

Parliamentary ombudsman (*ouvidoria*) and its democratic potential: The Brazilian case

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Abstract

This research aims to map and analyze the institutional designs of the parliamentary ombudsman in Brazil and the pattern of action that prevails from his/her relationship with the public. A qualitative approach was used for this case study, focusing on document analysis of formal resolutions of state assemblies as well as the information provided on their websites. A case study of the Legislative Assembly of Minas Gerais (ALMG) was also created in order to better understand how the work of the ombudsman is structured and how the interactions of such with other officials may be relevant to his/her performance. The case study determined that the parliamentary ombudsman is constituted as an access mechanism for citizens, amplifying the opportunities for them to present their demands. However, the ombudsman is neither a communication nor a participation channel.

Keywords

Accountability, Institutional Design, Parliamentary Ombudsman, Political Participation

Introduction

The Brazilian Constitution of 1988 (also known as the Constitution of the Citizen) recognizes, establishes, and formalizes the political participation of citizens in Brazil. In other words, democracy and participation are perceived as mutually constituent phenomena. Based on institutionalized participation in the state, the public *ouvidoria*¹ (the office of the ombudsman) was formed, as a means of citizen participation.² In 1986, Curitiba was the first city to establish a public *ouvidoria*. However, the Federal Constitution of 1988, which set out the principles of impartiality and publicity related to government actions, indirectly spread public *ouvidorias* across the country in different branches and government levels, each with a diverse structural configuration. An assessment made in August 2014 indicated that there were 1,123 public *ouvidorias* in Brazil (*Ouvidoria Geral da União*,³ 2014). Although this number is significant, it is important to bear in mind that they may include organizations that, while referred to as *ouvidorias*, do not fully exercise their intended purposes.

In general, the public *ouvidorias* analyses prevail in the executive branch, but also have some in the judicial branch. But even so, these studies are quite inexpressive. The studies done on the office of the ombudsman concentrate on the analyses of formal resolutions and normative instruments of the organization without collecting primary data as a methodology, which would enable the identification of political forces and officials involved or even the flow of communication played by this mechanism.

The goal of this research paper is to understand the scope and the purpose of this legislative mechanism for the effectiveness of democratic participation, social inclusion, population control, horizontal accountability, and public justification (Vera and Lavalle, 2012). For said purposes, we utilize the institutional design framework. As a premise, the institutional design can influence the distribution of power of the state legislature's *ouvidorias*.

¹ *Ouvidorias* are not exclusive in Brazil. There are *ouvidorias* in private companies, whose concern is the quality of the product, the service offered, or customer loyalty (Lyra, 2014).

² The public *ouvidoria* does not act in the judiciary field, neither does it possess coercive power nor a high functional status and is not part of the constitutional plan. The ombudsman is appointed to consolidate the external control from a power to another. However, the *ouvidoria* deals with the internal control of different public organizations (Gomes, 2000). Therefore, using the term *ouvidoria* in this paper.

³ The *Ouvidoria Geral da União* (Federal Ombudsman) is a part of the office formerly known as *Controladoria Geral da União* (CGU), which was terminated as a result of the ACA (Anti-Corruption Agency). Nowadays the Federal Ombudsman is linked to the Department of Transparency, Supervision, and Control.

1. Public *Ouvidoria* and Institutional Design

The public *ouvidoria* is an organization that aims to achieve the constitutional principles that control public administration while also guiding the provisions of public services: legality, impersonality, morality, publicity, and efficiency. Beyond that, there are the main attributions of a public *ouvidoria*, which are change induction, damage repair, and promotion of democracy (Lyra, 2004, p. 144).

This mechanism should allow for the promotion of social and political inclusion,⁴ along with the creation of a democracy between citizens and public administration (Antero, 2014; Lyra, 2011). The *ouvidoria* serves as mediation between Brazil and the people, so as to resolve conflicts in a non-judicial way and guarantee the rights of citizens, acting on recommendations given by the higher power; in the public justification (Vera and Lavalle, 2012); and the exercise of power in transparent ways (accountability as answerability) (Schedler, 1999).

The readings on public *ouvidorias* indicate that the institutional design can be more “modernizing” (focusing on instrumental rationality) or more “democratic” (focusing on dialogic rationality), both pursuing social justice while also stimulating public participation. The institutional design aims to shape institutional structures and processes to achieve the desired results (Olsen, 1997) through controlling landmarks, formal resolutions, organization charts, and procedures. As the designs are not neutral and reflect the ideas and interests of the officials, their variations and changes will have a direct impact on the end result of the organizations (Goodin, 1996).

