

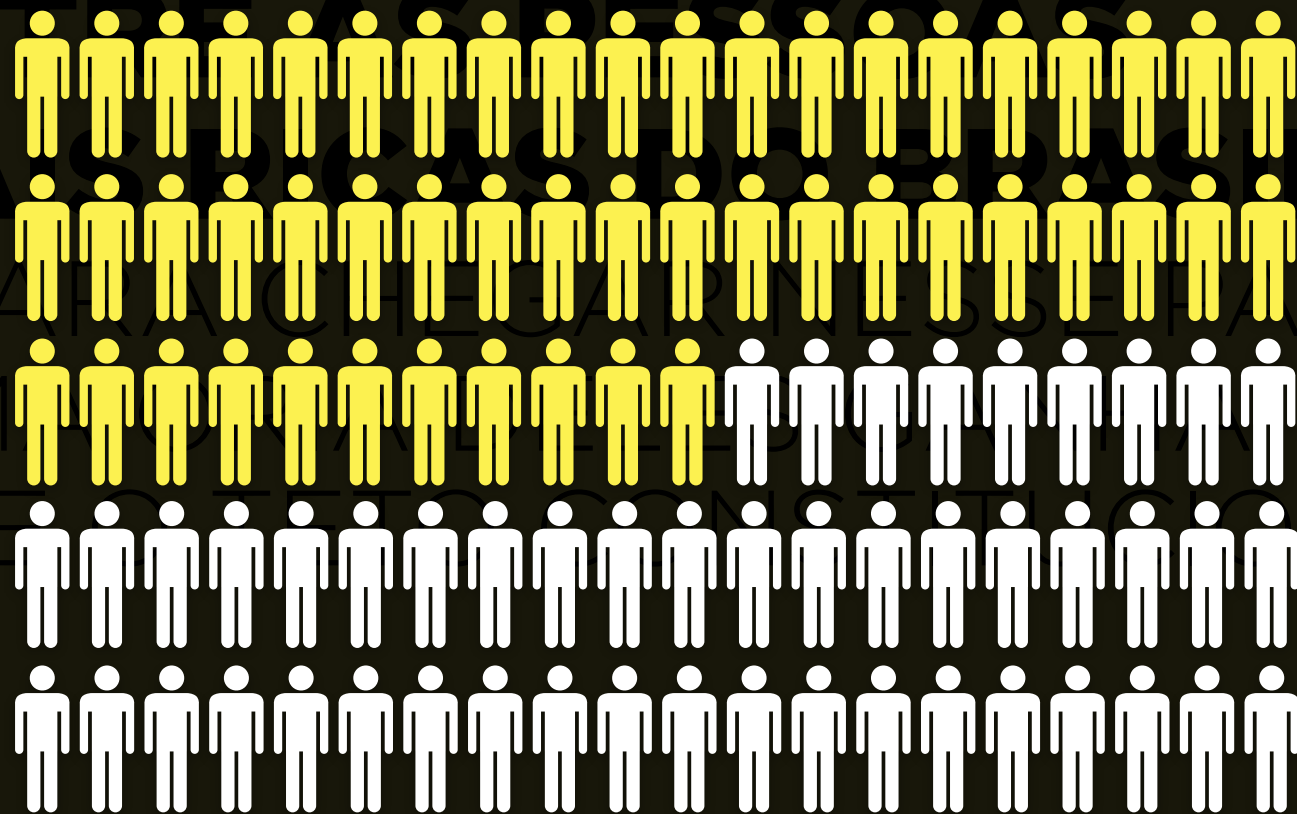
DEMOCRATIZING PUBLIC OVERSIGHT OF THE JUSTICE SYSTEM

# **JUDGES ARE AMONG THE RICHEST PEOPLE IN BRAZIL.**

IT HAPPENS DUE TO SUPER  
SALARIES, SO HIGH THAT  
SURPASS THE CONSTITUTIONAL  
MAXIMUM WAGE ESTABLISHED.

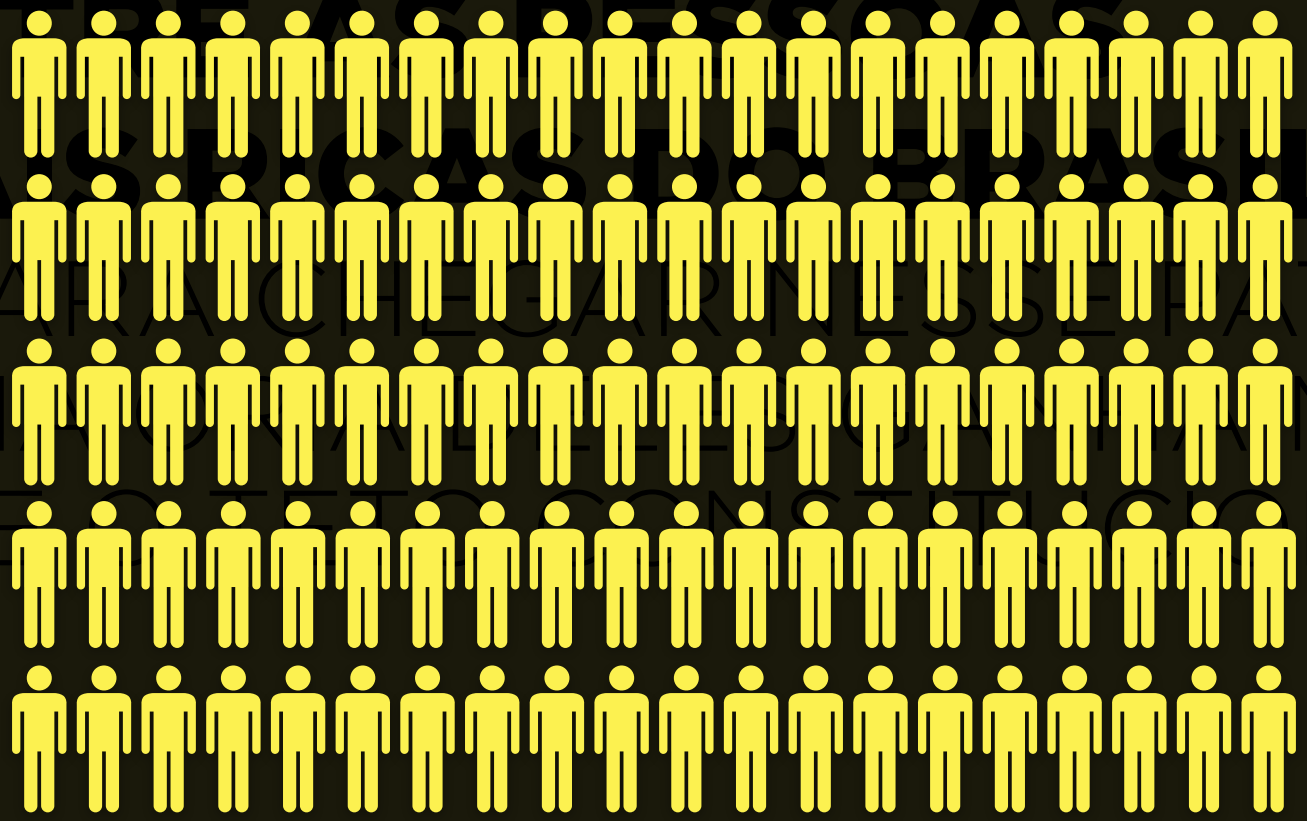


**51%** OF BRAZILIAN JUDGES  
COME FROM THE UPPER  
SOCIAL CLASSES



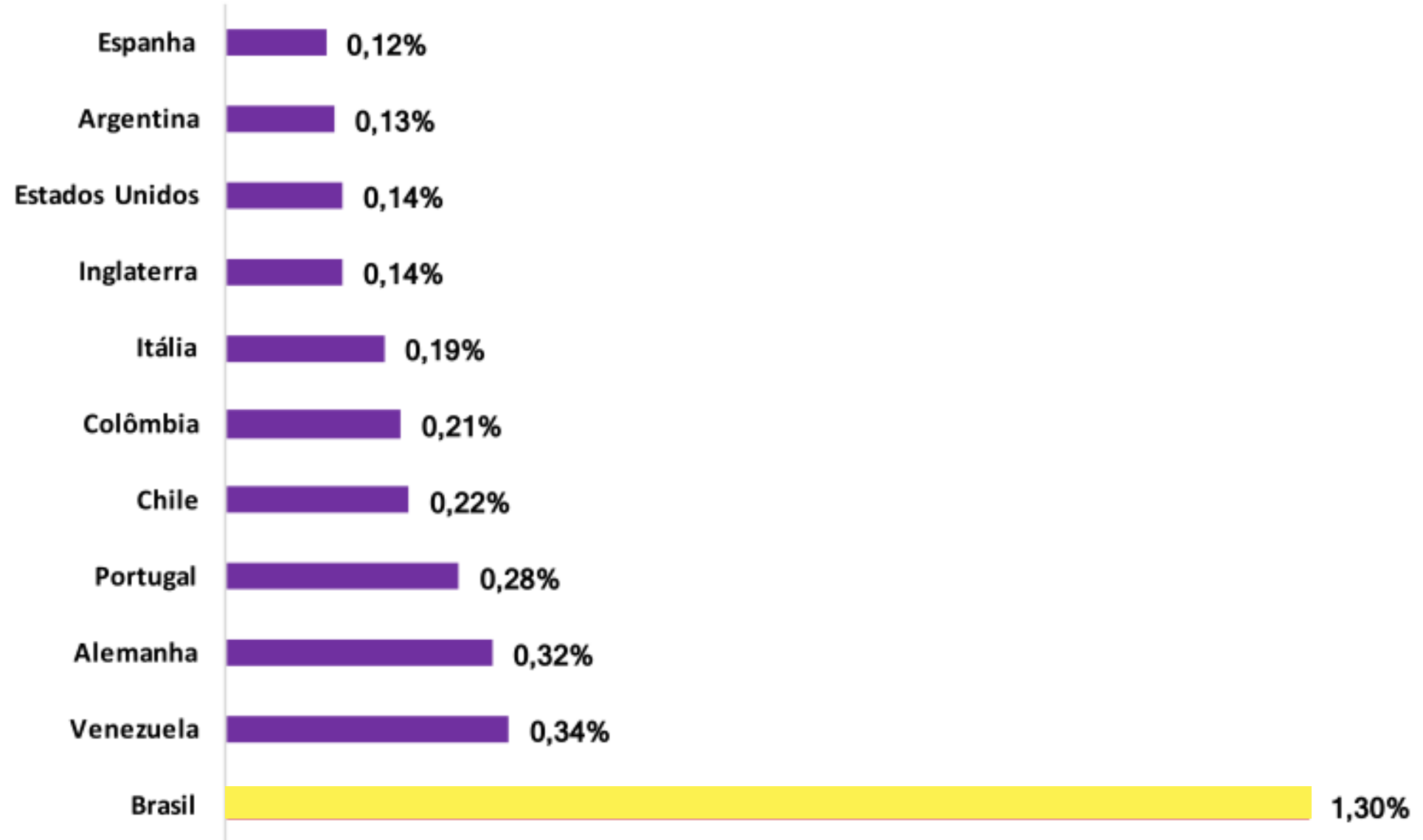
100%

BECOME PART OF THE 0,08%  
RICHEST PEOPLE IN THE  
COUNTRY AFTER ENTERING  
THE MAGISTRATURE



# BUDGET

## JUDICIARY POWER EXPENSES AS PERCENTAGE OF GDP



# FACT #2

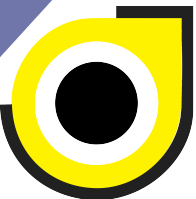
**THE THREE POWERS  
MUST BE INDEPENDENT,**  
BUT THIS PREMISE  
DOESN'T STAND AS  
OFTEN AS IT SHOULD.



# FACT #3

**THE STRONG DO  
WHAT THEY CAN,  
THE WEAK SUFFER  
WHAT THEY MUST.**

AND IN THIS CASE,  
THE WEAK IS ALL  
BRAZILIAN PEOPLE.



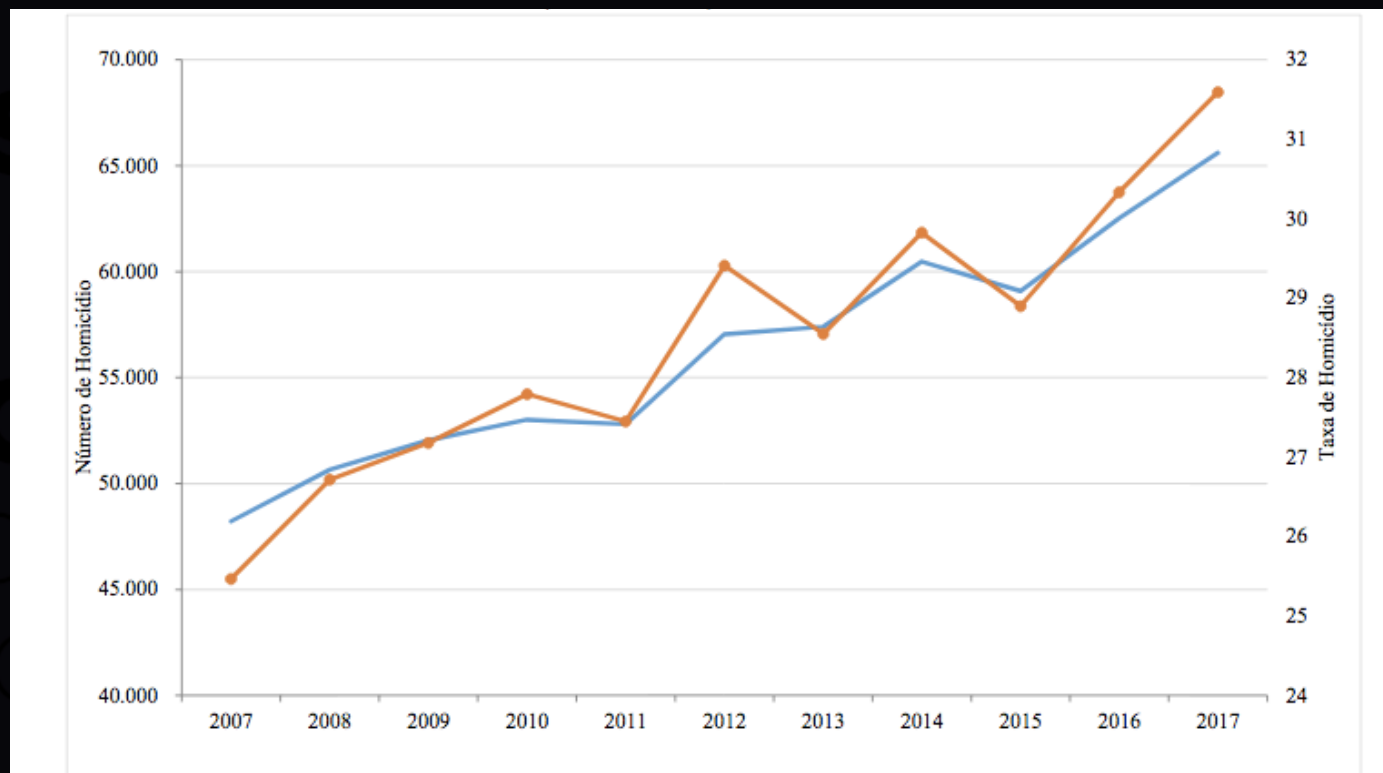
# BRAZIL HAS THE 3<sup>RD</sup> BIGGEST PRISON POPULATION IN THE WORLD





**65.602**  
**HOMICIDES**  
**IN 2017**

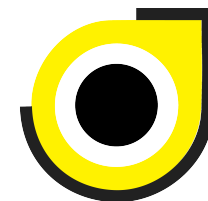
Homicides in Brazil | 2016  
62.517 homicides



Homicide rate (100.000/inhabitantes) ■  
Number of homicides ■

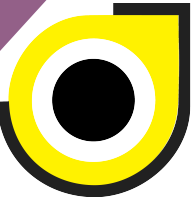
# JUSTA

WE WANT TO UNDERSTAND  
HOW THE JUSTICE SYSTEM'S  
MANAGEMENT IS **REALLY**  
HAPPENING IN BRAZIL.



**WE'VE CREATED AN  
AUTOMATED TOOL  
THAT COLLECTS GREAT  
AMOUNTS OF DATA**

FROM PUBLIC MINISTRIES  
AND OFFICES, STATE  
ASSEMBLIES AND  
GOVERNMENTS.



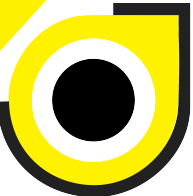
**WE STARTED  
WITH THREE**  
BRAZILIAN STATES:  
CEARÁ, SÃO PAULO AND PARANÁ



# RESEARCH

**OUR WORK IS ORGANIZED IN  
FOUR LINES OF RESEARCH.**

EACH OF THEM FOCUSED  
ON A SPECIFIC PART OF  
THIS JUSTICE SYSTEM PUZZLE.





## BUDGETARY

OUR FOCUS IS ON HOW BUDGET NEGOTIATIONS ARE ENGAGED WITHIN THE THREE BRANCHES OF GOVERNMENT, AND WE INVESTIGATE THE RELATIONSHIP BETWEEN SALARY EXPECTATIONS IN LEGAL CAREERS AND HOW FUNDS ARE EARMARKED FOR LEGAL INSTITUTIONS. THESE AMOUNTS ARE THEN COMPARED WITH THOSE EARMARKED FOR OTHER AREAS, LIKE POLICIES INVOLVING INMATES IN THE PRISON SYSTEM.



## LEGISLATIVE

LEGISLATIVE ASSEMBLIES SHOULD DEBATE PUBLIC BUDGET PROPOSALS (ANNUAL BUDGET LAWS AND ADDITIONAL FUNDING), BUT THE LEGISLATIVE HAS SHIFTED PART OF THIS POWER OVER TO THE EXECUTIVE. WE ARE MAPPING WHAT PERCENTAGE OF ADDITIONAL FUNDS MAY BE DISTRIBUTED DIRECTLY BY GOVERNORS, AND HOW MUCH ENDS UP IN THE JUSTICE SYSTEM.



