

INSTITUTO ATUAÇÃO'S
ASSESSMENT OF
DEMOCRACY IN THE CITY
OF CURITIBA, BRAZIL



ABOUT THIS REPORT

This report sets out the main conclusions from an assessment of democratic practices in the city of Curitiba, Brazil. The assessment was conducted by The Economist Intelligence Unit using a series of qualitative questions designed to analyse democratic practices at the local level. Most of the research for this report, which included interviews and desk analysis, was conducted between June and October 2015.

This work was supported by funding from Instituto Atuação and was written by The Economist Intelligence Unit (EIU). The report and assessment can be downloaded from: www.atuacao.org.br

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The views and opinions expressed in this publication are those of The Economist Intelligence Unit and do not necessarily reflect the official position of Instituto Atuação.

ABOUT THE ECONOMIST INTELLIGENCE UNIT

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ABOUT INSTITUTO ATUAÇÃO

Instituto Atuação is a non-partisan non-profit organisation that works for the development of Brazilian democracy focusing on social participation, public transparency and political culture, by creating research, strategies, planning and articulation. Based in Curitiba, Atuação has a vision of Brazil's transformation into a full democracy as defined by The Economist Intelligence Unit's Democracy Index. We currently work towards this goal by focusing on four main initiatives: (i) Research: developing theoretical and action-oriented papers and analysis on topics such as models of democracy; the benefits of a democratic regime; and power dynamics and governance. (ii) Coletânea da Democracia: an annual collection of books provided free of charge to the most influential researchers and practitioners of democracy in Brazil. (iii) Semana da Democracia: an event organised together with partner organisations that aspires to be the summit for Brazilian democracy. (iv) Cidade Modelo: the main short-term project, which aims to transform Curitiba in a model democracy in five years, focusing on participation and transparency.

ACKNOWLEDGEMENTS

The following researchers, analysts and specialists contributed to this project. We thank them for their contributions.

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PROJECT DESCRIPTION

During 2015, Instituto Atuação (Atuação) has worked with The Economist Intelligence Unit (EIU) to build a diagnostic framework on local democratic quality to assess cities' performance. The framework encompasses questions that are aimed mainly at analysing democratic practices—that is, what is happening on the ground: Are laws being enforced? Are institutions effective? Are processes transparent? Does the resident population actively participate in the political process and in the community? While it is important to analyse whether these laws and institutions exist, the focus of our research is on implementation.

The diagnostic framework utilises the EIU's Democracy Index as a base and is complemented by other international methodologies. While this pilot project assesses only one city, Curitiba, located in the state of Paraná in Brazil, the diagnostic framework was constructed so that the project could be replicated to evaluate other cities internationally.

The assessment and conclusions highlighted in this report will help Atuação to build its five-year strategic action plan and to implement measures that will transform Curitiba into a model democracy with strong democratic processes, political participation and public transparency. Atuação will engage key stakeholders (city government, businesses and other institutions) to implement the strategic action plan.

BACKGROUND ON BRAZIL

As a federative republic, Brazil is divided into 27 federal units (26 states plus the federal district), which in turn consist of municipalities. There are a total of 5,570 municipalities in Brazil. Curitiba is the eighth-largest municipality, with 1.9m inhabitants. Municipalities can issue their own laws, provided that these are consistent with the state constitutions. Municipalities in Brazil are responsible for a vast array of services within their legal boundaries, including transportation, education, healthcare and waste management. Municipalities have only two branches: the executive (the mayor) and the legislature (the municipal legislative chamber). Local governments in Brazil have no judicial powers; all judicial powers are at state or federal government level. The state judiciary is organised by *comarca*, or administrative region. Their jurisdictions often coincide with a municipality's geography, but there are exceptions. Large municipalities, including Curitiba, are their own *comarcas*.

Municipalities are defined by legal boundaries established through law by state legislatures. While the municipality has jurisdiction over a defined boundary, decisions and services of Curitiba affect the surrounding metropolitan areas. The metropolitan areas are also defined by state legislatures. The metropolitan area of Curitiba is composed of 29 municipalities. Residents of surrounding municipalities frequently commute to Curitiba for work or leisure or have other significant ties to the metropolis, yet these individuals are unable to vote in the central municipality. Because of the mismatch between services provided, the impact of municipal policies and the actual legal boundaries, the assessment focuses on the municipality of Curitiba only and not the surrounding municipalities.

In Brazil, responsibility for providing public services is divided between national, state and local governments. Local governments provide local transportation and infrastructure (for example, buses, trams, municipal trains and street maintenance), while state governments are responsible for transportation that crosses city limits, such as metropolitan trains, intermunicipal buses, and state roads and highways. The federal government is responsible for interstate transportation, including federal highways, airports and ports. Along the same lines, education services are split between the three levels of government: pre-school and primary education is provided by the municipality, secondary education by the state and tertiary education by the federal government.

Law-enforcement services are similarly distributed, with local governments responsible for the municipal guard, which is small and supports the state and federal law-enforcement bodies. The main responsibility of the municipal guard is to protect the assets of a city, such as parks, plazas, gardens and monuments.

State governments are responsible for day-to-day law enforcement via the civil and military police. The civil police, also known as the judiciary police, are primarily responsible for investigations. The military police are responsible for patrolling public areas (such as streets, avenues, roads, highways and parks), preventing violations of the law, and for immediate response to disturbances and emergencies. All members of the military police are Brazilian army reserves. The federal police are under the jurisdiction of the federal government and are responsible for law-enforcement issues that are federal in scope.¹

¹ Veja (2008). http://veja.abril.com.br/idade/exclusivo/perguntas_respostas/policias/policia-federal-civil-militar-unificacao-guarda-municipal.shtml

CATEGORIES AND INDICATORS

The Methodology and sources section in this report contains the 76 detailed questions and criteria used in this assessment. The four main categories and 15 supporting indicators for this assessment are as follows:

- **Category 1: Electoral process and pluralism**
 - 1.1. Electoral process (6 questions)
 - 1.2. Parties and campaigning (4 questions)
 - 1.3. Campaign financing (3 questions)

- **Category 2: Functioning of local government**
 - 2.1. Local government and transparency (4 questions)
 - 2.2. Accountability (4 questions)
 - 2.3. Checks and balances (4 questions)
 - 2.4. Professionalism and efficacy of government institutions (8 questions)
 - 2.5. Oversight and control (11 questions)
 - 2.6. Law enforcement (3 questions)

- **Category 3: Local political participation and democratic culture**
 - 3.1. Political engagement (10 questions)
 - 3.2. Civic engagement (3 questions)

- **Category 4: Civil liberties and rights**
 - 4.1. Civil and political rights (4 questions)
 - 4.2. Economic, social and cultural rights (4 questions)
 - 4.3. Rule of law and fair treatment (4 questions)
 - 4.4. Media (4 questions)

INTRODUCTION

Brazil's Instituto Atuação has worked with The Economist Intelligence Unit (EIU) to build a diagnostic framework to assess the quality of local democracy. The diagnostic framework encompasses questions that are aimed at analysing democratic practices in Curitiba. Are electoral laws enforced? How effective are institutions and how transparent are political processes? To what extent does the population participate in the political process? These are some of the issues that the framework addresses.

The EIU has used its Democracy Index as the main basis for the construction of the local democracy diagnostic framework. The Democracy Index evaluates democracies at the national level. The EIU's 2014 Democracy Index ranked Brazil 44th out of 167 countries, with a score of 7.38 out of 10. Brazil was the only country in Latin America whose score improved in 2014 compared with the previous year. Brazil is among 52 countries that are rated as "flawed democracies". In Latin America, only two countries are considered to be "full democracies": Uruguay (ranked joint 17th) and Costa Rica (ranked 24th). Brazil outperforms the other giant in the region, Mexico (ranked joint 57th). With respect to its fellow BRICs (Russia, India and China), Brazil lags behind India (which is ranked 27th), but performs much better than authoritarian Russia (ranked 132rd) and China (ranked 144th).

The EIU has modified the Democracy Index to make it relevant to the local level, and has used some additional sources and concepts, including from International IDEA's State of Local Democracy (SoLD), and from Global Integrity, which addresses the issues of corruption and transparency.

The diagnostic framework is composed of 76 questions and is divided into four categories and several indicators designed to capture democratic practices at the local level.

- **Category 1:** Electoral process and pluralism (electoral process, nature of parties and campaigning, campaign financing).
- **Category 2:** Functioning of local government (accountability, checks and balances, efficacy of government institutions, the process of selecting civil servants, the public procurement process, oversight and control, law enforcement).
- **Category 3:** Local political participation and democratic culture (political and civic engagement).
- **Category 4:** Civil liberties and rights (civil and political rights, rule of law, media freedoms).

Analysts used both primary and secondary research. Primary research included interviews with lawyers, government officials, company executives, non-governmental organisations (NGOs) and other relevant stakeholders. Secondary research included a comprehensive review of reports, articles and relevant databases, including the EIU Democracy Index.

The project assesses the municipality of Curitiba, located in the state of Paraná. There are 5,570 municipalities in Brazil; Curitiba is the eighth-largest, with 1.9m inhabitants. Municipalities in Brazil are responsible for an array of services, including transportation, education, healthcare and waste management. Municipalities can issue their own laws, provided that they are consistent with the federal constitution. Municipalities have two branches: the executive (the mayor) and the legislature (the municipal legislative chamber).

KEY FINDINGS

Curitiba receives a score of 53.2 points out of 100 for the quality of its democracy. Table 1, below, shows the main categories and indicator scores. Curitiba does well in areas such as local government and transparency (79.2 points), accountability (75 points) and checks and balances (75 points). It is weakest in parties and campaigning (25 points), oversight and control (25.8 points), economic, social and cultural rights (37.5 points) and media (37.5 points). It achieves “average” scores (45-70 points) for the remainder of the indicators.

