Country Overview Brazil

VOICE OR CHATTER?

STATE OF THE ART

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State of the Art: Brazil

This report aims at providing an overview of the normative and institutional state of art of ICT-mediated citizen participation in Brazil. The first section provides an overview of the political and civic liberties framework in Brazil. In the second section the landscape of ICT-mediated citizen engagement is mapped. In the third section, the report engages with implications of technology mediations for deliberative democracy and transformative citizenship.

1. Overview

1.1. Historical Overview

As in many countries around the world, a plethora of democratic models of representation and participation arose in Brazil after the second half of the 20th century. The inclusion of social participation concerns in public policies reflects a contemporary approach to democracy, according to which modern citizens should be able to contribute to the creation of laws and policies, as well as contribute with states in their implementation (Faria, 2016, p. 256). Approved after more than two decades of military dictatorship which was characterized by strikingly top-down decision-making, the Federal Constitution of 1988 is referred to as the landmark of participation in Brazilian democracy. The Constitution was approved by the National Constituent Assembly (ANC) in Brazil, reunited by president José Sarney in 1985 in the midst of a political crisis (the end of a dictatorial regime), a deteriorating economic situation and intense social mobilization and confrontation (Neris, 2015, p. 15), a scenario in which channels of participation had been shut.

During the Constituent Assembly, Brazilian civil society was energized and able to promote significant institutional innovation - civil society activists were then able to combine forces with political reformists to influence the drafting of Brazil's new Constitution (Wampler & Avritzer, 2004). According to Neris (2015, p. 15), disputes, negotiations and an unprecedented intensity of relations amongst members of the parliament and the civil society were the characteristics of the dynamics of the ANC throughout its 583 days.

The ANC mobilized a considerable amount of participation in numerical terms - citizens participated through caravans, letters and telegrams. The '*Diga Gente e Projeto Constituição*' campaign, according to Neris (2015, p. 28), is remarkable for being the first victory of social movements in relation to possibilities of participation in the constitutional process. Through this initiative, citizens offered their suggestions for the new Constitution by filling forms that were distributed and made available at post offices across Brazil.

The composition of the ANC, in terms of its constituent representatives, was however marked by a low presence of left-wing representatives; activists on the progressive spectrum raised objections over the norms that established the by-laws and procedures to be followed by the ANC, in order to ensure a real mechanism of popular participation in drafting the new Constitution (Neris, 2015, p. 29). Social movements made consistent efforts to interact with the rapporteur of the Internal Regiment, Senator Fernando Henrique Cardoso, who at one

point of the process received a thousand telegrams from all over the country in less than a week (Neris, 2015, p. 30). It was due to popular pressure that the ANC decided to allow for the possibility of the so-called popular amendments[1], an instrument that enabled the population to submit amendments for the constitutional process, therefore ensuring and institutionalizing the possibility of popular participation in the process. Popular amendments required at least 30,000 signatures in order to be presented before the Constitutional Assembly, and they constituted the main tool for citizen engagement in the establishing of new constitutional norms, as well as the essential mediation between the spaces of formation of collective will and the constitutional institutional setting (Vitale, 2004, p.111).

Once the Constitution was approved in 1988, participatory processes were introduced into the Brazilian legal framework. However, the necessary condition for the implementation of decision-making venues in this new political moment was the election of governing coalitions that were willing to design and implement new institutions for participation. Designing new participatory spaces demanded the incorporation of a broad range of actors to make them legally, politically and administratively viable. Civil society organizations found it necessary, in this process, to link themselves to political society, and generally with reformist parties, to establish the necessary support for institutional innovation. The proliferation of civil society formal organizations, accompanied by the decentralization of the political authority promoted by the Constitution, guaranteed the necessary resources for the public administration to restructure its policy-making process. It also allowed the creation of political strategies by civil society organizations to promote deliberative institutions (Wampler & Avritizer, 2004, p. 291).

1.2. Popular Initiative for Draft Bills

Similar to other recent democracies, the main democratic instrument of participation in Brazil is still the vote (universal mandate for all citizens between 18 and 70 years old). But one other participation instrument of note is the Popular Initiative for Draft Bills. The Popular Initiative for Draft Bills, provided for in Art. 61 of the 1988 Brazilian Constitution [2], was an institutional innovation. Up to that point, ordinary citizens had never held any lawmaking powers (Augusto, 2015, p. 18). Unfortunately, though, it has been only rarely employed. Since the promulgation of the Constitution in 1988 and until 2013, only seven Popular Initiative bills were presented to Congress. Studies pointed that the reasons for this are mainly related to difficulties related to meeting the formal requirements for the presentation of such a bill (Augusto 2015, p. 18). A Popular Initiative Draft Bill must be subscribed by at least 1 % of the national population, spread across at least five states. In addition, only *ordinary* and *supplementary* bills can be the object of Popular Initiative, meaning that other species of legislation, notably amendments to the Constitution, are excluded. And lastly, a Popular Initiative proposal must be presented in the form of a bill, i.e. organized by articles, paragraphs, sections and items, which requires technical legal knowledge, possessed by only a limited number of citizens (Augusto, 2015, pp. 18-19).

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1 Included in the Internal Regiment of the ANC as: "Art. 24. Fica assegurada, no prazo estabelecido no §1º do artigo anterior, a apresentação de proposta de emenda ao Projeto de Constituição, desde que subscrita por 30.000 (trinta mil) ou mais eleitores brasileiros, em listas organizadas por, no mínimo, 3 (três) entidades associativas, legalmente constituídas, que se responsabilizarão pela idoneidade das assinaturas, obedecidas as seguintes condições (...)" - Resolução nº 2, de 1982, da Assembleia Nacional Constituinte (Dispõe sobre o Regimento Interno da Assembleia Nacional Constituinte).

2 The Popular Initiative for Draft Bills is also regulated by the Bylaws of the House of Representatives and by the Law 9709/1988.

In view of these difficulties in implementing the Popular Initiative and in order to increase public participation in the legislative process, in 2001, the Commission of Participative Legislation (CLP) at the House of Representatives, and the Commission on Human Rights and Participative Legislation (CDH) were created by Congress at the Senate. Brazil was the first Latin American country to institutionalize channels of participation in the Federal Legislative Power, which in turn were inspired by existing mechanisms in Europe (Augusto, 2015, p. 22). Acting upon the above mentioned formal difficulties related to the Popular Initiative, both the CLP as well as the CDH facilitated social participation in the legislative process, which resulted in increasing not only the number of popular propositions presented to the legislature, but also the variety of stakeholders acting as proposers. Furthermore, by expanding the types of legislation that could be proposed beyond ordinary and complementary bills, the Committees expanded the possibilities for social participation (Augusto, 2015, p. 19).

Hence, in practice, both Committees began to function as alternatives to the traditional institute of the Popular Initiative (Augusto, 2015, p. 18). One fact that corroborates this view is that the last of the proposals presented to Congress as Popular Initiative, the Complementary Bill 321/13, was subsequently sent to the CLP to be processed as a suggestion of the Commission itself, not as a Popular Initiative Bill.

As pointed out by Augusto (2015), the two Committees also present certain limitations, many of them similar to the ones already present when the only channel was that of the Popular Initiative. In the case of the Committees, the suggestions have to be presented in the form of bills as well. Also, only civil society organizations can make proposals before the Committee (individual citizens are not entitled to do so), and even the participation of civil society organizations is limited to the proposition of the bill, not other stages of the legislative process, such as the discussions by the thematic committees of both houses and in the plenary. One advantage of the Popular Initiative over the procedures before the Commissions is that, in the former, the authors of the proposed bill are allowed to choose the congressman or congresswoman who will act on their behalf during the processing of the proposal (p. 19-20).

1.3. Relevant Local Level Policies

The 1988 Constitution elevated the municipalities to the status of federative entities, turning them into administrative and financial autonomous political bodies (Meirelles, 2013, p. 84)[3]. In addition, the Constitution also established some principles for a "semi-direct democracy", by which the representative system is complemented by direct participations initiatives (Vitale, 2004, p.240-241). For instance, article 29, XII and XIII of the Constitution states that the organizational law of the municipalities ("lei orgânica") shall guarantee the participation of representative associations in the municipal planning[4].

Thus, the new autonomy institutionally conquered by municipalities allowed that several of them installed their own thematic popular councils, which paved the way for civil society participation in local public policies. As a result, policies have been instituted through long periods of consensus-building procedures with civil society stakeholders.