## STAY OF PRELIMINARY ORDER

A “SUSPENSÃO DE SEGURANÇA” (STAY OF PRELIMINARY ORDER) IS A TOOL THAT GRANTS THE PRESIDING COURT AUTHORITY THE POWER TO SUSPEND THE EFFECTS OF DECISIONS MADE AGAINST THE GOVERNMENT IN THE TRIAL COURT. WE WANT TO UNDERSTAND HOW THE COURT PRESIDENTS IN THE JUSTICE SYSTEM RESPOND TO THESE REQUESTS.



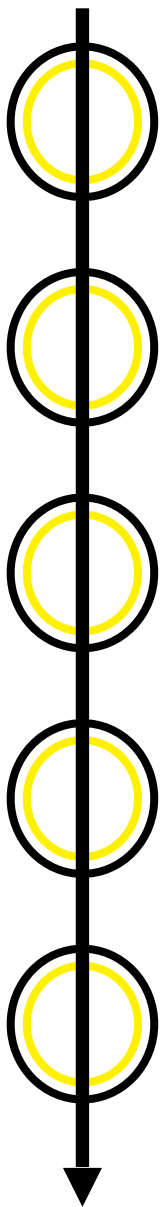
## RACE AND GENDER

OUR GOAL IS TO UNDERSTAND WHAT IMPACTS RACE AND GENDER HAVE ON THE MAKEUP AND ADMINISTRATION OF LEGAL CAREERS. WE ARE NOT JUST LOOKING AT HOW MANY WOMEN AND PEOPLE OF COLOR JOIN THE PROFESSION, WE ALSO WANT TO SEE HOW WELL THEY ARE REPRESENTED IN POSITIONS OF AUTHORITY.



# **GENDER AND RACE**

## NOTES ON METHODOLOGY



DATA ABOUT THE RACE AND GENDER OF MEMBERS OF INSTITUTIONS WITHIN THE JUSTICE SYSTEM ARE NOT MADE AVAILABLE ON THEIR WEBSITES. JUSTA HAS SUBMITTED REQUESTS TO ACCESS THAT INFORMATION FROM COURTS (THE “TJ”), THE PROSECUTION MINISTRY (THE “MP”) AND THE PUBLIC DEFENDERS OFFICES (THE “DP”) IN THE THREE STATES (SÃO PAULO “SP”, PARANÁ “PR” AND CEARÁ “CE”) RESEARCHED, BUT WE HAVE NOT RECEIVED RESPONSES.

BECAUSE THIS INFORMATION HAS NOT BEEN MADE AVAILABLE, JUSTA HAS ASKED THE BRAZILIAN NATIONAL JUSTICE COUNCIL (THE “CNJ”) FOR RESEARCH INTO THE [2018 SOCIO-ECONOMIC PROFILE OF BRAZILIAN MAGISTRATES](#) DATABASE. THE CNJ STATISTICS SECTOR SUPPLIED JUSTA WITH EXCLUSIVE CROSS-REFERENCED RESEARCH MICRODATA.

THE CNJ RESEARCH RESULTS TOOK SELF REPORTING INTO ACCOUNT, AND THE STATE JUSTICE SYSTEM MAGISTRATE RESPONSE RATE WAS 64.7%. WHEN THE DATA IS BROKEN DOWN BY STATE, THERE MAY BE DIFFERENCES IN THE ACTUAL PERCENTAGES OF MAGISTRATES, BECAUSE THE SAMPLE DISTRIBUTION OBTAINED BY THE CNJ FOR EACH STATE VARIED BETWEEN 43.3% AND 82.2% FOR THE DIFFERENT STATE COURT SYSTEMS.

THE JUSTA TEAM ALSO USED [2010 IBGE CENSUS DATA](#) (IGBE – BRAZILIAN GEOGRAPHY AND STATISTICS INSTITUTE) TO ANALYZE THE BREAKDOWN OF RACIAL AND GENDER REPRESENTATION WITHIN THE BRAZILIAN POPULATION, AS WELL AS AMONG JUDGES.

THE EXCLUSIVE DATA THE CNJ MADE AVAILABLE ALLOWED JUSTA TO PERFORM AN EXCLUSIVE ANALYSIS OF THE RACIAL AND GENDER BREAKDOWN OF JUDGES IN THE STATE COURTS, BY STATE AND THROUGHOUT BRAZIL, BY POSITION (JUDGE OR APPEALS COURT JUDGE).



**BRAZILIAN POPULATION DISTRIBUTION, STATE COURT JUDGES AND APPEALS COURT JUDGES, BROKEN DOWN BY RACE AND BY GENDER**

# BRAZILIAN POPULATION

**BLACK PEOPLE**

**25.5%**

**25.5%**

**WHITE PEOPLE**

**24.7%**

**22.8%**

**FOR EVERY  
BLACK WOMAN IN  
BRAZIL, THERE  
ARE 0.9 WHITE  
MEN.**



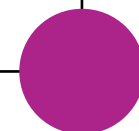
**BRAZILIAN POPULATION DISTRIBUTION, STATE COURT JUDGES AND APPEALS COURT JUDGES, BROKEN DOWN BY RACE AND BY GENDER**

# MALE AND FEMALE JUDGES

**BLACK PEOPLE**

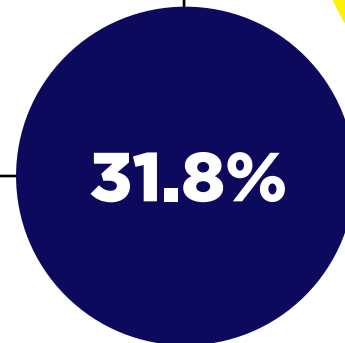


**6.6%**



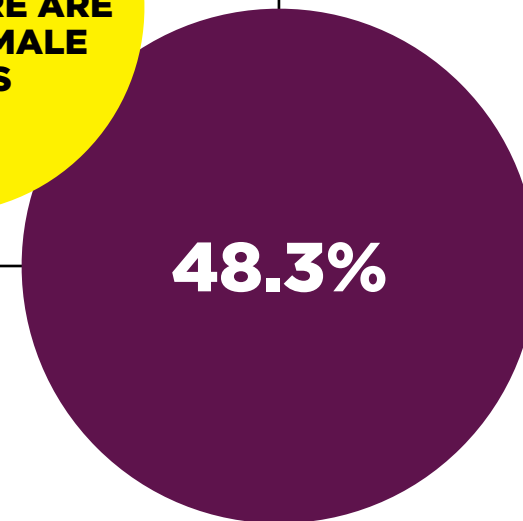
**11.8%**

**WHITE PEOPLE**



**31.8%**

**BUT FOR EVERY BLACK FEMALE JUDGE, THERE ARE 7.4 WHITE MALE JUDGES**



**48.3%**

**BRAZILIAN POPULATION DISTRIBUTION, STATE COURT JUDGES AND APPEALS COURT JUDGES, BROKEN DOWN BY RACE AND BY GENDER**

**MALE AND FEMALE APPEALS COURT JUDGES**

**BLACK PEOPLE**

**2.1%**

**WHITE PEOPLE**

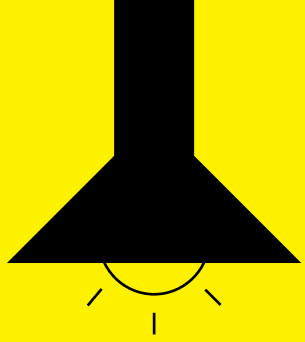
**15%**



**9.9%**

**AND FOR EVERY BLACK FEMALE APPEALS COURT JUDGE, THERE ARE 3.5 WHITE MALE APPEALS COURT JUDGES.**

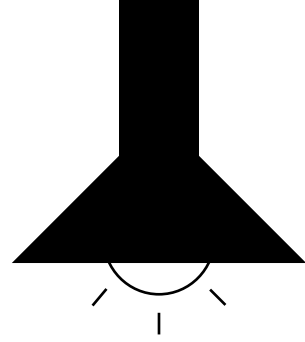
**71.6%**



WHITE MEN ARE

**37.8  
TIMES**

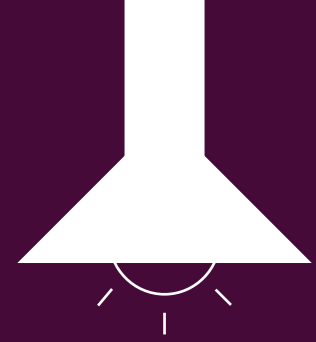
**MORE LIKELY THEN  
BLACK WOMEN TO  
BECOME APPEALS  
COURT JUDGES.**



WHITE MEN ARE

**8.2  
TIMES**

**MORE LIKELY THAN  
BLACK WOMEN TO  
BECOME JUDGES.**



WHITE MALE JUDGES  
ARE

**4.6  
TIME**

**MORE LIKELY THAN  
BLACK FEMALE  
JUDGES TO BECOME  
APPEALS COURT  
JUDGES.**

# BUDGET

ANALYSIS PERIOD

**CE** 2013 - 2018

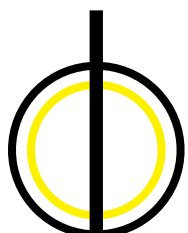
**SP** 2013 - 2018

**PR** 2013 - 2017\*

INFORMATION  
OBTAINED THROUGH  
THE FREEDOM  
OF INFORMATION  
LAW

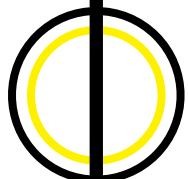
\*The 2018 data for the state of Paraná had not been released prior to the conclusion of this research project.

## METHODOLOGICAL NOTES

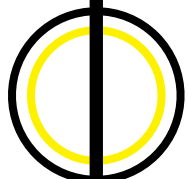


THE BUDGET PROPOSAL SUBMITTED BY THE EXECUTIVE BRANCH IS APPROVED BY THE LEGISLATIVE BRANCH.

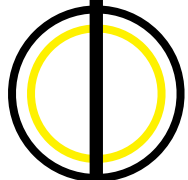
(OFFICIAL DOCUMENT: "LOA" - ANNUAL BUDGET ACT)



THE GOVERNMENTS BUDGETARY EXPENSE REPORTS MUST BE MADE PUBLIC ON THE EXECUTIVE BRANCH'S WEBSITES, EMPLOYING THE STANDARDS DEFINED BY THE TREASURY DEPARTMENT.



SINCE NOT ALL OF THE INFORMATION SOUGHT WAS ACTUALLY AVAILABLE ON THE SITES RESEARCHED, JUSTA USED THE BRAZILIAN [FREEDOM OF INFORMATION LAW](#) TO RESEARCH BUDGETARY DATABASES IN THE STATES OF SP, CE AND PR.



THIS PRESENTATION USES NOMINAL AMOUNTS, LIKE THOSE REPORTED BY STATE EXECUTIVE BRANCHES.



THE EXECUTIVE BRANCH'S BUDGET PROPOSAL AS APPROVED BY THE LEGISLATIVE BRANCH MAY UNDERGO CHANGES. THROUGHOUT THE COURSE OF THE YEAR, THE AMOUNT EARMARKED FOR EACH EXPENSES MAY BE MADE CONDITIONAL (REDUCED) OR SUPPLEMENTED (INCREASED). THE UPDATED AMOUNT IS THE DIFFERENCE BETWEEN THE \$ ESTABLISHED IN THE LOA AND THE \$ INCREASED OR DECREASED.



A thick yellow vertical bar is positioned on the left side of the image, spanning the full height. It contains a thin white vertical line near its right edge.

# **BUDGET** SÃO PAULO

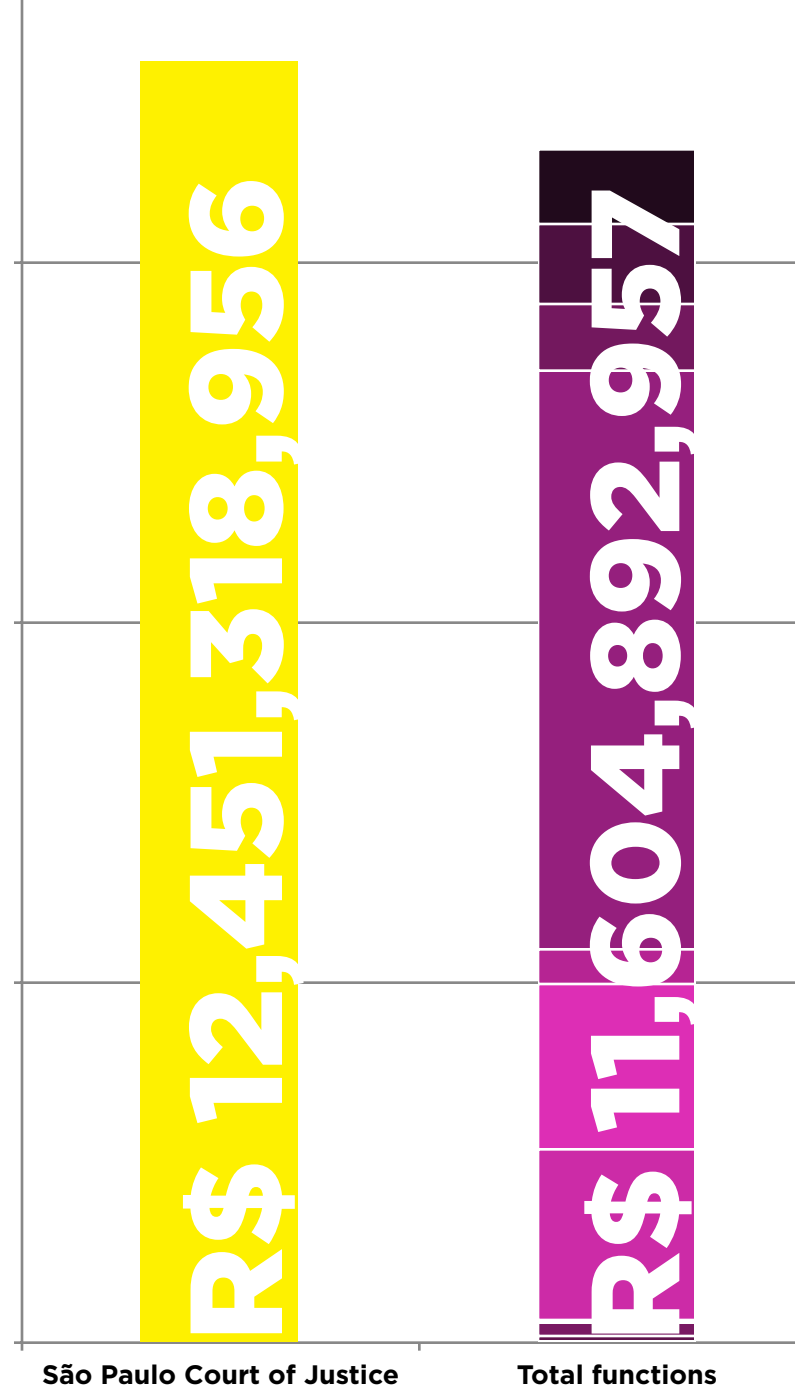
THE SÃO PAULO  
COURT OF JUSTICE (TJSP)  
BUDGET IN 2018 WAS

# LARGER

THAN THE TOTAL BUDGET  
FOR 10 KEY STATE  
SERVICES COMBINED

(NOMINAL FIGURES)

FOR ILLUSTRATIVE PURPOSES,  
JUSTA SELECTED 10 UNDENIABLY  
ESSENTIAL STATE GOVERNMENT  
SERVICES, THAT WHEN ARE ALL  
ADDED TOGETHER, DO NOT ADD  
UP TO THE AMOUNT BUDGETED  
FOR THE COURTS.

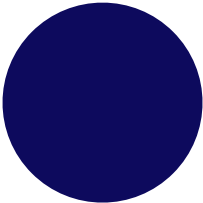
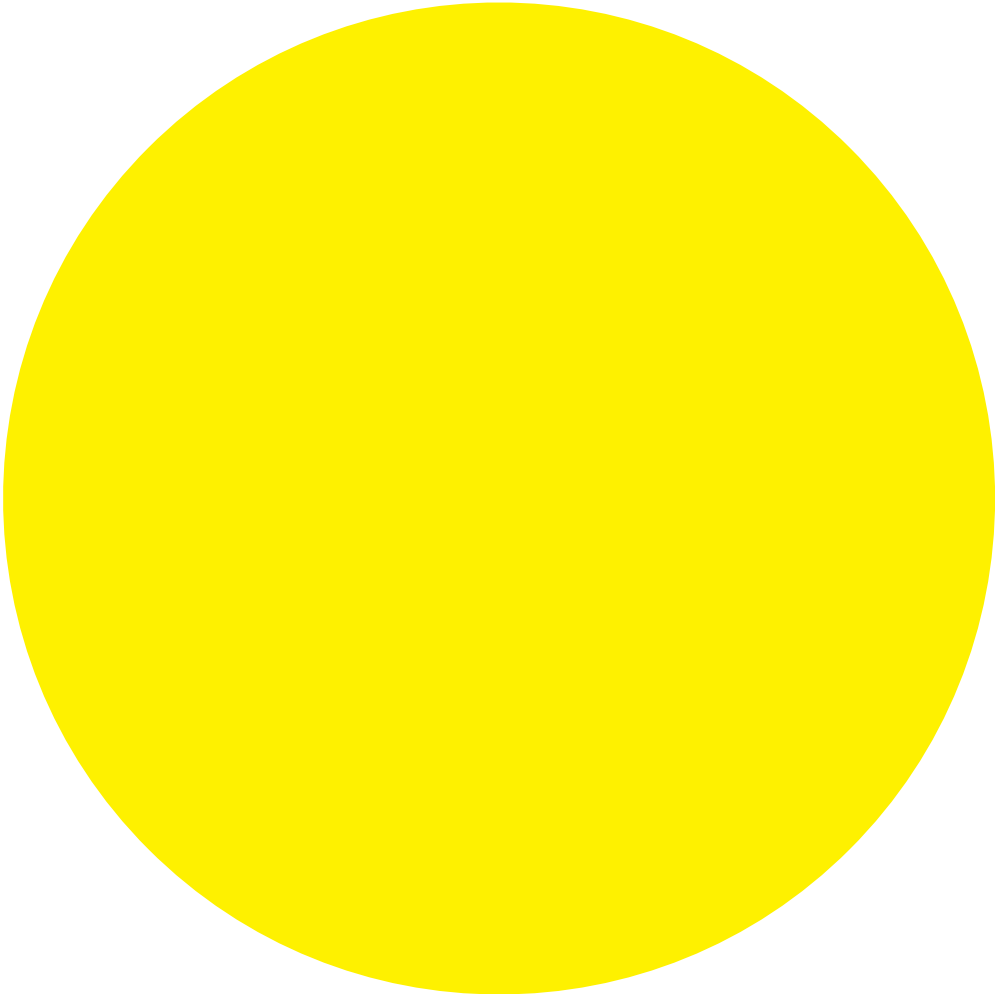