Table 1 Democracy scores for Curitiba, 2015	Score (out of 100)
I. Electoral process and pluralism	
1.1 Electoral process	69.4
1.2. Parties and campaigning	25
1.3. Campaign financing	47.2
Category average	47.2
II. Functioning of local government	
2.1. Local government and transparency	79.2
2.2. Accountability	75
2.3. Checks and balances	75
2.4. Professionalism and efficacy of government institutions	53.1
2.5. Oversight and control	25.8
2.6. Law enforcement	50
Category average	59.7
III. Local political participation and democratic culture	
3.1. Political engagement	74.2
3.2. Civic engagement	50
Category average	62.1
IV. Civil liberties and rights	
4.1. Civil and political rights	50
4.2. Economic, social and cultural rights	37.5
4.3. Rule of law and fair treatment	50
4.4. Media	37.5
Category average	43.8
Overall score	53.2

Electoral processes and pluralism

Like national elections in Brazil, the elections for the local legislature and executive in Curitiba are generally free and fair. The assembly of local councillors is directly elected by proportional representation, and municipal elections are held every four years. Election-related information is accessible to all eligible voters. Curitiba uses electronic voting machines. In addition, a biometric reader confirms the identity of each person through fingerprints. Local elections allow the presence of domestic and international observers.

Electronic voting aims at ensuring the safety and transparency of the electoral process by enabling a reliable record of the will of Brazilian voters to strengthen the country's democracy. However, recently studies and experts have raised criticisms of the electronic voting system and its non-open code in relation to their transparency. The most common criticisms are:

- *Parties only know the program source, which does not validate the software used in the ballot box.*
- *There is difficulty in auditing votes.* The Superior Electoral Tribunal (Tribunal Superior Eleitoral, TSE), the highest court in the Electoral Justice system, does not allow auditing and testing with actual electronic voting machines in operation. The digital registry of votes established by Law No. 10.740 of 2003 to replace printed vote aims to encrypt records of votes through a virtual scrambling system to allow votes to be recounted without identifying who casted them. The Brazilian electronic voting machine uses the direct-recording electronic (DRE) model, which randomly scrambles the votes and voter information in order to break the connection between vote and voter, thereby ensuring that the principle of the secret vote is upheld. The system of voting machines used in Brazil (including Curitiba) counts the votes electronically only and does not allow independent verification without the use of the specific software developed by TSE. If the operating system used in the voting machines is questioned, there is no possibility of confirming the results in any other way. Critics of the electronic voting system maintain that the DRE voting machines do not allow independent external audit verification. This means that DRE voting machines are not immune to fraud by the developers responsible for the operating system.
- *Voters cannot confirm their votes.* The voting system does not print the final votes.
- *There is inadequate protection of vote's inviolability.*

Moreover, there are constraints related to the accessibility of information about the rules of the electoral process and to the lack of transparency of the TSE in its management of the electoral process. The TSE is responsible for registering the voters; developing and procuring the voting software and its security; testing of the voting machines supervised by parties or coalitions; monitoring and auditing of voting machines; issuing and managing the electronic keys and password control of polling station administrators; verifying and counting the votes; hearing, processing, and investigating electoral complaints; and announcing the elected candidates. Such a concentration of power excludes political parties from

involvement in the conduct of elections and compromises the transparency of the election process, preventing voters, representatives of political parties, federal prosecutors and civil-society organisations from checking the electronic counting of votes.

In Brazil political campaigns can be very expensive (candidates spent some US\$1.3bn in the 2014 state and national elections). Campaign finance laws are riddled with loopholes. Campaign financing in Curitiba is based on the use of public money (through the Party Fund) and private funding from companies' and individuals' donations. Parties and candidates must provide information on donations to the TSE and their local Regional Electoral Tribunal (Tribunal Regional Eleitoral, or TRE), and the public can access these records. In the case of Curitiba, local candidates report to the Regional Electoral Tribunal of Paraná (TRE-PR). In order to prevent abuse and corruption, the Elections Law (No. 9.504/97) sets limits for the use of private funds in campaigning. Donations by individuals are limited to 10% their previous year's gross annual income, while corporations can donate the equivalent of 2% of their previous year's gross annual sales.¹ However, campaign financing is not completely transparent, owing to the use of "caixa dois" (money not accounted for or taxed, whose origin is unknown). Sanctions against the use of caixa dois are weak, as they consist of very small fines.

Functioning of local government

The mayor can be subject to judicial scrutiny, and can also be prosecuted for any crimes, including irregularities in public tenders. A former mayor of Curitiba, Luciano Ducci, was, for example, fined by a local court in July 2015 for irregular advertising. However, legal procedures are lengthy.

The Câmara Municipal de Curitiba (the municipal assembly) is the local legislature and consists of 38 directly elected councillors. Its agenda is available online, and there are frequent news reports on the assembly posted on the council's website, as well as reports in independent media. The drafts of proposed laws and regulations are available online.

The structure of the Brazilian justice system means that the local judiciary in Curitiba is actually the state judiciary (that is, the judiciary for the state of Paraná). The state judiciary can review decisions of the local executive if a complaint is filed. The judiciary is independent. It is broadly meritocratic (entry to the judiciary involves selection by public examinations), although there is some political interference in the appointment of senior magistrates.

Major public procurements are carried out through competitive bidding. The process is fairly transparent, although there are exceptions, as some information technology (IT) contracts have been awarded without public bids. Individuals and companies found guilty of fraud in the public-procurement process are prohibited from participating in future tenders; an example is Sial, a firm that abused the procurement process to construct the Court of Audit of the State of Paraná (Tribunal de Contas do Estado do Paraná, or TCE-PR) building in Curitiba in 2015.

¹ In September 2015, the Brazilian National Congress passed a political reform package, but President Rousseff subsequently line-vetoed the provision that regulated private campaign donations.

The decentralisation of local services since the 2000s has proved a powerful tool to improve access to public services. The provision of public services is decentralised to Curitiba's various neighbourhoods under the Ruas da Cidadania (Streets of Citizenship) policy, which brings the city administration closer to the local population. This does not mean that public services in Curitiba are entirely reliable, although their quality is among the best in Brazil. There are currently complaints about health services (58% of respondents in a 2015 opinion poll for the Gazeta do Povo newspaper rated health services as poor, up from 44% in 2013) and education (49% negative ratings, up from 23% two years earlier).

The legislation that governs the local civil servants' code of conduct is Law No. 1656/58, the Estatuto dos funcionários públicos municipais. The salary of each civil servant is published on the city's transparency portal. Their assets are also made public when they take up new positions. Civil servants can be investigated by the ombudsman or the police. Some disciplinary actions have been taken in recent years (although this happened less frequently in the city of Curitiba than in many other places between 2003 and 2013).

Curitiba has its own school of public service to train civil servants (IMAP, Instituto Municipal de Administração Pública), whose competence is widely recognised for the quality of its governance, and the municipality has won various awards.

The law requires disclosure of information about the functioning of government. The city's transparency portal (<http://www.transparencia.curitiba.pr.gov.br>) is comprehensive and includes some useful practical information. It is user-friendly, in that an online guide tells the public how to use it. It also informs the public when information and data have been updated. In addition, budget information is available.

The Ministério Público (MP, the Office of the Prosecutor) is the state institution that is officially in charge of fighting corruption, and it is effective. The MP is free from political interference, but there is no specific independent anti-corruption agency acting in Curitiba. The MP can independently initiate investigations and makes public the results. Regarding the disclosure of corruption schemes, in 2014 the Ministério Público Federal in Curitiba (MPF, the local branch of the federal prosecutor's office), disclosed a major corruption scandal at the state-owned oil company, Petróleo Brasileiro (Petrobras). The MP's staff is selected according to professional criteria and has a regular budget. The MPF, which is the government agency for law enforcement and the prosecution of crimes, has recently issued a ten-point plan, including sanctions against civil servants who commit crimes to enrich themselves. The MPF has been collecting signatures in order to propose a "popular initiative" law that would be sent to Congress.

There are in effect few local mechanisms to protect the local legislature from corruption and external interference, apart from a comptroller for internal affairs at the City Council. An anti-corruption initiative was rejected by the City Council in May 2015. The draft law proposed that campaign donors (both companies and individuals) be excluded from public tenders for four years (the duration of the mayoral and local councillors' terms) in order to prevent external interference. But a majority of the City Council decided not to vote in favour of the measure, which was officially put aside. In May 2015 the Ordem de Advogados do Paraná (OAB-

PR, the state bar association) launched a Transparency Watch group at state level that may eventually scrutinise the accounts of Curitiba's legislature. Most corruption allegations have been directed against the state assembly of Paraná, rather than against the executive of Curitiba city.

The Ouvidoria (the Ombudsman's Office) was legally created in 2013 (via Law No. 14.223/2013 and regulations 4/2013), but the ombudsman was not elected by the municipal council until March 2015. The office's budget and its four-member staff are limited (for example, the fourth staff member has yet to be recruited). The office has received some 300 complaints in six months. The ombudsman can request information within 15 days follow the receipt of citizens' complaints. He has issued a number of recommendations that have been submitted to the local executive, but he cannot impose financial penalties. The ombudsman system is still new, and it may be too early to rate its efficacy. By July 2015 more than one-half of complaints received related to delays in the provision of emergency care at the city's hospitals.

Local political participation and democratic culture

There are frequent public hearings in various neighbourhoods of Curitiba on various topics, ranging from city planning to cultural events. Despite of widespread distrust of politicians in Brazil, there has been a slight increase in the number of members of political parties in Curitiba (as well as in the state of Paraná more broadly) in recent years: the number of members of parties in the municipality increased from 98,000 in August 2012 to 100,155 in August 2015. There has also been an increase in the number of groups protesting against the federal government (including calls for the impeachment of the president, support for the anti-corruption investigations that started in Curitiba in 2014, and anti-government demonstrations). There are frequent complaints filed and demonstrations in Curitiba against the mayor (over the level of bus fares, for instance), the state governor (over healthcare and education provision) and the federal government (over corruption). Such protests are often initiated and supported on Facebook and other social media, with strong participation on the part of young people. Some minorities, such as lesbian, gay, bisexual and transgender (LGBT) groups and Evangelical Christians, also organise their own annual marches. Public hearings are well attended, and there are several educational and social NGOs that act as civic organisations.

In Brazil as a whole, the recent rise in social mobilisation—with huge street protests in the second part of 2013, and smaller demonstrations before the FIFA Football World Cup that was hosted by the country in June-July 2014—bodes well for increased political participation. This trend reflects the emergence of a more assertive middle class, which is willing to exert greater pressure on the political class in order to secure better services and improved public-sector governance.

