and best practices.¹¹ These actions were elaborated on with participation from the government and civic society. Additionally, two national calls to local governments were conducted to understand the actions they were engaging in to protect animals, specifically dogs and cats.¹² The calls received answers from 440 municipalities and gave a clearer picture of the existing local actions and deficiencies that needed to be improved.¹³ The commitment generated recommendations for the Ministry of Environment and Climate Change (MMA) to issue Ordinance MMA N. 288 in November 2022,¹⁴ which established the National Agenda for the Protection and Defense of Dogs and Cats. Priority areas in the ordinance are defined as population control, medical/veterinary care, and public education and awareness of responsibilities. It also calls for partnerships between civil society, the private sector, and public institutions at different levels of government to implement relevant projects and initiatives.¹⁵ Milestone 6, which sought to develop a standard protocol to classify animal mistreatment, was not started, which the commitment working group attributed to scheduling conflicts and limited time.¹⁶

The commitment had moderate early results, specifically in engaging different actors, raising public awareness, and delivering spaces for the participation of diverse stakeholders in discussing the national agenda. Nevertheless, the results of the commitment are understood as complementary to actions that the Brazilian government has undertaken in combating animal mistreatment (e.g., the national agenda) or was planning to engage in (e.g., creation of the Department of Protection, Defense, and Animal Rights in January 2023).¹⁷ The Comptroller-General of the Union (CGU) highlighted that the commitment presented challenges in defining its scope and identifying civil society organizations with interest in the topic and capacity to be part of an OGP process during co-creation.¹⁸ Only one organization was reported to have been actively involved.¹⁹ CGU also agreed the commitment was more government-led but attributed participatory deficiencies to the newness of the topic and the lack of maturity by involved civil society stakeholders in participating in an open government process.²⁰

Commitment 4: Human rights violation database

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate |
|--|--|

Human rights violations are a pressing issue in Brazil. During the most recent elections, human rights protection was reported to have deteriorated further.²¹ During co-creation, the commitment identified the lack of information and indicators on human rights violations in a central and accessible manner as the key problem.²² From its design, the commitment was linked to a larger policy initiative of the National Integrated System of Human Rights (SINDH).²³ Through its eight milestones, the commitment aimed to build a human rights observatory platform that consolidated data from multiple sources, allowed integration and standardization with systems already in place, and published data in an open format and at the highest granularity.²⁴ Milestones 1–3 dealt with defining the platform features, taxonomy and data glossary, and a minimum list of data elements. Ministerial Ordinance N. 503 of 22 February 2022 defined the human rights content portal and other human rights systems as part of the SINDH.²⁵ For the taxonomy, the work was marked as completed, given the existence of a Human Rights Taxonomy Manual that was published during the commitment’s implementation period.²⁶ However, this work is part of a 2020 improvement project that evaluated multiple systems that dealt with human rights complaints.²⁷

Similarly, the minimum data elements list was marked as completed based on the work done in the 2020 project to standardize these elements and the already existence and publication of human rights data in an open format through different systems/portals.²⁸ Milestones 4 and 5 dealt directly with defining and engaging the actors that will feed and use the observatory/portal, while Milestone 6 aimed to receive feedback from them via pilot testing. As with the previous milestones, the established structures of the SINDH and work from the 2020 project were given as evidence of completion.²⁹ Milestones 7 and 8 referred to the publication of a user guide for the system and the actual delivery of a portal with a human rights violation database respectively. For Milestone 7, there is evidence that the work was started, but no final user guide was published.³⁰ Milestone 8 signified the most important delivery of the commitment, but the launch of the portal had not happened by the end of the implementation period.³¹ Nevertheless, there is evidence that a human rights portal was launched in December 2023 via ObservaDH.³²

While the human rights platform was launched a year after the end of the implementation period (December 2023), it is a content portal with key information rather than a platform with a human rights violation database that is granular, centralized, and has data in open formats, as the commitment intended.³³ The IRM was unable to secure interviews with the Ministry of Human Rights and Citizenship, which led the commitment, to clarify this deliverable.³⁴ Additionally, the commitment lacked an early consultation design with the different actors on the platform to be launched as recommended in the Action Plan Review.³⁵ As recognized in the government self-assessment, most of the work was done by the coordinating body.³⁶ In general, the presented evidence reflects that the commitment was absorbed by the work done on other parts of the SINDH. Nevertheless, there is recognition that this overall work elevated the governance of human rights systems through the SINDH, improved services to citizens, centralized human rights violation reporting, as well as educated and increased public participation.³⁷ As such, the IRM considers the commitment to have had moderate early results.

Commitment 5: Open agricultural data

<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate
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Commitment 5 sought to open and integrate data from agricultural value chains. Access to agricultural data is an ongoing top priority for civil society, as the sector represents a significant portion of Brazil’s GDP³⁸ and has significant environmental repercussions. There is evidence that actions were conducted for all milestones. For example, a diagnosis was conducted on the characteristics and properties of 19 databases managed by the government institutions participating in the commitment (Milestones 1 and 2).³⁹ An initial assessment of the risks, impact, and feasibility of opening the databases was also done (Milestone 3),⁴⁰ with a preliminary metadata protocol developed by mapping common fields among three main producers of agricultural and livestock commercial data (Milestone 4).⁴¹ Nevertheless, the metadata protocol was not implemented, although the commitment lead mentioned that the University of Sao Paulo, a key researcher in the agricultural sphere, took the initial steps to adopt it.⁴² In terms of actually opening and integrating databases (Milestone 5), there is evidence that new datasets were added to Brazil’s open data portal⁴³ but not integrated.⁴⁴

One main result was the opening of geolocation limits of rural properties of the Environmental Rural Registry.⁴⁵ The commitment coordinator expressed that after the commitment’s conclusion, key insights from stakeholders’ conversations informally influenced the Ministry of Agriculture. For instance, the Brazilian agricultural observatory online tool⁴⁶ now includes rural registry data and incorporates open data features and a metadata section.⁴⁷ The rural credit database has also been included in the observatory but fell outside of the IRM evaluation period for early results.⁴⁸ Both of these databases were top civil society priorities.⁴⁹