BETWEEN 2013 AND 2018  
**THE TJSP CONSUMED  
ON AVERAGE 5% OF THE  
ANNUAL STATE BUDGET,**

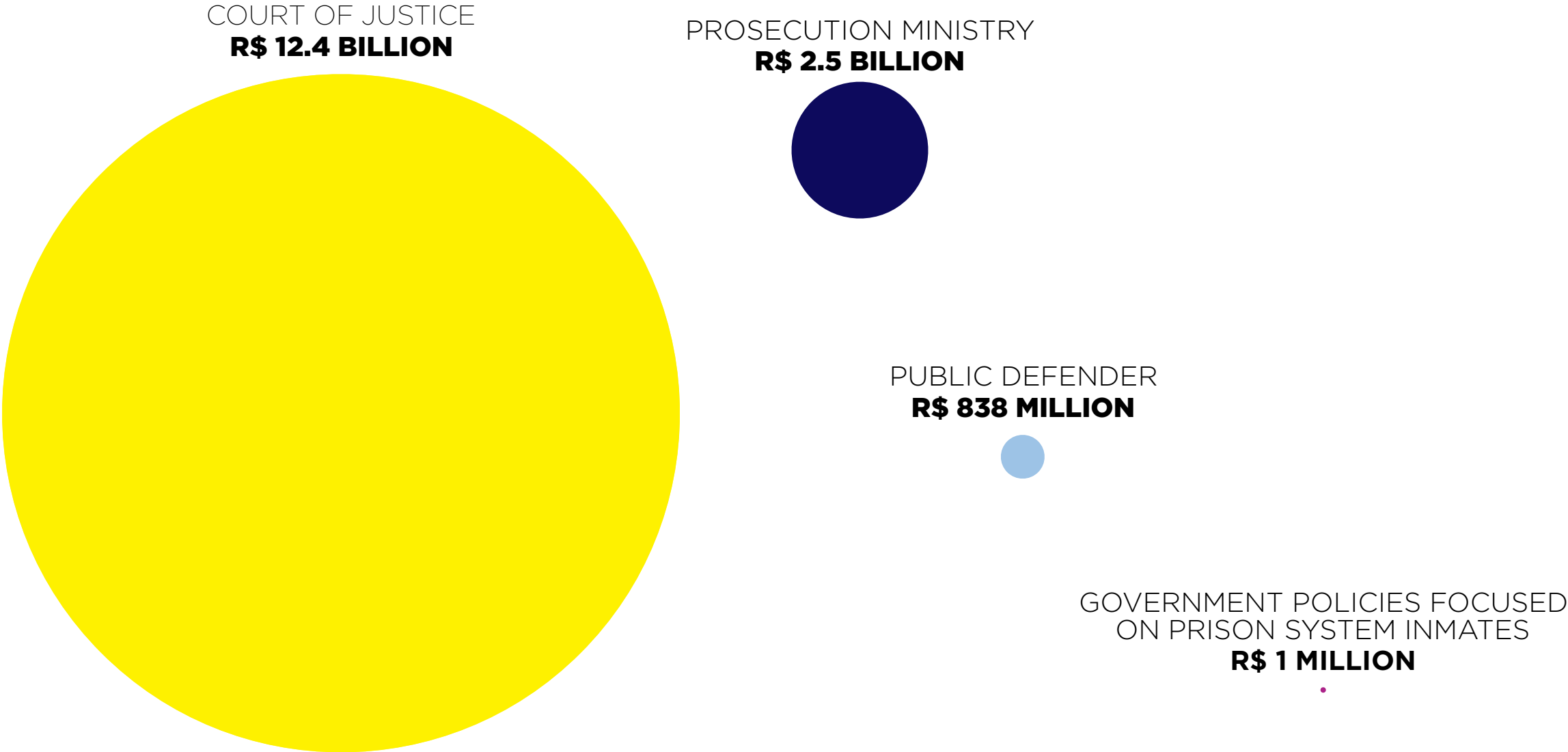
- TJSP | R\$ 12,4 bi
- Social Programs | R\$723 million
- Housing | R\$772 million
- Sanitation | R\$650 million
- Citizen Rights | R\$5.6 billion
- Labor | R\$327 million
- Science & Technology | R\$1.6 billion
- Environmental Management | R\$1.6 billion
- Energy | R\$44 million
- Sports & Leisure | R\$134 million
- Communication | R\$62 million







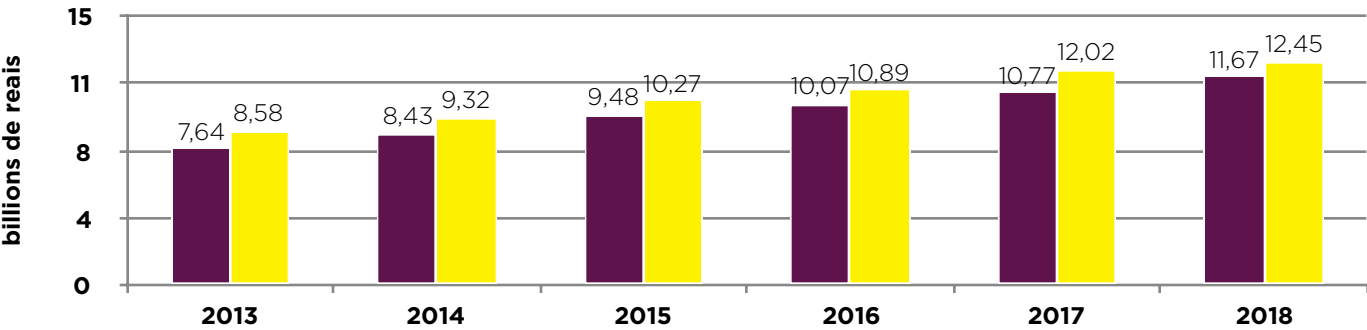
**BUDGET FOR THE STATE OF SÃO PAULO | 2018**



HISTORICAL SERIES | INSTITUTIONAL BUDGETS | SÃO PAULO

LOA Amount    Amount employed during the budgetary period

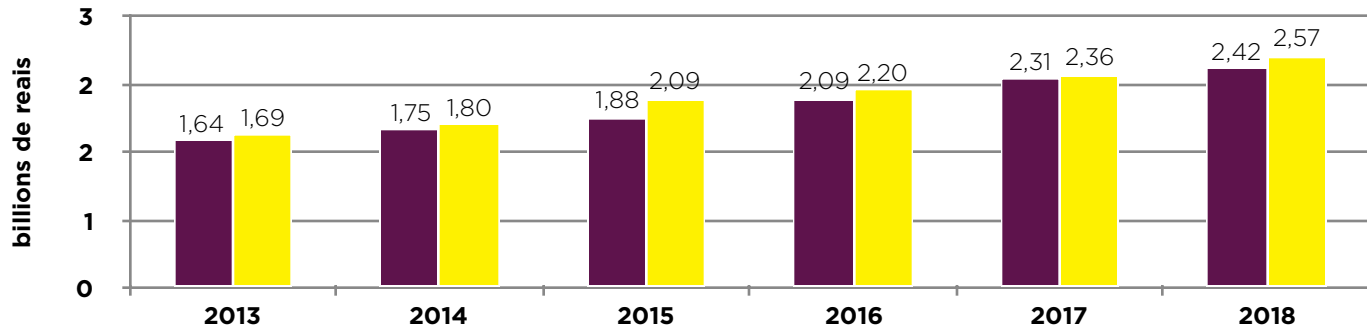
Court of Justice's budget for the State of São Paulo (nominal figures)



In 2018, the SP state's budget was 22% higher than it was in 2013

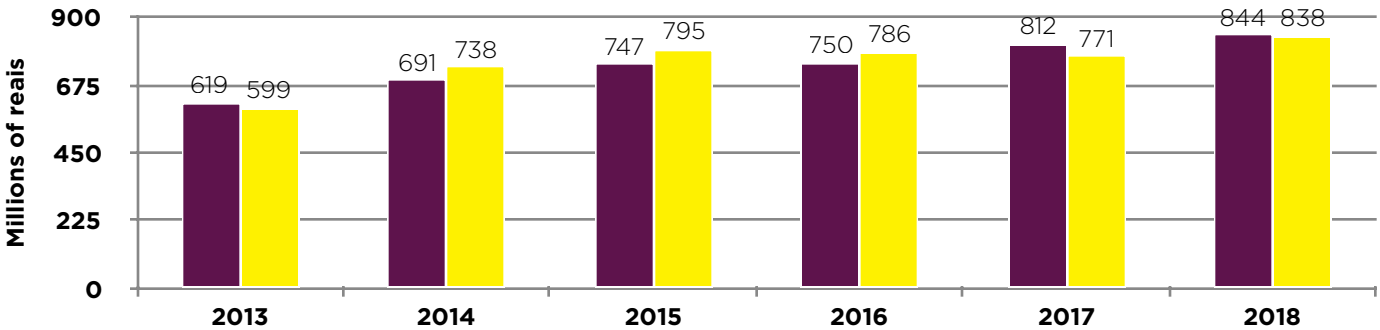
In 2018, the TJSP budget was 45% higher than it was in 2013.

Prosecution Ministry's budget for the State of São Paulo (nominal figures)



In 2018, the MPSP budget was 52% higher than it was in 2013.

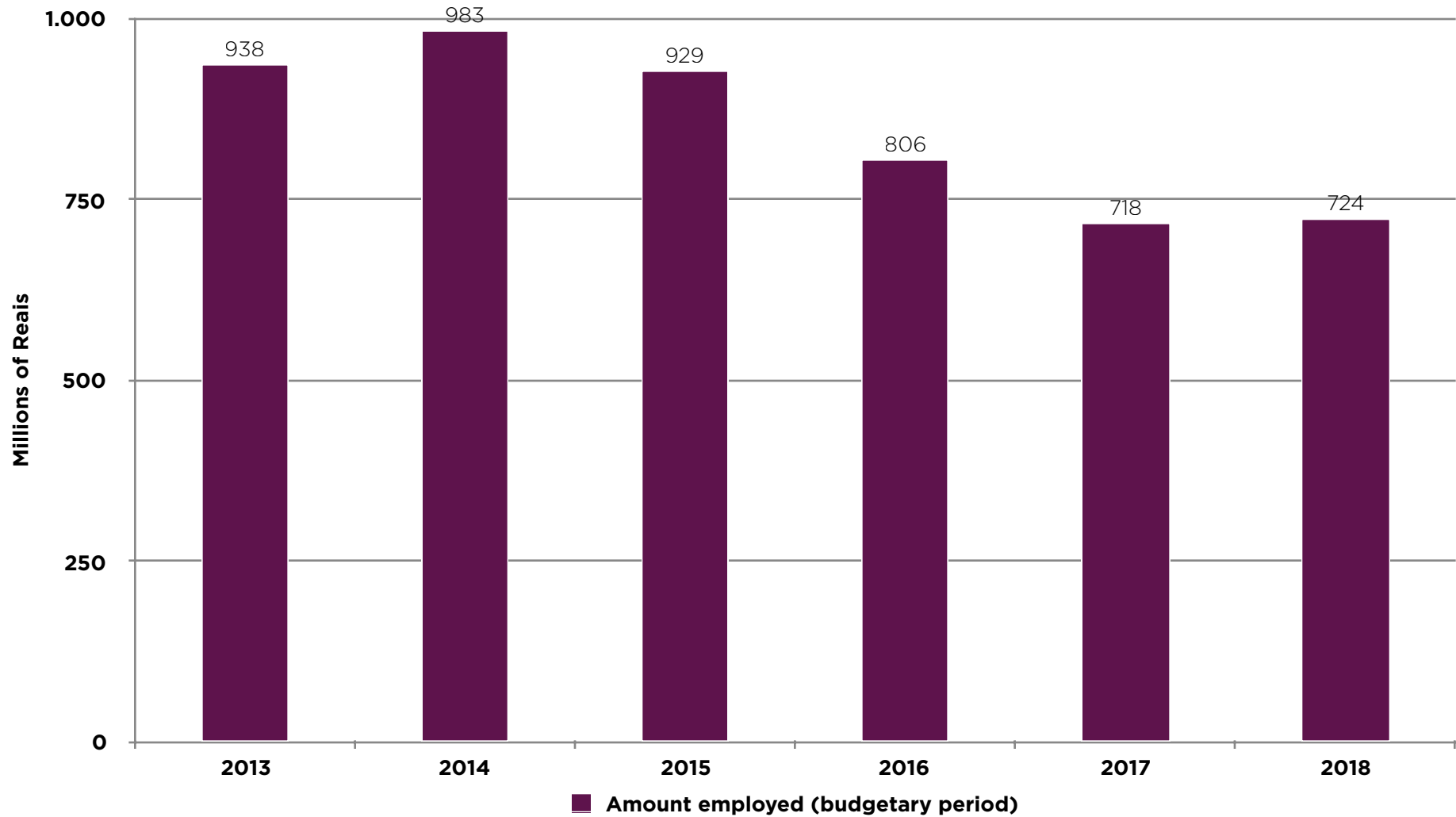
Public Defender's Budget for the State of São Paulo (nominal figures)



In 2018, the DPSP budget was 40% higher than it was in 2013.



São Paulo State Social Programs Budget (nominal figures)



**INMATES**  
the amounts earmarked for prison inmates in 2018 were **5% less** than in 2014.

In 2018, the budget for **social programs in SP** was **24% less** than it was in 2013.





# **BUDGET SUBSIDIES**

SÃO PAULO

**ONE OF THE MAIN RESPONSIBILITIES A LEGISLATIVE ASSEMBLY HAS IS TO DEBATE AND DECIDE ON THE GOVERNMENT BUDGET (ANNUAL BUDGET LAWS AND THE EXPANSION OF ADDITIONAL CREDIT) TO ASSURE THAT FUNDS ARE DISTRIBUTED FAIRLY AND TRANSPARENTLY.**

BUT THE LEGISLATIVE HAS CONCEDED THIS POWER TO THE EXECUTIVE WHEN THE SUBJECT CONCERNS EXPANDING ADDITIONAL CREDITS - THOSE SO-CALLED BUDGET SUBSIDIES.

## **SÃO PAULO | 2013 TO 2018**

EVERY YEAR THE LEGISLATIVE ASSEMBLY AUTHORIZED THE STATE GOVERNMENT TO DIRECTLY DISTRIBUTE UP TO **17%** OF **THE STATE BUDGET** TO SUBSIDIES WITHOUT REQUIRING THE LEGISLATIVE BRANCH'S APPROVAL.

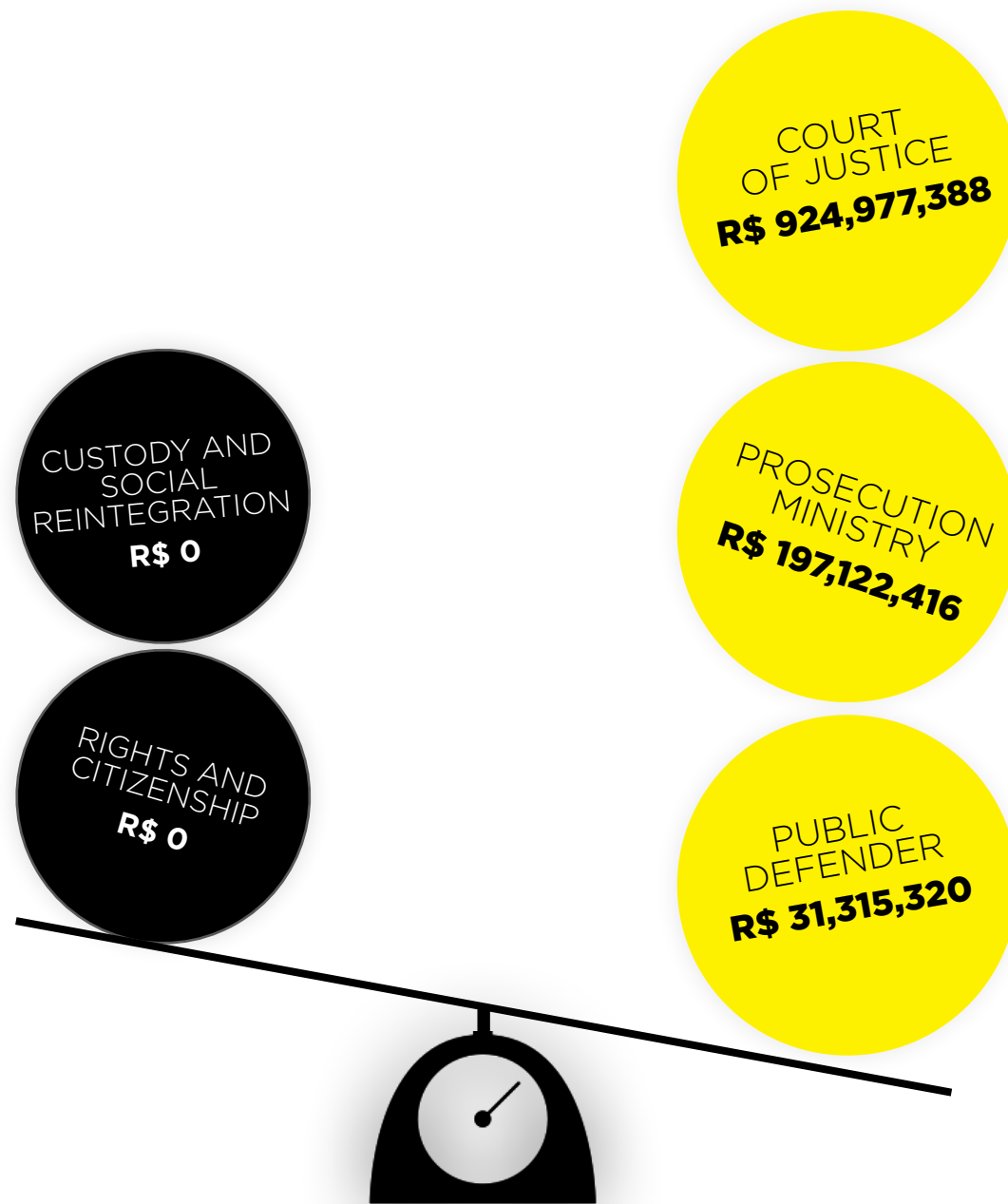
AVERAGE STATE BUDGET  
BETWEEN 2013 AND 2018  
**R\$220 BILLION**