Studies show the interrelation between the performance of democratic innovations and the design adopted for the promotion of political participation (Avritzer, 2009; Smith, 2009). Fung (2003, 2006) demonstrates the importance of the design for equality, social inclusion, participation, and deliberation in “mini-publics.” For him, the design offers parameters and limits, defining rules and procedures that directly affect the selection and recruitment of the participants, how public deliberation will be made, where it will happen, the rate of participation, social accountability, etc. The integration of the aforementioned and their respective designs shape what the author calls a “democracy cube,” meaning that those elements are intertwined within each other, influencing the political outcomes of those spheres.

⁴The concept of social and political inclusion is the efficiency capacity of presentation demands and requirements to their needs (Miguel, 2013).

The institutional design is not the only factor influencing political participation. However, it should be recognized as a fundamental vector to assert certain patterns of interference and engagement of citizens as well as the typical obstacles of democracy, which are exemplified by cynicism, apathy, and low political efficiency. These aspects are related to the political design organizations that make up the country and their relationship with the public (Marques, 2010).

Considering the *ouvidoria* to be a kind of democratic innovation that involves a citizen-state relationship (Isunza and Hevia, 2006), it is still considered to be quite fragile. The hegemonic model of the *ouvidoria* is created top-down, with the norms established by the same organization of that which will be supervised. The appointment of the ombudsman is of the supervised organization's own choosing; the selection is done in such a way as to promote efficiency and administrative modernization, all while maintaining citizens' rights. Those elements reveal the flaws of the *ouvidorias'* public autonomy, forming a closer relationship between the government and society, which has a more social and horizontal accountability. For Quintão (2014) three key factors contribute to the optimization of the *ouvidoria*: public autonomy; cooperation between government bodies in order to foster its recommendations; and performance capacity.

In order to be autonomous and democratic, *ouvidorias* need to have the following attributes: (1) the ombudsman selection must be made through an independent third party; (2) an advisory council chosen by the people, proposing procedures and supervising the work and actions of said organization; (3) the duration of the term to allow for the possibility of renewing ideas and maintain the status quo;⁵ (4) financial and administrative autonomy of the *ouvidoria*; (5) the obligation of a quick response time from the leader, under legal penalty, setting priority and matter of urgency; (6) the disclosure of their action and their analytical reports in the media, allowing extensive access to the public; (7) confidentiality of the person who looked for the *ouvidoria*, guaranteeing that he/she does not suffer damages or sanctions (Cardoso, 2012; Lyra, 2011; Zaverucha, 2008).

Having an ombudsman is one of the crucial aspects of autonomy, and consequently, for the efficiency of the public *ouvidoria* as well. Being a single-member position, the ombudsman focuses on the management of this mechanism and its respective attributive functions (Silva, 2012). The role of an ombudsman is essentially political and deals with the power relationship between the leader of the

⁵ The duration of the term of the *ouvidor* should not coincide with the political term. "The political calendar would be uncoupled from the administrative calendar with the objective of making it institutionally clear that the *ouvidoria* is much more an organization of the people than that of the government" (Zaverucha, 2008, p.226).

ouvidoria and the institution over which he/she resides. The idea is that *ouvidorias* cannot be organized or controlled by the supervising institutions; otherwise, it would jeopardize their public purpose.

For a greater social and public legitimacy, the authors researched suggest the selection of the ombudsman should be through an indirect election by an advisory council outside the political power (Lyra, 2014). After being issued a ballot with three names, it would be sent to public authorities that would then determine the ombudsman.⁶ However, this model only accepts people with low representation. Often the least voted in the ballot, drawn up by public authorities, is the chosen one. In other words, the government-owned institution has the final say over the chosen ombudsman.⁷

Nonetheless, there is still a lack of information on how the ballot process is made. For instance: how is the public deliberation in these forums and meetings conducted; which organizations have voices and participate in this process, why do some participate and others do not; where does the deliberation occur; how many representatives from each organization are there; how is the voting done; what are the possible asymmetries of power in the decision-making process, etc. The aforementioned are unanswered questions about the dynamics of the indirect election of the ombudsman. Moreover, it is crucial to do a more systematic analysis for the ombudsman nomination in order to better understand the distinct political projects (Dagnino, Olvera, Panfichi, 2006) marked by the heterogeneity within society and the government itself, indicating that the relationship between them is not stable but accented by multiplicity of conflicts, political will, and in certain contexts, distinct projects.