Despite these developments, the commitment fell short of accomplishing what civil society viewed would be its most important contribution. For instance, civil society emphasized that the



ownership details of properties were not disclosed in the Environmental Rural Registry, reducing the data's utility and failing to meet their expressed requests.⁵⁰ Furthermore, a primary goal for civil society within the commitment was the opening of the Animal Transport Guide (GTA) database, essential for potential monitoring of environmental infringements in livestock transportation.⁵¹ The Ministry of Agriculture, as an administrator of the database, responded that there was no possibility of opening the GTA due to risks to producers and confidentiality concerns under Brazil's General Personal Data Protection Law (LGPD). Additionally, they contended that the primary function of the GTA was for sanitation monitoring rather than for social control and oversight of environmental matters.⁵²

Civil society cited precedence with similar databases on deforestation,⁵³ but viewed that the Ministry remained unreceptive.⁵⁴ The commitment coordinator clarified that the commitment became a new space to debate on the GTA, as there have already been legal inquiries by civil society organizations requesting to open the database.⁵⁵ In their opinion, these open and hard conversations, while sometimes making their job more about conflict resolution, had started changing mindsets, such as the changes made to the Brazilian Agricultural Observatory, the creation of a working group for the integration of data systems of the rural sector, and the establishment of the need to include the Public Prosecutor's Office and the National Data Protection Office to address the disparity of opinions on LGPD application.⁵⁶ Given the political context and the shortened implementation period, the IRM considers Commitment 5 as having achieved moderate early results by advancing discussions and evaluations on opening agricultural data that resulted in specific databases being opened while generating ideas that were implemented after the commitment ended. Moving forward, the relevant federal bodies could better evaluate whether opening datasets violates secrecy provisions should be more actively involved in the national action plan process.

Commitment 6: Transparency in the use of federal properties

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Limited • Early results: No Notable Results |
|--|--|

The commitment aimed to tackle the lack of integrated and reusable information on the use and sale of federal properties. Land transparency has been an ongoing and early priority in Brazil's action plans,⁵⁷ with commitments seeking to increase transparency of rural and urban properties by creating registries. This commitment specifically identified a lack of transparency and quality on federal property data.

In its conception, the commitment grouped relevant stakeholders to coordinate, integrate, and improve federal property data. Despite assembling these relevant stakeholders, the commitment achieved limited completion and no notable early results. According to the government self-assessment and commitment implementation reports, coordination and participation were ongoing issues as the National Institute for Colonization and Agrarian Reform (INCRA), which administers land reform, had limited participation and the National Indian Foundation (FUNAI), which is in charge of protecting Amerindian rights and interests, did not assign a representative to support the commitment.⁵⁸

In advancing Milestone 1, the Secretariat of the Brazilian Union Patrimony (SPU), who has been engaged in ongoing transparency efforts,⁵⁹ carried out some work individually, increasing transparency and data availability in an open format.⁶⁰ However, Milestones 2, 3, and 4 on data integration and improved governance achieved no to little progress.⁶¹ In general, the evidence points to ineffective inter-agency coordination⁶² while the design lacked a focus on facilitating civil participation and the use of data,⁶³ both of which were not addressed in implementation.

Commitment 7: Enhancing the interoperability and usability of health data

<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Limited • Early results: No Notable Results
<p>In Brazil, the federal, state, and municipal governments monitor 241 economic activities daily for health risks. Each body can set its own priority, taking into account regional and local realities.⁶⁴ Commitment 7 sought to harmonize health data standards across Brazilian state governments and municipalities, improve systems interoperability, and facilitate citizen monitoring by publishing guidelines on available databases and indicators.</p> <p>The commitment noticeably advanced the mapping of the current information and available systems that would produce a data catalog (Milestone 1).⁶⁵ However, it was not published as planned during the commitment implementation period.⁶⁶ The main hurdle toward publication was attributed to the validation process by the three levels of government involved in health surveillance.⁶⁷ A civil society representative expressed that the catalog publication should hold a more significant weight than what was evaluated in the commitment final evaluation.⁶⁸ There were initial advancements in identifying common information of interest and protocols for data integration (Milestones 2, 3, and 4),⁶⁹ but no end results were delivered. A pilot version of a health observatory (Milestone 5), which had aimed to publish information of public interests, lacked a proactive transparency product as highlighted by civil society representatives.⁷⁰</p> <p>Commitment 7 was highly complex given the number of actors in the National Health Surveillance System. It was negatively impacted by the reduced implementation period, the necessary validation by the different levels of government, and lack of active participation by some parties.⁷¹ The IRM recognizes that important and time consuming work was completed as the Brazilian Health Regulatory Agency (ANVISA) can now fulfill its stated goal of maintaining the work in the coming years.⁷² Overall, the commitment recorded no notable early results but could improve if implementation continued beyond this action plan cycle.</p>	
<p>Commitment 8: Promoting open science</p>	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate
<p><i>This commitment is assessed in Section II.</i></p>	
<p>Commitment 9: Increasing the use of tax debt data⁷³</p>	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear 	<ul style="list-style-type: none"> • Completion: Completed • Early results: Moderate
<p>As part of its efforts to combat tax evasion, the Brazilian government has been increasing transparency and citizen monitoring. The government has already developed useful online tools to assist in this fiscal monitoring.⁷⁴ However, there is a lack of knowledge and engagement with these tools and with tax issues in general.⁷⁵ The commitment's focus was on improving communication and engagement of the public with data on outstanding tax debt of natural and legal persons.</p> <p>The commitment involved expanding the available data (milestone 1), improving communication on accessing the data (milestone 2), offering instructional actions and materials (milestone 3), and implementing access/engagement mechanisms (milestone 4). There is evidence of an expansion of tax debt data from states and municipalities to existing government tax debt monitoring tools.⁷⁶ Moreover, the government website that gives general information on tax debt has been rewritten in clear and friendly language, with built-in accessibility tools.⁷⁷</p>	