**R\$37 BILLION** ← **17%**

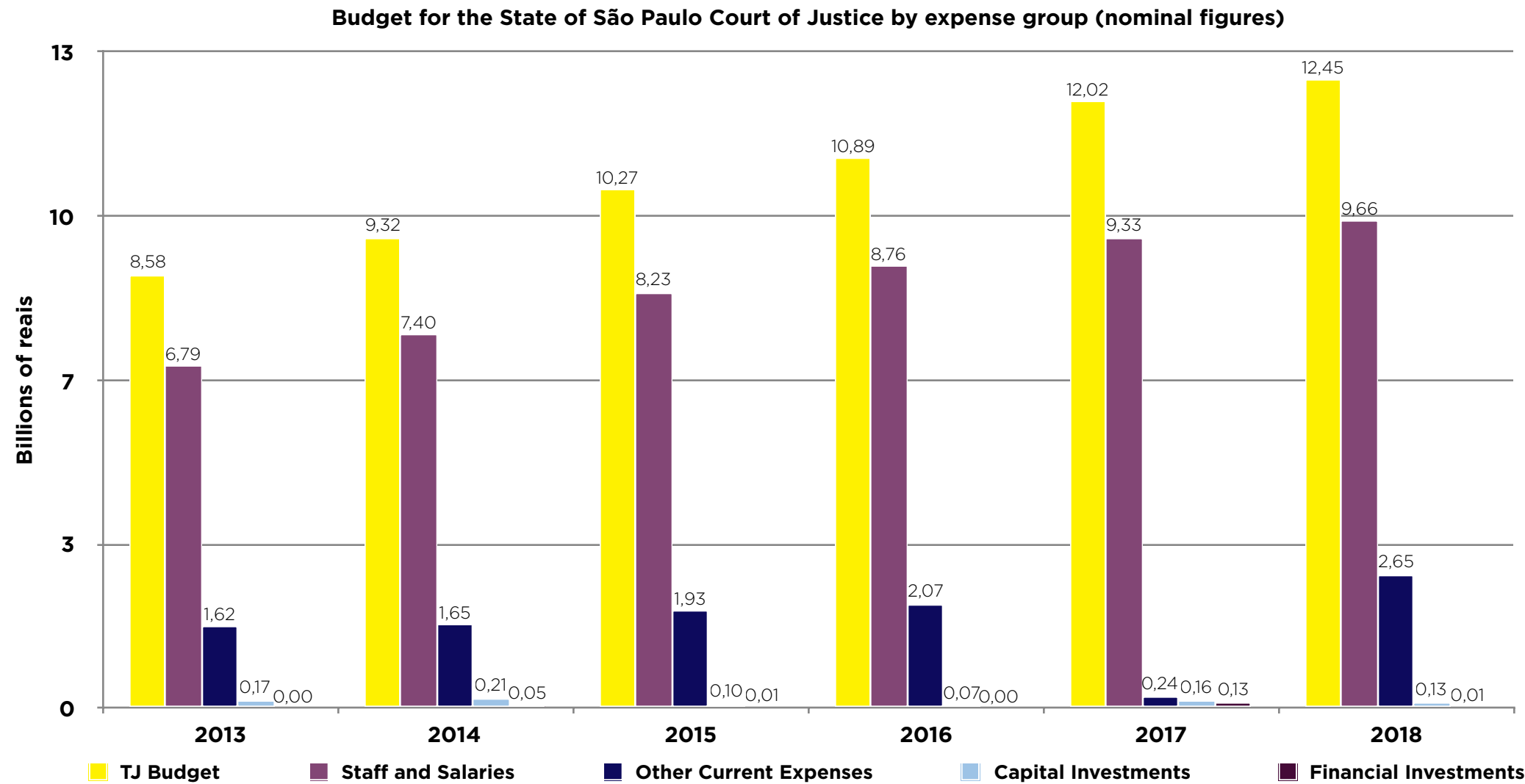


# SOME EXAMPLES OF EXPANSION OF ADDITIONAL CREDITS

SÃO PAULO | 2018



PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES

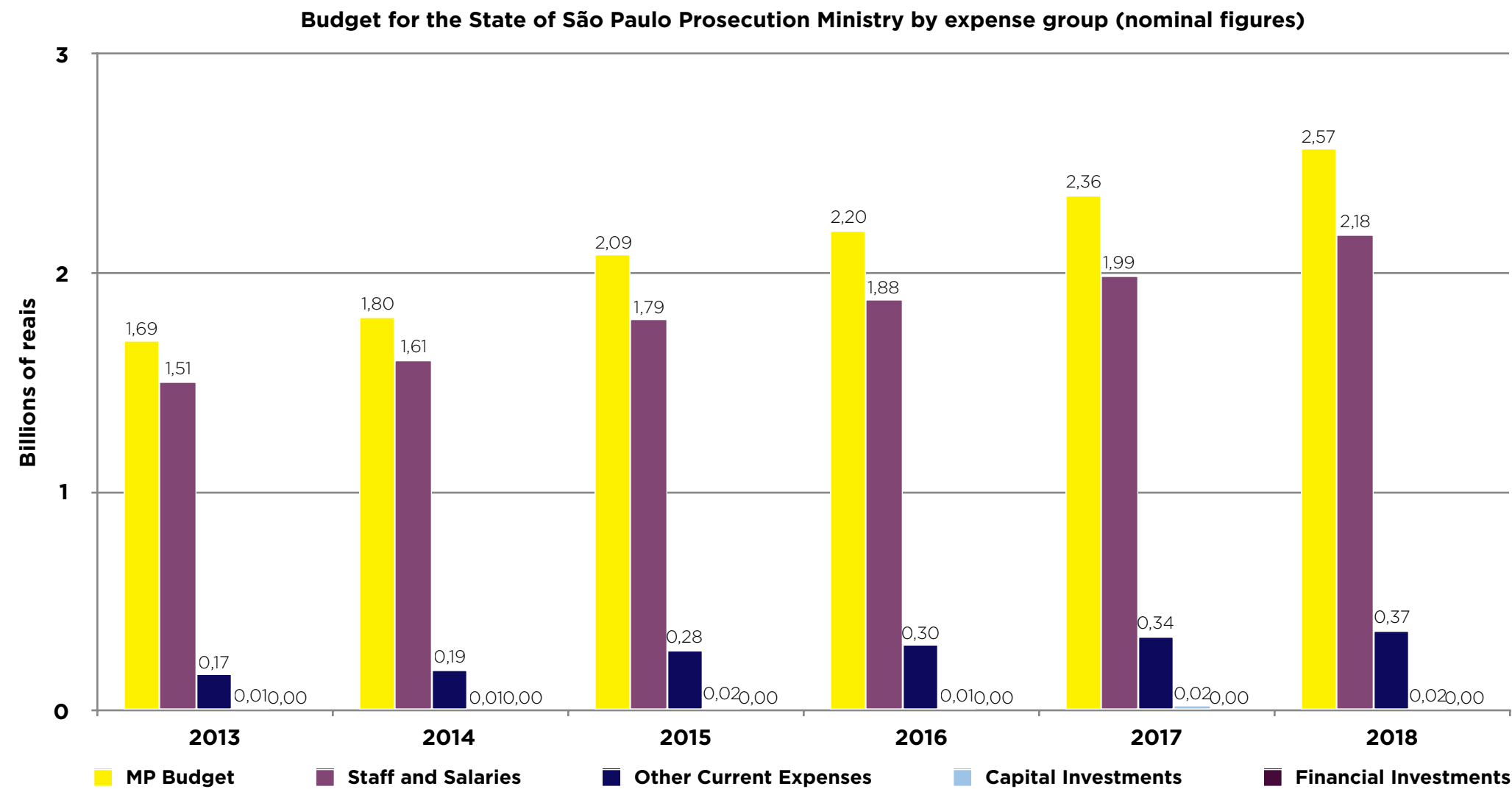


Between 2013 and 2018, the **TJSP** payments for staff and salaries consumed on average 79% of this agency's budget.





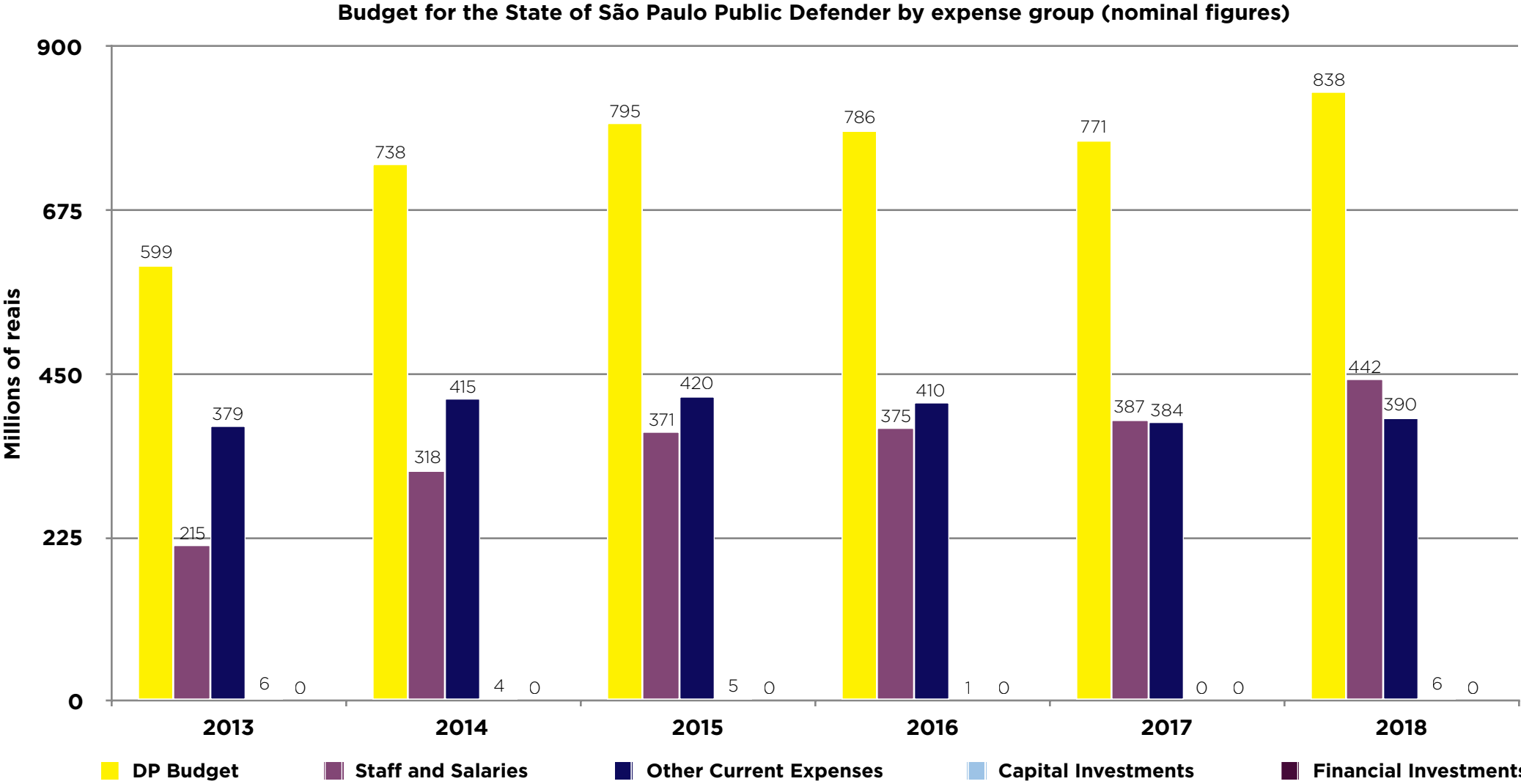
PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES



Between 2013 and 2018, the payment of MPSP staff and salaries consumed on average 86% of this agency's budget.



PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES



Between 2013 and 2018, the payment of **DPSP staff and salaries** consumed on average 46% of this agency's budget.



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# **BUDGET** PARANÁ

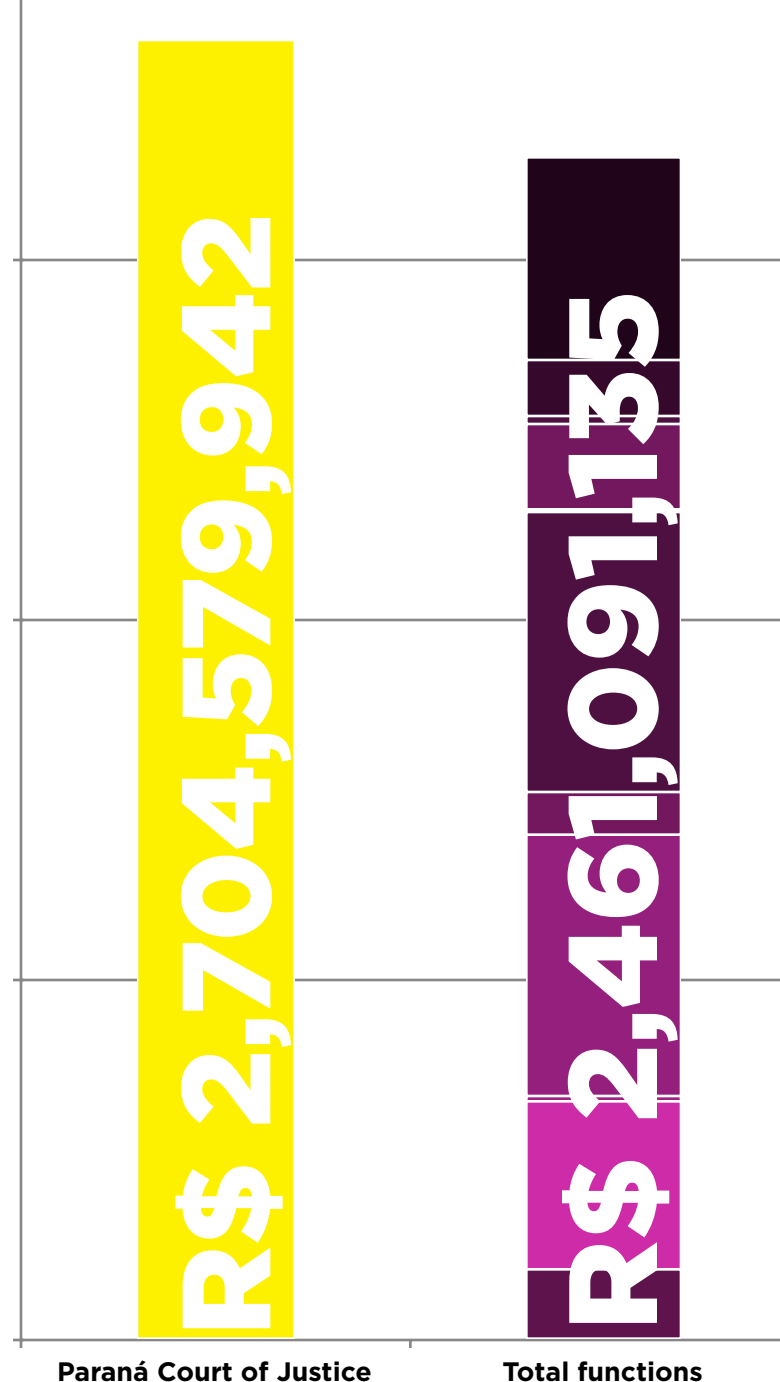
THE PARANÁ  
COURT OF JUSTICE (TJPR)  
BUDGET IN 2017 WAS

# LARGER

THAN THE TOTAL BUDGET  
FOR 11 KEY STATE  
SERVICES COMBINED

(NOMINAL FIGURES)

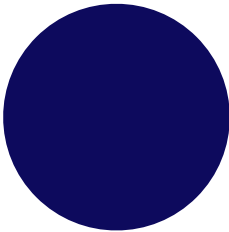
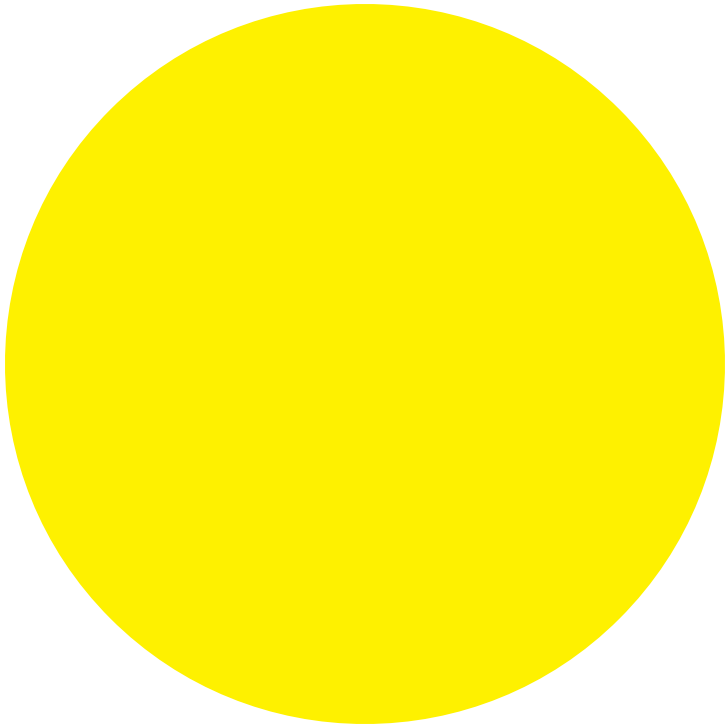
FOR ILLUSTRATIVE PURPOSES,  
JUSTA SELECTED 10 UNDENIABLY  
ESSENTIAL STATE GOVERNMENT  
SERVICES, THAT WHEN ARE ALL  
ADDED TOGETHER, DO NOT ADD  
UP TO THE AMOUNT BUDGETED  
FOR THE COURTS.