Civil liberties and rights

There is an absence of basic personal security in Curitiba. In 2013 the number of violent deaths fell compared with 2012, but the total then increased in 2014; homicides followed the same pattern in those years.

In Curitiba, there are no political restrictions on, or censorship of, Internet use. The

quality of IT infrastructure in the city is very good, although the poor do not have good access to IT services. Curitiba is ranked fifth among Brazilian cities in terms of Internet provision: close to 72% of its population has access to the Internet.

The Public Defender's Office in Curitiba was only recently established, and the team of public defenders is still small. Paraná state is ranked second from bottom in the country in the number of public defenders per head of population: there are only 0.79 defenders per 100,000 inhabitants in the state, compared with a national average of 3.93 per 100,000. Although the number of Family Courts in Curitiba has doubled since 2010, the ratio between the number of such courts and the population is only 1:231,000—again, one of the lowest in the country. Moreover, there is a backlog and delays in hearing family cases.

The local media in Curitiba, as in other state capitals in Brazil, is controlled by a small group of companies, and this oligopolistic structure limits diversity of news reporting and editorial opinions. The largest media group is the Grupo Paranaense de Comunicação (GRPCOM), which owns the main local newspaper, *Gazeta do Povo*, as well as television channels such as RPC and other electronic outlets. The media groups in Curitiba are dependent on government and government-related companies' advertisement revenue. In general, the media are conservative in their editorial views. The print media generally provides good quality and relatively independent journalism—an example is the *Gazeta do Povo*'s "Diarios Secretos" series, which uncovered embezzlement in the Paraná state legislature. There is also creative and independent journalism produced by electronic media. However, the content of television channels is limited, similar to that of the national media group, Globo TV.

AREAS IN NEED OF IMPROVEMENT

Weaknesses that mar democracy in Brazil as a whole are also present in Curitiba. The following areas stand out in Curitiba and require improvement: control of corruption; discrimination against women and minorities; the role of media; the level of civic engagement, accountability of law-enforcement personnel; personal security; basic services; and the excessively influential role of coalitions in party politics.

Control of corruption

In Brazil as a whole, a number of corruption scandals have recently been uncovered by the press. One example was the Mensalão vote-buying scandal, which first erupted in 2005 and led to the imprisonment of key figures of the national government led by Luiz Inácio Lula da Silva (2003-10). More recently, there has been a massive kickback and party-financing corruption scandal involving Petróleo Brasileiro (Petrobras, the state-controlled oil company): in March 2015 a Supreme Court judge opened investigations into 34 politicians, including the speakers of both houses of Congress. The Petrobras scandal has highlighted major shortcomings in the functioning of Brazil's government. These deficiencies, together with a weak democratic culture and only limited political participation on the part of the general public, prevent Brazil from being classified as a "full democracy" in the EIU's Democracy Index.

In Curitiba, there are few mechanisms to protect the local legislature from corruption and external interference other than its comptroller for internal affairs. In May 2015 an anti-corruption initiative was recently rejected by the municipal legislature. The draft law proposed that campaign donors (both companies and individual) found guilty of graft be excluded from tendering for public contracts for four years (the duration of the mayor's and local councillors' terms); however, a majority of the municipal legislature rejected the law. In May 2015 the Ordem de Advogados do Paraná (OAB-PR, the state bar association) launched a Transparency Watch group at state level, which may eventually scrutinise the accounts of the Curitiba legislature.

The Ministério Público (MP, the Prosecutor's Office) is the institution that is officially in charge of fighting corruption. However, there is no dedicated independent anti-corruption agency in Curitiba. Federal law no. 8429 /92, which concerns conflict of interest on the part of civil servants, applies in Curitiba, and there are also local regulations covering civil servants. Gifts and financial favours are officially illegal, but there are few sanctions in practice. There are regulations for officials entering the private sector after having held public office, who have to respect a so-called quarantine period.

The members of the Tribunal de Contas do Estado do Paraná (TCE-PR), the state institution that audits the accounts of the Curitiba city government, are political appointees. The agency is thus not free from political interference. Moreover, its rulings are not binding.

Corruption is an indicator of general institutional weakness. Widespread expectations that democratisation and the market reforms that began in the 1980s would curb corruption have not been fulfilled. Eradicating graft is not easy: at best, it takes a long time. Expectations of improvement in this area need to be realistic. Penalties may yield incremental improvements. Still, better Brazilian judges and prosecutors are part of a modest institutional upgrade that is being brought about through legislation and as a result of new technology. In addition, the “Clean Companies Act”, which came into force in January 2014, has extended sanctions so that they now apply to bribe-givers as well as bribe-takers.

The position of women and minorities

Despite legislation that guarantees a quota for women candidates in elections, in practice political parties do not meet the legal requirements, either in Curitiba or in Brazil as a whole. Electoral Law No. 9.504/97 obliges parties and coalitions to ensure that at least 30% of candidates for assembly elections are women. In practice, the requirement is not met, not least because there are no legal sanctions if the quota of women is not fulfilled. In addition, most parties do not make efforts to encourage female participation. In Curitiba, women occupy only 13% of seats in the City Council (there are five women out of a total of 38 councillors).

Curitiba is meant to respect Article 5 of the Federal Constitution (guaranteeing the rights to life, liberty, equality, security and property), which states that a democratic state will ensure the fundamental rights of equality and a pluralistic and unprejudiced society. However, in Curitiba, as elsewhere in Brazil, white people dominate society and politics. Minorities, such as black people, are discriminated against. Nearly one-fifth (16.9%) of the population of Curitiba is brown, while 2.8% are black. Minorities' views are rarely considered, and there is a low degree of political participation by minorities. To combat discrimination, Curitiba's mayoral office has initiated the Curitiba More Human project to help vulnerable minority groups.

In Curitiba, as in Brazil as a whole, there are growing numbers of followers (especially among young people) of religions such as Evangelical and Pentecostal churches, which have developed on the outskirts of large urban centres. In Curitiba, 11 Evangelicals have formed a socially-conservative coalition in the municipal legislature under the banner of Family Rights. If this grouping manages to attract an additional two members, it will account for one-third of the chamber—sufficient to enable it to put forward amendments to the municipality's organic law (the equivalent to the city's constitution) or to prevent the approval of amendments to the municipality's organic law that require a two-third majority. The coalition has demonstrated intense intolerance towards non-Christian religions. Their rhetoric tends to promote Evangelical Christian beliefs, and their favoured policies are based on religious principles and have a religious bias.

Religious groups such as Umbanda and Candomblé (both of which have African origins but are deeply ingrained in Brazilian culture) feel intimidated by the Family Rights coalition and its sympathisers.

A problem for minorities is rise of hate crimes in Curitiba. Members of the LGBT, black and migrant communities have been verbally and physically assaulted and even murdered.. The ingredients for these crimes include nationalism, xenophobia, and gang struggle and street violence (inspired by English hooligans). Attacks have become increasingly frequent in Curitiba and most hate/discrimination-based street assaults are committed against gays and transvestites.

According to the Homophobic Violence in Brazil report published by the Secretariat for Human Rights of the Brazilian federal government in 2012, in that year there were 182 complaints of attacks and 15 reported homicides of LGBT people in Paraná; the number of complaints was up by 167% compared with 2011, when 68 were reported. According to the secretariat's website, in the first half of 2014 there were 62 complaints of attacks registered by LGBT people. Of those 62 complaints, 77.1% involved discrimination, 69.5% involved psychological violence, 30.3% physical violence and 8.1% familial negligence (i.e., failure of family members to take care of vulnerable members, including children and the elderly).

The role of coalitions

Elections in Curitiba are dominated by candidates' personalities, rather than by policies or ideology. This makes it difficult to build parties that are internally coherence. The system encourages the creation of coalitions that may discriminate against candidates who are independent or against parties that are not part of a coalition. Coalitions may be composed of ideologically diverse parties. This means that coalitions' agendas and policies can often be complicated, and it is thus difficult for voters to understand the different political views of the various candidates.

This problem is endemic in Brazil as a whole. The country suffers from what is probably the world's most fragmented party system. The 513-seat lower house of Congress has 13 "effective" parties (those with more than a handful of seats). Moreover, the cost of involvement in politics has risen relentlessly, partly because of "open lists" in which each candidate competes against colleagues from the same party as well as against rivals from other parties.

The role of media

The oligopolistic structure of the media industry in Curitiba restricts diversity. There are family oligopolies that control local television in the municipality. The print media in Curitiba are controlled by Grupo Paranaense de Comunicação (or GRPCOM), the largest media company in the state of Paraná, whose flagship publications is the *Gazeta do Povo* newspaper.

Regarding the use of the media by political parties, large parties with parliamentary representation are favoured by the current system. The Elections Law No. 9.504/97 ensures free air time on television and radio for political parties.

The distribution of air time is according to rules set out in the law: one-third of this air time is divided equally among all parties and coalitions, while two-thirds is allocated to parties and coalitions in proportion to the number of representatives that they have in the municipal legislature (the proportion of free air time that a coalition is given depends on the number of representatives of all the political parties belonging to it). By forming coalitions, parties can increase their tallies of candidates in legislative elections and thus qualify for more free air time, thereby strengthening their campaigns.

Civic engagement

Curitiba achieves an average score for civic engagement. Citizens have a role to play in the democratic quality of the city, and could do more. More data on NGOs and issues they deal with could be collected and made available publicly. There are several educational and social NGOs that act as civic organisations, but no official data have been found on the number of NGOs in the city. NGOs include include Pequeno Cotelengo (helps children with deficiencies and/or left behind by their families), Associação Paranaense de Apoio à Criança com Neoplasia (APACN, helps children undergoing cancer treatment), Socorro aos Necessitados or Associação Cristã de Assistência Social (ACRIDAS, Christian association for the needy).

Examples of civic engagement are when volunteers from Curitiba mobilise quickly in emergencies—for example, when there is flooding or some other natural disaster, even outside the borders of the city. There has also been a good response to blood donation campaigns. NGOs' activities have been broadly stable, although some such organisations—such as the Centro de Ação Voluntária (CAV, Voluntary Action Centre, an NGO for volunteers)—have had to reduce their activities. Meanwhile, young people are now taking part in social organisations active in Curitiba that they see on television or on the Internet, such as Teto (or Playing for Change), rather than in traditional NGOs.