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3 Federal Constitution, Articles 18, 29-31, 156, 158, and 159.
4 This rule was reinforced in the Statute of the Cities, approved in 2001 (Law n. 10,257).

An example of the above was the introduction of "participatory budgeting" (*Orçamento Participativo*) in 1989: a new type of local decision-making system, by means of which citizens have the authority to vote on general budgeting and on specific policy outlays (Wampler & Avritzer, 2004, p. 299). After being first introduced in the municipality of Porto Alegre, the example of the participatory budget was then followed by at least 103 municipalities, allowing for an increased and sustained participation, public deliberation and negotiation of policies and budgets. Research indicates that participatory budgeting has also resulted in the distribution of public resources to poorer neighborhoods (Wampler & Avritzer, 2004, p. 292)[5].

One other local experience that has received a lot of attention from local research is that of policy councils, another institutional innovation of re-democratization (Castro, 2016, p. 40). Their proliferation is also related to the decentralization process that took place in various areas of social policy, inaugurated by the new Constitution. Policy councils ("*conselhos gestores de politicas públicas*") are permanent collegiate bodies in which regular meetings between a limited number of predetermined representatives of civil society and government are held. According to Tatagiba, councils represent institutional spaces with greater capacity to generate a continuous dialogue and resolution of conflicts between society and the state (2002, p. 54). Their main tasks are related to the supervision, design and consultation on public policy issues (Castro, 2016, p. 43).

Despite being established by the state as part of the direct administration of the executive branch, policy councils are entitled to establish their own operating rules, within the limits set by law and decree, which gives them some autonomy (Castro, 2016, p. 42). The composition of the policy councils is usually plural (bringing together state and civil society) and equal (same number of representatives of each segment) (Tatagiba, 2002, p. 54). The participation of civil society in these spaces does not occur *directly*, but through mechanisms of representation, meaning that filters are set through selection processes for council members (Castro, 2016, p. 44).

Moreover, policy councils are equipped not only with advisory functions, but can also take decisions that, if formalized in resolutions, are binding on the government (Castro, 2016, p. 45). However, legislation neither provides a clear way to ensure effective compliance by the government, nor mechanisms to monitor implementation processes[6]. These bottlenecks represent reflections of a still incomplete institutionalization of the councils (Tatagiba, 2002, p. 95).

1.4. Legal framework and Legislative Advances in the Context of ICTs

When it comes to ICT-mediated forms of citizen engagement in Brazil, the most patent observation is that it is an unregulated field. There exists no legal framework regarding

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5 In the public opinion, participatory budgeting experiences are generally connected to the Workers Party (Partido do Trabalhadores, or PT) due to its origins; however, 51 out of the 103 municipal cases were carried out by mayors of other affiliations. Transformation of municipal policymaking institutions is therefore to be analyzed beyond party politics.

6 The Federal Constitution offers a few guidelines for the existence of councils, and some federal laws demand the implementation of certain of them (e.g the Federal Law n.8,842/1994, which mandates the creation of councils in all levels of the federation for discussing subjects related to elderly people, but there are no centralized rules requiring the implementation of participatory politics in general.

proceedings to be adopted for ICT-mediated participation. One relevant exception to this general rule, however, was the approval of the Brazilian Access to Information Law (Law No. 12.527/2011, also known as LAI) – the Freedom of Information Act, which regulates the constitutional right to access public information at all levels: federal, state and in the municipalities.

LAI, which has been in force since 2012, seeks to implement changes in the bureaucratic culture, by requiring transparency as a general rule in public service. Apart from exceptions provided for in the text of the law, all information and data kept by the state must be made public immediately (Faria, 2016, p. 260). Historically, the Brazilian government has not been keen on openness due to fear of political exposure and controversies, *e.g.* disclosure of data that might reveal mismanagement and poor decision-making regarding public resources (Faria, 2016, p. 260). LAI can be used by any citizen or organization, impacting therefore the power dynamics between state and society. Thus, LAI can be considered an important shift in norms when it comes to enabling participation and increasing transparency and accountability.

Specifically regarding the use of ICTs, LAI determined that public entities offer online channels for the request of information and for follow-up, seeking to facilitate access to information by citizens against the backdrop of possible difficulties of physical access. That is, rules were set in place regarding the need for state entities to disclose their information online in open data formats, and also to allow for electronic requests.

Even though gains in transparency with LAI are considerable, there is a long way to go in term of access to information in Brazil. Recent research conducted by InternetLab (2015b) regarding transparency of Judiciary in Brazil evaluated aspects of active transparency (information voluntarily disclosed by the body) and passive transparency (information disclosed due to the request of citizens) of São Paulo's Court of Appeals (TJSP). The research found that, despite visible efforts to implement the requirements of LAI such as considerable availability of information about the organizational structure of the tribunal, budget, remuneration of staff and ongoing projects, there remains a clear lack of coordination regarding transparency policies inside the organ. Also, open data formats, required by law, are not adopted. While there is a structure in place for requests for information by citizens, many obstacles are to be found.

The National Council of Justice (CNJ) has only recently regulated the implementation of LAI in the Judiciary branch (Resolution n. 215/2015), and the results of this regulation are yet to be analyzed. When it comes to the Executive branch, research studies by several organizations have been pointing to the incomplete or inadequate implementation of LAI as well, even if progress has been made (*e.g.* Artigo19, 2015; Machado, 2016).

1.5. Democracy, E-government and E-participation Indices

One useful way of assessing the state of art of Brazilian policies regarding democracy and e-government and e-participation practices, especially in comparison to other countries, is the analysis of international indexes. It is noteworthy that, when it comes to the e-government and e-participation index developed by the United Nations[7], Brazil fares above average with respect to the world, the region (America) and sub-region (South America). This 'status' has

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7 UN E-Government Knowledge DataBase - Brazil. Available at: https://publicadministration.un.org/egovkb/en-us/Data/Country-Information/id/24-Brazil/dataYear/2016. Last accessed January 25, 2017.

been consistently maintained in all the years this study was conducted (2003, 2004, 2005, 2008, 2010, 2012, 2014 and 2016). Even if the UN classifies Brazil as "high" (among 'very high', 'high', 'medium' and 'low'), one should not assume Brazil is leading in the matter, as we dwell on below.

1.5.1. E-government

Internet penetration is rising across the Latin American and Caribbean (LAC) region, impacting social, economic and political interactions, and leading also to increased expectations of the performance of public services, in the form of democratic pressure on the public sector and of pushing for more participative forms of decision-making. In this context, governments of the region are looking into refining their use of technology and data to open up government, create more democratic forms of governance and strengthen public services as drivers of social well-being and inclusive societies (Ricart & Ubaldi, 2016).

> When strategically used, digital technologies can be powerful tools to support substantial changes in government-society relations. They can help increase transparency and accountability, improve access to and quality of public services, and facilitate more inclusive decision-making processes, which can ultimately lead to greater trust in governments and more inclusive outcomes (Ricart & Ubaldi, 2016, p. 198).

Despite these positive trends in recent years, public authorities in LAC are still struggling to tackle the lack of data, information, and adequate resources or capacities to improve public sector productivity, while dealing with societies that are increasingly complex and heterogeneous (Ricart & Ubalsi, 2016, p. 34). The employment of ICTs by the Brazilian public administration started taking place back in the 1960s, when state-owned companies started using computing to plan and coordinate their activities, but it was only with technological development in the late 1990s that electronic services were made possible. Proper *digital government* practices first appeared in Brazil, however, in the early 2000s, and were limited to electronic services provision, usually through Internet portals (Gil-Garcia & Lanza, 2016, p. 211). Since then, different uses of ICTs by governments grew considerably, but not in a consistent fashion. Data made available by the *TIC Governo Eletrônico* survey (*Cetic.br*, 2016b) reveals that federal government institutions continue to adopt ICT at higher rates than their state-level counterparts. Besides, the Judicial and Legislative branches, and the Public Prosecutor's Office, stand out in comparison to the Executive branch (*Cetic.br*, 2016b, p. 344).