BETWEEN 2013 AND 2017,  
**THE TJPR CONSUMED  
ON AVERAGE 6% OF THE  
ANNUAL STATE BUDGET.**

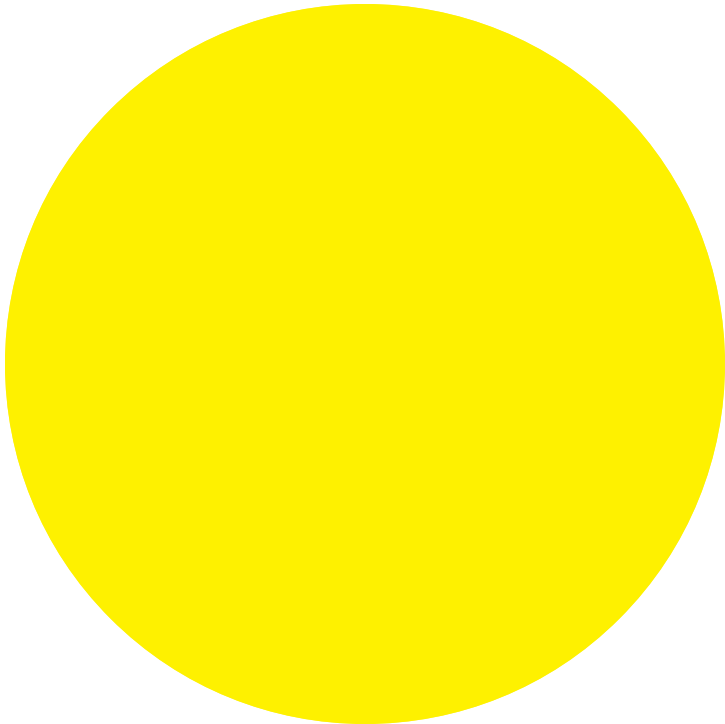
- TJPR | R\$ 2,7 bi
- Social Programs | R\$ 421 million
- Housing | R\$ 188 million
- Labor | R\$ 12.6 million
- Citizen Rights | R\$ 178 million
- Sanitation | R\$ 3.8 million
- Agriculture | R\$ 586.6 million
- Culture | R\$ 87.9 million
- Urban planning | R\$ 540.8 million
- Farming Services | R\$ 11.5 million
- Environmental Management | R\$ 350.7 million
- Sports and Leisure | R\$ 149 million





BUDGET FOR THE STATE OF PARANÁ | 2017

COURT OF JUSTICE  
**R\$ 2.7 BILLION**



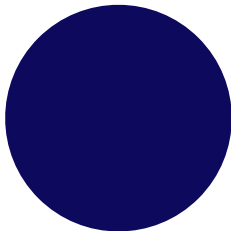
GOVERNMENT POLICIES FOR  
PEOPLE IN THE PRISON SYSTEM



WE WERE UNABLE TO LOCATE ANY POLICY  
EXPENSE RELATED TO PRISONERS IN THE  
PARANÁ STATE EXPENSE STATEMENTS.

WE RECEIVED NO RESPONSE TO OUR  
REQUESTS FOR INFORMATION ABOUT  
A LACK OF FUNDING FOR THIS AREA.

PROSECUTION MINISTRY  
**R\$ 850 MILLION**

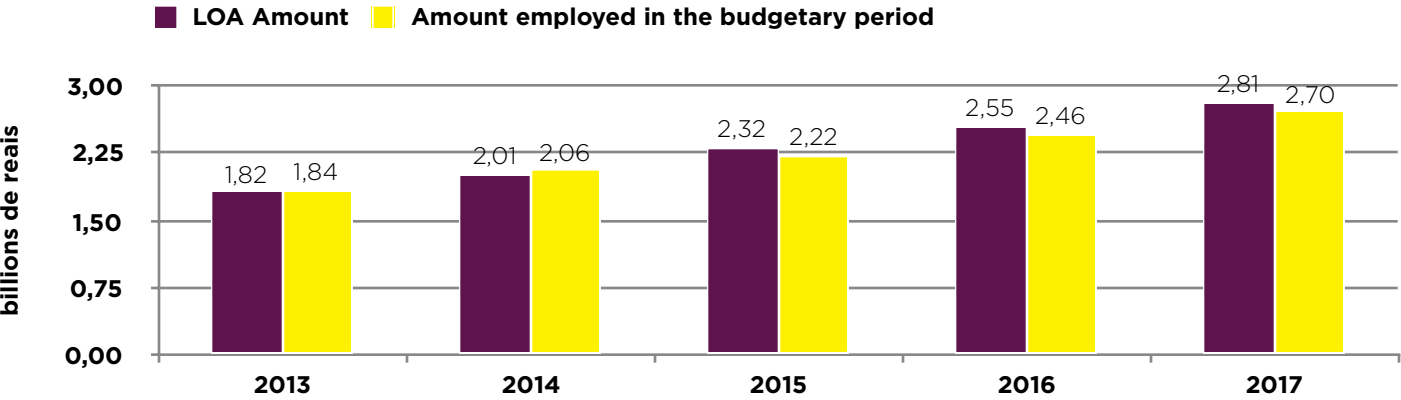


PUBLIC DEFENDER  
**R\$ 68.4 MILLION**



HISTORICAL SERIES | INSTITUTIONAL BUDGETS | PARANÁ

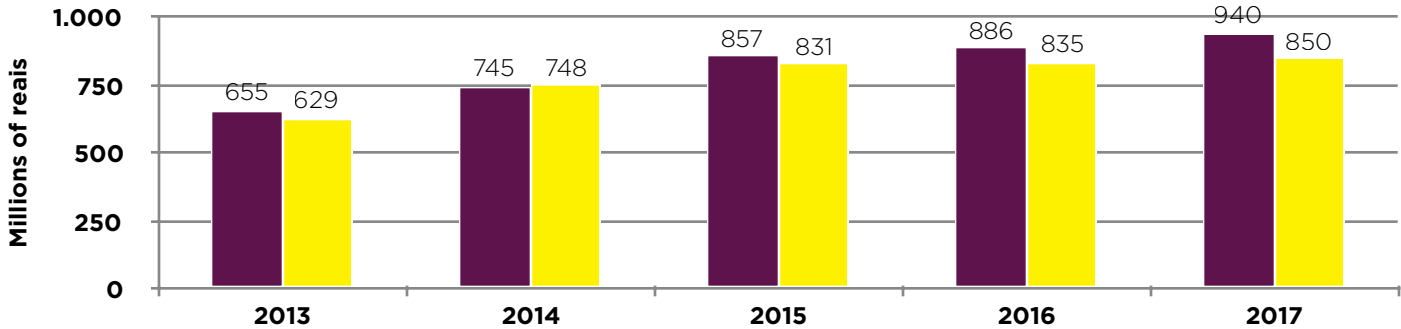
Court of Justice’s  
Budget of the  
State of Paraná  
(nominal figures)



In 2017, the Paraná state budget was **45% higher** than it was in 2013

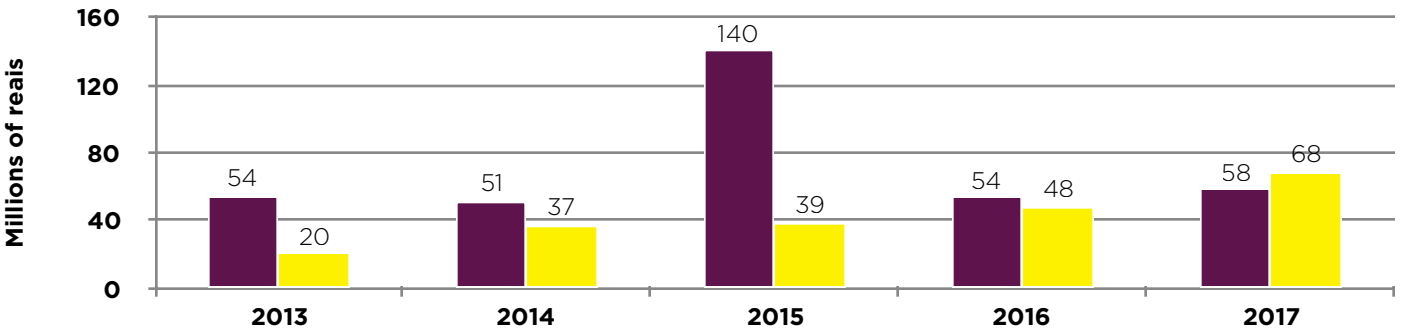
In 2017, the TJPR budget was **47% higher** than it was in 2013.

Prosecution Ministry’s  
Budget for the  
State of Paraná  
(nominal figures)



In 2017, the MPPR budget was **35% higher** than it was in 2013.

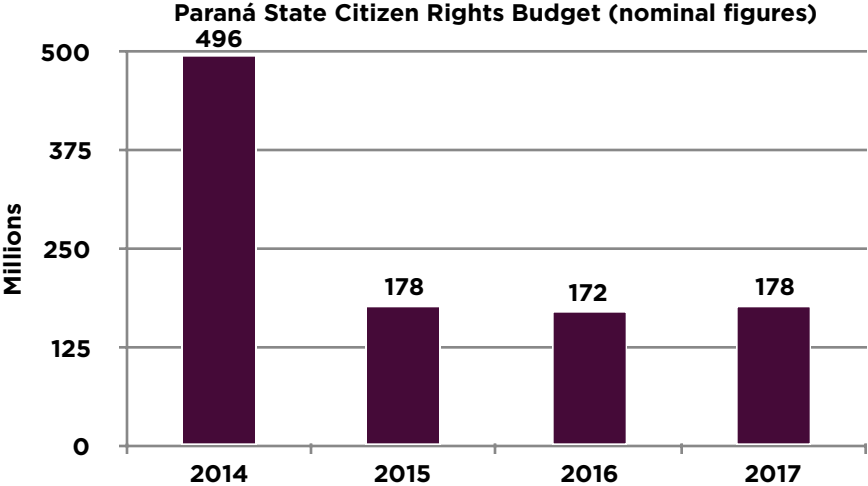
Public Defender’s  
Budget for the  
State of Paraná  
(nominal figures)



In 2017, the DPPR budget was **237% higher** than it was in 2013.

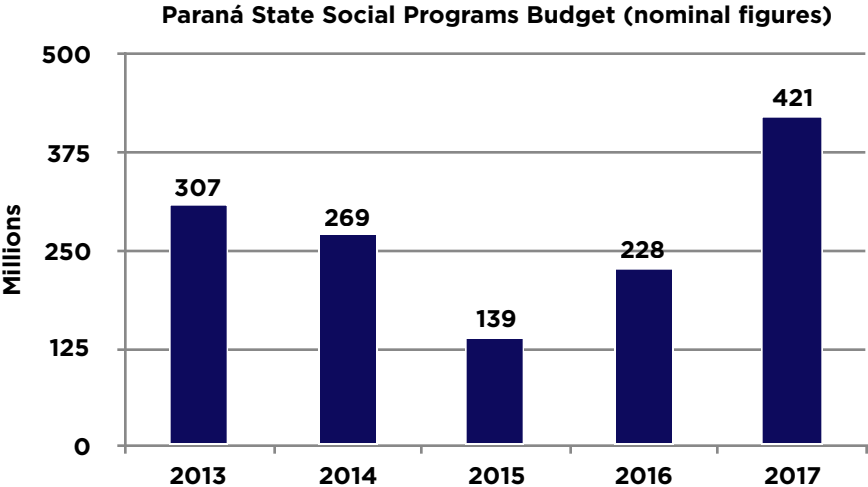


HISTORICAL SERIES | BUDGETS FOR FUNCTIONS OF INTEREST | PARANÁ

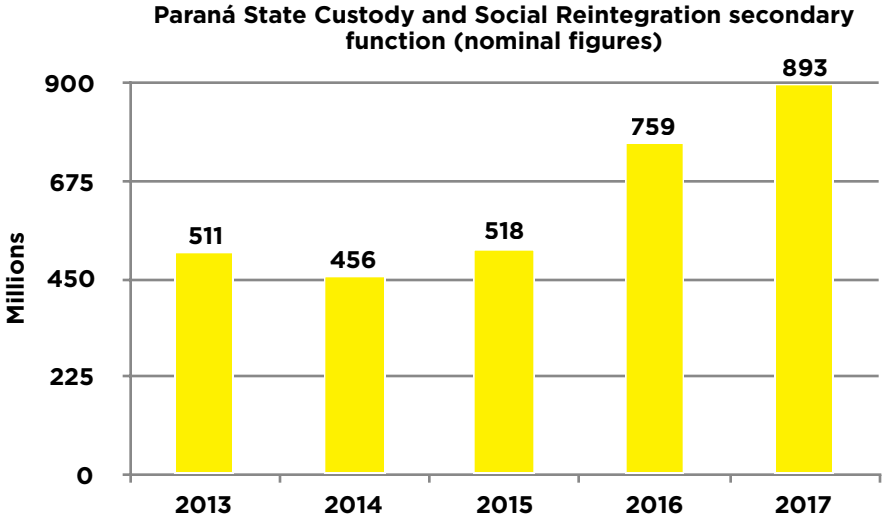


In 2017, the Citizens Rights function as **64% lower than it was in 2013.**

In Paraná, the secondary Custody and Social Reintegration function is part of the Citizens Rights function, as well as the Public Safety function.



In 2017, the Social Programs budget was **37% higher than it was in 2013.**



In 2017, the secondary Custody and Social Reintegration function was **75% higher** than it was in 2013.







# **BUDGET SUBSIDIES**

## PARANÁ

**ONE OF THE MAIN RESPONSIBILITIES A LEGISLATIVE ASSEMBLY HAS IS TO DEBATE AND DECIDE ON THE GOVERNMENT BUDGET (ANNUAL BUDGET LAWS AND THE EXPANSION OF ADDITIONAL CREDIT) TO ASSURE THAT FUNDS ARE DISTRIBUTED FAIRLY AND TRANSPARENTLY.**

BUT THE LEGISLATIVE HAS CONCEDED THIS POWER TO THE EXECUTIVE WHEN THE SUBJECT CONCERNS EXPANDING ADDITIONAL CREDITS - THOSE SO-CALLED BUDGET SUBSIDIES.

## PARANÁ | 2013 TO 2018

EVERY YEAR THE LEGISLATIVE ASSEMBLY AUTHORIZED THE STATE GOVERNMENT TO DIRECTLY DISTRIBUTE UP TO **2%** OF **THE STATE BUDGET** TO SUBSIDIES WITHOUT REQUIRING THE LEGISLATIVE BRANCH'S APPROVAL.

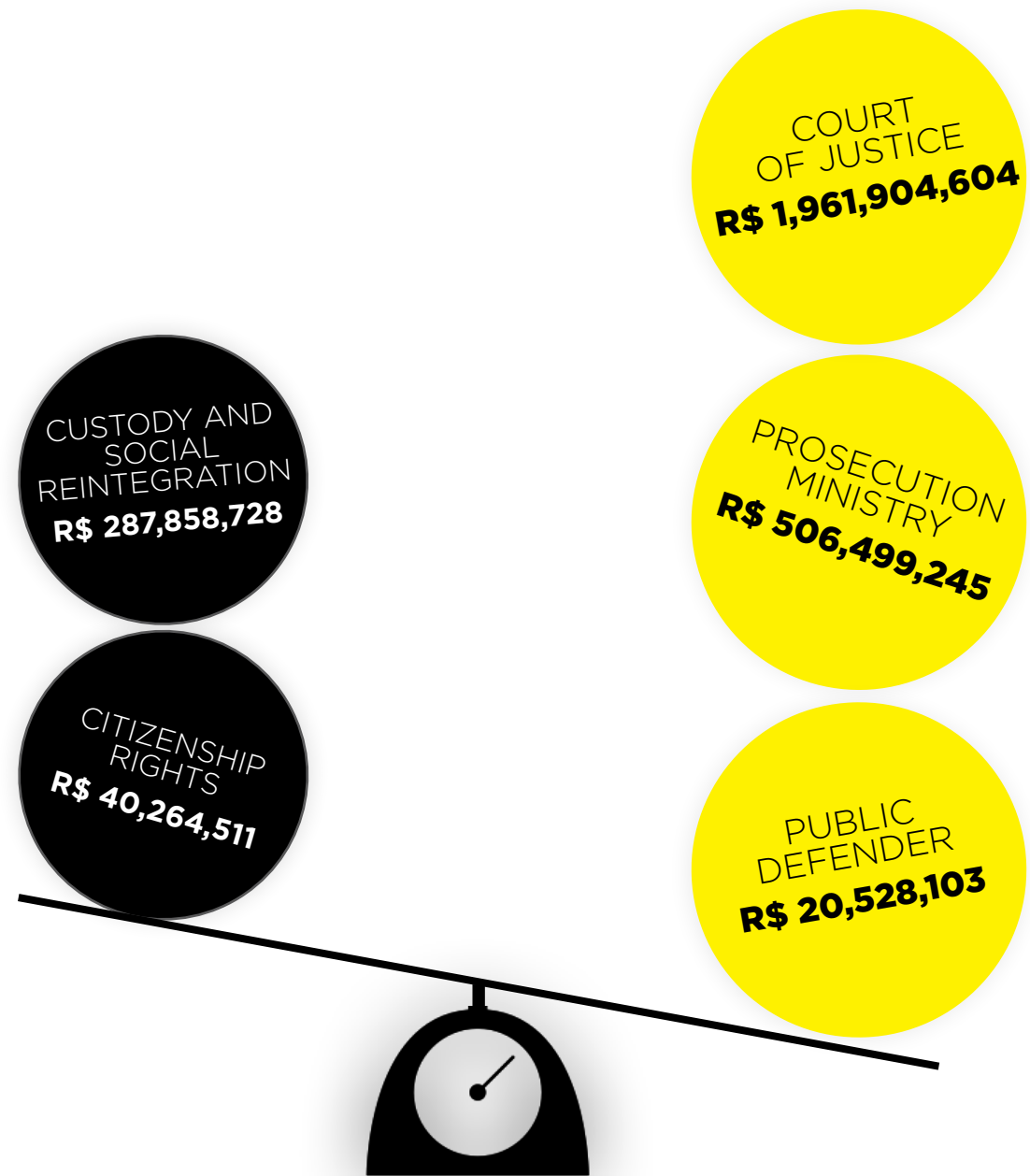
AVERAGE STATE BUDGET  
BETWEEN 2013 AND 2017  
**R\$38 BILLION**