Furthermore, a tax debt session was included in a civil society-led course.⁷⁸ In terms of the mechanisms, civil society and the government agreed to leverage the CSO oversight tool, CruzaGrafos,⁷⁹ to include the tax debt data. CruzaGrafos is an online tool launched in 2020 that allows for cross-referencing multiple public data and is targeted towards investigative journalists.⁸⁰ In its update of September 2023,⁸¹ it included more than 28 million records of tax debt facilitated by the National Treasury Attorney General’s Office (PGFN), the lead agency of the commitment.⁸²

The IRM considers the commitment to be fully completed. The official self-evaluation had marked the commitment as missing work on the access/engagement mechanisms as it only included work done until December 2022.⁸³ Since then (as stated above), there has been evidence of these mechanisms. Furthermore, there is evidence of iterative participation and collaboration between government and civil society. There were some timing and availability obstacles given the 2022 elections, which resulted in a participating CSO pausing its involvement.⁸⁴ Nevertheless, this work was resumed in 2023.⁸⁵

The IRM also recognizes the work the PGFN has conducted since 2020 to increase transparency and public oversight of tax debt. For example, its mobile application “Divida Aberta⁸⁶” allows regular citizens to check companies with outstanding tax debt near them. It also lets them scan the QR codes generated by companies’ fiscal receipts to check for tax debt.⁸⁷ These functionalities aim to reduce tax evasion and encourage responsible consumption.⁸⁸ The online tool, the application, and most functionalities have existed since before the fifth plan.⁸⁹ The commitment received moderate early results because the actions taken were complementary to previous significant efforts and do not ensure a social change in data use.

Commitment 10: Disclosure of environmental licensing data

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| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate |
|--|--|

This commitment is assessed in Section II.

Commitment 11: Open electoral data

- | | |
|---|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear | <ul style="list-style-type: none"> • Completion: Limited • Early results: Moderate |
|---|--|

Commitment 11 aimed to improve the decision-making and governance of the Superior Electoral Court of Brazil’s (TSE) open data policies via a user council to develop recommendations on improving open electoral data collaboratively.⁹⁰ The Open Data Users Council structure was officially established in July 2022 via TSE Ordinance N. 691.⁹¹ The ordinance defines the council members with clear representation from relevant civil society organizations and with the possibility of citizen users participating. It also clearly states the duties of the council in providing recommendations, monitoring policies, and advising the TSE to improve its open data. The contents of the ordinance directly reflect the work done in the development of the commitment.⁹² Nevertheless, the council had not been constituted during the implementation period.⁹³ According to TSE representatives, the formation of the council was still underway,⁹⁴ especially given the dependence of four of the six commitment milestones on the actual establishment of the council, which was not accomplished.⁹⁵ As with other commitments, the shorter implementation period presented a challenge along with the TSE’s active involvement in electoral processes.⁹⁶ The IRM evaluates this commitment as having recorded limited completion and moderate early results. The majority of the milestones pertaining to the actual improvement of the TSE open electoral data were not started. Nevertheless, the commitment did establish a clear structure for engaging civil society and regular citizens while advancing in the inclusion of other levels and branches of government in

open government practices, allowing the TSE to coordinate once again a commitment within the OGP framework. Finishing the establishment and selection of the council members would significantly advance the transparency goals of the TSE and increase social participation.

Commitment 12: Improving legislative accessibility

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate |
|--|--|

In the previous action plan, Brazil committed to increasing access to different social segments to participate and be actively informed of the legislative process.⁹⁷ Commitment 12 sought to increase accessibility for people with disabilities by implementing training/awareness-raising events for employees and citizens, reducing behavioral, procedural, and communicational barriers, and leveraging technological resources in attaining these actions.⁹⁸ The IRM found that the commitment was substantially completed despite the shortened implementation period and ongoing elections at the time. The commitment moved forward in identifying and disseminating best practices and tools and elaborating guidance and training materials.

The senate published a booklet outlining key concepts on disabilities, including definitions, barriers, symbols, legislation, and important awareness days.⁹⁹ Additionally, a chapter on accessibility was included in the Senate's Parliamentary Guide for the 2023–2027 legislation. This chapter provides senators and staff with detailed information on physical accessibility, mobility resources, accessible communication (such as Braille translators), current programs for employing individuals with disabilities, and training opportunities for promoting accessibility awareness.¹⁰⁰ Furthermore, commitment stakeholders, led by the Chamber of Deputies, developed a guide specifically for accessible in-person legislative events.¹⁰¹ As intended, the commitment raised awareness and promoted the participation of individuals with disabilities through social media dissemination activities¹⁰² and online events.¹⁰³

The commitment did not complete the development of a guide for accessible online legislative events¹⁰⁴ and creation of a training plan on accessibility with individuals with disabilities or organizations representing them. Furthermore, the IRM found no evidence of Milestone 2 being implemented despite a 90% completion rate in the government self-assessment report. This milestone sought to add accessibility features for people with disabilities to an existing, civil society-run legislative monitoring platform, Parlametria.¹⁰⁵

The commitment achieved moderate early results through the advancement of the aforementioned activities on creating guidelines, disseminating best practices, and raising awareness. Additionally, the commitment was coordinated by a municipal legislative body, marking a first in Brazil OGP process. It also had the participation of the Senate and Chamber of Deputies at the federal level, with the Senate playing an active role in the implementation of various milestones.¹⁰⁶ These simultaneously advanced the inclusion of other levels and branches of government in open government practices, as recommended in previous IRM reviews.¹⁰⁷ The commitment also built on the accomplishment of the previous NAP, by focusing on encouraging the participation of an important segment of the population and reducing their barriers through institutional guidelines.¹⁰⁸ However, the commitment faced challenges in coordinating a subnational aspirational actor. Coordination and expertise issues also contributed to the delays.¹⁰⁹ Furthermore, the concurrence with the electoral period more directly impacted the coordination efforts of this commitment. Given these challenges, the advancement of the commitment reflected more expedited and condensed versions of the work planned in the milestones.

