Independent Reporting Mechanism

Action Plan Review
Brazil 2021-2023

Open
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Introduction

In January 2021, the Independent Reporting Mechanism (IRM) began rolling out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons learned from more than 350 independent, evidence-based, and robust assessments conducted by the IRM and the inputs from the Open Government Partnership (OGP) community. The IRM seeks to put forth simple, timely, fit-for-purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-creation brief**—brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product rolled out in late 2021, beginning with countries co-creating 2022–2024 action plans.
2. **Action Plan Review**—an independent, quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product rolled out in 2021 beginning with 2020–2022 action plans. Action Plan Reviews are delivered 3–4 months after the action plan is submitted.
3. **Results report**—an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product rolled out in a transition phase in early 2022, beginning with 2019–2021 Action Plans ending implementation on August 31, 2021. Results reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Brazil (2021–2023) action plan. The action plan is made up of 12 of commitments that the IRM has filtered and clustered into 11. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III: Methodology and IRM Indicators.

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Section I: Overview of the 2021–2023 Action Plan

Brazil's 2021–2023 OGP co-creation process was characterized by robust online participation, which resulted in the inclusion of commitments in new policy areas not addressed in past action plan cycles, such as animal welfare, agricultural value chains, and human rights protection. However, the action plan has an overall limited ambition, affected by COVID-19 restrictions, budget limitations and the agreed recommendation to set the duration of the plan to one year because of the elections that were scheduled in October 2022.

Brazil's 2021–2023 OGP action plan is made up of 12 commitments addressing a wide range of policy areas and intended to be implemented in a shorter one-year timeline due to the elections which were expected to happen during the action plan cycle. It builds on commitments and themes from previous action plans to continue addressing government and civil society priorities. This is the case for Commitment 6 on Land Transparency (an ongoing priority in Brazil's NAP), Commitment 8 on open science (a government priority in its open government agenda), and Commitment 12 on improving access to the legislative process; Commitments 1, 5, and 10 (which seek to improve access to information on environmental issues, a recurring theme from previous plans and present in stakeholder consultations); and improving the open-data ecosystem (which this plan applies to specific policy areas, prioritizing a citizen-centric data use approach, unlike previous plans).).[2] At the same time, this action plan includes commitments on new policy areas relevant to the national context, like human rights and animal welfare, electoral transparency, and access to information in the health and fiscal sectors. The plan co-creation process purposely set to achieve parity by incorporating the prioritized themes of civil society (commitments 1 to 5) and the federal government (6 to 10), while also seeking diversity by including themes of interest from other branches of government (11 and 12). These efforts were part of methodological improvements aimed at expanding scope and diversity[3].

All civil society representatives interviewed agreed that the CGU (Office of the Comptroller General) conducted a robust process of action plan development and that civil society had equal weight in the co-creation process[4]. Every commitment, irrespective of stakeholders' prioritization, had the chance to undergo final validation by both the government and civil society[5]. One important strength identified by a civil society representative was the engagement and the capacity of the CGU to run remote meetings during the pandemic period.[6] These spaces were successfully used by civil society representatives to validate the commitments,[7] which was important to increase the legitimacy of the plan and better reflect civil society organizations' (CSOs') interests and priorities.

AT A GLANCE

Participating since: 2011
Action plan under review: 2021–2023
IRM product: Action Plan Review
Number of commitments: 12

Overview of commitments:
Commitments with an open government lens: 12 (100%)
Commitments with substantial potential for results: 0 (0%)
Promising commitments: 4 (33%)

Policy areas carried over from previous action plans:
        Open science
        Environment
        Open data
        Legislative access
Emerging in this action plan:
        Electoral data
        Human rights
        Health
        Animal welfare

Compliance with OGP minimum requirements for Co-creation:
Acted according to OGP process: Yes