**R\$771 MILLION** ← **2%**



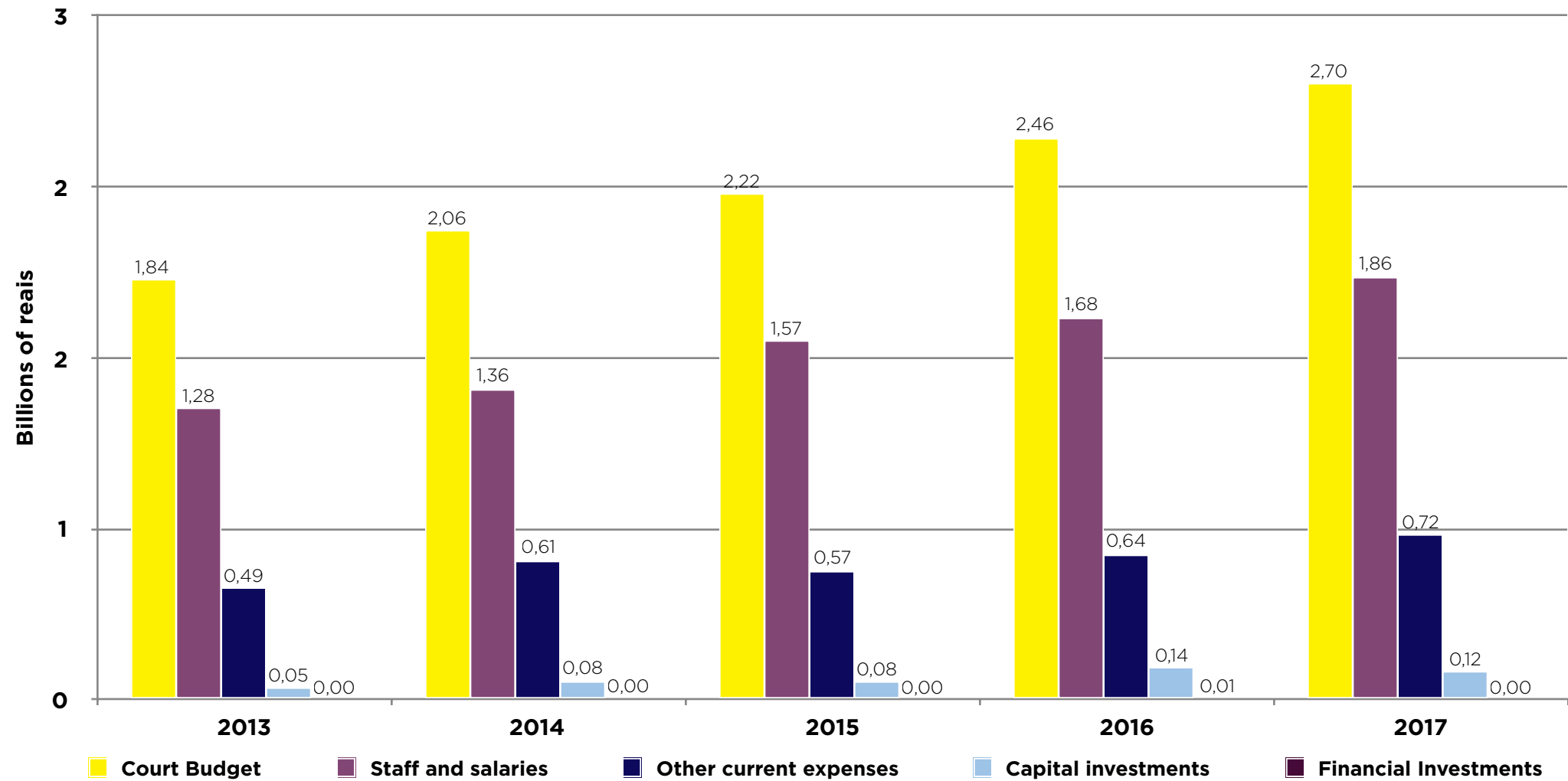
# SOME EXAMPLES OF EXPANSION OF ADDITIONAL CREDITS

PARANÁ | 2017  
(DATA OBTAINED FROM LAI)



PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES

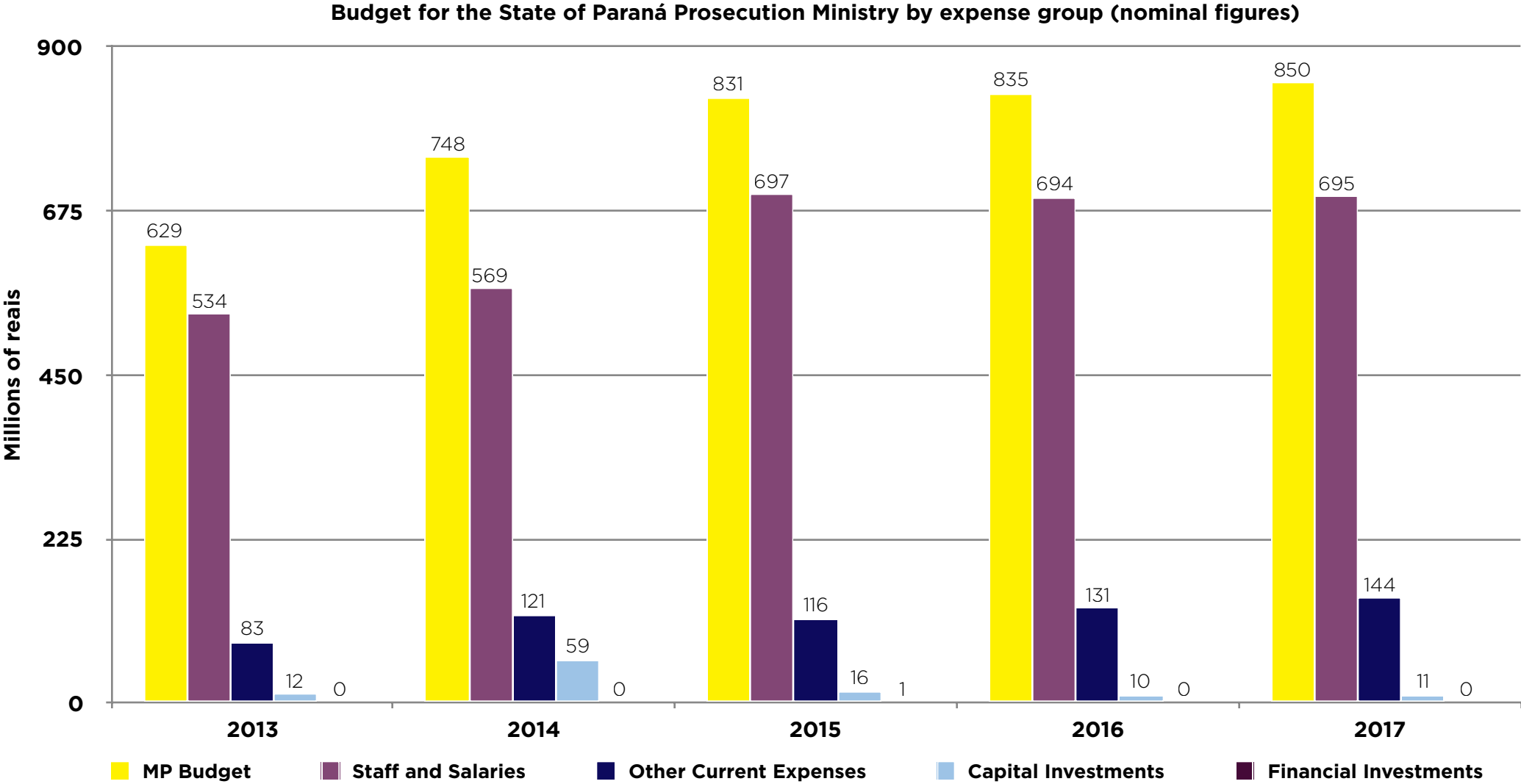
Budget for the State of Paraná Court of Justice by expense group (nominal figures)



Between 2013 and 2017, the payment of staff and salaries consumed on average 70% of the TJPR's budget.



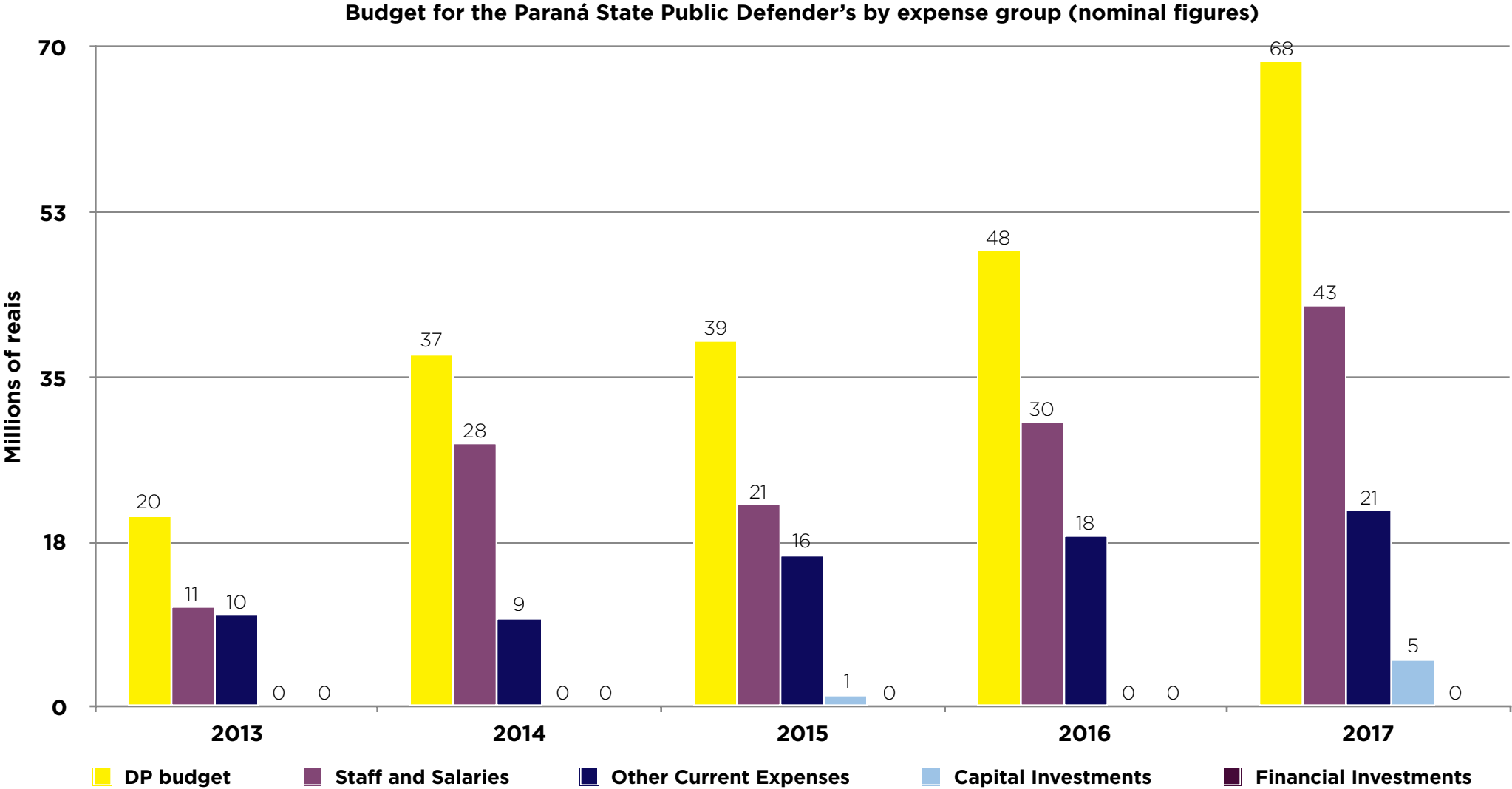
PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES



Between 2013 and 2017, payments of **MPPR staff and salaries** consumed on average 70% of that agency's budget.



PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES



Between 2013 and 2017, the payment of **DPPR staff and salaries** consumed on average 61% of that agency's budget.



A thick yellow vertical bar is positioned on the left side of the image, spanning the full height. It contains a thin white vertical line near its right edge.

# BUDGET

CEARÁ

THE CEARÁ  
COURT OF JUSTICE (TJCE)  
BUDGET IN 2018 WAS

# LARGER

THAN THE TOTAL BUDGET  
FOR 9 KEY STATE  
SERVICES COMBINED

(NOMINAL FIGURES)

FOR ILLUSTRATIVE PURPOSES,  
JUSTA SELECTED 10 UNDENIABLY  
ESSENTIAL STATE GOVERNMENT  
SERVICES, THAT WHEN ARE ALL  
ADDED TOGETHER, DO NOT ADD  
UP TO THE AMOUNT BUDGETED  
FOR THE COURTS.

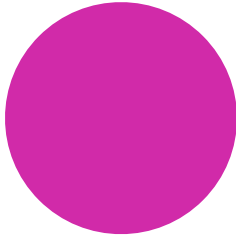
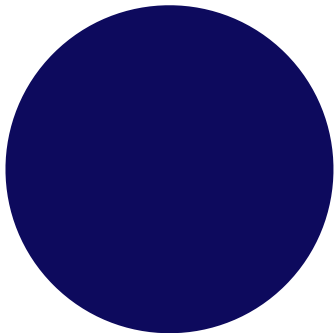
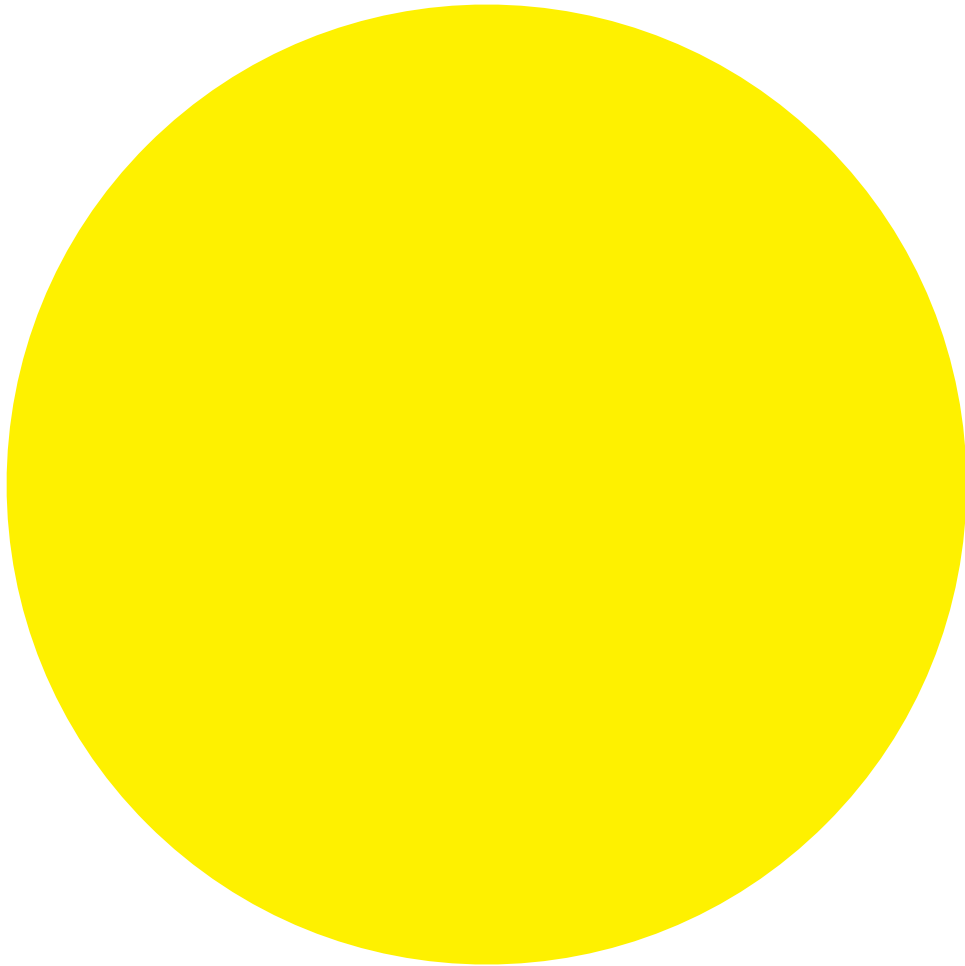