¹ Editorial notes:

1. For commitments that are clustered: The assessment of potential for results and “Early Results” is conducted at the cluster level, rather than the individual commitment level.
2. Commitments’ short titles may have been edited for brevity. For the complete text of commitments, please see: “OGP Participation and Co-Creation Standards,” Open Government Partnership, 24 November 2021, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>.
3. For more information on the assessment of the commitments’ design, see: Luciana Tuszel, “IRM Action Plan Review: Brazil 2021–2023,” Open Government Partnership, 10 January 2024, https://www.opengovpartnership.org/wp-content/uploads/2024/01/Brazil_Action-Plan-Review_2021-2023_EN.pdf.

² Evidence presented for Milestones 1 and 3 (thematic mapping and production of thematic guidance materials) showed specific identification of themes. Evidence for Milestone 2 showed an initial governance structure exercise. See Commitment 2 in: “Brazil OGP Repository,” Comptroller-General of the Union, accessed 25 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-2-combate-a-corrupcao/meio-ambiente-e-floresta-monitoramento-e-execucao>.

³ See Milestone 5 of Commitment 2 in: “Brazil OGP Repository,” Comptroller-General of the Union.

⁴ Tuszel, “IRM Action Plan Review: Brazil 2021–2023,” Open Government Partnership.

⁵ The IRM researcher reviewed the repository for any existing guidance material and found none. This revision was made on 15 January 2024. The evidence given for Milestone 5 was a one-page document that was broad and not specific enough to advance commitment objectives. See overall evidence for Commitment 2 and evidence for Milestone 5 in: “Anti-Corruption Laboratory Repository,” Comptroller-General of the Union, accessed 25 March 2024, <https://www.gov.br/cgu/pt-br/assuntos/controle-social/laboratorio-anticorrupcao/repositorio>.

⁶ Announcement by the Comptroller-General of the Union (CGU) on 22 December 2022 noted the creation of the Anti-Corruption Laboratory. See “Anti-Corruption Laboratory Repository,” Comptroller-General of the Union.

⁷ The IRM researcher checked the URL status on 13 December 2023 and 25 March 2024. See <https://www.gov.br/cgu/pt-br/assuntos/controle-social/laboratorio-anticorrupcao>.

⁸ Comptroller-General of the Union, interview by IRM researcher, 18 January 2024.

⁹ Transparência Brasil, correspondence with IRM Researcher, 4 March 2024.

¹⁰ See Commitment 3 in: “Brazil OGP Repository,” Comptroller-General of the Union, accessed 25 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-3-maus-tratos-a-animais/meio-ambiente-e-floresta-monitoramento-e-execucao>.

¹¹ Refer to evidence on Milestones 1, 4, and 5 in the repository. The referred seminar had on its agenda the discussion of best practices (Milestone 4) and the dialogue on the General Animal Registry (Milestone 5). See Commitment 3 in: “Brazil OGP Repository,” Comptroller-General of the Union.

¹² See Commitment 3 in: “Brazil OGP Repository,” Comptroller-General of the Union.

¹³ Initial results of the study were shared by the Departamento de Proteção, Defesa e Direitos Animais on their website, see: <https://www.gov.br/mma/pt-br/composicao/sbio/dpda>, accessed 11 February 2024.

¹⁴ “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union, 2023, https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/brazil-end-of-term-self-assessment_5p.pdf.

¹⁵ “Ordinance N. 288,” Ministry of Environment, 11 November 2022, <https://www.in.gov.br/web/dou/-/portaria-gm/mma-n-288-de-11-de-novembro-de-2022-443785030>.

¹⁶ “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union; see Commitment 3 in: “Brazil OGP Repository,” Comptroller-General of the Union.

¹⁷ Presidential Decree N. 11.349 amends the structure of the Ministry of Environment and Climate Change to include the department. See “Presidency of the Republic Decree N. 11.349,” Planalto, 1 January 2023, https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/D11349.htm. For a simpler explanation (in Portuguese) of the changes included in the decree, consult: V. de Paula, “Novos órgãos federais de promoção dos direitos animais,” [New federal bodies to promote animal rights], Consultor Jurídico, 4 February 2023, <https://www.conjur.com.br/2023-fev-04/vicente-jr-novos-orgaos-promocao-direitos-animais>. This new federal body was established in parallel to commitment implementation as it did not appear in any working group discussions. The IRM reviewed all evidence in the repository page for Commitment 3 and found no mention on the establishment of the Department of Protection, Defense, and Animal Rights. See Commitment 3 in: “Brazil OGP Repository,” Comptroller-General of the Union.

¹⁸ CGU, interview by IRM researcher, 9 April 2024.

¹⁹ CGU, interview, 9 April 2024. The IRM also reviewed evidence and meeting minutes.

²⁰ The IRM attempted to reach the commitment coordinator via email and the CSO participant from Ampara Animal via LinkedIn to get further clarification on 1 April 2024, but there were no responses. It was considered that the CGU interview and their specific insights into the commitment were sufficient to complete the evaluation.

²¹ “Amnesty International: Brazil 2022,” Amnesty International, accessed 25 March 2024, <https://www.amnesty.org/en/location/americas/south-america/brazil/report-brazil/>. Specifically, the report highlights how investigations into human rights violations during the pandemic were shelved.

²² See Commitment 4 in: “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union, 2021, https://www.opengovpartnership.org/wp-content/uploads/2022/01/Brazil_Action-Plan_2021-2023_EN.pdf.