Accountability of law enforcement officers

Law and order is a top priority, and although it falls short of public expectations, the budget for law enforcement is satisfactory. However, there is little protection from political interference in law enforcement. Moreover, the accountability of police officers for their actions needs to be improved, including independent investigation of police brutality and the action taken following such probes.

Law-enforcement officers are not immune to criminal proceedings, although their accountability is limited. There is an internal investigation office (corregedoria) in Curitiba, which was set up as recently as 2012. The office can initiate its own investigations, but it is not an independent agency, and it rarely responds to complaints in a timely manner. NGOs and the press have reported various abuses by law-enforcement personnel. Such cases have been publicised by the media, but sanctions are not often applied. For example, in April 2015, more than 200 people were injured during a demonstration by teachers in Curitiba. The city's mayor, Gustavo Fruet, subsequently issued a protest against police violence, and the Prosecutor's Office has launched an investigation into the incident.

Personal security and reliability of public services

As mentioned earlier, there is an absence of basic personal security in Curitiba (see Table 2) and this is an area that needs attention. In 2013 the number of violent deaths fell compared with 2012, but the total then increased in 2014. Homicides, too, were lower in 2013 than in 2012 but increased in 2014.

Table 2: Number of violent crimes in Curitiba

Number of violent crimes with deaths – Curitiba

Type of crime	2012	2013	2014	2015 ¹
Willful homicide	597	530	569	219
Robbery	25	22	25	14
Bodily injury resulting in death	16	11	10	3

¹ Until June

Source: Secretaria do Estado de Segurança Pública – Paraná

Regarding public services, the main services provided by the city are education (which requires schools and teachers), health (including the sanitation network, as well as health centres and hospitals) and public transport (ensuring people's ability to get to work). Curitiba had been recognised by its transport system based on exclusive channels bus (Bus Rapid Transit or BRT).

Opinion polls show that there are currently complaints about healthcare services (58% of respondents to a 2015 *Gazeta do Povo* opinion poll rated health services as poor, up from 44% in 2013) and education (which 49% negative ratings, compared with 23% two years earlier). The healthcare system suffers from bottlenecks in two areas, emergency care and the availability of expert medical staff. Curitiba's health facilities have expanded since 2000, with 33 units added to the 104 that existed in that year, and the number of health workers rose by 63%, from 4,586 in 2002 to 7,454 in 2012. However, the city still lacks the resources to hire doctors at competitive salaries, and this has resulted in a shortage of medical experts.

Curitiba is the fourth-richest city in the country but has a high levels of income inequality: the 2010 census revealed a R\$3,500 (about US\$920) difference between the average income per capita of residents in higher-income neighbourhoods and that of those who earn the minimum wage. Urban consolidation resulted in the poor population being pushed out to areas far from the city centre, where slums and squatter settlements were built in the 1990s. These areas are characterised by degradation of public housing located on publicly or privately owned land in a disorderly manner and without access to essential services. The public services that are least accessible to the poorest people in the city are public health and housing.

Regarding sanitation, 98.5% of properties in Curitiba have water supplies, while 88.3% have sewerage services. Nevertheless, many of the roughly 400 springs located near Curitiba have been contaminated by domestic sewage and industrial effluent, and the excessive application of pesticides to crops has exacerbated this situation.

METHODOLOGY AND SOURCES

I. OBJECTIVE OF THE RESEARCH

Instituto Atuação (Atuação) has worked with The Economist Intelligence Unit (EIU) to build a diagnostic framework on local democratic quality to assess cities' performance. The framework encompasses questions that are aimed mainly at analysing democratic practices – that is, what is happening on the ground. The diagnostic framework utilises the EIU's Democracy Index as a base and is complemented by other international methodologies. While this pilot project assesses only one city, Curitiba, located in the state of Paraná in Brazil, the diagnostic framework was constructed so that the project could be replicated to evaluate other cities internationally.

The assessment will help Atuação to develop its five-year strategic action plan and to implement measures that will transform Curitiba into a model democracy with strong democratic processes, political participation and public transparency.

II. UNIT OF ANALYSIS

The diagnostic framework applies to cities or other equivalent legally defined government jurisdictions. In the case of Brazil, the unit of analysis is the legal boundaries of the municipality.

III. METHODOLOGY OF THE FRAMEWORK

Initial diagnostic framework

In the initial phase of the framework, the EIU drafted a set of around 80 questions using different sources. These sources included: (1) EIU Democracy Index, (2) International IDEA's State of Local Democracy (SoLD) and (3) Global Integrity indicators. In addition, the EIU created its own set of indicators drawn from relevant literature. A complete list of references is provided in the Bibliography section of this report.

The EIU used its Democracy Index as a base to construct the local democracy diagnostic framework. Because the Democracy Index has the objective of evaluating democracies at national level, the EIU's Custom Research team removed questions that were not pertinent to the local level, modified questions to make them applicable to the local level and—as mentioned above—added other questions. The EIU also incorporated questions and concepts from International IDEA's State of Local Democracy (SoLD) and Global Integrity's

research methodologies into the framework. International IDEA's SoLD framework focuses specifically on local-level democratic practices and the role of citizens in the political process. Global Integrity, on the other hand, aims to address the issue of corruption and transparency in governments around the world.

Inputs from the Expert Review Committee (ERC)

The initial diagnostic framework was subjected to a thorough review process with Atuação research staff and a panel of experts. The Expert Review Committee (ERC) comprised six renowned scholars and practitioners in the areas of political science, Brazilian studies, urban policy and development, and democratic transition. The ERC members are:

- Dr Leonardo Avritzer: Professor at the Federal University of Minas Gerais. Dr Avritzer is currently the president of the Brazilian Political Science Association.
- Hazel Feigenblatt: Managing Director of Research at Global Integrity. Ms Feigenblatt provides leadership to the organisation, leads methodology development, field work and recruitment of experts, and oversees most projects.
- Dr Ester Fuchs: Professor of International and Public Affairs and Political Science; Director, Urban and Social Policy Concentration; Director, United States Specialization at Columbia University in the City of New York. Dr Fuchs served as Special Advisor to the Mayor for Governance and Strategic Planning under New York City's mayor, Michael R Bloomberg, from 2001 to 2005.
- Mérida Jiménez: Programme Officer for the State of Local Democracy Programme at International IDEA. Ms Jiménez's main areas of work involve democracy assessments and measurements, with a specific focus on local democracy/subnational issues such as decentralisation processes/systems, local governance and citizen participation.
- Dr Carlos Pereira: Professor at the Getúlio Vargas Foundation (FGV) Brazilian School of Administration (EBAPE). Most recently, Dr Pereira was a Visiting Fellow in the Foreign Policy and Global Economy and Development programmes in the Latin American Initiative at the Brookings Institution, Washington D.C., and Resident Fellow at the Bellagio Centre of the Rockefeller Foundation, Italy.
- Dr Philippe Schmitter: Emeritus Professor at European University Institute's Department of Political and Social Sciences. Prof. Schmitter is a graduate of the Graduate Institute for International Studies of the University of Geneva, and earned his doctorate at the University of California, Berkeley.

Final diagnostic framework

After incorporating the ERC's comments, the EIU and Atuação produced a final diagnostic framework. The final framework is composed of 76 questions and is divided into four categories and several indicators, each of which is designed to capture democratic practices and their impact at the local level.

The EIU and Atuação worked together to determine the scoring scheme for the 76 questions. Each question has its own scoring scheme and criteria. The

lowest score possible is 0 (zero), while the highest score varies between 1 and 4 according to the question. A wider scoring range was assigned to questions that required more stringent evaluation, while the high score of 1 was assigned to binary ("yes" or "no") questions.

IV. ASSESSMENT

Assigning scores

All qualitative indicators were scored on an integer scale: 0-1, 0-2, 0-3 or 0-4. Scores were assigned by the EIU's team of analysts using primary and secondary sources and justified accordingly. All data sources consulted can be found in the Bibliography section of the report.

The results of the assessment underwent three rounds of review: by the EIU, by Atuação and by members of the ERC.

Normalisation and weights

In order to arrive at the overall score for the city, each question's score was normalised to 100 and was then weighted equally within each indicator. Normalisation rebases the raw data to a common unit so that they can be aggregated. For example, if the indicator is in a 0-4 range, a raw data value of 0 gives a score of 0, a raw data value of 1 gives a score of 25, a raw data value of 2 gives a score of 50, a raw data value of 3 gives a score of 75 and a raw data value of 4 gives a score of 100.

Assigning weights to categories and indicators is a final, critical step in the calculation of an overall score for the city. For this assessment, each of the four categories was weighted equally, at 25%. Each indicator was also equally weighted within each category, and in turn each question was equally weighted within each indicator. Table 3 shows the weights used in this assessment.

Table 3: **Weights**

Category	No. of questions	Weight
1. Electoral process and pluralism	13	25.0%
1.1 Electoral process	6	33.3%
1.2 Parties and campaigning	4	33.3%
1.3 Campaign financing	3	33.3%
2. Functioning of local government	34	25.0%
2.1 Local government and transparency	4	16.7%
2.2 Accountability	4	16.7%
2.3 Checks and balances	4	16.7%
2.4 Professionalism and efficacy of government institutions	8	16.7%
2.5 Oversight and control	11	16.7%
2.6 Law enforcement	3	16.7%
3. Local political participation and democratic culture	13	25.0%
3.1 Political engagement	10	50.0%
3.2 Civic engagement	3	50.0%
4. Civil liberties and rights	12	25.0%
4.1 Civil and political rights	4	25.0%
4.2 Economic, social and cultural rights	4	25.0%
4.3 Rule of law and fair treatment	4	25.0%
4.4 Media	4	25.0%
Total	76	100.0%

Detailed categories, indicators and questions

1. **Electoral process and pluralism:** This category evaluates how free and fair local elections are, as well as the current legal and institutional mechanisms that ensure impartial and non-discriminatory elections.
2. **Functioning of local government:** This category evaluates the functioning of the local government, the extent and quality of locally provided services, the relationship between the local, regional (i.e., state) and federal governments, the process of selecting civil servants, the public procurement process, corruption, and the behaviour of law-enforcement personnel towards citizens.
3. **Local political participation and democratic culture:** This category evaluates citizen engagement in the periods between elections. It also examines citizen participation and support for democratic values by analysing the relationship between the local government and residents, as well as citizens' initiatives to participate in the community.
4. **Civil liberties and rights:** This category evaluates the extent to which citizens enjoy civil liberties and rights in practice, the general well-being and treatment of the local population by the local government, and the effectiveness, impartiality and freedom of the media.