BETWEEN 2013 AND 2018,  
**THE TJCE CONSUMED ON  
AVERAGE 4.3% OF THE  
ANNUAL STATE BUDGET.**

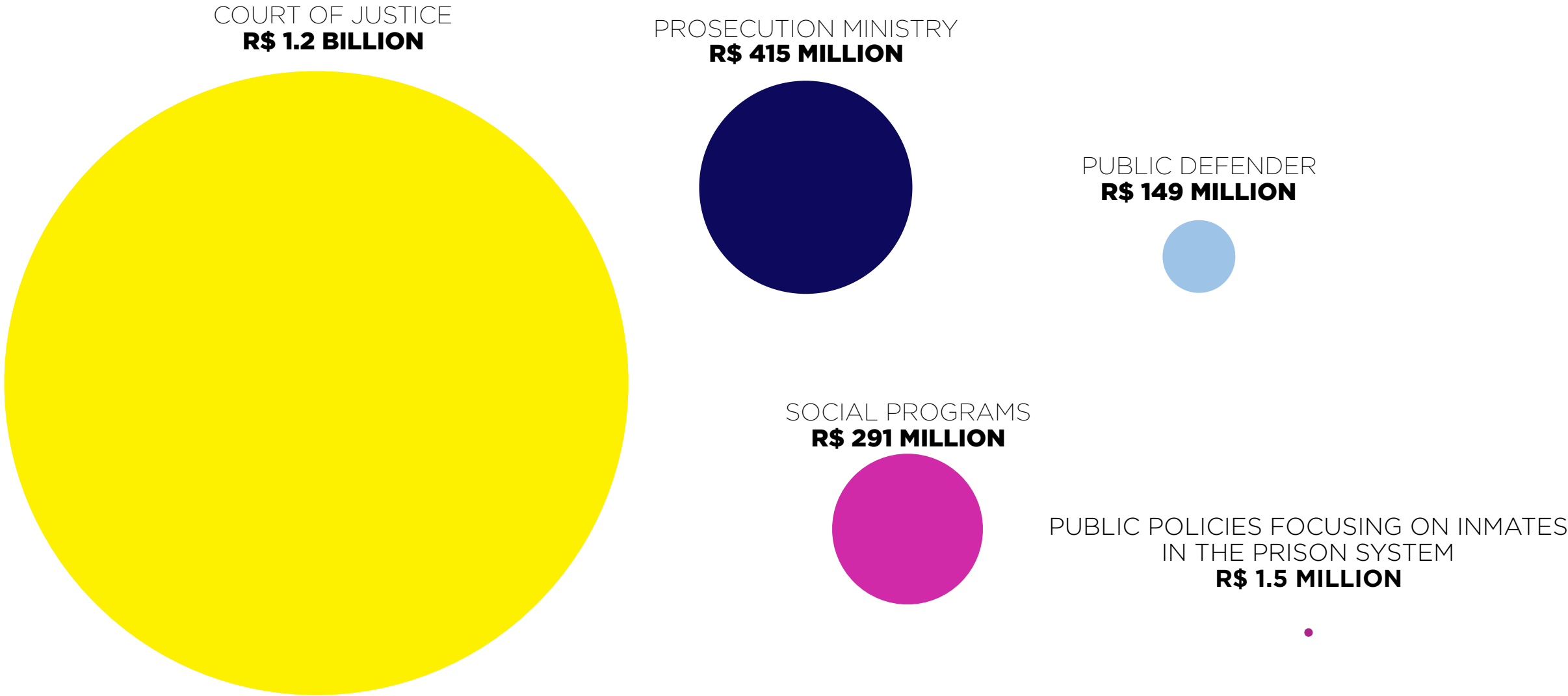
- TJCE
- Sanitation | R\$ 318 million
- Social Programs | R\$ 291,8 million
- Urban planning | R\$ 220 million
- Culture | R\$ 107.7 million
- Science and Technology | R\$ 89.8 million
- Labor | R\$ 70.8 million
- Industry | R\$ 37 million
- Housing | R\$ 24.7 million
- Agriculture Org. | R\$ 12.7 million





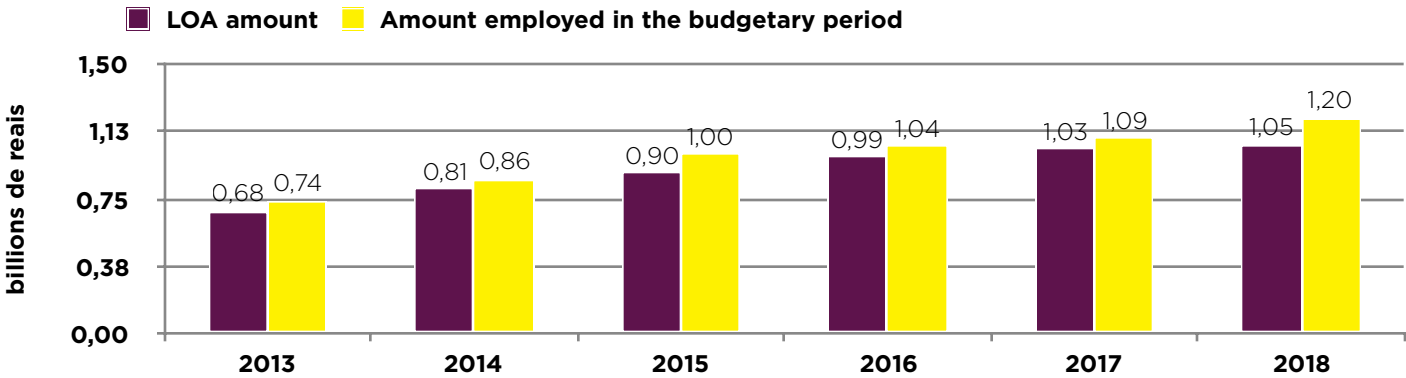


**BUDGET FOR THE STATE OF CEARÁ | 2018**



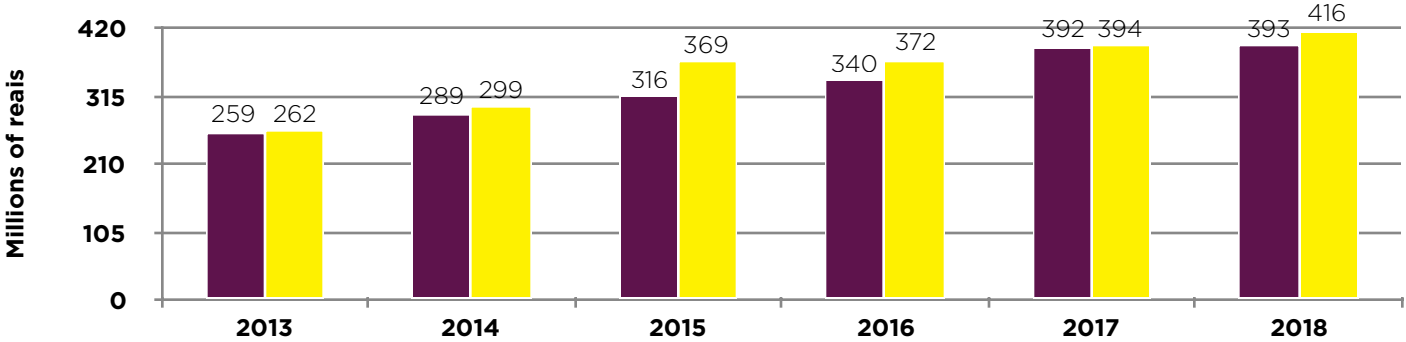
HISTORICAL SERIES | INSTITUTIONAL BUDGETS | CEARÁ

Court of Justice's  
Budget of the  
State of Ceará  
(nominal figures)



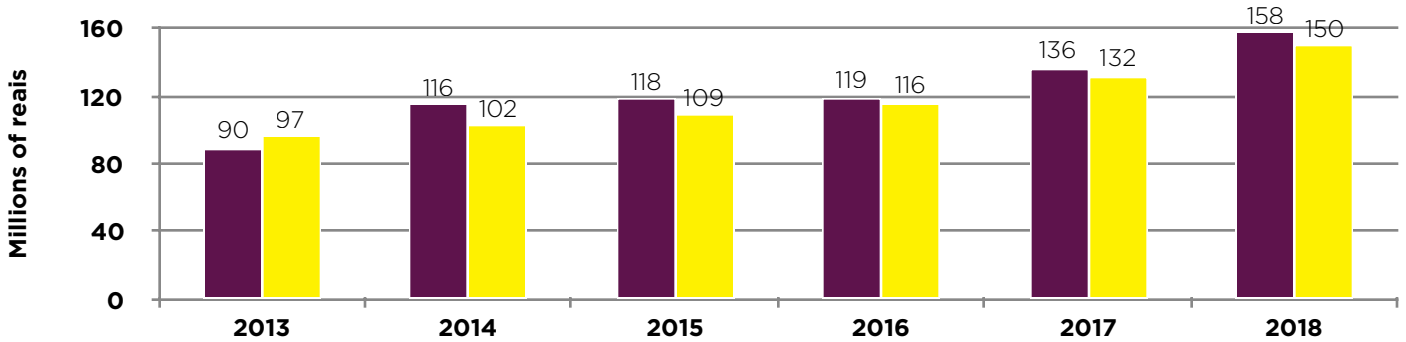
In 2018, the budget for the state of **Ceará** was **47% higher** than it was in 2013.

Prosecution Ministry's  
Budget for the  
State of Ceará  
(nominal figures)



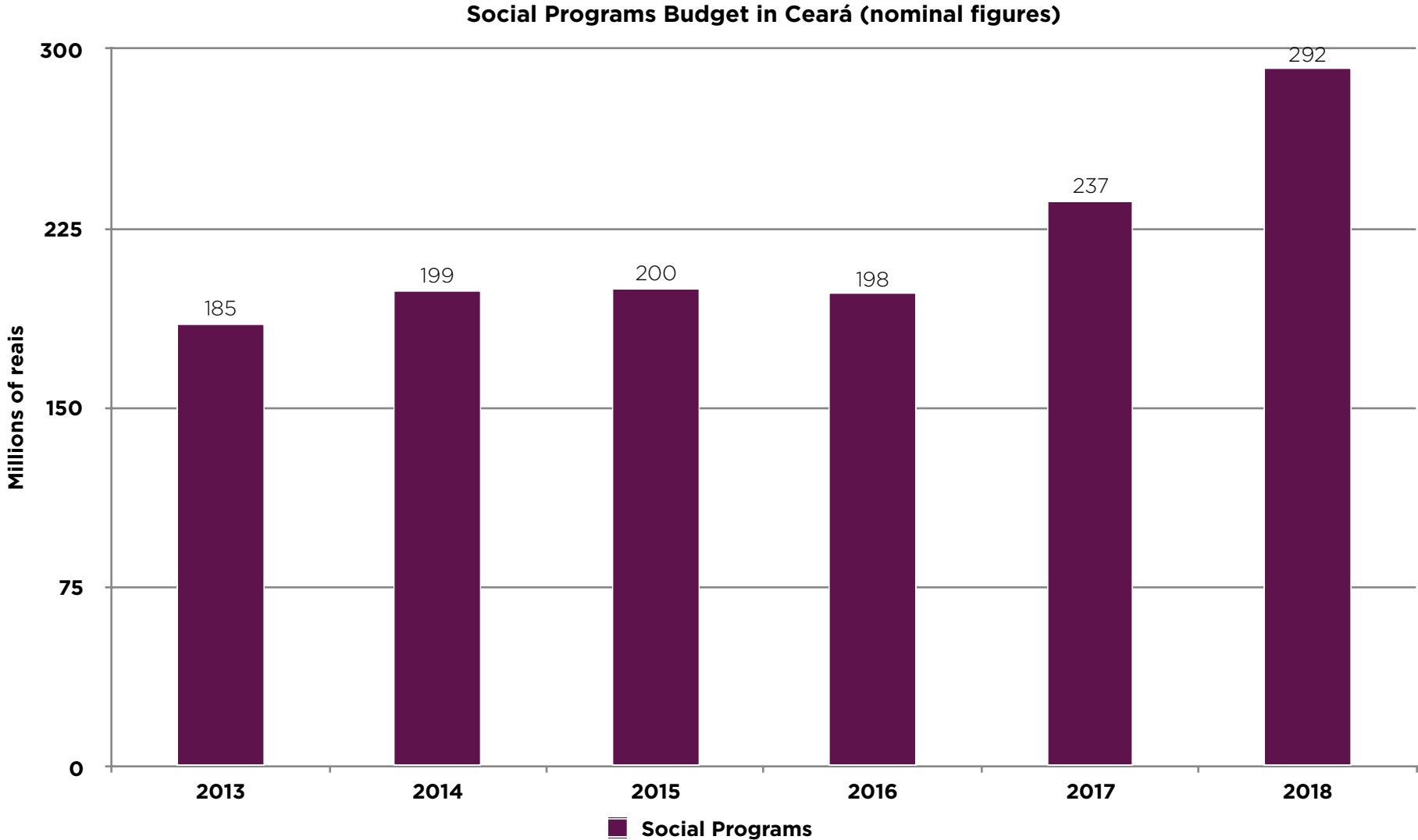
In 2018, the **MPCE budget** was **59% higher** than it was in 2013.

Public Defender's  
Budget for the  
State of Ceará  
(nominal figures)



In 2018, the **DPCE budget** was **55% higher** than it was in 2013.





## INMATES

In 2018, the amounts employed on policies focused on prison inmates were **52% lower than in 2017**. When compared to 2013, 2018 amounts were 17% lower.

In 2018, the social programs budget was **57% higher than it was in 2013**.





# **BUDGET SUBSIDIES**

CEARÁ

**ONE OF THE MAIN RESPONSIBILITIES A LEGISLATIVE ASSEMBLY HAS IS TO DEBATE AND DECIDE ON THE GOVERNMENT BUDGET (ANNUAL BUDGET LAWS AND THE EXPANSION OF ADDITIONAL CREDIT) TO ASSURE THAT FUNDS ARE DISTRIBUTED FAIRLY AND TRANSPARENTLY.**

BUT THE LEGISLATIVE HAS CONCEDED THIS POWER TO THE EXECUTIVE WHEN THE SUBJECT CONCERNS EXPANDING ADDITIONAL CREDITS - THOSE SO-CALLED BUDGET SUBSIDIES.

## **CEARÁ| 2013 TO 2018**

EVERY YEAR THE LEGISLATIVE ASSEMBLY AUTHORIZED THE STATE GOVERNMENT TO DIRECTLY DISTRIBUTE UP TO **25%** OF **THE STATE BUDGET** TO SUBSIDIES WITHOUT REQUIRING THE LEGISLATIVE BRANCH'S APPROVAL.

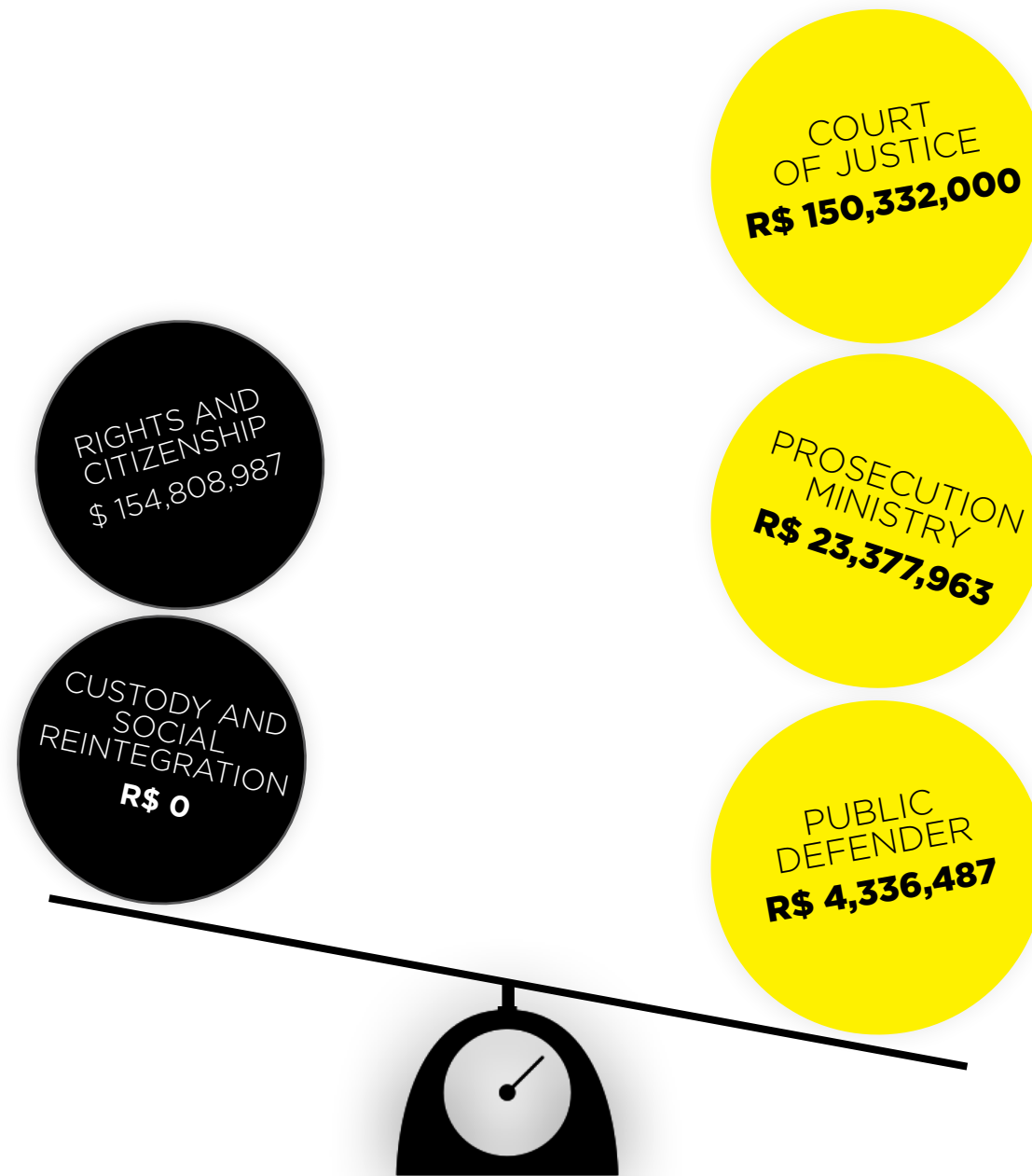
AVERAGE STATE BUDGET  
BETWEEN 2013 AND 2018  
**R\$22 BILLION**