The action plan's development took place through an iterative consultation process.[8] It was the first one that had to be entirely virtual, because of the COVID-19 pandemic. The plan's development actively involved 141 individuals representing 79 institutions: 41 civil society organizations and 38 public bodies from the federal and subnational government, as well as representatives from the judicial and legislatives branches. Compared to the previous action plan, there was an increase in the number of people participating in the co-creation process (141 against 105) and slightly in the number of civil society organizations (41 against 39).[9] There was a continuation of participation from legislative and judiciary bodies, each taken the lead on a commitment. However, despite the increase, especially through virtual spaces, the overall quality of the action plan did not improve. In some cases, the civil society highlighted that the final version of a commitment did not consider all the discussions of the working group, in favor of a more pragmatic stance justified by the budgetary constraints of participating agencies.[10] The 5th Action Plan was therefore perceived by many civil society representatives as modest in terms of ambition. The budgetary constraints, carried over from the national budget legislation, were made explicit to participants from the start of the co-creation process. According to the CGU, they do not signal a lack of commitment by the public agencies involved but the reality and effects of limiting factors[11].

Finally, to mitigate risks related to the probable political changes with the upcoming general elections scheduled for the end of October 2022 and guided by general IRM recommendations on how to address challenges during political transitions,[12] the deadline for implementation of the commitments was set for December 2022 instead of 2023. This decision was made to avoid a potential implementation gap, as previously experienced during the execution of Brazil's 4th Action Plan, which encountered challenges due to a change in administration midway through its implementation.[13] While the decision to have a shorter plan duration and consider the election context was practical and consensus-based, it significantly constrained the plan's ambition, as the stakeholders involved had to bring realistic goals to each commitment.[14]

Section II: Promising Commitments in Brazil 2021–2023 Action Plan

The following review looks at the four commitments that the IRM identified as having the potential to realize the most promising results. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

According to the IRM assessment, most commitments in Brazil's action plan have modest or unclear potential for results. Nonetheless, the IRM identified 4 promising commitments: Commitments 4 and 8, and the cluster of Commitments 5 and 10. These address issues on strategic stakeholder priorities like environmental regulations and human rights. They also have clear and verifiable milestones that could ensure strong implementation, and they could result in new platforms or tools that could improve citizens' access to information and public services. While commitments are mostly limited to the publication of information, they open an opportunity for government and civil society members to expand on their promise to develop tools and provide specific actions or activities to promote capacity-building and ensure citizens' use of the data published. Is worth noting that half of the commitments identified as promising come from civil society prioritized themes and the other from the federal and subnational bodies.

In this action plan, the remaining commitments had unclear or modest potential for results, in part because of the reduced time period for execution, budget constraints and COVID-19 restrictions, which collectively limited their ambition and clarity of scope. The commitments that can potentially provide some modest gains are Commitments 6 (transparency in the use of federal property), 7 (enhancing interoperability and usability of health data), and 12 (improving legislative accessibility). However, while the implementation of these commitments could result in some changes in practices or policies, these are initiatives with limited scope and scale. Both commitment 6 and 7 seek to bring transparency with the purpose of facilitating civil society involvement but the presented milestones paint a more government led implementation process in which civil society will benefit or be involved with the end result. While all commitments have CSO representation, many lack clarity on their role and only include a broader set of actors towards the end. Commitment 12 makes important firsts by being led by a municipal legislative body and focusing on addressing access to legislative monitoring, particularly for individuals with disabilities. Previous recommendations from IRM have highlighted the importance of involving subnational governments and utilizing the growing expertise from local OGP initiatives[15]. However, the commitment does not give clarity on how the coordination by the subnational body will play a defining role in the scope and potential results of the commitment.

On the other hand, there were commitments that, even taking the restrictions into consideration, will provide only minor progress steps and remained unclear in their potential impact, such as the case of Commitments 1, 2, 3, 9, and 11:

- Commitment 1 seeks to improve the quality and availability of environmental databases, seeking greater standardization, unification, and integration of information from different entities and agencies. This commitment continues the environmental focus from the previous plan and it is a civil society prioritized theme. It aims to improve the transparency of environmental data, prioritizing identified needs derived from consultations with civil society[16]. But as written the commitment will result in a new plan on how to integrate data instead of a concrete integration. Brazil's previous action plan offers an example of a potentially ambitious commitment on opening environmental data. Its commitment on land transparency provides a clearer set of milestones, identifying a targeted sector and stakeholders involved, which better state the expected results.[17]