²³ Based on monitoring and closing reports of the commitment. See Commitment 4 in: “Brazil OGP Repository,” Comptroller-General of the Union, 25 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-4-direitos-humanos-e-dados-abertos/meio-ambiente-e-floresta-monitoramento-e-execucao>.

²⁴ See Commitment 4 in: “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union.

²⁵ The SINDH is to be composed of: (1) the Human Rights Content Portal, (2) the National Human Rights System, (3) the Integrated System of the National Human Rights Ombudsman, and (4) the Social Interaction Platform on Human Rights. See “Ordinance N. 503,” Ministério da Mulher, da Família e dos Direitos Humanos, 21 February 2022, <https://www.in.gov.br/web/dou/-/portaria-n-503-de-21-de-fevereiro-de-2022-381740978>.

²⁶ “Manual da Taxonomia de Direitos Humanos da Ouvidoria Nacional de Direitos Humanos,” Ministério da Mulher, da Família e dos Direitos Humanos, accessed 25 March 2024, <https://www.gov.br/mdh/pt-br/centrais-de-conteudo/publicacoes/ondh/manual-da-taxonomia-de-direitos-humanos-da-ondh.pdf/view>.

²⁷ “Terms of Reference N. 2/2020,” Ministério da Mulher, da Família e dos Direitos Humanos, 12 November 2020, <https://www.gov.br/mdh/pt-br/aceso-a-informacao/convenios-e-transferencias/TermodeExecuoDescentralizada.pdf>.

²⁸ See, Commitment 4 in: “Brazil OGP Repository,” Comptroller-General of the Union.

²⁹ The evidence in the repository for Milestone 4 is Ordinance 503. For Milestone 5, the evidence is technical cooperation agreements, many of which predate the commitment implementation period and relate to a 2020 improvement project. For Milestone 6, several links are given to the different parts of the SINDH system. Idem., Brazil’s Repository, Commitment 4, Information and documents related to the commitment. [Free translation].

³⁰ In the repository, there are two links to explanatory videos on how to access the SINDH. However, as explained in the commitment narrative, the existence of these systems does not directly relate to the goal of the commitment and the creation of a human rights database portal. Thus, the videos do not fulfill Milestone 7, on creating a User’s Manual. Furthermore, according to the final monitoring meeting, a civil servant was hired to finalize the manual by December 2022, but the IRM could obtain no evidence. See Commitment 4 in: “Brazil OGP Repository,” Comptroller-General of the Union.

³¹ The self-assessment clearly states that the portal was not launched. See “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union. The IRM researcher also checked the observatory’s URL using the “wayback machine” tool and found that it went live in December 2023, beyond the IRM evaluation period.

³² See <https://experience.arcgis.com/experience/6a0303b2817f482ab550dd024019f6f5>, accessed 21 March 2024.

³³ IRM researcher analyzed the content of ObservaDH on 27 February 2024.

³⁴ The IRM tried on two separate occasions to coordinate an interview with civil servants within the Ministério dos Direitos Humanos e da Cidadania. The IRM researcher requested the CGU assistance and was notified that they did not have an updated contact but were working on procuring it. No final contract was given. CGU, correspondence with IRM researcher, 31 January, 5, 13, and 20 February 2024.

³⁵ Tuszel, “IRM Action Plan Review: Brazil 2021–2023,” Open Government Partnership.

³⁶ “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union.

³⁷ Ordinance N. 503 itself established the governance and different systems of the SINDH. As part of the SINDH, a portal for citizens to access the different services and systems on human rights was launched in 2022. See <https://sindh.mdh.gov.br>, accessed 27 February 2024. A platform with different courses on human rights was also launched in 2022, see <https://plataformadh.mdh.gov.br>, accessed 27 February 2024.

³⁸ In 2020, Brazil’s agricultural sector represented 43.2% of exports and was the second sector with the highest contribution to GDP growth. Similar trends have been maintained for 2023. “VII Plano Diretor da Embrapa,” [7th Embrapa Master Plan], Embrapa, 2020, <https://www.embrapa.br/vii-plano-diretor/a-agricultura-brasileira>; V. Abdala, “La economía brasileña creció un 2,9% en 2023 – Fue impulsada por una subida récord del 15,1% en el sector agrícola,” [The Brazilian economy grew 2.9% in 2023 – it was launched by a record hike of 15.1% in the agricultural sector], Agencia Brasil, March 2024, <https://agenciabrasil.ebc.com.br/es/economia/noticia/2024-03/la-economia-brasilena-crecio-un-29-en-2023>; IBAMA, interview; OCF, interview; Imaflora, interviews.

³⁹ Specifically, 13 from the Ministry of Agriculture, 5 from the Brazilian Agricultural Research Corporation (Embrapa), 1 from National Supply Company (CONAB), and 1 from the Central Bank. The diagnosis evaluated fields such as the type of information available, the existence of georeferenced data, the available time range, the frequency of updates, accessibility (online and if spread in multiple sources), adherence to open data policies, capacity to be downloaded, and integration with state-level data and other relevant databases. The diagnosis of Commitment 5 possible databases is in an excel document is available at: <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-5-cadeias-agropecuarias-e-dados-abertos/diagnostico-das-bases-de-dados-consolidado-mapa-e-vinculadas-vf-1.xlsx>, accessed 1 March 2024.

⁴⁰ The assessment had ten questions, among them: if legal secrecy considerations protected any of the data, if it was an identified demand of the public, if the data was already opened, and if the databases in their current form encourage social monitoring. Evidence of the assessment can be found at: https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-5-cadeias-agropecuarias-e-dados-abertos/relatorio_marco_3_20221003.pdf, accessed 1 March 2024.