2. Methodology

The research strategy of this paper consists of two steps. First, a comparative research was made analyzing the design of all 13 state legislatures as well as the Federal District. We used the documentary research technique, based on a qualitative approach, to examine the data collected on the *ouvidorias* of the state assemblies. A content analysis was held on formal resolutions (creation decrees, internal regulations, operating manuals, etc.) to measure how this mechanism operates. In addition, a website of the assemblies was made in order to comprehend how the *ouvidorias* are

⁶ This format began with the Police Ombudsman in the state of São Paulo in 1995.

⁷ Therefore, when the IX National Conference on Human Rights occurred in 2004, a model was created where the most voted on the ballot would automatically be appointed as the ombudsman, if fifty percent of the votes came from public organizations.

included in these institutional organizations, with a look at accessibility and the information made available (Raupp and Pinho, 2013).

Furthermore, the methodology of the Legislative Assembly of Minas Gerais (ALMG) case study was adopted in order to understand the distribution of power and political officials involved directly or indirectly in the performance of the parliamentary *ouvidoria*. Eight individual in-depth interviews were held with ombudsmen and also with civil servants (four for each group). The selection of civil servants to be interviewed was based on the snowball technique. The case study in ALMG is justified because it was one of the first assemblies to establish an *ouvidoria* (in 2002), consequently encouraging communication between state legislatures and the people.

According to Gerring (2007), said case study applies to a complete description and understanding of the factors of each situation and context. This paper has the objective of developing studies and further a theoretical development on a topic that, until now, was poorly investigated or relatively new (Babbie, 1986).

3. Parliamentary *Ouvidorias* in Brazil

3.1. *Concepts and communication methods*

Parliamentary *ouvidorias* are a direct communication channel established between state legislatures and the people, where the public can contribute to the improvement of services and functions. It allows for the participation of any individual at various time periods as well as offer citizen protection and control of public administration. Furthermore, these mechanisms have a purpose: to indicate paths, alternatives, and suggestions directed to the Board of Directors, providing a mediation space not only for the people but also for the government workers of the state legislatures (Federal Senate, 2013; Queiroz, 2012; Federal Chamber, 2010; Tromska, 2004). Being that the final recipient of the aforementioned purposes is the Board of Directors, this shows that it is a crucial factor for providing more effective *ouvidorias*.

In general, the *ouvidorias* can act in three different dimensions: as a house of information, where citizens can acquire data about the legislative administration, with the implementation of the Law on Access to Information (LAI)⁸ facilitating the process; as a communication platform, which involves the principle of direct incidence of the flow of interaction between the government and the people;

⁸ The LAI was promulgated on November 18th of 2011 (Law n°12.527).

or as a diffuse control mechanism to develop accountability, either from an internal and horizontal control or from an external and social control. They have the idea to establish a closer and more horizontal relationship between the representatives and the represented, as well as the development of the legislative proposals.

State legislature's *ouvidorias* are established by ordinary laws, which differ from state to state. Hence, it is important to analyse the different policies that contribute to their organization. As previously mentioned, 14 assemblies have established an *ouvidoria*.⁹ The states with an *ouvidoria* are: Amazonas, Bahia, Ceará, Espírito Santo, Minas Gerais, Mato Grosso, Paraíba, Piauí, Rio Grande do Sul, Roraima, Santa Catarina, Sergipe, and Tocantins. The Federal District also has an *ouvidoria*. Almost half of the states do not have this organization¹⁰ (Appendix 1). The first state that formed an *ouvidoria* was Espírito Santo in 2001, and the last was Roraima in 2008¹¹ (Appendix 2). In just seven states (Amazonas, Ceará, Espírito Santo, Minas Gerais, Rio Grande do Sul, Santa Catarina, and Tocantins), this organization is recognized in the Internal Regiment (RI) of the assembly, which allows for more legal support, since it decreases political weakness (Appendix 3).