- Commitment 3, for example, is a new policy area in Brazil's action plan and a civil society priority, but it is limited in scope: Its milestones provide actions related to gathering and standardizing information, engaging actors and giving recommendations against animal cruelty without clearly stating how these will contribute to the more prominent issues identified, like lack of law enforcement. The milestones aim to advance exploratory and advocacy efforts with limited potential for improving transparency and participation.
- Commitment 2, also part of the prioritized themes of civil society, specifically on the fight against corruption, aims at creating a laboratory, with the participation of government and society, to produce understandings, build references, and exchange experiences on laws, practices, processes, methods, data, and other resources important for anti-corruption activities. The commitment does not provide enough information regarding the specific need it responds to or the starting point or baseline prior to its implementation. A civil society representative evaluated its possible achievements as "unambitious" and with a low potential of bringing meaningful change.[18] Anti-corruption commitments benefit from specific actions that state what information is missing, what the government commits to publish, and how citizens can be supported to monitor and report on findings from data analysis. Colombia's 2020–2022 Action Plan includes an ambitious commitment to combat corruption through citizen oversight. Its potential hinges on the clarity of its milestones and expected results for the prevention and detection of possible cases of corruption.[19]
- Overall, commitments assessed as having an unclear impact on open government policies lacked a more results-oriented approach, with clear strategies to achieve a goal.

Table 1. Promising commitments

Promising Commitments
Commitment 4: Open Data and Human Rights
Commitment 8: Develop an Assessment Model to Promote Open Science
Commitment 5 and Commitment 10: Open Government and Environment

Commitment 4: Open Data and Human Rights (National Ombudsman on Human Rights, Ministry of Women, Family and Human Rights, Comptroller-General's Office of the Union, Article 19)For a complete description of the commitment, see Commitment 4 in the action plan.

Context and objectives:
Human rights are a pressing issue in Brazil, where, according to the latest Amnesty International 2021/2022 report, social groups historically facing discrimination and poor living conditions were disproportionately affected by the negative economic and social effects of the COVID-19 pandemic.[20] In the same line, the 2020 Brazil report by Human Rights Watch[21] points out many recent setbacks in areas such as police brutality, gender-based violence, and violence against the LGBTQIA+ community and against migrant groups.

The Organization of American States' Inter-American Commission on Human Rights (IACHR), one of the pillars of the region's human rights protection system, states in its 2021 country report that two main categories of discrimination persist in Brazil: one historical (against black and black traditional—also known as *quilombola*—people, indigenous populations, and women), and another socioeconomic (against rural workers, peasants, and migrant people, as well as disadvantaged populations living in the cities). As the IACHR analyzes, these two types of discrimination are directly intertwined with chronic inequalities.[22]

Out of the 34 thematic groups suggested by CSOs, the issue of human rights and open data was one of the top five topics that stood out from an online consultation held at the action plan co-

creation phase.[23] For the current action plan, the topic of human rights is a new priority policy area, as in the 2018–2020 action plan it was not among the 29 defined CSO thematic groups.[24]

Commitment 4 entails an important task, as there is no digital system that gathers all data from human rights violations in a standardized, open-source, and readily available manner. Building such a database meets the OGP value of transparency and can be a useful tool for human rights civil society organizations in their advocacy efforts to counter violations against vulnerable groups. This is particularly important in the context of setbacks in the field of human rights, as pointed out by many national and international nongovernmental organizations.[25]

Potential for results: Modest
Through the national open-data portal,[26] the Brazilian government currently makes data on received human rights complaints available. The portal publishes data sets on reports received by the Ministry of Women, Families and Human Rights through the Dial Human Rights (Disque Direitos Humanos, or Disque 100) service, and on complaints for human rights violations and violence against women registered by the National Human Rights Ombudsman (Ouvidoria Nacional de Direitos Humanos), which managed over 314,000 cases in 2021 alone.[27] However, human rights organizations are, in many cases, in the dark when it comes to their ability to gather information about violations, making their work to push for change even harder. There is a lack of information and indicators at the national level. Existing information is often outdated and scattered on many different websites, making the task of monitoring progress and setbacks challenging. Another problem pointed out by civil society was a lack of specific data on women, black people, indigenous people, and the LGBTQIA+ community.[28] By realizing this commitment, Brazil can provide a concrete advocacy tool for civil society organizations to shed light on patterns of violations in order to guarantee human rights for all.