The research also shows that, over the past 12 months, 59 % of Brazilian Internet users who are 16 years old or above have used e-government services. The most used services are those related to public education, for example the national university entrance examination (ENEM), information related to public student loan programs (such as PROUNI), or enrollment in public universities (28 %); followed by services related to taxes, such as income tax return and property taxes (26 %); then personal documents, like the national identity registry, services related to passport issuing, or employment documents (23 %)[8]; and

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8 Issuing of documents in Brazil is a heterogeneous process, depending on the type of document, the entity responsible for issuing it, and the locality. For example, passport issuing is administered by the Federal Police, through a mixed process, that can be started online by an application, and must be completed in person. Issuing of Records of Employment ("Carteiras de Trabalho"), a booklet that every formal employee must possess, is administered by the Ministry of Labor, and it might be required that the process is started online, depending

workers' rights, such as social security, unemployment, sickness or retirement (20 %)[9] (*Cetic.br*, 2016a). According to Sampaio & Carreiro (2016, p. 270), this sort of information demonstrates that Brazilian citizens tend to engage in more individualistic interactions with the government, searching mainly for personal information and personal services.

The data also indicates that most people used the Internet only to seek information, or to perform the service only partly, as in many cases it was still necessary to perform or to complete the service in-person. It is worth noting that in cases in which citizens need to physically show up in person to complete services, the benefit of providing government services on the Internet is partially lost (*Cetic.br*, 2016a). However, the complete digitization of services is not the main reason why e-government has not been used by masses of Internet users. The research indicates that in most cases citizens preferred in-person contact (57 %), followed by general disinterest in seeking information or accessing public services (47%). 42% of users believe that contact with the government over the Internet is complicated, and 41% point to concerns about safety and security of online data (*Cetic.br*, 2016a). Sampaio & Carreiro (2016, p. 270) point out that the preference of most respondents to solve their problems in person might be related to the fact that more complex interactions with the government require higher cognitive and technical skills (the latter in the case of e-participation) skills. Engaging in such a relationship requires abilities to read and interpret text that some citizens may not have developed – a recent study by *Instituto Paulo Montenegro* and *Ação Educativa* established that only 8% of Brazilians are fully proficient in understanding and interpreting written speech (2015); access to computers and the Internet is also an issue, as we will develop on further in this paper, and technical skills, or appropriation of technology, is also found to be missing.

In this regard, the UN e-government index is a useful analytic tool. The EGDI is composed of three variables: Online Service Index (OSI), Telecommunication Infrastructure Index (TII) and Human Capital Index (HCI). Evaluations under the three indices can range from 0.000 to 1.000. OSI evaluates the provision of online government services and portals; HCI measures aspects of human and education development in a country, which are indicated by factors such as literacy, school enrollment and expected years of schooling; and TII is currently composed of five factors based on the number of users per 100 inhabitants:

1. Internet users (individuals who used the Internet from any location);
2. Telephone lines;
3. Mobile subscribers;
4. Wireless connections;
5. Fixed broadband subscriptions.

Even when both residential and organizational subscriptions are considered, Brazil has never scored more than 0.5 on the TII, which strongly suggests that access to the Internet is one of its major hurdles with regard to ICT-mediated citizen engagement. It was first in 2010 that the country scored more than 0.3. Brazil fared much better on HCI (minimum 0.6787 in 2016, and maximum 0.9 in 2004; before 2014 it was below 0.73) and OSI indexes (minimum

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especially on the size of the municipality. The state of São Paulo, for instance, offers of a service called Poupatempo, that centralizes issuing of a number of official documents, and disposes of an online phase for scheduling and offering preliminary information.

9 A number of social security services, such as Bolsa Família, a federal government project that provides financial aid to low income Brazilians, allow for beneficiaries to make consultations online, such as checking their balances. Some personal information related to retirement are also available online.

0.3683 in 2010, but it was an atypical year since, apart from this year, it was never below 0.57; maximum 0.75 in 2005).

Table 1. TII Values

Year	2003	2004	2005	2008	2010	2012	2014	2016
Evaluation	0.1738	0.1653	0.1644	0.2181	0.2581	0.3568	0.4668	0.5025

Interestingly, according to UN data, the main driver for growth in access has been mobile subscriptions. The UN began to measure mobile subscriptions in 2005 and numbers have steadily increased over the years.

Figure 1. TII in Brazil
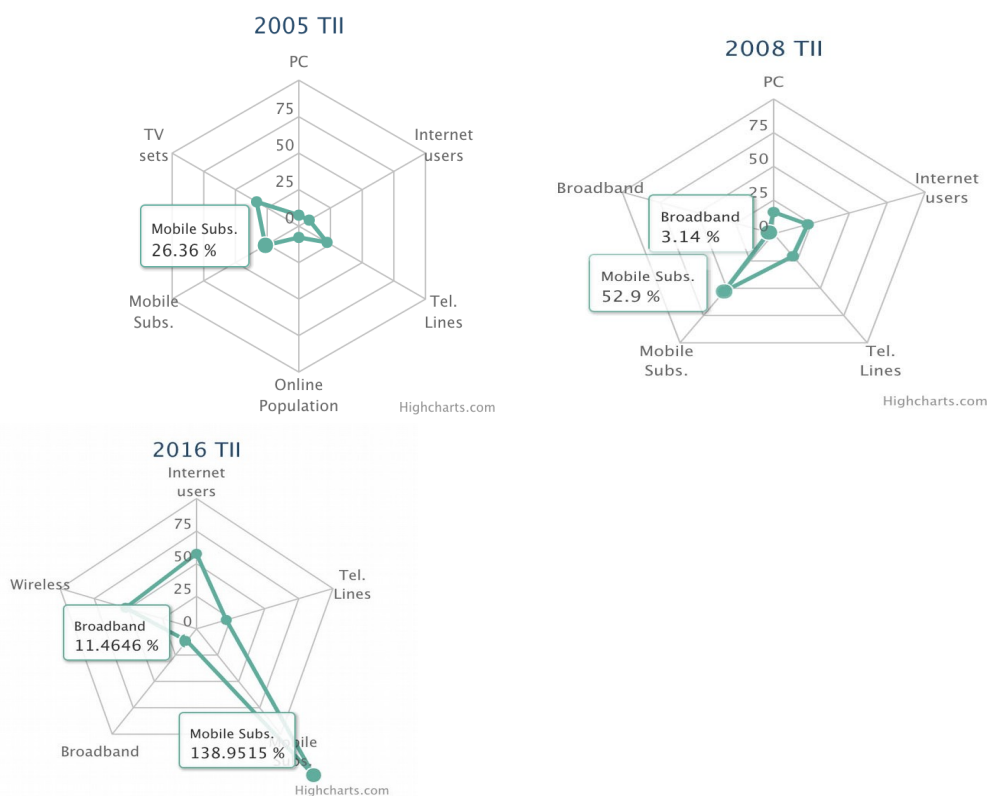
Source: The Web Index

In comparison, broadband, which started being measured in 2008, increased but not in the same pace. We believe these figures to be important for future studies regarding Internet and participation, because if mobile subscription is such an important factor in Brazil, platforms that are not mobile friendly may represent a form of restraint to citizen engagement

and participation, furthering social inequality. According to Sampaio & Carreiro (2016, p. 272), the use of mobile phones partially reduces existing differences between social classes, level of education and income, which means that, even if increasing broadband connection should continue to be a priority, projects concerned with providing equal participation opportunities must consider other forms of communication via smart phones. The UN methodology points to the lack of investment in basic education as a reason for the constant decrease in the HCI index (education being the main driver of greater participation).

Table 2. General E-Government Performance Throughout the Years

Year	2003	2004	2005	2008	2010	2012	2014	2016
Brazil	0.5267	0.5675	0.5981	0.5676	0.5006	0.6167	0.6008	0.6377
World Average	0.3645	0.3846	0.3999	0.4279	0.4199	0.4882	0.4712	0.4922
Sub-Region Average	0.4312	0.4835	0.4901	0.5072	0.4869	0.5507	0.5427	0.5660
World Leader	0.9271 (US)	0.9132 (US)	0.9061 (US)	0.9157 (Sweden)	0.8785 (Republic of Korea)	0.9283 (Republic of Korea)	0.9462 (Republic of Korea)	0.9193 (UK)
Sub-Region Leader	0.6711 (Chile)	0.6835 (Chile)	0.6963 (Chile)	0.5844 (Argentina)	0.6125 (Colombia)	0.6769 (Chile)	0.7419 (Uruguay)	0.7237 (Uruguay)

Note: Results from 0.000 to 1.000

1.5.2. E-Participation

According to Sampaio & Carreiro (2016), e-participation refers to "citizens' spontaneous use of information and communication technologies, aiming to influence the decision-making process in a way that the outcomes generate, increment or correct a democratic value to the benefit of the political community" (p. 267).