1. ELECTORAL PROCESS AND PLURALISM

1.1. Electoral process

Question 1: Are local electoral systems transparent and effective?

Consider:

- 1) Is there a clear system of voter registration?
- 2) Can results be contested through the judicial system? and
- 3) Are domestic and international observers allowed?

Scoring criteria:

2: Systems are transparent and effective (all three criteria are fulfilled)

1: Systems are partially transparent and effective (one or two of the three criteria are fulfilled)

0: Systems are not transparent and effective (none of the criteria is satisfied)

Question 2: Are elections for the local legislature and local executive free?

Consider whether elections are competitive, in that electors are:

- 1) Free to vote; and
- 2) Offered a range of choices.

Scoring criteria:

2: Free (essentially unrestricted conditions for the presentation of candidates (for example, no bans on major parties)

1: Partially free (there are some restrictions on the electoral process)

0: Not free (a single-party system or major impediments exist; for example, bans on a major party or candidate)

Question 3: In law, are elections for the local legislature and local executive fair?

Consider the existence of:

- 1) Unclear rules relating to the setting of electoral districts;
- 2) Rules excluding opposition candidates from eligibility for office;
- 3) Manipulation of thresholds to ensure electoral success; and
- 4) Party alliances that are opaque or hard for voters to understand

Scoring criteria:

3: Fair in law (none of the four criteria applies)

2: Mostly fair in law (three of the four criteria apply)

1: Partially fair in law (one or two of the four criteria apply)

0: Unfair in law (all four criteria apply)

Question 4: In practice, are elections for the local legislature and local executive fair?

Consider:

- 1) Violation of the secret ballot;
- 2) Tampering with voting machines;
- 3) Voter registration fraud;
- 4) Fraudulent tabulation of results; and
- 5) Intimidation at polling places, and particularly whether citizens can cast their votes free of significant threats to their security from state or non-state bodies.

Scoring criteria:

3: Fair in practice (none of the five criteria applies)

2: Mostly fair (one or two of the five criteria apply)

1: Partially fair (three or four of the criteria apply)

0: Unfair (all five criteria apply)

Question 5: How accessible are elections and election-related information to all eligible voters in the local unit, including people with disabilities, the illiterate, rural dwellers, etc.?

Consider:

- 1) Accessibility of the ballots;
- 2) Accessibility of the voting process; and
- 3) Accessibility of election information in general, both before and on election days; for example, information on candidates (including their views on important matters) and on the rules governing the electoral process.

Scoring criteria:

2: Accessible (all three criteria are met)

1: Partially accessible (two criteria are met)

0: Not accessible (only one or none of the criteria is satisfied)

Question 6: Is there an election-monitoring agency or a set of election-monitoring agencies/entities, and is it effective?

For "effective", consider whether:

- 1) The agency has professional full time staff and how they are appointed;
- 2) It releases reports in a timely fashion; and
- 3) It imposes penalties on offenders, and especially whether it can deter violation of election rules.

Scoring criteria:

3: An institution exists and is effective (all three criteria are met)

2: An institution exists but is only partially effective (one or two criteria are met)

1: An institution exists but is ineffective (none of the criteria are met)

0: No institution exists

1.2. Parties and campaigning

Question 7: To what extent are there equal campaigning opportunities at the local level in law and in practice?

For “in practice”, consider whether:

- 1) There is equal access to media for all political parties and candidates; and
- 2) Some campaigning practices, such as the formation of alliances, make access unequal in practice.

Scoring criteria:

- 2: There is equal media access for all political parties and candidates AND there are no campaigning practices that make access unequal
- 1: There is equal media access for all political parties and candidates OR there are no campaigning practices that make access unequal
- 0: There is no equal media access for all political parties and candidates AND there are campaigning practices that make access unequal

Question 8: How competitive are local elections?

Consider:

- 1) How many parties actually compete (more than three is competitive);
- 2) Whether the party that wins is usually the same party that wins at national level; and
- 3) Alternation of power between parties.

Scoring criteria:

- 2: Competitive (all three criteria are met)
- 1: Partially competitive (one or two criteria are met)
- 0: Not competitive (none of the criteria is satisfied)

Question 9: How balanced are parties in terms of gender?

Consider:

- 1) The number of women as a percentage of total party membership (or local party divisions);
- 2) The number of women as a percentage of total party leadership; and
- 3) The extent to which parties allow women to become candidates on an equal footing with men.

Scoring criteria:

- 3: Women have equal opportunities to become candidates and hold around 50% of membership and leadership roles
- 2: Women have equal opportunities to become candidates but hold substantially less than 50% of membership and leadership roles
- 1: Women have equal opportunities to become candidates but hold substantially less than 50% of membership and leadership roles OR women do not have equal

opportunities to become candidates but hold around 50% of membership and leadership roles.

0: Women do not have equal opportunities to become candidates and hold substantially less than 50% of membership and leadership roles

Question 10: How balanced are parties in terms of minorities?

Consider:

- 1) Presence of minorities within local party membership (or local party divisions);
 - 2) Presence of minorities within parties' leadership; and
 - 3) The extent to which parties allow minorities to become candidates on an equal footing with others
- (Minorities: age, race, religion, sexual orientation; Presence: Representation that reflects the composition of the general population)

Scoring criteria:

- 2: Minorities have equal opportunities to become candidates and are represented in terms of membership and leadership roles
- 1: Minorities have equal opportunities to become candidates but are not represented in terms of membership and leadership roles OR minorities do not have equal opportunities to become candidates but are represented in terms of membership and leadership roles.
- 0: Minorities do not have equal opportunities to become candidates and are not represented in terms of membership and leadership roles

1.3. Campaign financing

Question 11: Is the process of financing political parties and candidates transparent at the local level? Can citizens effectively access records related to the financing of individual candidates' campaigns and to the financing of political parties at the local level?

For “transparency”, consider whether:

- 1) Campaign accounts are provided to the electoral monitoring system; and
- 2) Parties disclose their receipts from donations.

For “records”, consider:

- 1) Timeliness;
- 2) Low cost of accessing information; and
- 3) High quality of information received.

Scoring criteria:

- 4: Transparent (both criteria are met) and easy access to records (all three criteria are met)
- 3: Transparent (both criteria are met) and records are accessible (one or two criteria are met) OR partially transparent (one criterion is met) and easy access to records (all three criteria are met)

- 2: Partially transparent and records are accessible
 1: Partially transparent and records are not accessible (none of the criteria are met) OR not transparent (none of the criteria are met) and records are accessible
 0: Not transparent and records are not accessible

Question 12: Are the local campaign accounts audited by the election-monitoring agency (or another independent agency) and are sanctions effectively applied?

Consider whether:

- 1) The institutional and technical bodies responsible for enforcing campaigning laws are well staffed and have a budget;
- 2) Electoral and judicial bodies are independent from government and political parties; and
- 3) Penalties are effective—that is, administration of financial resources by parties has changed after sanctions have been applied.

Scoring criteria:

- 3: Campaigning accounts are audited and sanctions are effective (all three criteria are met)
 2: Accounts are audited and sanctions are partially effective (one or two criteria are met)
 1: Accounts are audited but sanctions are not applied effectively (none of the criteria are met)
 0: Accounts are not audited

Question 13: Are the campaign financing regulations governing local elections effective?

Consider whether:

- 1) There are limits on the amounts donated to candidates and political parties by individuals;
- 2) There are limits on the amounts donated to candidates and political parties by corporations; and
- 3) These limits are effectively imposed.

Scoring criteria:

- 3: There are campaign financing regulations at the local level for individuals AND corporations and they are effectively applied
 2: There are campaign financing regulations at the local level for individuals AND corporations but they are not effectively applied
 1: There are campaign financing regulations at the local level for individuals OR corporations but they are not effectively applied
 0: There are no campaign financing regulations at the local level

2. FUNCTIONING OF LOCAL GOVERNMENT

2.1. Local government and transparency

Question 14: Do citizens have a legal right to request information and is the process effective within the local government?

Consider whether in law citizens can request government information and basic records.

For “effective”, consider whether:

- 1) Requests are met in a timely fashion;
- 2) Requests are met a reasonable cost;
- 3) Reasons are given for denying a request; and
- 4) There is an appeals system in place.

Scoring criteria:

- 3: Citizens have the legal right to request information and the process is effective (all four criteria are met)
 2: Citizens have the legal right to request information and the process is partially effective (two or three criteria are met)
 1: Citizens have the legal right to request information and the process is not effective (one or no criteria are met)
 0: Citizens do not have the legal right to request information

Question 15: Does the local government spontaneously disclose information, regardless of citizens' requests?

Consider whether the law requires the local government to publish information; if it does, analyse whether the local government complies and how frequently information is updated.

“Timely” means within a year; “frequently” means as often as required by the law.

“Disclose” means that the government publishes information on a city website or prints information that is accessible in government offices.

“Complete information” means:

- basic statistics for the city;
- basic information, such as organisation structure and contact information (so that citizens can easily find the services that they need);
- the approved budget and its execution;
- public policies that are being implemented or are under discussion;
- the mechanism for submitting complaints; and
- city performance data.

Scoring criteria:

- 3: Disclosed information is complete and frequently updated
 2: Disclosed information is either incomplete or is not

frequently updated

1: Information is disclosed but is incomplete and not frequent

0: Information is not disclosed

Question 16: How transparent are the local executive's policy processes?

Consider whether the local executive discloses the following processes:

- 1) Government agenda-setting;
- 2) Policymaking;
- 3) Policy implementation; and
- 4) Monitoring and evaluation of implemented policies.