Opportunities, challenges, and recommendations during implementation
Commitment 4 could lead to important results, as it involves building a completely new system to support different databases. However, it lacks information to understand the extent to which the commitment could lead to strong results. The commitment text could improve in two key aspects: First, the coordinator office in charge of this commitment should identify and state which databases will be included (at least preliminary in the first version) of the digital system; second, it should ensure that the system is user-friendly and that it contains all the functionalities required by stakeholders—before the validation stage of the system.

This is partially contemplated by milestones 1 and 3, and it would be important to make clear that there should be civil society involvement from the early stage of the work. As the commitments are written, the broader engagement of other actors comes only in a later stage, after the definition of the data, data disaggregation and functionalities have been defined. This sequencing issue might result in a risk: inadequacy of parameters vis-à-vis the needs of the users or the feasibility of obtaining the defined data at the subnational level. Therefore, the IRM recommends starting a consultation process with civil society organizations and subnational bodies for milestones 1, 2, and 3 in order to avoid this risk and prioritize data use.

Commitment 8: Promoting Open Science (Brazilian Science and Technology Information Institute, Coordination for Improvement of Higher Education Personnel, Brazilian Agricultural Research Corporation, National Council for Scientific and Technological Development, Oswaldo Cruz Foundation, Associação Brasileira de Editores Científicos, Conselho Nacional das Fundações Estaduais de Amparo à Pesquisa, Scientific Electronic Library Online)
For a complete description of the commitment, see Commitment 8 in the action plan.

Context and objectives:
This commitment is built on the achievements of Commitment 3 of Brazil's 4th National Action Plan, which sought to establish scientific data governance mechanisms for the advancement of open science in Brazil. It signifies the logical progression of monitoring and evaluating the country's open science progress, while further consolidating the practice. The topic of open science was considered strategic by the federal administration, and it took into consideration "the level of engagement; the potential impact; and the maturity of the proposals in relation to Open Government guidelines and principles."[29] The current commitment seeks to address the issue of improving evaluation mechanisms for publicly financed research by creating standardized parameters for the wider public.

According to the United Nations Educational, Scientific and Cultural Organization (UNESCO) recommendation on open science, developing an enabling policy environment and fostering a culture of open science, as envisaged in this commitment, are two key areas of action that can lead member states to make scientific knowledge openly available, accessible, and reusable for everyone, for the benefit of science and society at large.[30] There is a growing trend to make scientific publication open and available for all, but in Brazil, the authors of the scientific articles are usually the ones covering the publishing costs. In turn, public and private research centers are being urged to financially support these researchers, which generates the need to evaluate which scientific publications are worth being supported and sound enough to be disseminated.

Open science as a means to foster participation and social activism is not a novel topic in Brazil: During the past decades, collaboration among scientists, citizens, and non-academic researchers has diversified the practice and brought multiple new actors onto the stage, such as community organizations, social movements, and open universities. Eventually, this collaboration between professional scientists and interested citizens came together under the term of "citizen science."[31]

The country is a key actor in the global open science movement, a status linked to its large-scale system of publicly funded research and educational institutions.[32] In fact, two of these public scientific institutions, which are also stakeholders in this commitment, have a track record in the field of open science. The Oswaldo Cruz Foundation, one of Brazil's and the world's leading public health research centers, has since 2014 held an Open Access to Knowledge policy (Política de Acesso Aberto ao Conhecimento da Fiocruz),[33] materialized through its online Institutional Repository (Arca).[34] Meanwhile, for over 20 years, the Brazilian Institute of Information in Science and Technology (IBICT) has devoted efforts to opening up the scientific process.[35] During the COVID-19 outbreak, the IBICT created an online directory of freely available, open-access scientific information sources on the coronavirus, named Open Science Is Life (Ciência Aberta é Vida).[36]

This commitment entails compiling best international practices in the field of evaluating and opening scientific data. The main concept behind this commitment is "open science," which has to do with making research data available for all. As it deals with publicly financed research and improving evaluation mechanisms with participation of the academic community, this commitment has a connection with OGP's value of accountability and civic participation.