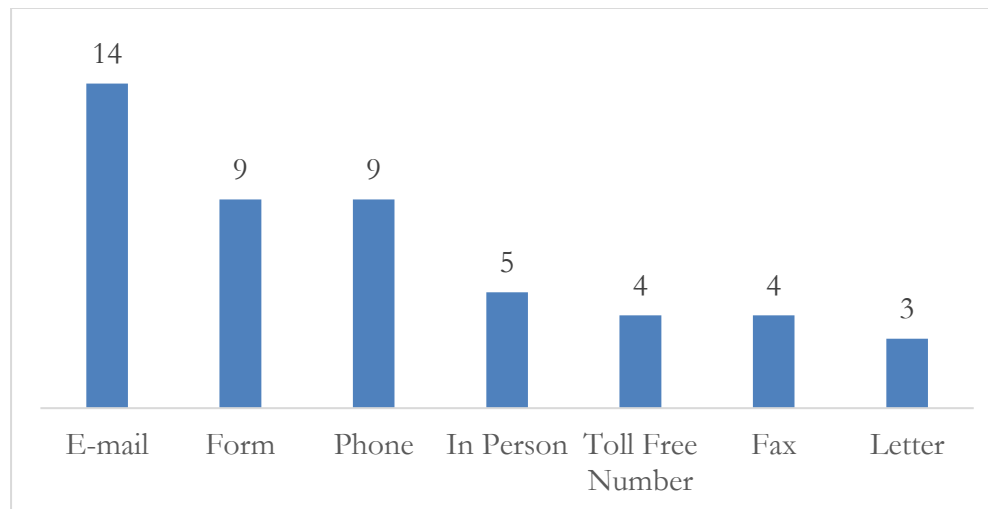
We can only measure the efficiency of a communication channel if the people know it exists. In order to have a mechanism, such as the ombudsman, working and available, it is necessary to disclose its existence through its own institutional media or by making appearances in different communities. The set of existing communication channels in the state legislatures are shown in Chart 1 (absolute numbers).

Out of the 14 ombudsmen analyzed, the communication methods used mostly was the Internet (e-mail and forms) (Appendix 4). The data above shows it is possible to group the ombudsmen based on how well a certain communication method works. If we consider that each positive response to a communication method receives a score equal to one and a state assembly uses all available means of communication, it would achieve a score of seven.

⁹ Four independent variables were tested on the existence of the *ouvidoria* in state assemblies: region, state HDI, GDP per capita, and population of the state. We had hypothesized that states with a larger population, HDI, and GDP per capita would have greater financial, human, and technological resources to implement an ombudsman. Data for the last three variables were taken from estimates of the Brazilian Institute of Geography and Statistics (IBGE) for the year 2014. None of the four variables obtained statistical correlation (Pearson test) with the dependent variable (*ouvidoria*), which showed the difficulty of explaining the reason for implementing an *ouvidoria* and that it be related to a political order, not socioeconomic factors.

¹⁰ In total, Brazil has 26 states, not including the Federal District.

¹¹ Nationally, the first parliamentary *ouvidoria* was created in the Chamber of Deputies in 2001. The Senate only installed this mechanism in 2011.

Chart 1 – Communication Methods of Parliamentary *Ouvidorias*

Source: Author's elaboration. Estimate made in June 2015.

Only one state (Mato Grosso) provides every means of communication, in other words, it achieved a score of seven, while Rio Grande do Sul reached a score of six (not available in person). Roraima has the minimum score of one, offering only e-mail as a means of communication. Piauí, Santa Catarina, Sergipe, and Tocantins all have a score of two (the most common), having only e-mail and contact forms as a means of communication (Appendix 6).

The diversity of communication methods may mean expanding access for citizens, as well as a quick response time, even with just the single-member official of the *ouvidoria*, which allows for individual political participation. In states with a lower HDI and GDP, the free communications methods, such as calling the Toll Free Number or having a meeting in person, could be strengthened and prioritized so as to increase representation. Furthermore, the preference for using digital media can, in such cases, mean exclusion and limit the scope of communication and citizen involvement, especially in more remote areas with a lower quality Internet.

Given the importance of the information and communication technologies, especially the Internet, it seemed relevant to see how *ouvidorias* are presented in the websites of the assemblies and also show its potential for interaction with the people. The purpose of the study of these websites was to examine two variables: placement and provision of information on the *ouvidoria*.

The first verified variable was where the ombudsman or the link to him/her is on the home page of the website, as an indicator about how much thought went into facilitating the search of the

ombudsman, in addition to demonstrating how strategic the *ouvidoria* is for the legislative development.

Out of 14 *ouvidorias*, only three states (Mato Grosso, Piauí, and Sergipe) have their own access button, placing it on the home page of the state legislature's website. Two other states (Paraíba and Roraima) provide the link with his/her name at the top of the home page. In nine other states, the link to the *ouvidoria* is placed as an option on the home page. However, Internet users must use the scroll bar to find the link, which can limit the amount of access per day. It also means Internet users have more screens and clicks to reach the information or the contact forms to register their complaint, making it more difficult to understand the portal and its navigation (Pinho, 2008). The more clicks and screens Internet users have to go through, the more likely they are to give up searching and move on.