Scoring criteria:

2: The local executive discloses all four processes

1: The local executive discloses two or three out of the four processes

0: The local executive discloses one or none of the four processes

Question 17: How transparent is the local legislative process?

Consider whether the legislature:

- 1) Makes draft laws available online;
- 2) Posts information about the various stages of the legislative process (such as approval by specific committees) online; and
- 3) Makes the agenda-setting process available online.

Scoring criteria:

2: The local legislature discloses all three processes

1: The local legislature discloses two of the three processes

0: The local legislature discloses one or none of the three processes

2.2. Accountability

Question 18: How accountable is the local chief executive for his/her actions?

Consider whether:

- 1) The judiciary can review decisions of the executive;
- 2) The judiciary actually performs such reviews and how frequently this happens; and
- 3) The executive can be prosecuted for crimes that he/she commits.

Scoring criteria:

2: High (all three criteria are met)

1: Moderate (one or two of the three criteria are met)

0: Low (none of the three criteria are met)

Question 19: How accountable are the members of the local legislature for their actions?

Consider:

- 1) Whether the judicial system can guarantee compliance with the rules governing formal legislative procedures (such as voting rules, popular participation, and approval by various commissions) and whether this control is actually performed;
- 2) Whether voting is disclosed; and
- 3) Whether the representatives are accessible to their constituents.

Scoring criteria:

2: High (all three criteria are met)

1: Moderate (one or two of the three criteria are met)

0: Low (none of the three criteria are met)

Question 20: How accountable are the members of the local judiciary for their actions?

Consider whether:

- 1) Members are obliged to give reasons for their decisions and disciplinary actions can be taken.
- 2) There is a disciplinary mechanism for the judiciary that can impose penalties; and
- 3) The judiciary is protected from political interference (check for independence in practice).

Scoring criteria:

2: High (all three criteria are met)

1: Moderate (one or two of the three criteria are met)

0: Low (none of the three criteria are met)

Question 21: How accountable are local civil servants for their actions?

Consider whether:

- 1) Civil servants' performance is evaluated according to professional criteria;
- 2) Citizens can submit complaints about the delivery of services;
- 3) There is an effective disciplinary mechanism; and
- 4) Civil servants convicted of corruption are barred from future government employment.

Scoring criteria:

2: High (three or four of the criteria are met)

1: Moderate (one or two of the criteria are met)

0: Low (none of the criteria are met)

2.3. Checks and balances

Question 22: How independent is the local legislature from the local executive? How free are its members to express their opinions and propose alternative policies?

For “independent”: consider whether a pro-executive majority in the legislature exists or has existed in the past.

For “free”: consider how often there are disagreements and contrasting policy proposals between the two branches.

Scoring criteria:

2: The local legislature is independent from the local executive and its members are free to express their opinions and propose alternative policies

1: The local legislature is partially independent from the local executive and/or its members are partially free to express their opinions and propose alternative policies

0: The local legislature is not independent from the local executive and its members are not free to express their opinions and propose alternative policies

Question 23: How independent is the local executive from state and/or national executive interference?

Consider whether:

1) The local executive can make its own policy decisions in the areas in which it has a mandate;

2) The local executive can set its own budget in the areas in which it has a mandate;

3) The local executive can implement policy decisions in the areas in which it has a mandate.

This question attempts to gauge whether there is undue influence or coercion. If both executives are from the same party, we don't want total collusion; this is undesirable, although a degree of co-operation is helpful.

Scoring criteria:

2: Independent (all three criteria are met)

1: Partially independent (one or two criteria are met)

0: Not independent (none of the criteria are met)

Question 24: How fair is the process of selecting judges?

Consider:

1) The level of transparency of the procedures for selecting judges;

2) Whether professional criteria are used to select judges; and

3) Whether there is a confirmation process for judges, either conducted by the legislature or by an independent body.

If judges are selected through a public examination or other meritocratic process and pursue a career in public service (as in most European countries), consider this as

a fair appointment process. However, if the examination shows signs of political interference, do not consider it fair.

Scoring criteria:

2: High (all three criteria are met)

1: Moderate (one or two criteria are met)

0: Low (none of the criteria are met)

Question 25: How participatory is the process of determining, controlling and overseeing the local budget?

Consider whether:

1) More than one branch of government is involved in the determination of the budget;

2) The judiciary can oversee proper procedures and demand that these are respected;

3) There is public participation—that is, citizens participate effectively (as measured by the percentage of the population who participate); and

4) The people's deliberations and requests are actively taken into account.

Scoring criteria:

2: High (all four criteria are met)

1: Medium (two or three criteria are met)

0: Low (one or none of the criteria are met)

2.4. Professionalism and efficacy of government institutions

Question 26: To what extent are women represented in the three branches of local government?

Consider the number of women in positions as a percentage of the total number of positions:

—Judiciary

—Legislature

—Executive

Scoring criteria:

4: At least 50% of the positions in the local executive, legislature and judiciary are held by women

3: At least 30% and up to 50% of the positions in the local executive, legislature and judiciary are held by women

2: At least 20% and up to 30% of the positions in the local executive, legislature and judiciary are held women

1: At least 10% and up to 20% of the positions in the local executive, legislature and judiciary are women

0: Fewer than 10% of the positions in the local executive, legislature and judiciary branches are held by women

Question 27: To what extent are minorities (age, racial, religious, ethnic and sexual orientation) represented in the three branches of local government?

Consider the number of minorities in positions as a percentage of the total number of positions

- Judiciary
- Legislature
- Executive

Scoring criteria:

3: Representation in all three branches

2: Representation in two branches

1: Representation in one branch

0: No representation in any of the branches

“Some representation” means that the representation of minorities in the population is reflected in the branches.

Question 28: To what extent is the local civil service staffed through a meritocratic process?

Merit-based: Civil servants are selected through public examination and pursue a career in the civil service (as in most European countries).

If the examination shows signs of political interference, do not consider it fair. If the civil service is staffed on the basis of both merit and political connections, consider the proportion of merit-based versus connections-based staff.

Scoring criteria:

2: The process of selecting civil servants is through a public examination or another meritocratic process as part of a career track in the civil service

1: The process of selecting civil servants is partly through a public examination or another meritocratic process and partly through connections

0: The process of selecting civil servants is almost entirely through connections

Question 29: How competent is the local civil service in terms of implementing government policy?

Consider:

- 1) Head count;
- 2) Technical skills;
- 3) Organisation;
- 4) Training; and
- 5) Frequency of implementation of policies (for example, whether some policies that are enacted are never implemented).

Scoring criteria:

3: Highly competent (all five criteria are met)

2: Fairly competent (criterion 5 and two or three other criteria are met)

1: Partially competent (criterion 5 and one or no other criteria are met)

0: Not competent (no criteria are met)

Question 30: How accessible and reliable are the public services provided by the local government?

Consider only the services supplied by the local government (public transportation, education, healthcare and others) and qualify them in terms of:

Accessibility: whether they are accessible by the entire population or just by the people living in specific areas of the city/municipality; and

Reliability: whether they are supplied without disruption.

Scoring criteria:

2: Both accessible and reliable

1: Accessible but not reliable OR not accessible but reliable

0: Not accessible and not reliable

Question 31: To what extent are the public services provided by the local government monitored by a third-party entity?

Consider whether:

- 1) There is an agency or committee which is independent from the executive that monitors the quality of services
- 2) The agency has defined quality standards
- 3) The agency enforces those standards.

Scoring criteria:

2: There is an agency, and quality standards are enforced

1: There is an agency, but quality standards are not enforced

0: There is no agency

Question 32: How comprehensive are the control mechanisms in the local public procurement process?

Consider whether:

- 1) There is a conflict-of-interest mechanism for officials and it is enforced;
- 2) Officials are monitored in terms of their assets, incomes and spending;
- 3) Major procurements are carried out through competitive bidding;
- 4) Unsuccessful bidders are able to instigate a review of procurement decisions; and
- 5) Companies that have violated procurement rules are prohibited from participating in future processes.

Scoring criteria:

2: Highly comprehensive (four or five criteria are met)

1: Moderately comprehensive (two or three criteria are met)

0: Not comprehensive (one or none of the criteria are met)

Question 33: How effective are the control mechanisms in the local public procurement process?

Consider whether:

- 1) The mechanisms mentioned in the previous question are routinely in use, especially by unsuccessful bidders (non-use might indicate that bidders are colluding);
- 2) The judiciary can effectively control the use of these mechanisms; and
- 3) Such cases are made public.

Scoring criteria:

- 2: Effective (three of the criteria are met)
 1: Partially effective (one or two of the criteria are met)
 0: Not effective (none of the criteria are met)
-

2.5. Oversight and control

Question 34: Is there a local ombudsman, public protector or equivalent agency covering the public sector? Is it effective?

Consider whether:

- 1) It is free from political interference;
- 2) It has a budget and staff;
- 3) It makes its reports public;
- 4) It imposes penalties;
- 5) Government acts on its findings;
- 6) It acts on citizens' complaints in a timely manner; and
- 7) It initiates its own investigations.

Scoring criteria:

- 3: Ombudsman is effective (five or more of the criteria are met)
 2: Ombudsman is partially effective (between two and four of the criteria are met)
 1: Ombudsman is not effective (one or none of the criteria are met)
 0: No ombudsman
-

Question 35: How effective is the local audit institution?

Consider whether:

- 1) It is free from political interference;
- 2) It has sufficient budget and staff;
- 3) It discloses reports;
- 4) Governments act on its findings;
- 5) It initiates its own investigations;
- 6) Its findings are publicised; and
- 7) It is active (investigations are initiated frequently).

If the audit institution is state- or nationally based, analyse its performance with regard to local public accounts.

Scoring criteria:

- 3: Local audit institution is effective (five or more of the criteria are met)
 2: Local audit institution is partially effective (between two and four of the criteria are met)
 1: Local audit institution is not effective (one or none of the criteria are met)
 0: No local audit institution
-

Question 36: Is there an agency (or mechanism) that oversees state-owned companies at the local level, and is it effective?

Consider whether the agency or mechanism:

- 1) Is free from political interference;
- 2) Has sufficient budget and staff;
- 3) Imposes penalties; and
- 4) Initiates its own investigations.