Potential for results: Modest
This commitment tackles the dissemination of open science, a topic that often is not well understood by the general population, which in turn can affect the legitimacy of public spending on research. It is important, therefore, to create systems to evaluate the quality and disseminate the findings of the research that is being funded with public resources. This commitment seeks to advance in the development of evaluation tools that will improve the level of accountability of the

state-run research agencies. According to a researcher of IBICT, charged with coordinating this commitment, it is expected for improved accountability to result from periodic specific and general meetings with representatives from the organizations involved in Commitment 8 and Execution Status Reports (RSE) required by the Comptroller General of the Union, among other tools.[37]

In Brazil, 95% of the scientific production is made by public universities. However, evaluation is a sensitive topic in academia.[38] Many researchers and scholars criticize assessment criteria, which are often based on rankings and one-size-fits-all metrics and often used as a punishment instrument. Developing an evaluation model for public research centers is already a challenging endeavor. However, researchers from different fields of knowledge and different regions of the country should be involved and able to participate in the co-creation of this model. Not only could this participatory building address some of the critiques received, but it could also be key to grant academic legitimacy of the evaluation system.

Opportunities, challenges and recommendations during implementation
Three critical aspects need to be achieved to fulfill the potential of the commitment. The first is to involve a wide range of representatives from the scientific community—but also from humanities—to make sure that the criteria used to assess scientific outputs are adequate and fair. The second one concerns the dissemination of the information, as the research community can be reluctant to open scientific data.[39] The last aspect is the time constraint. It is possible, according to a civil society representative, that not all milestones will be completed by the end of the year[40].

This observatory is the core of the commitment. Although it is not clearly explained in the commitment text, a civil society representative explained to the IRM researcher that it is an online platform which contains the meta-repository of existing open-science databases.[41] In this meta-platform, researchers and the academic community in general can consult which journals and research agencies are using which open science tools, as well as the open-data guidelines.

As this is the only milestone of the commitment that, if implemented, could provide an interface with the public, it could profit from more specificity and a better explanation to help people understand the real potential of improving civic participation and strengthen the relevance of the commitment.

Commitment cluster #5 and #10: Open Government and Environment (For #5: EMBRAPA, CONAB, MAPA, IPEA, SEMAS/PA, OCF, UFMG, RNP, and C4AI/USP. For #10: IBAMA, MMA, ABRAMPA, and Fiquem Sabendo)[42]
For a complete description of the commitment, see Commitments 5 and 10 in the action plan.

Context and objectives:
Brazil is a major player in the global agribusiness circuit. In 2021, this sector's exports reached a record value of over 120 billion USD, mostly formed by soy-based products, meats, forest products, sugar and alcohol-based products, and coffee.[43] In fact, the country produces one-third of all coffee and sugar consumed worldwide, and it is the world's largest producer of soybean and corn, as well as the second most important producer of beef.[44] The presence of this key agricultural sector makes this cluster of commitments especially relevant in terms of monitoring the environmental effects of this economic sector.

These commitments were drafted from policy topics prioritized by both civil society (Commitment 5) and the government (Commitment 10). Giving their synergies, the IRM has clustered the evaluation and impact analysis of these commitments. However, the implementation is set to

happen independently. Both commitments were drafted in partnership with CSOs, in a process led by the CGU.[45] Nevertheless, the final version of the commitment, according to a civil society representative interviewed by the IRM,[46] was much less ambitious than needed to do bring a substantial change. A main constraint was the budgetary limits in place since before the co-creation process given existing budgetary realities. While these constraints were explicit at the co-creation phase, they still limited the potential of the commitments.. According to the civil society representative, there were concerns on the feasibility of effectively leading commitment 10, as the agencies involved did not have or had not assigned the necessary human capacity or financial resources to deliver milestones such as launching the agreed interface. [47]

In the 2018–2021 plan, 2 out of the 11 commitments were related to environmental issues (water resources and climate change). Commitment 5 seeks to open and integrate the agricultural and livestock data available, whereas Commitment 10 aims to improve data transparency regarding environmental licensing and address the issues of having multiple environmental databases scattered across different governmental agencies and lack of access to data. It aims to do this by centralizing data and opening it in one single online platform.