⁴¹ The three producers selected were: Centro de Estudos Avançados em Economia Aplicada da Universidade de São Paulo – CEPEA/USP, a Companhia Nacional de Abastecimento – CONAB e o Instituto de Pesquisa Econômica Aplicada – IPEA, all participating institutions of Commitment 5. The protocol was called “Agricultural and Livestock Metadata Element Set Core (ALMESCore).” Evidence of the work to develop the metadata protocol can be found in https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-5-cadeias-agropecuarias-e-dados-abertos/relatorio_marco_4_final.pdf and in English at: https://onto4fair.github.io/presentations/2022/onto4FAIR_paper_7127_Building_Community.pdf, accessed 1 March 2024.

⁴² Embrapa, interview with IRM researcher, 21 March 2024.

⁴³ The list of datasets and information opened during 2022 is given in Table 1 of the final report on the opening and integration of prioritized bases of Commitment 5 in: “Brazil OGP Repository,” Comptroller-General of the Union; <https://dados.gov.br/home>.

⁴⁴ This view was reported in the fifth execution report of the commitment, with a progress score of 0% (6 October 2022). However, in the sixth execution report (20 December 2022) and the self-assessment, the integration of the prioritized databases (Milestone 5) was marked as completed and justified with the establishment of the National System of Agricultural Information and Intelligence Management (SINAGRO) that seeks to integrate agricultural information produced by the Ministry of Agriculture. However, the establishment of SINAGRO came early in the commitment's implementation (30 March 2022), and the interviewed CSO and commitment coordinator highlighted that it was not part of the commitment's discussions or results. Given the contradictory information presented, the IRM went with the views expressed by the participants of the commitment that no database integration occurred within the commitment's implementation period. See Commitment 5 in: "Brazil OGP Repository," Comptroller-General of the Union; "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union; Embrapa, interview; Imaflora, interview.

⁴⁵ See Milestone 5 of Commitment 5 in: "Brazil OGP Repository," Comptroller-General of the Union.

⁴⁶ See <https://observatorio.agropecuaria.inmet.gov.br>.

⁴⁷ Embrapa, interview. The IRM researcher used the wayback machine tool to confirm these changes were added within the action plan cycle between 22 June 2022 and 2 April 2023.

⁴⁸ The rural credit database can be accessed at: <https://observatorio.agropecuaria.inmet.gov.br/paineis-tematicos/?panel=credito-rural>, accessed 21 March 2024. The wayback machine tool showed it was added in 2024.

⁴⁹ See Milestone 2 of Commitment 5 in: "Brazil OGP Repository," Comptroller-General of the Union.

⁵⁰ For the expressed data demands, see Milestone 2 of Commitment 5 in: "Brazil OGP Repository," Comptroller-General of the Union; OCF, interview.

⁵¹ Imaflora, interview.

⁵² See Milestone 5 of Commitment 5 in: "Brazil OGP Repository," Comptroller-General of the Union, p. 4; Imaflora, interview.

⁵³ Civil society argued that there is a precedent with the Forestry Origen Documentation (DOF) that opens information on wood transportation, and that the commercial secrecy risks can be mitigated by how the data is treated and analyzed, as done by Pará and Minas Gerais state governments. Imaflora, interview.

⁵⁴ A civil society organization commented that the commitment did not add anything new or impactful to the discussion on the GTA, as the arguments have been given before, and that the Ministry of Agriculture continues not to be receptive to the civil society inputs on the GTA. Imaflora, interview.

⁵⁵ The commitment coordinator mentioned that the Ministry of Agriculture had highlighted a 2019 legal decision on not opening the GTA database as justification. The IRM researcher confirmed this to be the case, which was also annexed to the commitment's evidence in the repository. Embrapa, interview; see Milestone 3 of Commitment 5 in: "Brazil OGP Repository," Comptroller-General of the Union.

⁵⁶ Embrapa, interview; "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union.

⁵⁷ See Commitment 1.9 in Brazil's second national action plan at:

<https://www.opengovpartnership.org/documents/brazil-second-action-plan>; Commitment 8 in the fourth action plan at: <https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2021>.

⁵⁸ "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union; See Commitment 6 in: "Brazil OGP Repository," Comptroller-General of the Union; Transparência Brasil, correspondence.

⁵⁹ For example, the SPU launched an application to facilitate access to federal property data in 2021. In November 2023, after the IRM evaluation period, the SPU signed an agreement with the Brazilian Institute of Geography and Statistics (IBGE) to further advance federal land transparency and accuracy of the data. The advancements made by the SPU reflect the agency's positive commitment to transparency more than any results brought by engaging in the commitment. See "Secretaria de Patrimônio da União lança aplicativo SPUApp," [SPU launches SPU app], SPU, 5 March 2021, <https://irib.org.br/noticias/detalhes/secretaria-de-patrimonio-da-uniao-lanca-aplicativo-spuapp>; "Geocracia," IBGE, 20 November 2023, <https://geocracia.com/ibge-e-spu-fecham-acordo-para-fazer-censo-imobiliario-da-uniao>.

⁶⁰ "Dados Abertos," [Open Data], Ministry of Economics, accessed 1 March 2024, <https://www.gov.br/economia/pt-br/assuntos/patrimonio-da-uniao/transparencia/dados-abertos>; "Busca dos Imóveis," [Property Search], Ministry of Economics, accessed 1 March 2024, <https://imoveisfederais.economia.gov.br/spin-web/#>.

⁶¹ See Commitment 6 in: "Brazil OGP Repository," Comptroller-General of the Union.

⁶² See Commitment 6 in: "Brazil Fifth National Action Plan on Open Government," Comptroller-General of the Union; Transparência Brasil, correspondence.

⁶³ Tuszel, "IRM Action Plan Review: Brazil 2021–2023," Open Government Partnership.

⁶⁴ See Commitment 7 in: "Brazil Fifth National Action Plan on Open Government," Comptroller-General of the Union.