Scoring criteria:

- 3: Agency is effective (all four criteria are met)
 2: Agency is partially effective (two or three criteria are met)
 1: Agency is not effective (one or none of the criteria are met)
 0: No agency
-

Question 37: How effective are mechanisms for protecting the local legislature and its members from external interference, corruption and other forms of inducement?

Consider the following issues:

- 1) Policies and practices to prevent corruption;
- 2) Periodic evaluation of legal instruments and administrative measures to combat corruption;
- 3) Remuneration and suitable career path;
- 4) Training programmes and specialised training on corruption risks inherent in the performance of their duties;
- 5) Appropriate measures to promote transparency and an obligation to render accounts in the management of public finances;
- 6) Timely submission of information on expenditure and income;
- 7) A system of accounting and auditing standards and related oversight; and
- 8) Effective and efficient systems of risk management and internal control.

Scoring criteria:

- 3: Effective (six or more criteria are met)
 2: Partially effective (four or five criteria are met)
 1: Somewhat effective (two or three criteria are met)
 0: Ineffective (one or none of the criteria are met)

Question 38: How effective are mechanisms for protecting the head of the local executive and local cabinet members from external interference, corruption and other forms of inducement?

Consider the following issues :

- 1) Policies and practices to prevent corruption;
- 2) Periodic evaluation of legal instruments and administrative measures to combat corruption;
- 3) Remuneration and suitable career path;
- 4) Training programmes and specialised training on corruption risks inherent in the performance of their duties;
- 5) Appropriate measures to promote transparency and an obligation to render accounts in the management of public finances;
- 6) Timely submission of information on expenditure and income;
- 7) A system of accounting and auditing standards and related oversight; and
- 8) Effective and efficient systems of risk management and internal control.

Scoring criteria:

- 3: Effective (six or more criteria are met)
- 2: Partially effective (four or five criteria are met)
- 1: Somewhat effective (two or three criteria are met)
- 0: Ineffective (one or none of the criteria are met)

Question 39: How effective are mechanisms for protecting the local judges and local courts from external interference, corruption and other forms of inducement?

Consider the following issues:

- 1) Policies and practices to prevent corruption;
- 2) Periodic evaluation of legal instruments and administrative measures to combat corruption;
- 3) Remuneration and suitable career path;
- 4) Training programmes and specialised training on corruption risks inherent in the performance of their duties;
- 5) Appropriate measures to promote transparency and an obligation to render accounts in the management of public finances;
- 6) Timely submission of information on expenditure and income;
- 7) A system of accounting and auditing standards and related oversight; and
- 8) Effective and efficient systems of risk management and internal control.

Scoring criteria:

- 3: Effective (six or more criteria are met)
- 2: Partially effective (four or five criteria are met)
- 1: Somewhat effective (two or three criteria are met)
- 0: Ineffective (one or none of the criteria are met)

Question 40: Is there an agency (or group of agencies) with a legal mandate to address corruption, and is it effective?

For "effective", consider whether:

- 1) The agency is protected from political interference;
- 2) Staff are selected based on professional criteria and the agency has a regular budget;
- 3) The agency provides public reports on a regular basis;
- 4) It can independently initiate investigations; and
- 5) It achieves concrete results (such as the detection of corruption schemes).

Scoring criteria:

- 2: Effective (four or more criteria are met)
- 1: Partially effective (two or three criteria are met)
- 0: Ineffective (one or none of the criteria are met)

Question 41: How effective are the regulations governing conflicts of interest in the local executive, legislature, judiciary and civil service?

Consider regulations to be effective when:

- 1) Regulations governing gifts and hospitality exist and are enforced;
- 2) Members submit asset-disclosure forms and there is an independent audit of the forms;
- 3) There are regulations for officials entering the private sector after public office and these are enforced.

Assess whether such regulations apply to all the mentioned actors or only some of them.

Scoring criteria:

- 2: Effective (all three criteria are met)
- 1: Partially effective (two criteria are met)
- 0: Not effective (one or none of the criteria are met)

Question 42: If records exist, can citizens access the asset-disclosure records of members of the local executive, legislature and judiciary?

Scoring criteria:

- 2: "Yes" for all three branches
- 1: "Yes" for two of the three branches
- 0: "Yes" for only one or none of the branches

Question 43: Are local employees effectively protected from recriminations or other negative consequences when reporting corruption (i.e. whistle-blowing)?

Scoring criteria:

- 1: Yes
- 0: No

Question 44: Is there an internal mechanism (for example, phone hotline, e-mail address, local office) through which local civil servants can report corruption? Is it effective?

For “effective”, consider whether this mechanism:

- 1) Has a budget;
- 2) Has trained staff; and
- 3) Acts on complaints in a timely manner.

Scoring criteria:

- 3: Internal mechanism exists and is effective (all three criteria are met)
- 2: Internal mechanism exists but is only partially effective (two of the three criteria are met)
- 1: Internal mechanism exists but is not effective (one or none of the three criteria are met)
- 0: No internal mechanism

2.6. Law enforcement

Question 45: How independent is the law-enforcement agency (i.e. the police)?

For “independent”, consider whether:

- 1) The agency has a budget sufficient to enable it to carry out its mandate; and
- 2) It is protected from political interference.

Scoring criteria:

- 2: Independent (both criteria are met)
- 1: Partially independent (one criterion is met)
- 0: Not independent (none of the criteria are met)

Question 46: How accountable are law-enforcement officers for their actions?

Consider whether:

- 1) There is an independent mechanism or agency for citizens to complain about law enforcement;
- 2) The agency can initiate investigations;
- 3) The agency responds to complaints in a timely manner;
- 4) Law-enforcement officers are not immune to criminal proceedings.

Analyse these factors even if the main police force is state- or nationally based.

Scoring criteria:

- 2: High accountability (four or five criteria are met)
- 1: Moderate accountability (two or three criteria are met)
- 0: Low accountability (one or none of the criteria are met)
-

Question 47: Is there effective control of violent practices, discriminatory practices and violations of human rights by law-enforcement agents?

Consider whether:

- 1) Investigations can be initiated independently;
- 2) Violation cases are made public;
- 3) Agents are held criminally responsible for their actions; and
- 4) The number of investigations is proportionate to the number of police-related deaths (indicating that such deaths are investigated).

Scoring criteria:

- 2: Effective (all four criteria are met)
- 1: Partially effective (two or three criteria are met)
- 0: Ineffective (one or none of the criteria are met)

3. LOCAL POLITICAL PARTICIPATION AND DEMOCRATIC CULTURE

3.1. Political engagement

Question 48: To what extent do local authorities make an effort to promote political participation?

Assess the role of the education system and other promotional efforts. Consider whether:

- 1) Local authorities share information and educate the public about ways to participate;
- 2) Local authorities publicise public hearings and public consultations;
- 3) Such events are accessible (considering time and location; large cities may require multiple events in various different areas of the city);
- 4) Local councils for citizen participation exist; and
- 5) Minorities are included

Scoring criteria:

- 3: Serious efforts are made (four or five criteria are met)
- 2: Moderate efforts are made (two or three criteria are met)
- 1: Some efforts are made (one criterion is met)
- 0: No efforts are made (none of the criteria are met)

Question 49: To what extent do the education system, local non-governmental organisations (NGOs) and local media make an effort to promote political participation?

Consider whether:

- 1) The media share information and educate the public about ways to participate, via pamphlets, online platforms, focus groups etc.;
- 2) NGOs share information and educate the public about ways to participate, via pamphlets, online platforms, focus groups etc.; and
- 3) The education system offers civic education.

Scoring criteria:

- 2: Serious efforts are made (three criteria are met)
- 1: Some efforts are made (one or two criteria are met)
- 0: No efforts are made (none of the criteria are met)

Question 50: To what extent are public hearings, consultations and councils used as a form of participation?

Consider:

- 1) Frequency (trends in the past three years);
- 2) Variety of topics discussed.

Scoring criteria:

- 2: High (consultations are being held increasingly often and topics are varied)

1: Medium (consultations are being held increasingly often but topics are not varied OR consultations are not being held increasingly often but topics are varied)

0: Low (consultations are not being held increasingly often and topics are not varied)

Question 51: How responsive are local authorities to the outcomes of public hearings and consultations?

Consider whether or not citizens' preferences are binding in practice.

Scoring criteria:

- 1: Binding
- 0: Not binding

Question 52: How extensive is voter turnout for local elections?

Check the last three elections for the executive and the legislature and assess whether there is a rising or a declining trend.

Scoring criteria:

- 4: Voter turnout for local elections is consistently above 70% and is rising
- 3: Voter turnout for local elections is above 70% but is stable or declining
- 2: Voter turnout for local elections is above 50% (but below 70%) and is rising
- 1: Voter turnout for local elections is above 50% (but below 70%) but is stable OR declining
- 0: Voter turnout for local elections is below 50%

Question 53: To what extent are citizens members of political parties?

Check out membership rate for the past 3 years and assess whether there is a rising or declining trend. Consider percentage of population who are members of political parties.

Scoring criteria:

- 2: Membership is rising
- 1: Membership is stable
- 0: Membership is falling

Question 54: How prevalent are local political NGOs?

Consider the number of local political NGOs as a proportion of the total number of local NGOs over the past three years and assess whether there is a rising or a declining trend.

Scoring criteria:

- 2: Rising trend in the past three years
- 1: Stable trend in the past three years
- 0: Declining trend in the past three years

Question 55: To what extent do citizens use local government online platforms?

Consider the trend in the number of unique users (hits) that have accessed the official city website over the past three years, and assess whether it is rising.

Scoring criteria:

3: The number of unique users (hits) that have accessed the official city website in the past three years has been increasing

2: The number of unique users (hits) that have accessed the official city website in the past three years has been stable

1: The number of unique users (hits) that have accessed the official city website in the past three years has been declining

0: The city does not have an official website

Question 56: To what extent have citizens developed alternative tools for monitoring the government?

Consider the trend in the number of apps, online platforms and other forms of monitoring that have emerged in the past three years. Is it rising?

Scoring criteria:

2: The trend is rising

1: The trend is stable

0: The trend is declining

Question 57: To what extent do citizens voice their concerns?