Commitment 5 is a crucial step in identifying unsustainable practices in the sector. For instance, it is crucial to be able to trace the livestock's origin and determine whether the cattle originates from a farm following labor and environmental regulations or if is associated with areas known for illegal deforestation for grazing, among other concerns.. To this day, it is not possible to verify this as the databases are not opened. This is particularly important in one of the largest exporters of meat products and one of the countries with the largest rainforests in the world.

Commitment 10 is also very important, as environmental licensing is a key regulation for large works, such as roads, hydroelectric plants, and mining dams. Although subnational environmental licensing is not included in this commitment, the centralization of data regarding federal oversight is a crucial transparency instrument for civil society to monitor human intervention on the environment.

Potential for results: Modest
Data on agricultural activities currently published through the national open-data portal is not relevant to monitoring economic activities, as it focuses on implementation indicators for governmental programs and is not updated.[48] Meanwhile, as indicated in the commitment, relevant institutional efforts such as the Ministry of Agriculture's Data Observatory[49] do not comply with open-data principles and instead provide dashboards to access statistical data, which prevents its reuse and its interoperability with other data sources to obtain further insight.

Regarding the environmental licensing process, the Environmental Licensing National Portal (PNLA) currently publishes information through its website[50]; however, this information is not easily accessible, nor does it follow open-data guidelines.

Despite the limitations flagged by civil society organizations, these commitments could substantially advance open government regarding environmental regulation. Currently, data is scattered and, in many cases, unavailable for the public—which was pointed out by a civil society representative interviewed by the IRM researcher.[51] By opening data—with parsimony—and centralizing it in one single platform, this commitment could have the potential to modestly improve transparency regarding environmental issues at the federal level.

Opportunities, challenges, and recommendations during implementation

There are two key aspects of the commitments. The first one is to have sufficient IT capacity to allocate to Commitment 10. This task requires several hours of work to build systems and make data available. Governmental agencies should be able to yield human resources to implement this commitment. The second key aspect is realistic budgets. To build up this system, some investment is needed to set it up, in particular funds for hiring IT consultants.

These two aspects, in turn, present two challenges that might risk the implementation of the commitment. To mitigate these challenges, it is important to open up channels with CSOs that might be able to point to open-source IT solutions cheaper than the proprietary software initially considered for this commitment—including some IT solutions developed by the government itself, but not used across different agencies.

The last challenge regards the standardizing of understanding of governmental agencies regarding the new privacy data law[52] and the need to open data, in particular to Commitment 5. Many agencies are now denying access or closing access after this law was passed[53] in 2018, even though it clearly accepts the opening of data that is of public interest.[54]

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation, as with former IRM reports. It is intended as an independent, quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders, and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising, the IRM follows a filtering and clustering process:

> **Step 1:** Determine what is reviewable and what is not based on the underlined verifiability of the commitment as written in the action plan.
>
> **Step 2:** Determine if the commitment has an open government lens. Is it relevant to OGP Values?
>
> **Step 3:** Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitments need to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered, and the cluster's "potential for results" should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:
> > a. Determine overarching themes. They may be as stated in the action plan or, if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by OGP.
> > b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
> > c. Organize commitments by clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms or may be stand-alone and therefore not clustered.
>
> **Step 4:** Assess the potential for results of the cluster or stand-alone commitment.

The filtering process is an internal process, and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country stakeholders, and sign-off by the IRM's International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

> **I. Verifiability**
> - "Yes": Specific enough to review. As written in the action plan, the objectives stated and actions proposed are sufficiently clear and include objectively verifiable activities to assess implementation.
>
> - "No": Not specific enough to review. As written in the action plan, the objectives stated and proposed actions lack clarity and do not include explicit, verifiable activities to assess implementation.
>
>   Commitments that are not verifiable will be considered "not reviewable," and further assessment will not be carried out.

II. Does it have an open government lens? (Relevance)

This indicator determines whether the commitment relates to open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance, and the guiding questions below.