Data made available by the *TIC Governo Eletrônico* survey (*Cetic.br*, 2016b) reveals that, over the 12 months in which the survey was conducted (between June 2014 and November 2015), 35% of federal and 15% of state organizations carried out public consultations on the Internet, and that polls were adopted by 26% of federal and 17 % of state organizations. Furthermore, 25% of federal and 13% of state organizations held discussion forums or communities, while only 10% of federal and 6% of state organizations conducted online voting. Regarding local governments, the most reported form of participation via the Internet was polls (18%), followed by online public consultations (11%), discussion forums or communities (10%) and lastly online voting (8%) (*Cetic.br*, 2016b).

The UN's e-Participation Index (EPI), which is derived as a supplementary index to the UN e-Government Survey, focuses on the use of online services to facilitate the provision of information to citizens. It is measured by three qualitative factors: e-information, e-consultation and e-decision making. E-information is the first level of participation, and the criterion is met when public information is easily accessible without the need for a formal request.

The second level is e-consultation, which concerns tools to engage citizens in consultations, deliberations on public policies and services. The 2016 report on e-participation[10] considers something such as a "like button" (e.g Facebook likes) on social media as a form of engagement. This can raise an analytical problem, since it is difficult to assess if a "like" is: a) a sign of engagement; b) is taken into consideration by the representatives in government; c) can influence the government in its decision making process (Farranha et al, 2014). Sampaio & Carreiro (2016, p. 272) argue on the other hand that the adoption of social media in e-participation initiatives reduces participation costs (such as the need for citizens to register on new government networks exclusive to the projects) and offer opportunities on digital channels that are already part of citizens' everyday lives. E-decision making is the third level, and it is met when citizens are empowered to co-design policies and co-produce service components and delivery modalities.

Each year, the UN updates the methodology of the survey, meaning that comparison with other years should be taken with caution. Also, despite having access to the general methodology, we did not have access to which specific data concerning the Brazilian case was analyzed by the UN. For instance, Brazil scores very low on the third level (0%, against an average of 12%) but we are unable to know for certain the precise reason behind this, since public consultations were held both in 2015 and in 2016. Our hunch is that the country scored low because, even if those consultations took place, they were isolated initiatives, instead of a result of institutional practices. Regarding the other two levels, Brazil scored well above average (e-information: 85.3% against the world average of 56.4%; e-consultation: 78.9%, against the world average of 43.1%).

Table 3. UN's EPI

| Year	2003	2004	2005	2008	2010	2012	2014	2016
Brazil	0.3793	0.2459	0.4921	0.4545	0.2857	0.5000	0.7059	0.7288
World Average	0.1508	0.1413	0.1527	0.1909	0.1908	0.2225	0.3947	0.4625
Sub-Region Average	0.2543	0.2117	0.2507	0.2273	0.1917	0.3026	0.5801	0.5706
World Leader	1.0000 (UK)	1.0000 (UK)	0.9048	1.0000 (US)	0.7571 (US)	1.0000 (Netherl	1.0000 (Netherl	1.0000 (UK)

10 https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2016-Survey/Chapter%203.pdf. Last accessed January 25, 2017.

		(US)			ands)	ands)	
Sub-Region Leader	0.8276 (Chile)	0.6230 (Colombia)	0.5873 (Chile)	0.4545 (Argentina)	0.4429 (Colombia)	0.7368 (Colombia)	0.9804 (Uruguay)	0.7627 (Colombia)

1.5.3. Web Index

The Web Index is a measurement carried out by the World Wide Web Foundation, which assesses the web's contribution to social, economic and political progress in countries across the world. The latest edition was released in 2014, and it comprises four main indicators (Universal Access, Relevant Content, Freedom and Openness and Empowerment), further divided into sub-indicators.

Figure 2. Brazil's Web Index
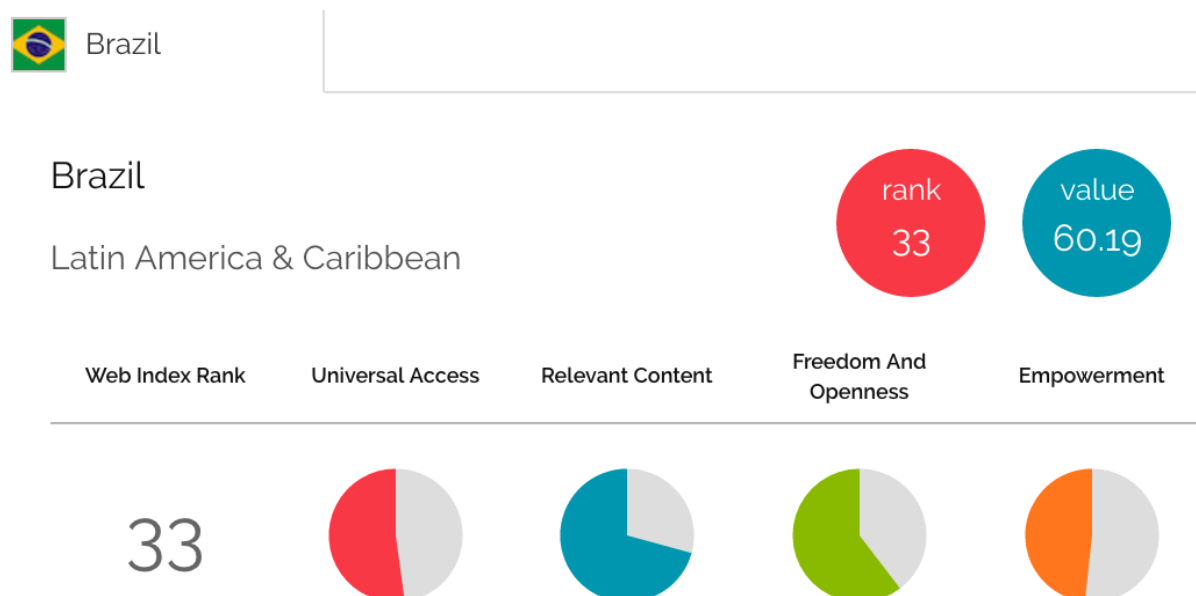
Source: Web Index by the World Wide Web Foundation

Out of the indicators, Brazil fares the worst with respect to Empowerment and Universal Access. The country faces serious connectivity issues, especially when it comes to connecting social minorities. The Web Index report mentions that the first term of president Dilma Rousseff's government had set for itself the goal of expanding the Internet infrastructure. Significant progress has in fact been achieved on this front: in 2010 only 27% of Brazilian households had Internet access, whereas in 2015 this percentage had risen to 51%(*Cetic.br*, 2016a). However, only 23% of the poorest households (in which the income is equal or less than the minimum wage) had Internet access in 2015 (*Cetic.br*, 2016a).

The low scores with respect to empowerment do not come as a surprise (this will be further analyzed in the next section). While many authors agree that Brazil's e-government

platforms generally offer updated and complete information, the opportunities for people to effectively influence the development of public policies and government strategies through the Internet, or even in offline interaction and debates are still few. It is also not possible for the Internet to be fully empowering if the access gap is this huge.

One of the elements analyzed by the Empowerment category was gender-based online violence, to try and measure whether the analyzed countries provide effective protections through legal provisions and enforcement, by taking into consideration the existence or non existence of clear guidelines and training provided to both the police and judiciary, and if such provisions and enforcement take into account freedom of expression and privacy. Brazil obtained a medium score: four (range from 0-10) in the category of prosecuting perpetrators and six in the category of support to women. Our own research on the subject partially confirms this score, showing that, while there is a framework (although imperfect) in place regarding the sharing of non-consensual intimate images (which is probably the most visible gender-based online violence being currently debated in the country), its enforcement is very problematic due to procedural and sociological reasons (Valente et al., 2016).

Concerning the Freedom and Openness indicator, the Web Index report mentions that, despite advances in the country, net neutrality is still contested, media ownership remains highly concentrated and political and economical elites still abuse defamation and copyright laws to stifle speech. One of the most striking conclusions of the research developed by InternetLab on judicial decisions concerning humor and free speech online in all State Courts of Appeals of Brazil, was that approximately one-third of the appeals are brought up by politicians (Antonialli, 2016)[11]. That information suggests that ICT-mediated citizen's expressions are under strict scrutiny of the power elites.

The discussion around participation (and e-participation) has dimmed in the last few years in Brazil. It could be a consequence of the current crises in the democratic system that we face today, the diminishing presence of social movements as effective members of government and the lack of proper institutionalization of forms of online participation.