⁶⁵ The IRM researcher did not have access to the documents showing the specific advances in creating a data catalog for Milestone 1 of Commitment 7. However, the self-assessment, the commitment final reports, and an interview conducted with CGU all consistently point to the work done on this aspect. Furthermore, the IRM researcher confirmed that there was an external contractor call in 2022 to advance the work of the commitment, as mentioned in the commitment final reports. See: "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union; Commitment 7 in: "Brazil OGP Repository," Comptroller-General of the Union; CGU, interview; "Terms of Reference - Processo SEI 25351.935920/2021-24," ANVISA, 2022, https://www.gov.br/anvisa/pt-br/assuntos/noticias-anvisa/2022/asnvs-seleciona-consultor-tecnico-especializado-no-campo-de-gestao-da-informacao-por-meio-de-projeto-de-cooperacao-entre-a-anvisa-e-o-pnud/asnvs-sei_25351-935920_2021_24.pdf.

⁶⁶ ANVISA, correspondence with IRM researcher, 23, 29 February and 11 March 2024: The commitment officially concluded its work in December 2022. The IRM evaluation period was extended until August 2023. The IRM researcher did not find evidence of additional work conducted in 2023. In the self-assessment for Commitment 7,

Milestone 1 (data catalog) is marked as completed. ANVISA's commitment lead was contacted on three occasions about providing evidence of the existence of the data catalog without any responses.

⁶⁷ See Commitment 7 and fourth meeting minutes on 21 November 2022 in: "Brazil OGP Repository," Comptroller-General of the Union.

⁶⁸ Milestone 1 referred to the data catalog and was marked with 95% completion in the final self-assessment. This translated into the no publication of the catalog being attributed to only 5%. See Commitment 7 and fourth meeting minutes on 21 November 2022 in: "Brazil OGP Repository," Comptroller-General of the Union.

⁶⁹ The IRM researcher did not have access to the specific documents showing the advances for each milestone. However, the self-assessment, the commitment final reports, and meeting notes all consistently point to the work done on this aspect. See: "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union; Commitment 7 and Minutes of Monitoring Meetings in: "Brazil OGP Repository," Comptroller-General of the Union; CGU, interviews.

⁷⁰ "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union.

⁷¹ "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union; Commitment 7 in: "Brazil OGP Repository," Comptroller-General of the Union; CGU, interview.

⁷² "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union.

⁷³ The name given by the IRM in the Action Plan Review for this commitment was "Increasing the use of tax data." After the interview with CGU, it was agreed that "tax debt" better reflected the commitment goal and the translation from the Portuguese name of the commitment, *Controle Social da Dívida Ativa*.

⁷⁴ The National Treasury Attorney General's Office (PGFN) launched in 2020, the Tax Debtor List online tool, and accompanying mobile application. W. Máximo, "Governo lança aplicativo que lista devedores da União," [Government launches application that lists Union debtors], Agencia Brasil, 30 January 2020,

<https://agenciabrasil.ebc.com.br/economia/noticia/2020-01/governo-lanca-aplicativo-que-lista-devedores-da-uniao>; "Lista de Devedores da PGFN," [List of Debtors of PGFN], PGFN, accessed 19 February 2024,

<https://www.listadevedores.pgfn.gov.br>; "Dívida Aberta Aplicativo," [Open Debt App], PGFN, accessed 19 February 2024, <https://www.gov.br/pt-br/apps/divida-aberta>.

⁷⁵ See Commitment 9 in: "Brazil Fifth National Action Plan on Open Government," Comptroller-General of the Union.

⁷⁶ The IRM researcher confirmed that information from the state of Rio Grande do Sul was included in the online tool at <https://www.listadevedores.pgfn.gov.br> and *Dívida Aberta* application. According to an interview with the CGU and information on the commitment reports, this was the first state to be included in these solutions. Both tools also include tax debt information on other states and their municipalities. See "List of Debtors of PGFN," PGFN; CGU, interview; Commitment 9 in: "Brazil OGP Repository," Comptroller-General of the Union, accessed 19 February 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-9-controle-social-da-divida-ativa/meio-ambiente-e-floresta-monitoramento-e-execucao>.

⁷⁷ According to the commitment final monitoring report, these changes were done as part of the commitment. The IRM researcher evidenced that in general the PGFN follows similar design and accessibility strategies for its other websites outside of the commitment scope. "O que você precisa saber sobre dívida ativa da União e do FGTS," [What you need to know about active debt from the Union and of FGTS], PGFN, accessed 19 February 2024, <https://www.gov.br/pgfn/pt-br/assuntos/divida-ativa-da-uniao>; Commitment 9 in: "Brazil OGP Repository," Comptroller-General of the Union.

⁷⁸ The "Election, Democracy and Corruption" course by Abraji, Transparencia Brasil, and Konrad Adenauer Stiftung was conducted in May 2022. It included one session on tax debt data given by the PGFN civil servant in charge of the commitment. See "Abraji e Transparência Internacional - Brasil anunciam novo curso sobre eleições, democracia e corrupção," [Abraji and Transparency International - Brazil announce new course on elections, democracy and corruption], Abraji, 9 May 2022, <https://www.abraji.org.br/noticias/abraji-e-transparencia-internacional-brasil-anunciam-novo-curso-sobre-eleicoes-democracia-e-corrupcao>.

⁷⁹ See CruzaGrafos at <https://www.abraji.org.br/projetos/cruzagrafos>.

⁸⁰ "CruzaGrafos recebe atualização com mais de 28 milhões de registros da dívida ativa da União," [CruzaGrafos receives update with more than 28 million records of the Union's active debt], Abraji, 12 September 2023, <https://www.abraji.org.br/noticias/cruzagrafos-recebe-atualizacao-com-mais-de-28-milhoes-de-registros-da-divida-ativa-da-uniao>.

⁸¹ CGU, interview: While the updated information was published on 12 September 2023, the IRM researcher confirmed that this work was completed during the action plan period.

⁸² "CruzaGrafos receives update with more than 28 million records of the Union's active debt," Abraji.

⁸³ "Final self-assessment report of Brazil fifth action plan," Comptroller-General of the Union.