Consider the following trends:

- the number of demonstrations/protests;
- followers for local government (for example, local government site, Facebook and Twitter);
- the number of people attending public hearings;
- the number of complaints filed with the city;
- the extent to which minorities participate.

Scoring criteria:

2: Citizens voice their concerns (four or five criteria are met)

1: Citizens sometimes voice their concerns (two or three criteria are met)

0: Citizens do not voice their concerns (one or none of the criteria are met)

3.2. Civic engagement

Question 58: To what extent do citizens participate in civic organisations?

Consider the number of civic and social organisations per 1,000 population: is it growing?

Scoring criteria:

2: The trend is rising

1: The trend is stable

0: The trend is declining

Question 59: To what extent do citizens undertake community volunteerism?

Consider the following trends:

— the number of non-profit organisations per 1,000 population;

— blood donations;

— members of the community working together on projects or, for example, working together in response to a crisis.

Scoring criteria:

2: The trend is rising

1: The trend is stable

0: The trend is declining

Question 60: Are rules or certain practices for public gatherings, protests and demonstrations so restrictive as to block these initiatives?

Consider whether rules are too restrictive (complicated permits, restrictive hours, etc.) or whether in practice excessive force used by police or actions by violent groups make it difficult to participate.

Scoring criteria:

2: Rules or certain practices for public gatherings, protests and demonstrations are not restrictive

1: Rules or certain practices for public gatherings, protests and demonstrations are somewhat restrictive, in order to curb violence

0: Rules or certain practices for public gatherings, protests and demonstrations are restrictive to the extent that they make it difficult for citizens to participate

4. CIVIL LIBERTIES AND RIGHTS

4.1. Civil and political rights

Question 61: Is there freedom of expression for all citizens at the local level (bar only generally accepted restrictions, such as bans on the advocacy of violence)?

Consider what happens in practice with minorities and low-income populations.

Scoring criteria:

- 2: Yes
- 1: Moderate
- 0: No

Question 62: Are there socioeconomic or political restrictions on access to the Internet at the local level?

Consider what happens in practice with minorities and low-income populations. Consider the quality of the city's information technology infrastructure.

Scoring criteria:

- 2: No
- 1: Some restrictions
- 0: Yes

Question 63: Are all citizens free to form professional organisations and trade unions?

Consider what happens in practice with minorities and low-income populations.

Scoring criteria:

- 2: Yes
- 1: Officially free, but subject to some restrictions
- 0: No

Question 64: Degree of religious tolerance and freedom of religious expression at the local level.

Consider whether in practice:

- all religions are permitted to operate freely, or some are restricted?
- the right to worship is permitted both publicly and privately?
- some religious groups feel intimidated by others, even if the law requires equality and protection?

Scoring criteria:

- 2: High degree of tolerance and freedom
 - 1: Moderate degree of tolerance and freedom
 - 0: Low degree of tolerance and freedom
- 4.2. Economic, social and cultural rights

Question 65: Do citizens in general enjoy basic security?

Consider the trend of the number of violent crimes per head of population in the past three years.

Scoring criteria:

- 3: There is basic security and crime is falling
- 2: There is basic security but crime is rising
- 1: There is no basic security but crime is falling
- 0: There is no basic security

Question 66: Do women enjoy the same degree of basic security as men?

Consider domestic violence rates and the percentage of crimes committed against women versus the percentage of crimes committed against men.

Scoring criteria:

- 2: The number of violent acts against women is generally the same as that against men
- 1: The number of violent acts against women is notably higher as that against men
- 0: The number of violent acts against women is considerably higher as that against men

Question 67: To what extent is private business free from undue government influence? To what extent are private property rights protected?

Scoring criteria:

- 2: High
- 1: Moderate
- 0: Low

Question 68: To what extent are basic necessities of life, such as adequate food, education, healthcare, housing and clean water, provided to all by the city without discrimination?

Consider the provision of these goods and services even if the local government is not legally responsible for providing them or is not the sole entity responsible for doing so.

Scoring criteria:

- 2: High
- 1: Moderate
- 0: Low

4.3. Rule of law

Question 69: To what degree are citizens treated equally under the law?

Consider whether in practice there is favouritism and certain groups or citizens (politicians, businessmen, celebrities etc.) are spared prosecution under the law.

Scoring criteria:

- 2: All citizens are treated equally under the law
- 1: Some groups of citizens are usually treated favourably under the law
- 0: Some groups of citizens are always treated favourably under the law

Question 70: How equal and secure is access to justice, to due process and to redress for all citizens at the local level?

Consider the costs of litigation and the existence of pro bono lawyers or public defenders. If they exist, consider their ratio per 1,000 population.

For Brazil, the benchmark is one public defender (or pro bono lawyer) for every 10,000 inhabitants with monthly family income below three minimum wages.

Scoring criteria:

- 2: Citizens have access to justice without concern for costs or other obstacles
- 1: Citizens have access to justice with some costs or other obstacles
- 0: Citizens do not have access to justice OR citizens have access to justice at a high cost

Question 71: Is the local judiciary independent of government influence?

Consider the views of legal and judicial watchdogs. Have courts issued judgments against senior local government officials?

Scoring criteria:

- 2: The local judiciary is completely independent of government influence
- 1: The local judiciary is partially independent of government influence
- 0: The local judiciary is not independent of government influence

Question 72: Are there institutions for conflict prevention, management and resolution in the city and are they effective?

Scoring criteria:

- 3: Such institutions exist and they are effective
- 2: Such institutions exist but they are only partially effective
- 1: Such institutions exist but they are not effective
- 0: There are no institutions for conflict prevention, management and resolution in the city

4.4. Media

Question 73: Are the electronic media free?

Consider whether:

- 1) Government controls the media, or the media are influenced by certain parties who are heavily favoured;
- 2) One or two private owners dominate the media;
- 3) Media cannot be accessed by a considerable part of the population (check percentage of population with Internet access).

Scoring criteria:

- 2: Free (none of the criteria are met)
- 1: Partially free (one or two criteria are met)
- 0: Not free (all three criteria are met)

Question 74: Are the local print media free?

Consider whether:

- 1) Government controls the media, or the media are influenced by certain parties who are heavily favoured;
- 2) One or two private owners dominate the media;
- 3) National media outlets control the local media.

Scoring criteria:

- 2: Free (none of the criteria are met)
- 1: Partially free (one or two criteria are met)
- 0: Not free (all three criteria are met)

Question 75: Are the local television media free?

Consider whether:

- 1) Government controls the media, or the media are influenced by certain parties who are heavily favoured;
- 2) One or two private owners dominate the media;
- 3) National media outlets control the local media.

Scoring criteria:

- 2: Free (none of the criteria are met)
- 1: Partially free (one or two criteria are met)
- 0: Not free (all three criteria are met)

Question 76: How effective are the local media in investigating local government and other issues that matter to local citizens?

Consider whether the local media merely cover stories, or whether they investigate specific issues. Consider to what extent media criticise local government.

Scoring criteria:

2: The local media investigate local government and other issues and constructively criticise government.

1: The local media investigate local government and other issues and usually side with government

0: The local media do not investigate local government and other issues and usually side with government

V. METHODOLOGY OF THE ASSESSMENT

The Economist Intelligence Unit (EIU) tested the preliminary diagnostic tool in Curitiba as a pilot to validate the framework and provide credibility to the research programme. The framework that was applied to Curitiba reflects broader governance and democratic principles that are applicable to all cities.

The EIU conducted the assessment in Curitiba by answering the questions contained in the diagnostic tool and providing a score. Analysts used both primary and secondary research in this phase:

- Primary research included city interviews with lawyers, government officials, company executives, non-governmental organisations and other relevant stakeholders.
- Secondary research included a comprehensive review of reports, articles and relevant databases.

The EIU submitted the results to the Expert Review Committee for comments and incorporated the committee's suggestions into the final assessment.

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Interviews

Thirteen experts from a number of institutions were interviewed to inform the assessment:

- o Isaias Andrade (Centro de Ação Voluntária – CAV)
- o Ana Gabriela Borges (IGRPCOM)
- o Eduardo Cambi (Ministério Público)
- o Liana Carleal (IMAP)
- o Clóvis Costa (Ombudsman)
- o Rosane Fontoura (CPCE – FIEP)
- o Rogerio Galindo (Gazeta do Povo)
- o José Lúcio Glomb (lawyer)
- o Rodrigo Kanayama (UFPR)
- o Luana Xavier Pinto (Terra de Direitos)
- o Cel. Douglas Sabatini Dabul (PROERD-PF)
- o Eder Souza (Câmara do Boqueirão)
- o Rafael Tavares De Mello (Tribuna do Paraná)

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GLOSSARY¹

Accountability: The ability to hold decision-makers responsible for their actions and policies, including answerability for the consequences of such actions and policies.

Citizen: A person who resides in the municipality in question.

Civic organisation: An organisation that exists to promote social or civic welfare or improvements.

Demonstrations (also Protests): Public gatherings expressing views on political issues.

Election-monitoring agency: An independent body that regulates and oversees campaigns and financing, ballots, polls, election results and other related activities.

Independence: Freedom from influence by external factors.

Local: Pertaining to the unit of analysis, which in the case of Brazil is the municipality.

Municipality: A city or town that has corporate status and local government. In Brazil, the municipality is the smallest division of government.

Meritocracy: Government or the exercise of power by people selected on the basis of ability.

Ombudsman: An official appointed to investigate individuals' complaints about maladministration, especially that by public authorities.

Public hearings (also Consultations): Formal or informal meetings between citizens and their government to enable testimony to be received from the public on local issues or proposed government actions.

Transparency: Disclosure of information to citizens, media and other private actors on public processes, policies and enforcement, in order to promote good governance, ethical practices and the wellbeing of society at large.

Volunteerism: The policy or practice of giving one's time or talents for a common community goal willingly and without pay.

Voter turnout: The percentage of eligible voters who cast a ballot in an election.

¹ Sources consulted for the Glossary include the following: Organisation for Security and Co-operation in Europe; Legal Information Institute of Cornell University Law School; Community Tool Box of Kansas University; Transparency International; Legislation Library of the Chamber of Deputies of the Federative Republic of Brazil; Zenger et al (2001); Merriam-Webster online dictionary.

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