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Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP Value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III.   Potential for results

Formerly known as the "potential impact" indicator, this indicator was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of "potential for results" is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** a positive but stand-alone initiative or changes to process, practice or policies. This applies to commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area—for example, tools like websites, data release, training, or pilot projects.
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies, or institutions that govern a policy area, public sector, or relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Luciana Tuszel and overseen by the IRM's IEP. The current IEP membership includes:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

For more information about the IRM, refer to the **"About IRM" section of the OGP website** available [here](#).

Annex 1. Commitment-by-Commitment Data[1]

Commitment 1: Access to Quality Environmental Data
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 2: Anti-Corruption Guidance and Standards
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 3: Combating Animal Mistreatment
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 4: Human Rights Violation Database
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5: Open Agricultural Data
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Open Government and Environment (Commitments 5 and 10 of the action plan)
- Potential for results: Modest

Commitment 6: Transparency in the use of Federal Properties
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 7: Enhancing Interoperability and Usability of Health Data
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 8: Promoting Open Science
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 9: Increasing Use of Tax Data
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 10: Disclose Environmental Licensing Data

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[1] **Editorial notes:**
1. For commitments that are clustered: The assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Brazil's action plan: https://www.opengovpartnership.org/wp-content/uploads/2022/01/Brazil_Action-Plan_2021-2023_EN.pdf.

- Verifiable: Yes
- This commitment has been clustered as: Open Government and Environment (Commitments 5 and 10 of the action plan)
- Potential for results: Modest

Commitment 11: Open Electoral Data

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 12: Improving Legislative Accessibility

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP's Procedural Review Policy, during development of an action plan, OGP participating countries must meet the "Involve" level of public influence per the IRM's assessment of the co-creation process.

To determine whether a country falls within the category of "involve" on the spectrum, the IRM assesses different elements from OGP's Participation & Co-Creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:
1. **A forum exists:** There is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government or multi-stakeholder forum documents or is able to demonstrate how it provided feedback during the co-creation process. This may include a summary of major categories and themes proposed for inclusion, amendment, or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and it is not a full assessment of performance under OGP's Co-Creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

Table 2. Summary of minimum requirements to act according to OGP process

OGP Standard	Was the Standard Met?
A forum exists. The Open Government Advisory Working Group has existed since November 18, 2014.[55]	Green
The forum is multi-stakeholder. The Open Government Advisory Working Group is composed of seven representatives from civil society organizations.[56] Its main mission is to advise the Executive Group of the Open Government Interministerial Committee, which is composed of seven government representatives.	Green
The government provided a **reasoned response** on how the public's feedback was used to shape the action plan. The Office of the Comptroller General published a feedback report of the public consultation held for the definition of the different thematic areas and subjects of the action plan.[57]	Green

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[1] For more details regarding the IRM Refresh visit "IRM Refresh," Open Government Partnership, https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/.

[2] CGU team (Rogério Vieira dos Reis, Bruno Barbosa Cerqueira Alves, Tamara Bakunis, Priscilla Ruas), interview with IRM, February 23, 2022.

[3] CGU team (Rogério Vieira dos Reis, Bruno Barbosa Cerqueira Alves, Tamara Bakunis, Priscilla Ruas), comments to APR given to IRM, December, 2022. And 5th National Plan methodology, available at https://www.gov.br/cgu/pt-br/governo-aberto/a-ogp/planos-de-acao/5o-plano-de-acao-brasileiro/metodologia-5o-plano-de-acao-nacional.pdf.

[4] One exception was in Commitment 5, where the government had a greater weight compared to civil society. Marina Atoji, project manager at Transparência Brasil, interview with IRM, March 14, 2022.

[5] CGU team (Rogério Vieira dos Reis, Bruno Barbosa Cerqueira Alves, Tamara Bakunis, Priscilla Ruas), comments to APR given to IRM, December, 2022.

[6] Ana Paula Valdiones, coordinator at Observatório do Código Florestal, interview with IRM, March 11, 2022.

[7] Valdiones, interview.

[8] The method was carried out based on a method similar to the previous one, with improvements aimed at broadening the scope and diversity of the participatory process. In addition to the public consultations aimed at choosing the themes, two new consultations were held for the first time. Before each stage of the workshops, consultations were held to receive input for the experts to work with in the co-creation workshops, with a view to broadening the participation of society. In each of these processes, the civil society working group supported the effort to publicize the public consultations.