It is expected that the websites of the assemblies make a wide range of information available to the public. Some examples include: its features and objectives, a picture of the *ouvidor*, if there is a mandate assignment as well as his/her term and the possibility of re-election, contact forms, the type of messages to be sent to the ombudsman, legislation and normative acts, and performance rating of the ombudsman. The aforementioned is the minimum amount of information that must be included on the website.

The information is concise and refers to the concept, functions, objectives, and contact information. None of the state assemblies has all the information listed above. Only five assemblies indicate who the ombudsman is (Amazonas, Bahia, Ceará, Minas Gerais, and Paraíba) and only two state assemblies depict the selection process of the ombudsman (Minas Gerais and Paraíba). Only one lists each ombudsman and his/her occupation (Ceará). The disclosure of the ombudsman is considered extremely important because of the single-member position, since only one person is responsible for the duties of said occupation. Lastly, three state assemblies (Piauí, Sergipe, and Tocantins) do not provide any information on the ombudsman and only offer a contact form.

None of the *ouvidorias* make their analytical reports containing the comments received and replies public, as it happens in the Chamber of Deputies and the Senate where it is possible to access statistical reports about a certain person (state, age, gender, and education, message content, etc.). In addition, in the assemblies' websites there is no disclosure on the ombudsman activity, which is

consistent with low visibility of this organization among citizens and can damage the principle of accountability and, the most worrying effect, can verify it is an inert medium.

Among the assemblies that have *ouvidorias*, there is still little exposure in their institutional websites, materializing what could be classified as “under information: completely insufficient information that discredits the news” (Sartori Apud Pinho and Winkler, 2007, p. 2), i.e., information is not relevant from a political standpoint.

3.2. Designs of the Ouvidorias in State Assemblies

In this section we will see the different structures that contribute to the performance quality of the *ouvidoria*. We will examine the following factors that contribute to the improvement of democratic potential and autonomy in these *ouvidorias*: selection process of the ombudsman, period of mandate, possibility of re-election and possibility of public hearings.

The majority of who is selected for the ombudsman position is a state legislator (deputy ombudsman) (Chart 2). The Board of Directors of the assembly chooses the ombudsman, which is a similar process to that of the Chamber of Deputies and the Senate. Out of eight *ouvidorias* that have this structure, three *ouvidorias* have determined the length of the term to be two years, two *ouvidorias* is one year, and the rest did not make said information available. Re-election is possible in four cases; however, in two states re-election is not allowed (Appendix 5).

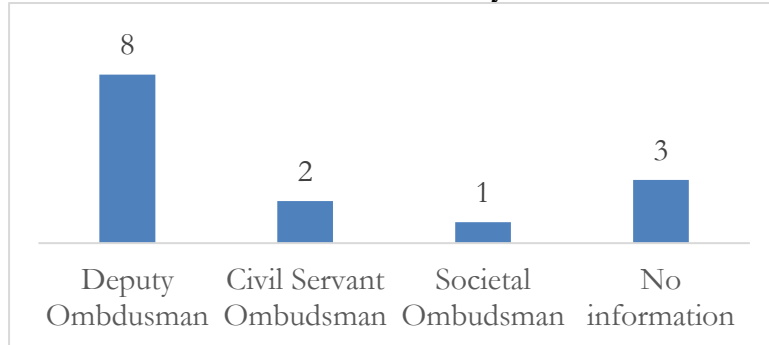
The length of the term is important so as to provide employment security, preventing the ombudsman from being fired by a higher power. Though the possibility of several re-elections of the ombudsman can be damaging in the future, it can generate a dependency between the organization and the ombudsman.

In two other assemblies, the Board of Directors appoints a government worker as the ombudsman (civil servant ombudsperson) to re-enforce the political role of the Office of the Ombudsman. This system takes place in two states: Mato Grosso and Santa Catarina.

Finally, there is the position denominated as societal ombudsperson. In this case, a third party advisory council creates a ballot (three candidates only) and sends it to the president of the assembly. Among these three candidates, the president nominates the ombudsman, to be discussed later. This process only happens in Paraíba, where the ombudsman is a non-legislative member and has a two-

year term with the possibility of only one re-election. Yet studies show that the chosen ombudsman is the one less voted on the ballot, has little exposure, and is not involved in politics (Lyra, 2008).

