Brasília, July, 10th  2014

Dear Sirs

We are a group of organizations representing civil society in Brazil and we elected Elda Mariza Valim Fim to present the following concerns in this letter.

During meetings held on 22 and 23 May 2014 civil society organisations that participate in the Open Government Partnership decided to forward this correspondence and request for action to the Steering Committee, as we have faced difficulties with the Brazilian government in this partnership, as we describe below.

Some proposals made by civil society to the 2nd OGP plan came from a process called the National Conference of Social Control - CONSOCIAL -  where more than 1,300 people, 60% were from civil society, 30% from government and 10% from representatives of management boards of public policies, representing all states in Brazil chose 80 priority proposals to improve transparency and social control in Brazil and combat corruption.

IRM Report said about Consocial “…This meeting, held 18–20 May, 2012, was the final step of a nationwide process begun before OGP. About 1,300 delegates from throughout Brazil approved 80 proposals to increase transparency and social control. The meeting created a base for strengthening civil society networks in Brazil. Stakeholders considered this commitment an important success, though they also requested formal government feedback on uptake of the proposals stakeholders made” (IRM Brasil Progress Report 2011-13 p.8). Complete IRM evaluation about Consocial is at p. 45/46.

The CONSOCIAL was brought about by civil society gathered around the ABRACCI - Brazilian Joint Anti-Corruption and impunity. The objective was to select 80 priority proposals for improving transparency, social control and fight corruption and develop an action plan for compliance these proposals.

Although CONSOCIAL has happened prior to the existence of the OGP, the Brazilian government included a commitment to it in the 1st Plan of Action. It was therefore hoped that the 2nd OGP plan would include the CONSOCIAL action plan to seek compliance of 80 proposals prioritized by society, but it did not.

Civil society participating in the OGP suggested the inclusion of some of the proposals in the 2nd CONSOCIAL plan of action, but the proposals apparently were rejected by the OGP Committee. We say apparently because the minutes of the meetings of the Open Government Committee are not available, so that people who integrate and decide on the actions of open government, are unknown.

According to the Brazilian government, the document "Proposals for the 2nd Commitment Action Plan", fls. 126 "The proposals made by civil society - both in dialogue and in the 'Virtual Classroom' - are large and often encompass suggestions that are complex and activities that are difficult to put into practice. Many of them involve changes in laws in the federal Constitution, or refer to actions to be taken by the judiciary, for example. In such cases, the initiatives which encompassed the powers of the executive branch can not be complied with by bodies or selected for the OGP Action Plan ".

Legislative changes and the judiciary could not be included because the Brazilian government does not yet follow  the most popular and voted for proposal in the meeting in 2012 that was to change the Inter-ministerial Committee for Open Government, that that committee ceased to be merely "ministerial" formed exclusively by the federal executive branch, and could include representatives of civil society and legislative and judicial powers.

We could just say that civil society has NO seat on Open Government Committee, which decides on the action plan, but it is much more serious, we created a system of written proposals, where are not mentioned names who decided to accept or reject the proposals, it is only known representing 18 ministries of the federal government.

It is a system where civil society even has the right to argue with those who decide and have no right to do advocacy for its proposals to be accepted. It has been a massive effort of civil society to participate in a process that took nearly a year without mentioning the high financial costs of a conference on the scale of CONSOCIAL.

As the continuation of CONSOCIAL was not included in the 2nd OGP plan (Action Plan referred to in 1 °) and the proposals of CONSOCIAL may not be included in the OGP action plan, then we can say without fear of contradiction that the Brazilian government is using the Open Government Partnership Initiative, through its Committee on Open Government, to disregard the voice of Brazilian civil society shown through CONSOCIAL.

A recent survey by Worldwide Independent Network of Market Research (WIN) heard 66,806 people in 65 countries, and pointed to corruption as the main problem of the world, above issues such as economic crisis, social inequality and unemployment. Of those interviewed, 21% of them see corruption as a major global problem, well above the economic crisis (14%), social inequality (12%) and unemployment (10%) - the other options that were presented in the questionnaire. The first five nations that point to corruption as the biggest challenge are the Philippines (50%), Indonesia (40%), Brazil (29%), Mexico (29%) and Peru (29%).

This research is mentioned here to support an assertion that the Initiative Open Government Partnership is extremely important to find solutions to our biggest problem in Brazil and have the greatest interest in the success of this initiative in Brazil and worldwide.

Therefore, aware of the importance of OGP, with being Brazil one of the eight founding members of the initiative, and appearing internationally as an example of Open Government to other countries, the government needs to adjust its transparency and communication with civil society.

Therefore, we propose the assessment of the Steering Committee to ensure parity with civil society in decisions about the actions of open government is an essential requirement for participation of a country in the Open Government Partnership, and be given reasonable time for those that still do not meet this requirement.

Best Regards

Civil Society Group in the Open Government Partnership in Brazil

Signatory organizations

1. A Voz do Cidadão – Instituto de Cultura de Cidadania

2. AMARRIBO Brasil

3. Ame a Verdade – Evangélicos Contra a Corrupção

4. Amigos Associados de São Pedro da Aldeia – ASPA

5. Articulação Brasileira de Combate à corrupção e impunidade – ABRACCI

6. Associação Artigo 19

7. Associação de Assistência Social Lar dos Idosos Policena Mascarenhas

8. Associação Diamantina Viva – ADIV

9. Associação Iniciativa Popular

10. Cívico

11. CRECE "Conselho de Representantes dos Conselhos de Escola

12. Co:Lab - Co-Laboratório de Desenvolvimento e Participação da USP

13. Coletivo Digital

14. Coletivo Puraqué

15. Comitê Nacional - Movimento de Combate à Corrupção Eleitoral – MCCE

16. Fórum Bahia Transparente

17. Fórum de Transparência e Controle Social de Niterói

18. Fórum de Transparência, Participação e Controle Social

19. Instituto Bem Estar Brasil

20. Instituto de Estudos Socioeconômicos – Inesc

21. MCCE/SP – Movimento de Combate à Corrupção Eleitoral Estadual São Paulo

22. MCV Voto Consciente

23. Movimento Mude Salvador

24. Movimento Pela Moralidade Pública e Cidadania – Ong Moral

25. Observatório Social de Brasília

26. Observatório Social de Niterói

27. Observatório Social do Brasil

28. ONG Grupo de Homossexuais de Cajazeiras

29. OSCIP ReCevitas

30. SINTEPE - Sindicato dos Trabalhadores em Educação de Pernambuco

31. Sociedade Brasileira de Gestão do Conhecimento

32. Transparência Hacker

33. W3C