[9] See Open Government Partnership, *Fifth National Action Plan on Open Government*, Office of the Comptroller General Secretary of Transparency and Prevention of Corruption, Transparency and Public Oversight Board, and General Coordination of Open Government and Transparency, 2021, https://www.opengovpartnership.org/wp-content/uploads/2022/01/Brazil_Action-Plan_2021-2023_EN.pdf.

[10] Maria Vitória Ramos, director of Fiquem Sabendo, interview with IRM, March 9, 2022..

[11] CGU team (Rogério Vieira dos Reis, Bruno Barbosa Cerqueira Alves, Tamara Bakunis, Priscilla Ruas), comments to APR given to IRM, December, 2022.

[12] Gustavo Perez Ara and Denisse Miranda, "Open government reforms in times of political transitions: lessons from Latin America," OGP, May 25, 2018, https://www.opengovpartnership.org/stories/open-government-reforms-in-times-of-political-transitions-lessons-from-latin-america/.

[13] Perez Ara and Miranda, "Open government reforms."

[14] Marina Atoji, project manager at Transparência Brasil, interview with IRM, March 14, 2022. CGU team (Rogério Vieira dos Reis, Bruno Barbosa Cerqueira Alves, Tamara Bakunis, Priscilla Ruas), comments to APR given to IRM, December, 2022.

[15] See the IRM Design Report for Brazil's 2018-2020 Action Plan with the analysis on its land transparency commitment, page 30-32: Fabro Steibel, *Independent Reporting Mechanism (IRM): Brazil Design Report 2018–2020*, Open Government Partnership, n.d., https://www.opengovpartnership.org/wp-content/uploads/2020/10/Brazil_Design_Report_2018-2020_EN.pdf.

[16] CGU team, comments to APR December 2022.

[17] See the IRM Design Report for Brazil's 2018-2020 Action Plan with the analysis on its land transparency commitment, page 30-32: Fabro Steibel, *Independent Reporting Mechanism (IRM): Brazil Design Report 2018–2020*, Open Government Partnership, n.d., https://www.opengovpartnership.org/wp-content/uploads/2020/10/Brazil_Design_Report_2018-2020_EN.pdf.

[18] Paula Oda, project coordinator at Instituto Ethos, interview with IRM, March 14, 2022.

[19] See the IRM's Action Plan Review for Colombia's 2020–2022 Action Plan, pages 8-10: *Mecanismo de Revisión Independiente: Revisión del Plan de Acción*, Open Government Partnership, n.d., https://www.opengovpartnership.org/wp-content/uploads/2021/07/Colombia_Action-Plan-Review_2020-2022.pdf.

[20] "Brazil 2021," Amnesty International, https://www.amnesty.org/en/location/americas/south-america/brazil/report-brazil/.

[21] Human Rights Watch, "Brasil: Eventos de 2020 [Brazil: 2020 Events]," Human Rights Watch, 2021, https://www.hrw.org/pt/world-report/2021/country-chapters/377397.

[22] Inter-American Commission of Human Rights (IACHR), *Situation of Human Rights in Brazil*, IACHR, 2021, http://www.oas.org/en/iachr/reports/pdfs/Brasil2021-en.pdf.

[23] See Themes Definition section of Brazil Action Plan: Open Government Partnership, *Fifth National Action Plan on Open Government*.

[24] Open Government Partnership, "Brazil National Action Plan, 2018–2021," OGP, October 31, 2018, https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2021/.

[25] Human Rights Watch, "Brasil: Eventos de 2020 [Brazil: 2020 Events]."

[26] "Portal Brasileiro de Dados Abertos," gov.br, https://dados.gov.br/.

[27] See "Ouvidoria registra mais de 314 mil denúncias de violação de direitos humanos em 2021", Ministério da Mulher, da Família e dos Direitos Humanos, https://www.gov.br/mdh/pt-br/assuntos/noticias/2022/janeiro/ouvidoria-registra-mais-de-314-mil-denuncias-de-violacao-de-direitos-humanos-em-2021

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