Chart 2 - Profile of the Parliamentary Ombudsman of state assemblies

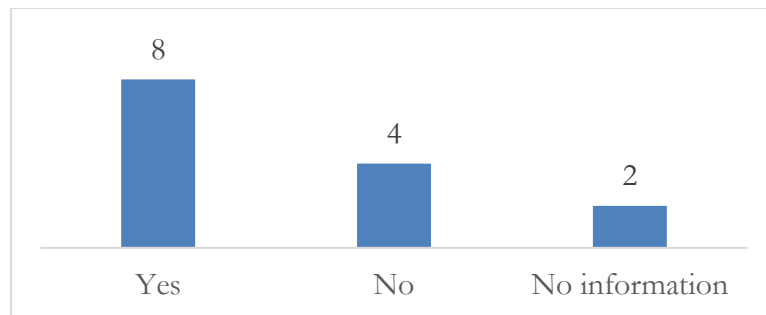


Source: Author's elaboration. Estimate made in June 2015.

It may seem that the societal ombudsman is the one that provides more autonomy to the *ouvidoria*, having a greater capacity to develop control over the public and make proposals. However, the deputy ombudsman can be more popular with the other deputies, and could establish a better dialogical relationship with them. This is so because the ombudsman has the same position and social equality as his/her co-workers. We either improve communication internally (deputy ombudsperson) or create a stricter control model (societal ombudsperson).

The crucial role of the *ouvidoria* is to integrate the relevant aspects of the individual demands as one, that is, understanding the personal complaints as part of a collective structure that needs to be discussed and re-thought (Trombka, 2004). It would be crucial for these organizations to require public hearings, since they are one of the main instruments of participation. Public hearings could be a social interface that enables communication with the people about the structure of the *ouvidorias*. Eight parliamentary *ouvidorias* (Amazonas, Bahia, Ceará, Espírito Santo, Paraíba, Rio Grande do Sul, Roraima, and Tocantins) recognize the right of the ombudsman to request a public hearing (Chart 3).

In conclusion, legislative *ouvidorias* follow an institutional design that allows it to be: (1) a consultative space for government workers and deputies, so as to publicly ratify the rulers actions previously decided, (2) a mechanism to receive allegations, when the ombudsman role would only be to “pass along” said allegations to other institutions, such as the Public Prosecution’s Office, to investigate the problem.

Chart 3 – Parliamentary *Ouvidorias* and the Requirement of Public Hearings

Source: Author's elaboration. Estimate made in June 2015.

3.3. The Case Study of the Legislative Assembly of Minas Gerais (ALMG)

The ALMG established an *ouvidoria* in 2002. The president, in agreement with other party leaders, elected a state legislator as the ombudsman. Since its creation, five different ombudsmen have had this position. However, one state legislator assumed the position three different times, in distinct legislatures, which can be a problem as that leaves little room for improvement and new ideas.

In the case study, it is evident that the *ouvidoria* is a political mechanism and acts in favor of parliamentary decorum. This mechanism is linked to the Ethics Committee of the House and the ombudsman is more of an instrument of control and supervision for the legislators. Therefore, the design attributed to the *ouvidoria* is to receive complaints and criticism about the misconduct of the officials from any citizen, allowing each one to file a formal complaint against an official. The final decision to continue or not with the complaint depends on the Board of Directors. As a result, the *ouvidoria* is not a political participation mechanism but rather related to other social communication methods of ALMG with the people.

Confusions between what would be the *ouvidoria's* responsibility and that of the internal affairs (individual interviews) can occur when focusing on parliamentary decorum. For example, a civil servant said *corregidor* numerous times when he/she should have said *ouvidor*. Comparato (2012) demonstrates that the concept of accountability involves three aspects: supervision, investigation, and punishment. The first aspect is the only one that is of the *ouvidoria's* responsibility, which often happens upon demands. The other two is that of the internal affairs' responsibility.

Through the case study it was possible to identify the variables that directly affect the work of the *ouvidoria*. First, the nature of the ombudsman can affect his/her performance. Some critiques were made about the political leadership of the deputy ombudsman.

The chosen ombudsman is an unknown member. It is a political decision. Usually the ombudsman is not an active legislator in the political party. The older the member, the more respected he/she is for the position. (Civil Servant 3.)

The position of ombudsman is not attractive for legislators. The president of ALMG appoints a legislator that was recommended to him/her and the legislator accepts the position. From the political standpoint, being the ombudsman is not an important position, from the political standpoint. An ombudsman in the past said, "*Ouvidoria* was always one of the last positions to be filled."

No one knew [who the ombudsman was]. It was not a known position. It had no visibility. Not even the deputies knew who the ombudsman was. I went to a public hearing in Uberlândia. The deputy asked me, "Is there an ombudsman at this hearing?" And I answered, "I am the ombudsman." (Deputy ombudsman 2.)