1.5.4. Worldwide Governance Indicators

The World Bank's Worldwide Governance Indicators evaluate the status of democracy and government in general (not restricted to the use of ICT). Brazil has, across all categories, scored lower in 2015 than in 2010.

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11 Humor and Freedom of Speech, available in: < http://www.Internetlab.org.br/en/pesquisa/humor-freedom-speech/>.

Figure 3. Brazil's World Bank's Worldwide Governance Indicators

Indicator	Country	Year	Number of Sources	Governance Score (-2.5 to +2.5)	Percentile Rank (0 to 100)	Standard Error
Voice and Accountability	Brazil	2005	12	0.45	62.98	0.17
		2010	17	0.53	64.93	0.11
		2015	14	0.38	60.10	0.13
Political Stability and Absence of Violence/Terrorism	Brazil	2005	7	-0.23	38.65	0.27
		2010	8	0.00	46.92	0.24
		2015	9	-0.38	34.29	0.20
Government Effectiveness	Brazil	2005	9	-0.10	52.68	0.17
		2010	11	-0.04	54.07	0.19
		2015	11	-0.19	47.60	0.20
Regulatory Quality	Brazil	2005	9	0.03	54.41	0.17
		2010	10	0.16	55.02	0.17
		2015	11	-0.21	46.63	0.17
Rule of Law	Brazil	2005	12	-0.49	37.32	0.16
		2010	17	0.00	55.45	0.14
		2015	15	-0.19	50.00	0.14
Control of Corruption	Brazil	2005	10	-0.17	51.71	0.16
		2010	15	0.00	58.57	0.16
		2015	12	-0.43	41.35	0.14

Source: Worldwide Governance Indicators, 2016

The lower scores might be attributed to the recent political crisis that Brazil is currently facing, detailed below.

1.6. Participation in the context of Recent Political Developments

Even though there have been recent attempts to establish new venues of participation beyond what Silva (2009) and Gomes (2011) call the simple 'liberal democracy model', social participation in Brazil still consists basically of voting. The distancing of political representatives from civil society has been pointed out and referred to off late as a crisis of representation – a concept that has been tied, in the most narratives, to the mass protests that started to take place in the country from July 2013.

For some authors (Nobre, 2013), the 2013 protests should be understood as a "breaking of political pact". According to this hypothesis, the political pact in force since the redemocratization of the country, after the military dictatorship, has been characterized by a political system shielded from society. For others authors (Singer, 2013), the protests can be seen simultaneously as the expression of traditional middle class social grievances and a derivation of a combination of low salaries, high turnover and poor work conditions.

Initially motivated by the increase in public transportation fares and by the public expenses incurred in hosting major sporting events (2014 World Cup and 2016 Olympics), the demonstrations of June 2013 catalyzed dissatisfactions of very different orders, carrying a multitude of claims, frustrations and aspirations (Nobre, 2013; Singer, 2013). The violent police crackdown on protests was an additional factor that triggered a further wave of

mobilization, both in defense of the constitutional right to demonstrate and against police action in general. Researchers have also observed that the protests of June 2013 had no clear leaders, hustings, or public speeches (Nobre, 2013).

One important aspect of these mass demonstrations is that they were organized on social networks and by word of mouth. For Nobre (2013), Internet and social networks provided spaces to build opinions and dialogue and contrast, as opposed to traditional media (like newspaper articles or TV reports). That is, the Internet and social networks were the selected medium for voicing grievances and for the articulation of the population in the uprisings.

The nucleus of the demonstrations were not class and property relations, or specific rules of the political game, but a diffused, generalized expression of anger and dissatisfaction with the existing political setup shared by diverse, heterogeneous groups (Nobre, 2013; Singer, 2013). The demonstrations of June 2013 represent a major breakthrough, in that they indicate that the agenda is not the transition to democracy anymore, but the deepening of democracy. That is, the protests can be contextualized by the rift that emerged between the above mentioned political pact and the enormous social transformations through which Brazil has been through since 1994.

This broader political context is even more relevant from an agency perspective that takes into account concrete capabilities, analyzing different patterns of participation. Many of the experiences regarding ICT-mediated engagement took place over the past decade and a half. Tatagiba & Abers (2014) have argued that participation in Brazil was carved out from the government level to the civil society level in this period - a period in which Brazil was governed by left-wing coalitions[12]. That is, as members of civil society movements whose initiatives were mostly restricted to private spaces during the dictatorship period became close to members of the government after the democratization period, and especially after 2002 (president Lula's administration), new ties were built, allowing for the creation of participation channels that were opened by governments. Through the examples of policies on land development, urban developments and public security, the authors argue that, in a context in which the state was permeable as never before to social movements,

> Under the motto 'participation of civil society', social movements and state actors resorted to a repertoire of diversified interaction, which included institutional participation, protests, occupying posts in the public bureaucracy and personal relationships, with varying emphases depending on past patterns of State-society interactions in each sector." (Abers, Serafim & Tatagiba, 2014, p. 356).

The context described by Abers, Serafim & Tatagiba (2014) has considerably changed: the current composition of the National Congress is the most conservative since the beginning of redemocratization. The current federal government that replaced president Dilma Rousseff's administration is also more committed to a conservative agenda. In this scenario, the future of participatory institutions is uncertain, but there is already evidence that the shift in power will also negatively impact the permeability of state institutions to social participation[13].

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12 Characterizing the 2002 – 2016 governments simply as left-wing is evidently a simplification, since different interpretations of this period's federal policies are offered, and they also differed from each other considerably.

13 In this scenario, the main challenge Brazil faces now regarding ICT-mediated participation might be their lack of institutionalization. Due to the lack of a regulatory framework to structure the use of ICTs in the state-society

2. Exploring ICT-mediated structures of citizen engagement

2.1. Theoretical Grounds and Criteria to Analyze ICT-mediated Citizen Engagement

The literature about ICT-mediated citizen engagement in Brazil concentrates mainly in three academic fields: i) law; ii) social communications; and iii) social sciences. Legal studies are very recent and most of them do not engage in a deeper analysis of the relationship between lawmaking and ICTs, focusing on institutional e-democracy initiatives (see typology presented below). There are more studies to be found in the fields of social communication and social sciences, which analyze different aspects of participation and technology over a longer period of time.

This disparity of academic production amongst fields may be explained by the fact that law has only recently gained a more important role in the technologization of democracy, due to the emergence of online public consultation platforms on legislations (such as the *Marco Civil da Internet*) and the growing interest in the institutional design of some participatory bodies, such as the Brazilian Internet Steering Committee (CGI.br).

On the other hand, a number of studies in social communication and social sciences analyzing the structure of e-government websites have emerged since the late 1990s. As the proportion of Brazilians using e-government grows, we can observe attempts to develop theoretical grounds and methodologies to study and analyze the relationship between participation and ICTs.

Magrani (2014) identifies that the tools for ICT-mediated participation can be divided into two categories: tools of institutional e-democracy and that of non-institutional e-democracy. The first one focuses on experiences regarding participation in which the government plays an active role, and the second analyzes experiences in which no formalized interaction with the government takes place. Both are to be found in different stages of development in Brazil.

Beçak & Longhi (2015) divide democratic expression in the informational society into levels, building on the work of legal scholar Marciele Berger Bernardes. These levels are: (i) offering public services in the online environment; (ii) society opinion poll mechanisms; (iii) transparency programs, which increase accountability and citizen empowerment; (iv) advanced deliberative democracy, with constant citizen engagement; (v) possibility of plebiscitary democracy. The authors also argue (2012) that the use of new technologies for participatory democracy must be bound to constitutional principles, namely (i) human dignity; (ii) popular sovereignty; (iii) national sovereignty; (iv) constitutional unity.
Barbalho & Oliveira (2013) present another set of criteria to measure digital participation, and the ideal conditions that will ensure that it does not reinforce pre-existing divides or

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interaction, it still depends too much in the political will of the government in power. It would be necessary to see the implementation of a coordinated strategy to seek the expansion of successful experiences to other fields / government levels / public entities, in order to establish robust and permanent mechanisms for ICT- mediated citizen engagement in Brazil and amplify sub-alternized voices.

create new ones. First, they offer the criteria established by Sivaldo Silva to measure the extent to which governments' websites and platforms are open to social participation:

1. Publicity: information and services must be available to citizens in a clear and transparent way;
2. Responsiveness: increased dialogue and deeper interaction between representatives of the state and of the society - the state should be willing to give informative answers;
3. Permeability: state is open to public opinion in their decision-making process, incorporating participation demands, e.g. through online voting, online public consultations, online polls.