⁸⁴ As the owner of CruzaGrafos, Abraji was in charge of implementing Milestone 4. However, it left the commitment in September 2022. CGU, interview: Being a voluntary organization of journalists, Abraji had a limited time during the election period and had to pause its involvement.

⁸⁵ CGU, interview; "CruzaGrafos receives update with more than 28 million records of the Union's active debt," Abraji.

⁸⁶ Application can be downloaded at <https://www.gov.br/pt-br/apps/divida-aberta>, accessed 23 March 2024.

⁸⁷ "Dívida Aberta," PGFN, accessed 1 March 2024, <https://www.gov.br/pt-br/servicos/acessar-o-aplicativo-divida-aberta>.

⁸⁸ Máximo, "Government launches application that lists Union debtors," Agencia Brasil.

⁸⁹ The IRM researcher compared a January 2020 announcement on the mobile application with the last updated description of the application's functionalities on the PGFN website in March 2023 and found similar functionalities. See Máximo, "Government launches application that lists Union debtors," Agencia Brasil; "Dívida Aberta," PGFN.

⁹⁰ See Commitment 11 in: "Brazil Fifth National Action Plan on Open Government," Comptroller-General of the Union.

⁹¹ "Ordinance N. 697," TSE, 27 July 2022, <https://www.tse.jus.br/legislacao/compilada/prt/2022/portaria-no-691-de-27-de-julho-de-2022>.

⁹² See Milestones 1 and 2 of Commitment 11 in: “Brazil OGP Repository,” Comptroller-General of the Union, accessed 27 March 2024, <https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/compromisso-11-participacao-social-para-melhoria-dos-dados-eleitorais-abertos/meio-ambiente-e-floresta-monitoramento-e-execucao>.

⁹³ The Open Data Users Council was not constituted as it was still in processing per 6 February 2024. The action plan officially concluded in December 2022 and the IRM evaluation of the early results covered the period until August 2023. TSE, correspondence with IRM researcher, 6 February 2024.

⁹⁴ TSE, correspondence.

⁹⁵ “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union; Commitment 11 in: “Brazil OGP Repository,” Comptroller-General of the Union.

⁹⁶ “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union.

⁹⁷ See Commitment 7 in: <https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2021>.

⁹⁸ See Commitment 12 in: “Brazil Fifth National Action Plan on Open Government,” Comptroller-General of the Union.

⁹⁹ “Booklet on accessibility: A road for all,” Federal Senate, 2022, <https://www2.senado.leg.br/bdsf/handle/id/600233>.

¹⁰⁰ “Parliamentary Guide – 57 Legislation,” Federal Senate, 2023,

<https://www12.senado.leg.br/publicacoes/guias/senadores/guia-do-parlamentar-2023>.

¹⁰¹ The guide was developed by commitment stakeholders: the Chamber of Deputies, the Federal Senate, the Foundation Dorina Nowill, and the State Council for Persons with Disabilities of the State of São Paulo and is available at: <https://www2.camara.leg.br/a-camara/estruturaadm/gestao-na-camara-dos-deputados/responsabilidade-social-e-ambiental/acessibilidade/guia-de-eventos-presenciais-com-acessibilidade>, 20 June 2024.

¹⁰² See evidence of social media campaign and events under Milestones 8 and 9 of Commitment 12 in: “Brazil OGP Repository,” Comptroller-General of the Union, accessed 20 June 2024.

¹⁰³ Two online events conducted during Brazil’s National Week for People with Disabilities were presented as evidence. These events directly linked topics on people with disabilities with legislative bodies (Milestone 11). The recording of the events can be found at https://www.youtube.com/watch?v=dZJkXjOwa40&t=32s&ab_channel=TVSenado and https://www.youtube.com/watch?v=gePWqysNzO4&t=46s&ab_channel=TVSenado, accessed 20 June 2024.

¹⁰⁴ The commitment final execution report highlighted Milestone 3 (guide on accessible online events) was being developed in conjunction with Milestone 7 (guide on accessible in-person events). The IRM researcher reviewed the published guide under Milestone 7 and found no mention on online events. Furthermore, the milestone was marked with 5% completion on the government self-assessment report. See Commitment 12 in: “Brazil OGP Repository,” Comptroller-General of the Union; “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union.

¹⁰⁵ Federal Senate, correspondence with IRM researcher, 31 January and 20, 23, 26 February 2024: the parlametria.org.br platform was chosen in the action plan’s co-creation period as the interface for Milestone 2. The IRM researcher did not find evidence of advancements in the described action in the platform itself or the Brazil open government repository. The IRM researcher contacted the Parlametria administrators cited on the website to ask for further clarification. After several correspondences, it was identified that the platform management was given to the organization Collaborative Advocacy Network. The IRM researcher contacted them as well, without any response. It is also noted that the Parlametria website displayed 2022 as the last year of update upon verification (31 January 2024).

¹⁰⁶ The displayed evidence for Milestones 5, 7, and 10 show documents and advances pertaining to the Senate. A direct interview with CGU also highlighted the active participation of the Senate. See Commitment 12 in: “Brazil OGP Repository,” Comptroller-General of the Union; CGU, interview.

¹⁰⁷ Fabro Steibel, “IRM Design Report: Brazil 2018–2020,” Open Government Partnership, 13 October 2020, https://www.opengovpartnership.org/wp-content/uploads/2020/10/Brazil_Design_Report_2018-2020_EN.pdf.

¹⁰⁸ See Commitment 7 in: Christiana Soares de Freitas and Pedro Espallat, “IRM Transitional Results Report: Brazil 2018–2020,” Open Government Partnership, Forthcoming.

¹⁰⁹ The commitment needed the support of the State Council for Persons with Disabilities of the State of São Paulo, which was integrated during implementation. See “Final self-assessment report of Brazil fifth action plan,” Comptroller-General of the Union; CGU, interview.