The second variable is the Board of Directors of the assembly, who has the power to decide future actions. The Board has the power to archive or implement inquiries made by the ombudsman. Finally, there is a crucial component that limits its autonomy: the corporatism. As the *ouvidoria* takes action based on suggestions and proposals, it interrelates with other political officials.

I had no autonomy. When it was related to a government complaint, the Board of Directors of the assembly said, "This is not going forward." If the governor is badly criticized, the Board will have it removed. There was a conspiracy. There was some control over personal issues, i.e. harassment. There is more control over these issues than that of government work. Corporatism is involved when dealing with these matters. (Deputy Ombudsman 3.)

The ALMG office of the ombudsman does not have many responsibilities. Government workers are satisfied with the model adopted, where the *ouvidoria* is not only a piece of the puzzle with the objective to promote participation and social control, but also relates to the decorum of parliament. On the other hand, the officials that accept the position desire a more independent and more important role in the legislative process, so as to gain more political capital inside the assembly. In other words, there is a conflict of interest between the attributions and the concepts of an *ouvidoria*.

4. Conclusions

If we consider the parliamentary ombudsman as a means of communication, as it is written in formal decrees, it is expected to reinforce the bond between the government and the people, develop a democratic stance in the legislative branch, and stimulate political and social inclusion. Those who associate with an *ouvidoria* want to be connected with the organization, regardless if it is a complaint or a suggestion.

From a performance and evolution standpoint, the ombudsman can be understood in three distinct ways: (1) access: receiving demands, complaints, and criticism; (2) communication method: mutuality, disclosure of actions, bilateral relations, and closer relationships with the people; (3) citizen participation instrument: incorporation of citizens in a system of important matters and human rights.

Nowadays, this instrument is inserted predominantly in the first step because the *ouvidoria* is a social interface expanding the platforms that people have to express their demands and complaints, but it's unilateral and in favor of the government. The media does little to advertise the *ouvidoria* to the public. One example is the difficulty to obtain certain information about the designs and the work of the *ouvidoria*. It was not possible for us to get this data, even after sending several e-mails, making numerous phone calls, and requesting data on the Law on Access to Information (LAI). For the *ouvidorias* to have true transparency, the data must be made available to the public. There is little to no exposure about the *ouvidoria* in the media.

Also, the people who seek the ombudsman are not included in the aftermath of their complaint/suggestion. They are not a part of the deliberation process of these public policies, which could stimulate new considerations on the public sphere and expand the political field, having greater involvement of “ordinary citizens” and discursive accountability (Dryzek, 2000).

The motivation for the creation of these mechanisms in the state legislature is to portray an image that the organization has credibility. The *ouvidoria* is a symbol that shows the public the state cares about their opinions. Nevertheless, the political involvement is quite unorganized and not well done. It is a “trivial participation” (Fung, 2015), a kind of participation that is not relevant to the political process and residuals.

Conclusively, it was evident that the role of the *ouvidoria* of the state legislature is not institutionalized and still unfamiliar, especially if we compare them to the *ouvidorias* in the executive branch, which increased the amount of public services. However, in order for the *ouvidorias* of the state legislatures to undertake the concept of citizen participation, structural changes must be made so they can be autonomous and democratic in the future. This organization can be classified as a “sleeper institution” (Pereira, 2013), initially ineffective, but later strengthened, becoming more effective when combining political will and commitment, pressure from society, institutional design, etc.

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Appendices

Appendix 1 – Relation of the Parliamentary *Ouvidorias*

Number	<i>Ouvidorias</i> States Assemblies	<i>Ouvidoria</i>
1	Amazonas	<i>Ouvidoria</i> -Internal Affairs
2	Bahia	<i>Ouvidoria</i>
3	Ceará	<i>Ouvidoria</i>
4	Espírito Santo	<i>Ouvidoria</i>
5	Minas Gerais	<i>Ouvidoria</i>
6	Mato Grosso	<i>Ouvidoria</i>
7	Paraíba	<i>Ouvidoria</i>
8	Piauí	<i>Ouvidoria</i>
9	Rio Grande do Sul	<i>Ouvidoria</i>
10	Roraima	<i>Ouvidoria</i>
11	Santa Catarina	<i>Ouvidoria</i>
12	Sergipe	<i>Ouvidoria</i>
13	Tocantins	<i>Ouvidoria</i>
14	Distrito Federal (Federal District)	<i>Ouvidoria</i>
15	Pernambuco	Institutional email
16	Rondônia	Institutional email
17	Acre	System Contact Us
18	Amapá	System Contact Us
19	Goiás	System Contact Us
20	Maranhão	System Contact Us
21	Pará	System Contact Us
22	Rio Grande do Norte	System Contact Us
23	Alagoas	System Contact Us
24	Paraná	System talk to the Legislative
25	Mato Grosso do Sul	System talk to the Assembly
26	São Paulo	Contact Center
27	Rio de Janeiro	Hello - Assembly of Rio de Janeiro