Second, Barbalho & Oliveira (2013) refer to criteria developed by Wilson Gomes arguing that, for the ICTs to be democratically useful and relevant, the following conditions must be met:

1. Consolidation and reinforcement of the civil liberties;
2. Increasing pluralism in the public sphere/decision-making sphere and increasing minorities powers;
3. Increasing citizen empowerment.

2.2. Relevant Experiences of ICT-mediated Political Processes in Brazil

In this section we discuss some relevant processes of ICT-mediated engagement Brazil has recently experienced. One relevant disclaimer for this section is that examples of non-institutional e-democracy instruments, i.e. initiatives led by civil society, are generally older than the institutional ones in Brazil. This indicates that the Brazilian government took longer than civil society in adopting ICT-mediated engagement in a coordinated matter, even though some isolated initiatives did exist.

Considering the overall objective of this report within a larger project, here we choose to provide an overview of what seems to us to be the most important institutional experiences led by state entities in Brazil.

2.2.1. State Official Websites

Studies in the field of social communication and social sciences have analyzed government websites since the end of the 90s. Barbalho & Oliveira (2013) evaluated the website of the National Secretary to the Promotion of Racial Equality Policies (SEPPIR). Regarding the publicity criteria (passive transparency), the authors argue that it is to be considered a successful initiative. A reasonable amount of information is available to the public, especially regarding public utilities.

However, when it comes to permeability and responsiveness, the picture changes. The only possibility for citizen engagement with SEPPIR, even though a platform is in place, is e-mail, a very restrictive mechanism, since it limits the dialogue between one government employee and a person, as opposed to the possibility of an open dialogue, that could profit from involvement between not only government representatives and citizens but also citizens

amongst themselves. Due to this restriction, interaction tends to be limited to few participants and the possibilities of impacting public policy is lower.

Silva (2009) argues that this diagnosis can also extend to other Brazilian platforms of e-government: most of them are rather useful and complete regarding access to information, but lack more robust mechanisms of citizen engagement and responsiveness.

Marques (2011) conducted a study about the Presidency's website and that the House of Representatives. The website of the Presidency, he concluded, was equipped with fewer resources related to citizen participation than that of the House of Representatives' - it relied basically on forms and email and hardly any feedback was ever provided to citizens on their suggestions or criticism. According to Marques' research, a member of government argued in an interview that the reason was the lack of necessary staff and infrastructure to manage demands coming from the public.

Adversely, on the website of the House of Representatives, as presented by Marques, besides the possibility of interacting through forms and emails, citizens could also participate through online video chats (a representative goes online and answers questions during a chat session), discussion forums, Wikilegis (a platform in which people can comment on law bills and their suggestions are directed to the responsible representative) and surveys. Even if all these means are available, measuring how open representatives really are to participation submitted by the platform is no easy task.

> (...) the general idea of these observations is that digital media is available, but its profitable adoption in order to deal with the democratic deficit depends on factors that are not only technological, but also cultural, social and political. This means that Internet resources should be seen as a support for solving some difficulties afflicting the contemporary democratic practices, having a complementary role, **since they face traditional existing constraints and limits, such as representatives' resistance to share power** [emphasis ours] (...) (Marques, 2011).

In a study about the discussions carried on the online forums in the House of Representatives' website, Miola (2011) reached a similar conclusion: despite the use of TICs, means of measuring effective communication between representatives and citizens are still lacking.

2.2.2. Online Participatory Budgeting

As mentioned above (in section 1.4), participatory budgeting is one of the oldest and most studied participatory institutions in Brazil. More recently, ICTs have been used to improve such institutions, but these experiences still lack specific regulation and have been the target of mixed positions in the academic literature (Beçak & Longhi, 2015). For instance, Best et al. (2010) analyzed four examples of the incorporation of ICTs in the participatory budgeting mechanisms, concluding that e-participation can occur in three different stages:

1. During the process of sending propositions or projects to be voted afterwards (e.g Ipatinga-MG);

2. During the process of voting for a project which one considers most suitable for a city (e.g Recife-PE, Belo Horizonte-MG);

3. After the project is chosen, to ensure transparency and accountability (e.g, in Porto Alegre-RS, there is a platform in which people can follow the development of all the chosen projects, how the budget was in fact invested, how long it would be until its conclusion etc).

It is important to point out that none of these experiences (with the partial exception for the case of Belo Horizonte – below) are 100 % electronic. ICTs are employed in a complementary manner, as a way to expand participation. In Ipatinga, suggestions can be made both online or during face to face meetings; in Recife, one can vote for the propositions online or during the assemblies.

Belo Horizonte, the capital of the state of Minas Gerais, is the only city that conducted a separate "traditional" and "electronic" participatory budget process. In an effort to improve inclusivity of the process, the city provided over 100 voting terminals in different spots, and qualified professionals to assist in their use. However, in the electronic version, citizens were not able to suggest new projects – they were all previously defined to be voted for. As criticized by Cunha, Coelho & Pozzebon (2014), the process focused too much on online voting and too little on ways of creating an environment to stimulate discussion. In their paper, they present the hypothesis that one of the reasons why the enthusiasm for this project (and also the total number of votes) decreased from the first edition (2006) to its third (2011) is that while both the media and the government were "advertising" it as very 'participative', to some, its biggest feature, "online voting," was too reductionist, and hence simplistic.

> Opinion, information, open formations, the right to speak and propose, the participative processes are as important as the voting. By leveling e-participation to e-voting, however, there is a trivialization of ICTs' potential to improve democratic processes. (...) The digital participatory budget as a voting process (...) defines a discourse in which the citizen does not have an active role and the demands of broad and good information might be minimized (Cunha, Coelho & Pozzebon, 2014, p. 306).

2.2.3. Online Public Consultations

The "law & society" literature on ICT-mediated engagement focuses mainly on recent legislative processes that allowed some kind of social participation through ICTs, especially public consultations. In this field, there seems to be a consensus that the elaboration of the Brazilian Internet Civil Framework (Law No. 12.965/2014, best known as *Marco Civil da Internet* - MCI) was a landmark regarding ICT-mediated engagement.

The initiative originated from the executive branch, at the national level, and the Brazilian Ministry of Justice played an important role in managing contributions and partnering with an academic institution, the Center for Technology and Society of Fundação Getúlio Vargas (CTS/FGV). The consultation followed two formats: the first phase was an open debate about topics to be addressed by the law; the second consisted of the discussion of a proper draft bill. Both phases contemplated multidimensional interaction among participants (Stefani & Vaz, 2016, p. 277). The final version of the MCI – enacted by former president Dilma Rousseff during the *NETMundial* event in April 2014 – is generally considered to be an

important framework for human rights on the Internet, that has gathered considerable international attention and is being studied as a best practice model, for example, by the Italian parliament.

Although the drafting of the law was carried out with wide participation of multiple stakeholders, areas for improvement have also been reported. According to Stefani & (2016, p. 282), the MCI consultation process faced issues related to low technical and administrative capabilities that would demand strengthening and improvement. They argue that participatory processes that use ICT require simultaneously incorporating technology and bringing governments and citizens closer together (Stefani & Vaz, 2016, p. 277). According to them, the low capacity of the Brazilian government to guarantee innovation and to develop technology fast and effectively might be one of the main bottlenecks in the interaction between ICTs and participatory processes (Stefani & Vaz, 2016, p. 282).

Later on, the regulatory decree of the *Marco Civil da Internet* was also submitted to an online public consultation process conducted by the Brazilian Ministry of Justice. Thousands of comments were made in two phases: in the first, the public participated in an open debate about general themes, and in the second phase the public was presented with a draft bill that was elaborated according to the results of the debate in the first phase. Participation in this process was considerable. 1843 participants registered on the platform and 1200 comments were posted, divided into 339 topics created by users (InternetLab, 2015a).

In general terms, the MCI process can be related to Giddens' concept of structure as a sum of "rules and resources, organized as properties of social systems that exists only as structural properties" (1984, p. 25). Structure for Giddens is both medium and outcome as it is created through process. Thus, social life is perceived as process and not as product. The MCI is very particular in this sense, since it was a public consultation developed online *for* online human rights, for enabling an environment that allowed for enhanced participation and the exercise of several civil rights on the Internet. That is, exercising participation in this public consultation was also a rehearsal of the very own values that the draft bill under discussion was supposed to regulate. Stefani & Vaz (2016) argue that MCI is a good example both of successful use of ICT in participatory processes and an interesting case to study the impact of new technologies on democracy. In this sense, one can say that digital technologies were both medium and outcome of the participation process. Still according to Stefani and Vaz (2016, p. 277) the objective of the Ministry of Justice was to use the object of the law itself to make the construction process more democratic, that is, to use the Internet in order to define a charter of principles to the Internet.