Chamber of Deputies	<i>Ouvidoria</i>
Federal Senate	<i>Ouvidoria</i>

Appendix 2 – Parliamentary *Ouvidorias* and Year of Creation

Number	<i>Ouvidorias</i> States Assemblies	Year of Creation
1	Amazonas	No information
2	Bahia	2007
3	Ceará	2007
4	Espírito Santo	2001
5	Minas Gerais	2002
6	Mato Grosso	2002 - Law in the approval stage
7	Paraíba	2002
8	Piauí	No information
9	Rio Grande do Sul	2001
10	Roraima	2008
11	Santa Catarina	2003 - Law in the approval stage
12	Sergipe	No information
13	Tocantins	No information
14	Distrito Federal (Federal District)	2002 * Unregulated
	Chamber of Deputies	2001
	Federal Senate	2011

Appendix 3 – Parliamentary *Ouvidorias* and Internal Regime

Number	<i>Ouvidorias</i> States Assemblies	In the Internal Regime
1	Amazonas	Yes
2	Bahia	No
3	Ceará	Yes
4	Espírito Santo	Yes
5	Minas Gerais	Yes
6	Mato Grosso	No
7	Paraíba	No
8	Piauí	No
9	Rio Grande do Sul	Yes
10	Roraima	No
11	Santa Catarina	Yes
12	Sergipe	No
13	Tocantins	Yes
14	Distrito Federal (Federal District)	No
	Chamber of Deputies	Yes
	Federal Senate	No

Appendix 4 – Parliamentary *Ouvidorias* and Ways of Contact

Number	<i>Ouvidorias</i> States Assemblies	Contact	Toll Free Number
1	Amazonas	E-mail (form Internet)/Phone/Letter	Yes
2	Bahia	E-mail/Phone/Letter	No
3	Ceará	E-mail (form Internet)/Phone/Fax	No
4	Espírito Santo	E-mail/Phone/In person	No
5	Minas Gerais	E-mail (form Internet)/Phone	Yes
6	Mato Grosso	E-mail (form Internet)/Phone/In person/Fax/Letter	Yes
7	Paraíba	E-mail/Phone/In person	No
8	Piauí	E-mail (form Internet)	No
9	Rio Grande do Sul	E-mail (Internet)/Phone/Fax/Letter	Yes
10	Roraima	E-mail	No
11	Santa Catarina	E-mail (Internet)	No
12	Sergipe	E-mail (Internet)	No
13	Tocantins	E-mail (Internet)	No
14	Distrito Federal (Federal District)	E-mail/Phone/In person/Fax	Yes
	Chamber of Deputies	E-mail/Phone/Fax/Letter	Yes
	Federal Senate	E-mail/Phone/Letter	Yes

Appendix 5 – Profile of the Parliamentary Ombudsman

Number	<i>Ouvidorias</i> States Assemblies	Profile of the Ombudsman
1	Amazonas	Deputy ombudsman
2	Bahia	Deputy ombudsman
3	Ceará	Deputy ombudsman
4	Espírito Santo	Deputy ombudsman
5	Minas Gerais	Deputy ombudsman
6	Mato Grosso	Civil servant ombudsman
7	Paraíba	Societal ombudsman
8	Piauí	No information
9	Rio Grande do Sul	Deputy ombudsman
10	Roraima	Deputy ombudsman
11	Santa Catarina	Civil servant ombudsman
12	Sergipe	No information
13	Tocantins	No information
14	Distrito Federal (Federal District)	Deputy ombudsman
	Chamber of Deputies	Deputy ombudsman
	Federal Senate	Deputy ombudsman

Appendix 6 - States by Media Communication

	Scale Media Communication						
	1	2	3	4	5	6	7
States	Roraima	Piauí/Santa Catarina/Sergipe/Tocantins	Bahia/Espírito Santo/Paraíba	Amazonas/Ceará/Minas Gerais	Federal District	Rio Grande do Sul	Mato Grosso