2.2.4. Online Surveys

One other relevant state initiative is the promotion of online surveys sponsored by the Brazilian Senate on its website. Since 2009, it has promoted several surveys about controversial matters and issues that were in the government agenda, such as criminalization of homophobia, religious indoctrination in public schools, criminalizing humiliation on the Internet, paternity leaves, taxation of higher income earners etc.

In one of the responses in the FAQ section of the surveys platforms it is stated that one of the aims of these surveys is to spread awareness in the Senate about how society at large perceives an issue. More investigation is needed in order to conclude, first, if the surveys impact state agents. One other concern is the validity of the data generated by those

surveys. The Senate states that it takes security measures to ensure that the one person will not participate twice, but it does not specify what these measures are. Civil society has argued more than once that bots seemed to be operating in certain cases. Another issue is representativeness: the Brazilian state has in its history promoted a number of referendums and plebiscites, generally following the electoral legislation – in which citizens must physically vote. In online surveys, control of legitimate voting is not as easily achieved.

2.2.5. Social Media

The Brazilian government has a significant presence on social media. Varied organs of the Legislative, Executive and Judiciary have created their own pages on Facebook and/or Twitter. Farranha et al. (2014) conducted a study to evaluate how social media is used by the government administration and if it is an important means of participation. One of their conclusions was that while there was a great deal of information being published in the analyzed pages, there was not much interaction between the page managers and the public – unless the issue was of simple housekeeping such as the time and location of a certain publicized event. The research report mentions several examples of citizens who questioned the content of posts and received no official response. The authors question whether Twitter or Facebook are, indeed, good tools to improve participation in democracy. There seems to be up to this point no general policy regarding the use of social media by government agencies.

2.2.6. Multi-stakeholder Governance

Although the Brazilian Internet Steering Committee (CGI.br) is not strictly an example of ICT-mediated participation, its existence and role have proved extremely important for the subject, both thematically (CGI develops strategies for development and use of the Internet in Brazil, and in 2009 it developed the set of 10 principles that inspired the Brazilian Internet Civil Framework) and as a model for imagining how a multi-stakeholder governance could work on other realms such as online public consultations (Beçak & Longhi, 2015).

Created in 1995 and redesigned in 2003 by a presidential decree (Decree No. 4829/2003), CGI.br is an independent body and not part of the Brazilian government (Anastácio, 2015, p. 2). The Decree No. 4829/2003 established in Brazil an Internet governance model known as multi-stakeholderism, whose aim is to include open and plural engagement of various stakeholder groups in policy formulation, reuniting representatives from different sectors– government, private sector, civil society and the scientific community, and works as both a "forum of debate and deliberation between stakeholders" and "as one stakeholder among many within the Brazilian Internet ecosystem" (Anastácio, 2015, p. 2).

Anastácio argues that multi-stakeholderism can be seen as a solution to the legitimacy crisis of international and national institutions, working as "a way to connect the ruled to the ruler and to turn decision-making into a more effective, transparent and legitimate processes" (Anastácio, 2015, p. 5). However, the model is not immune to criticism. The legal status of CGI.br is dubious and the nature of their institutional affiliation is unclear. Its rules are based on customs, and there are recent talks by the new government about changing the current balance between the stakeholders, which could be easily done by a unilateral presidential decree. Also, the very idea that such a body with equal representation leads to balanced and fair decision-making is a hotly debated matter.

2.3. Challenges of ICT-mediated Participation

After going through theoretical frameworks (section 2.1) and relevant experiences in Brazil (section 2.2), this section presents some challenges to the implementation of ICT-mediated engagement, as found in the Brazilian literature. In line with what was presented above, Beçak & Longhi (2015) argue that the absence of certain institutional conditions might lead to enhanced inequalities, rather than helping to overcome them. We present below two aspects to be taken under consideration in this respect.

2.3.1. Legal Bottlenecks

At this point, as a general diagnosis, one could affirm that advances can be observed in the way Brazil has been promoting ICT-mediated citizen engagement, as some forms of online participation are gaining popularity and becoming commonplace, even if not institutionalized. There are, however, counterpoints to these more optimistic readings.

Guzzi (2010) argues that legal frameworks and institutions can sometimes represent barriers for the expansion of ICTs in political process; for instance, electoral laws in force that restrict the use of some online media by candidates during the electoral process. Although there are interesting studies about these phenomena in the fields of social science and social communication, legal literature on this topic is still lacking.

2.3.2. Renewed Divides: Discussions of Access

According to Vitale (2004, p. 6), the introduction of practices of direct participation in the formulation, implementation, monitoring and control of laws and public policies can contribute to the reduction of the legitimacy deficit of representative democracy (Vitale, 2004, p. 6). However, disparities in access to ICT tools for both citizens and government organizations can negatively affect reaping of the potential benefits it can provide. Uneven adoption and use of technology by government organizations and the lack of investment in meaningful use-cultures can have an impact on the rights of citizens and even hinder their enjoyment of these rights (*Cetic.br,* 2016b, p. 312).

Regarding this issue, Sorj & Guedes (2005) conducted a survey with 1500 people in low-income communities to measure individuals' access to computers. The authors argue that while public policies should use ICTs to improve the life condition of the poorer, they should always fight digital exclusion, which can deepen inequalities. However, measuring access to computers or to the Internet is not enough – studies should also focus on the quality of access, digital literacy and what is called appropriation, that is, the effective use and the possibilities of transformation ICTs can effectively bring to people's lives.

The authors present relevant data about these divides, such as that in 2003 only 9% of homes in *'favelas'* had computers. Most people have access to computers at work. They also showed that there was a correlation between race and the ownership of computers. Only 4.5 % of black people had computers at home, compared to 11.4 % of whites. One other interesting point raised by the study was that while work offered an opportunity of access to men, the same could not be said about women – a great number of women in these communities worked as cleaners, maids and other similar professions, occupations that usually do not offer access to computers in their work sites.

Nevertheless, the issue of digital divides and how it either enhances or decreases ICT-mediated participation needs to be better addressed by local literature. So far, theoretical models and empirical evidence already point to the existence of reciprocal relations between the expansion of the telecommunications infrastructure and the growth of countries GDP(Pereira Neto, 2005; Coutinho, 2005; Katz, 2012) (faltava um espaço). There is also evidence that the absence of telecommunications networks, especially in developing countries, makes economies more inefficient and inequitable (Coutinho, 2005) – and following that reasoning, lack of access and digital literacy may also affect growth. From another standpoint, Silva (2009) recalls that the Brazilian State follows the UN's opinion regarding the relevance of access to Internet to the exercise of civil rights – and Magrani (2014) also places heavy emphasis on the importance of access policies when it comes to participation.

As Internet penetration in Brazilian households is still around 50%, public policies that address the problem of access are fundamental in order to expand ICT-mediated engagement. In 2014, about 32.7 million households still did not have Internet access – and the majority of this group is made up of households with an average monthly income of less than two minimum wages (*Cetic.br*, 2016a). In this context, over the past years, the Brazilian government has been leading initiatives to expand broadband infrastructure and also investing in the mobile Internet access.

The most significant initiative has been the *Programa Nacional de Banda Larga* ("National Broadband Plan" - PNBL), which formulated guidelines for the expansion of broadband Internet connection in Brazil (Sá e Silva & Trubek, 2016, p. 29). Despite the sophisticated legal framework and the political interest to expand access, the targets set by PNBL were not met and it soon became clear that the connection speeds foreseen in the plan were not sufficient to promote effective expansion of access (Sá e Silva & Trubek, 2016). Moreover, the volume of funds invested by the federal government was insufficient to achieve the goals (Senate, 2014).

In 2014, one of the campaign promises of the elected President Dilma Rousseff was the expansion of PNBL, which would be transformed into the *Programa Banda Larga para Todos* ("Broadband for All Program"). It was not clear what this new program would look like, but as the PNBL had produced limited results it seemed necessary to think of alternative public policy solutions (Sa e Silva, 2016, p. 30). On the last day of office of Dilma Rousseff (before suspension from office on May 12, 2016 due to an impeachment process), signed the Decree No. 8,776/2016, which created the *Programa Brasil Inteligente* ("Smart Brazil Program"), establishing new goals for broadband Internet access. However, given the uncertainty scenario after the impeachment, the future of the plan is a mystery.

3. Observing the Shifts in Meanings, Norms and Power in State-citizen Engagement

3.1. Debates on Citizen Engagement

The Brazilian Federal Constitution of 1988 established a rich constitutional environment of representative, participative and regulatory institutions. The inclusion of a variety of stakeholders in the political decision-making process, however, is complex and dependent on multiple factors. The permeability of the decision-making processes to civil society depends not only on normative guidelines, but also on political will – are stakeholders inside the political institutions willing to give way to civil society more frequently? Is civil society effectively pressuring these stakeholders to make its voice more directly heard?

The development and popularization of new technologies brought new perspectives and possibilities to the implementation of participation mechanisms. Not withstanding that consensus on the above assertion, scholars diverge on the extent to which the introduction of ICT tools represent a significant shift in meaning, norms and power in state-citizen engagement. Beçak & Longhi (2015) argue that Castells, for instance, adopts an optimistic view regarding online social participation: "Instead of the government being the one who watches people and hold them accountable, people could also hold the government accountable" (Beçak & Longhi, 2015, p. 137, and Castells, 2003, p. 128). According to this view, ICTs could give citizens increasing control mechanisms to hold their popular government accountable, a growing transparency would make the government accountable and empower its citizens, and, after a development period, this process could potentially lead to a digital direct democracy in some areas. Other authors, such as Silva (2009), are more suspicious and believe that the Internet will not necessarily cause a revolution, but rather complement and improve the existing instruments.

Furthermore, it is important to highlight that the employment of ICTs for participation adds an extra layer of difficulty to participatory processes: it demands not only the same old capabilities required by traditional processes of social participation and dialogue, but add "the challenge of incorporating technology when rethinking and proposing new methods of population engagement and bringing governments and citizens closer together" (Stefani & Vaz 2016, p. 277). Therefore, in order for the Internet to work as a potential mechanism for inclusion, a tool for overcoming physical distances and bringing public administration closer to citizens, it is paramount to build these specific capabilities.

Specifically regarding the Brazilian context, even though experiences with ICT-mediated citizen engagement have been growing, research dedicated to investigating and analyzing e-democracy and electronic government projects indicate that, in practice, there are only a few effective online consultations, deliberations or polling tools. Sampaio & Carreiro (2016) argue that the main problem might be that the few truly relevant initiatives that combine institutional design of such instruments with practical effectiveness are expressed through the empowerment of citizens. According to them, the successful cases remain exceptions in the Brazilian scenario and are mainly focused on transparency issues, rather than linking the use of new ICT with the goal of changing or transforming citizens' involvement in decision-making processes (Sampaio & Carreiro, 2016).

3.2. ICT-mediated Engagement

In terms of advancements and learnings, as stated, the literature indicates that the *Marco Civil da Internet* was an institutional landmark, both from the standpoint of the improvement of the regulatory framework, and from that of empowering civil society and developing of its capacity for the construction of public policies. There is an understanding, as well, that the *Marco Civil* process was in great part the responsible for the creation of a niche of civil society organizations and individuals who would continue work and activism on the subject of Internet policies, and be part of a wider network that was not in place before the public consultations. The process, as a whole, offered different entry-points for mobilization, and putting forth complaints and suggestions[14].

In the attempt to open effective engagement channels in the development of MCI, the design and implementation of a participatory process of wide territorial coverage was a challenge for policy makers. According to Vaz and Stefani (2016, p. 279),

> [T]he availability of human resources was not ideal, as the process included few people for whom the process had priority and to which they were exclusively devoted. However, the available staff, whether in the executive department of the consultation (the Ministry of Justice), in the technical office (the Ministry of Culture) or even in external partnerships (such as with the Center of Technology and Society of the Getúlio Vargas Foundation), were trained to manage and develop the technological platform in which the participatory process took place, and held in-depth knowledge on the central topic of the referred public policy. Furthermore, all the people involved in the process were extremely motivated and committed to the project.

The implemented model was the result of an experimental learning, of trial and error, and constant improvement. As pointed out by Santos and Avritzer (2002), some successful democratic experiences originated from social contexts in which the format of participation was acquired experimentally. One of the learnings sustained by the authors in this sense is that the expansion of democratic experimentalism in all directions is necessary for cultural pluralization, racial and distributive democracy (p. 78).

It is important to stress that participation in such processes must be thought of from the standpoint, not only of those who wanted to participate in these public consultations, but also who was effectively able to participate, that is, who had access to them - in terms of even having heard of them, of being able to access the Internet, or of appropriating the technical terms and the social issues that the public consultations entailed[15]. It is certainly not every individual who could overcome all those steps, and even less people were heard in the end.

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14 Not only was participation vibrant in the platform, but also several events were being held, articles were being written in the newspapers, campaigns were developed and discussions were held on social media. Participation was therefore concentrated, but did not limit itself to the online platform. It is also noteworthy that the Marco Civil da Internet, as of its final text, also established directives to improve access to Internet, digital inclusion and participation (Article 24); the necessity of public policies to improve education regarding the adequate use of the Internet (art. 26); mechanisms to strengthen national content on the digital culture (Article. 27) and a general provision of development of ICT-related studies and sectorial planning (Article. 28).

15 For these ends, the conceptual framework provided by Giddens,that was suggested to us as a framework to coordinate the different country perspectives on ICT-mediated engagement and participation, provides useful insights. After all, according to Giddens (*apud* Lamsal, 2012, p. 113), the concept of agency cannot be separated from that of structure.

Stefani & Vaz (2016, p. 276) argue that, as it is the case for any other policy, states must ensure a satisfactory interaction with society, which means, knowing not only *what* to do but also *how* to do it is important to achieve the desired objectives. When employing tools for participation, the state should safeguard the process, which entails the ability to follow specific preparation and management so the processes of participation can run smoothly, e.g. guaranteeing that the channels of participation are open and accessible, and that there is enough information and ensure transparency. Also, this process must be capable of affecting the development of public policies, which means that, as better explained in part 1.2, the government should have some degree of permeability.

Besides permeability, it would be also be positive for the people participating if they could also gather feedback about their degree of influence, that is, knowing what was adopted by the government or not and why. This could be a factor motivating participation and creating a more profound and organic relationship between the state and civil society.

3.3. Empowering Minorities?

In some scenarios, the use of ICTs can actually exacerbate existing problems of representative democracies. According to Stefani & Vaz (2016, p. 276),

> The dissemination of Internet use in political processes eventually spurs ways to manipulate and strengthen the hegemony of people with power and information over common citizens, making democracy increasingly virtual and possibly making people more alienated and aversive to politics.

Besides comments already drawn about women and black communities, regarding the promotion of participation of minority groups, Tavares (2012) tried to map the participation of indigenous peoples and their use of ICTs. She states that the Internet is very important to some indigenous communities because it allows them direct contact between different communities, even if they are far apart, and also gives them independence and autonomy: they do not have to fully rely on mass/traditional media or on the usual intermediaries, such as government representatives from the "National Indigenous Foundation" (*Fundação Nacional dos Índios* - FUNAI). This independence and the possibility of broadcasting content to other indigenous communities allows them to put up a resistance in a hostile environment, preserve their traditions and identities and exchange information from different locations. The author detected more than 50 active websites managed by indigenous people in 2011 all over Brazil. However, she states that the information on the production of content in those websites and how these communities can sustain the necessary infrastructure to maintain those niches in the web is still lacking. It is important, as a research agenda, to focus on how those networks are affecting and helping the ability of those excluded minorities to resist and to empower themselves.

Our case study will dwell further on how the specific ICT-mediated experiences of online consultations for lawmaking did not count on specific measures to promote the participation of minorities, such as women, black or indigenous people. Regarding the Senate online consultations, there seems to be no publicized data about diversity in participation, or if any measures are adopted so as to promote those consultations to minorities. One learning that will also be drawn from the case study analysis, especially that of the Copyright Reform public consultation held by the Ministry of Culture, is that too many formal requirements for participation (as there was in the second phase, in which people had to give legal arguments

in order for their participation be valid) will turn participation into something much more homogeneous, that is, less people from diverse backgrounds will engage in the process.

What this review of the literature on participation and ICT-mediated engagement in Brazil seems to point at is that increasing participation will be a complex process involving not only political and cultural change, but the understanding that technology decisions are increasingly political decisions, and that access to the Internet and its use and appropriation policies will be ever more connected to democracy.

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