**R\$5.6 BILLION** ← **25%**

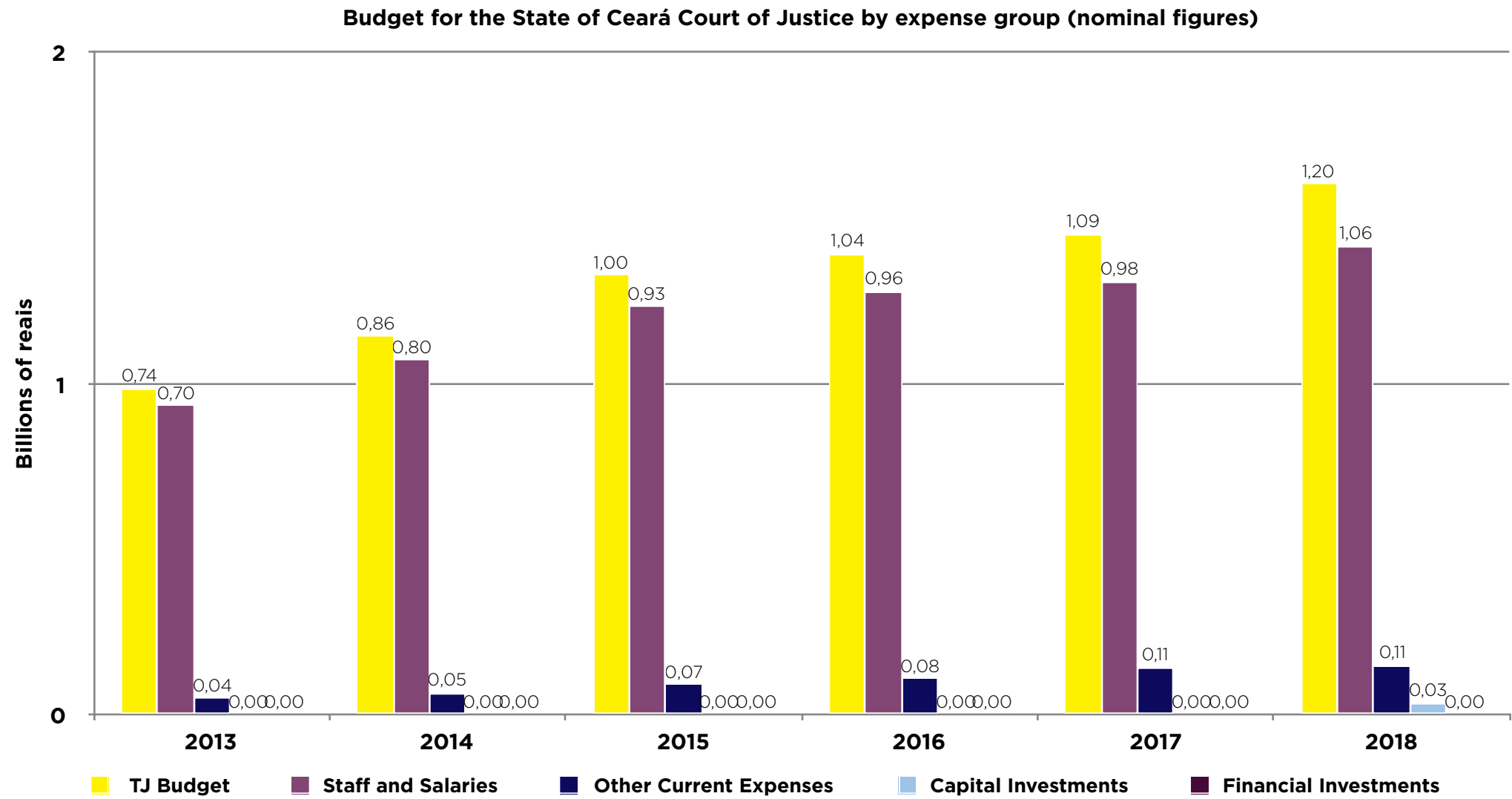


## SOME EXAMPLES OF EXPANSION OF ADDITIONAL CREDITS

CEARÁ | 2018



PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES

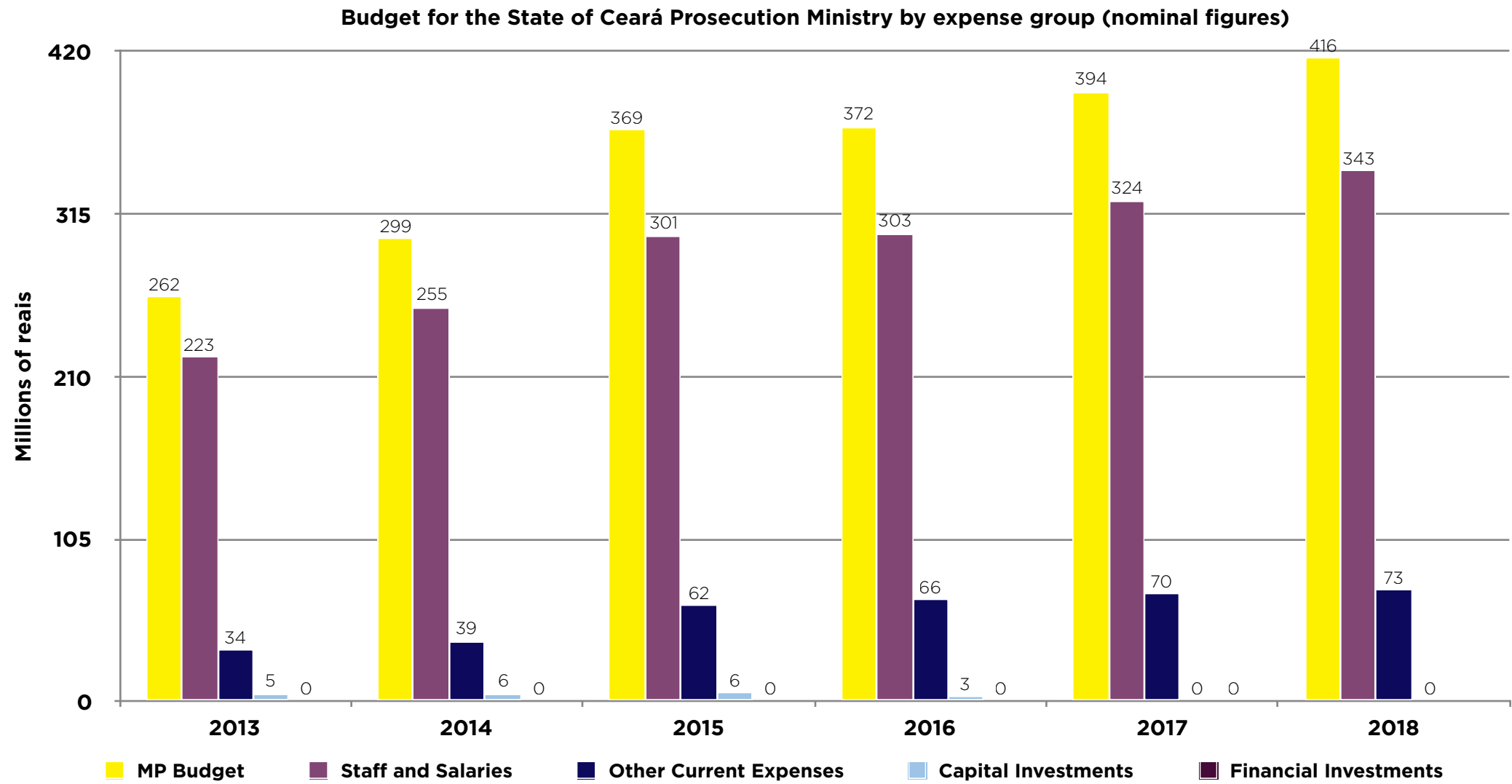


Between 2013 and 2018, the costs for **TJCE staff and expenses** on average consumed 92% of the TCJE's budget.





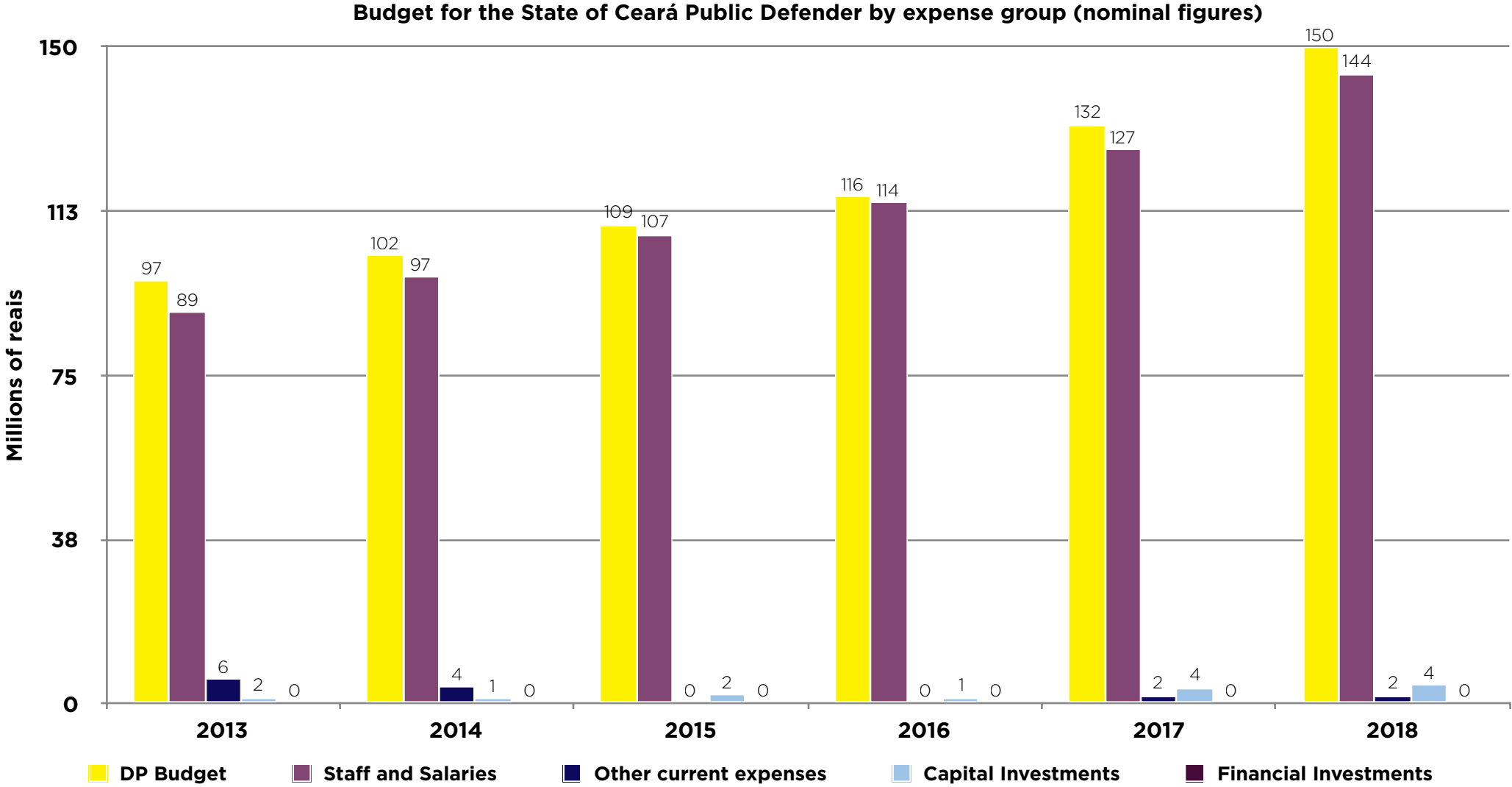
PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES



Between 2013 and 2018, the costs for **MPCE staff and expenses** on average consumed **83%** of the agency's budget.



PORTION OF COURT BUDGETS EARMARKED FOR STAFF AND EXPENSES



Between 2013 and 2018, the costs for **PDCE staff and expenses** on average consumed **96%** of the agency's budget.



# STAYS OF PRELIMINARY ORDERS

ANALYSIS PERIODS

**CE** 2013 - 2018

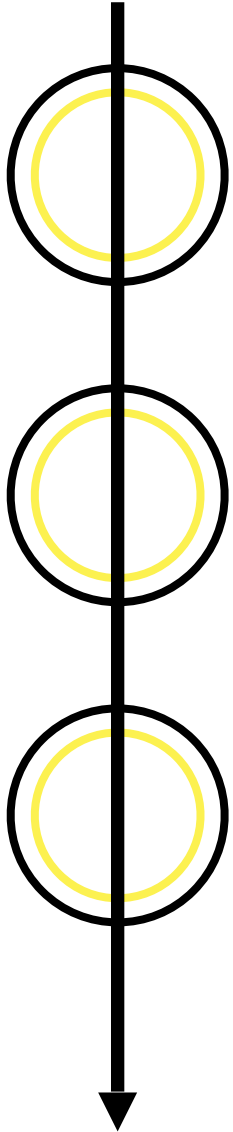
**SP** 2013 - 2018

**PR** 2013 - 2018

IN BRAZIL, A MECHANISM  
CALLED THE STAY OF  
PRELIMINARY ORDER  
("SUSPENSÃO DE SEGURANÇA")  
GIVES THE COURT'S PRESIDENT  
THE POWER TO SUSPEND THE  
EFFECTS OF DECISIONS TAKEN  
AGAINST THE GOVERNMENT BY  
THE TRIAL COURTS.

LIST OF CASES  
MADE AVAILABLE  
BY THE STATE  
COURTS THROUGH  
THE FREEDOM OF  
INFORMATION LAW.

## NOTES ON METHODOLOGY



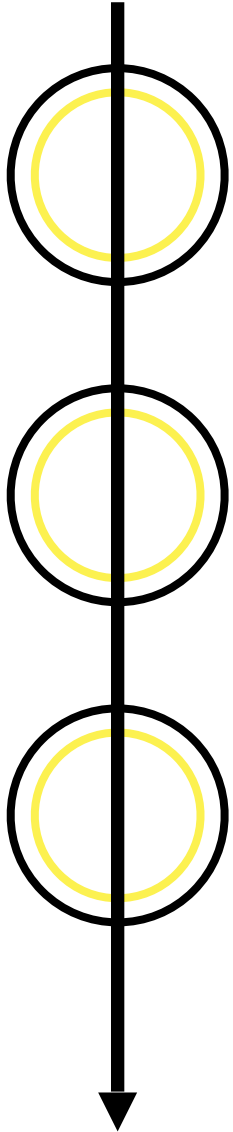
JUSTA SUBMITTED FREEDOM OF INFORMATION LAW PETITIONS TO THE COURTS IN THE STATES RESEARCHED, ASKING FOR A LIST OF THE NUMBERS OF CASES INVOLVING STAYS OF PRELIMINARY ORDERS DECIDED BETWEEN 2013 AND 2018.

BASED UPON THAT LIST OF CASES, JUSTA SOUGHT TO DETERMINE THE FOLLOWING FOR EACH CASE: CASE NUMBER, JUDGMENT DATE, PETITIONER, JUDGE, MATTER COVERED, PROCEDURAL CLASS (STAY OR SENTENCE SUSPENSION) AND THE FULL CONTENT OF THE DECISION OUTCOME.

ONE OF THE PRIMARY GOALS JUSTA HAD, WORKING IN PARTNERSHIP WITH **OPEN KNOWLEDGE BRASIL**, WAS TO AUTOMATE DATA COLLECTION. BECAUSE OF THE DIFFERENT BARRIERS FACED ACCESSING THE COURT SITES, THE COLLECTION AND HANDLING PROCEDURES INVOLVED MANUAL COLLECTION IN THE STATES OF CEARÁ AND PARANÁ.



## NOTES ON METHODOLOGY | DATA COLLECTION SPECIFICS IN EACH STATE



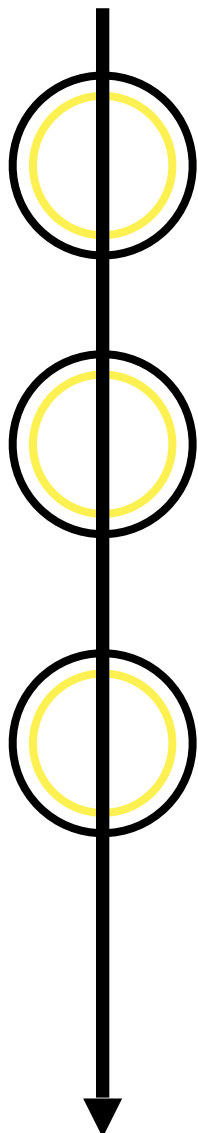
**SÃO PAULO** | AUTOMATION WAS AVAILABLE.

**PARANÁ** | DATA COULD NOT BE COLLECTED AUTOMATICALLY BECAUSE OF THE CAPTCHA FUNCTION ON THE TJPR WEBSITE. GIVEN THIS BARRIER, JUSTA HAD TO MANUALLY DOWNLOAD EACH CASE, AND THE TECHNOLOGY TEAM - OPEN KNOWLEDGE BRASIL - CONVERTED PDFS CONTAINING ALL OF THE INFORMATION OF EVERY DECISION, AND THEN ADDED IT TO THE PROJECT'S DATABASE.

**CEARÁ** | DATA COULD NOT BE COLLECTED AUTOMATICALLY GIVEN HOW THE INFORMATION IS SET UP AND MADE AVAILABLE ON THE TJCE SITE. AGAIN, GIVEN THE BARRIERS FACED, THE CASES WERE ALL GATHERED MANUALLY.



## NOTES ON METHODOLOGY| DATA HANDLING



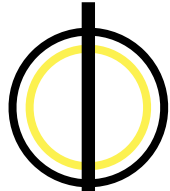
ONE OF JUSTA'S GOALS WAS TIED TO CATEGORIZING CASES BASED UPON THE THEMATIC CLASSIFICATIONS LISTED IN THE "SUBJECT" FIELD ON THE COURT WEBSITES, BUT GIVEN THE INCONSISTENCIES FOUND WHEN MANUALLY USING THE DATABASE (SUBJECT LINES HAD NOTHING TO DO WITH THE SUBJECTS COVERED IN THE DECISIONS), WE NEED TO CREATE OUR OWN SPECIFIC CATEGORIES.

IN THE STATE OF CEARÁ'S THOUGH, IN MANY CASES THE ENTIRE CONTENT OF THE DECISION WASN'T EVEN AVAILABLE, THEREBY INHIBITING MANUAL TREATMENT OF THE CONTENT. IN THAT CASE, GIVEN THE BARRIERS FACED, JUSTA USED THE CATEGORIES LISTED.

REGARDING THE TWO CATEGORIES OF INTEREST TO JUSTA, WE'D LIKE TO POINT OUT THE FOLLOWING:

- CONDITIONS INVOLVING IMPRISONMENT: CONCERNS THE GUARANTEE OF RIGHTS OF PRISONERS BOTH WITHIN THE PRISON SYSTEM ITSELF (JAIL OR PRISON) IN ADDITION TO THE SOCIAL-EDUCATIONAL SYSTEM.
- PUBLIC SAFETY AND ORDER: REGARDING PROCESSES INVOLVING POLICE FORCES AND PUBLIC DEMONSTRATIONS, POLICE CONTINGENTS, SECURITY STRUCTURE AND SUPPLIES (BOTH CIVILIAN AND MILITARY).





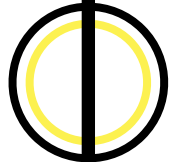
### IN EACH STATE, WE TOOK A LOOK AT

#### OUTCOMES:

- PETITIONS GRANTED  
(THE TRIAL COURT'S DECISION WAS SUSPENDED)
- PETITIONS DENIED  
(THE TRIAL COURT DECISION IS UPHELD)

CASES WERE DISCARDED WHEN THEY WERE CLOSED WITH NO RESOLUTION ON MERIT.

CASES PARTIALLY FINDING FOR THE PETITIONER WERE ONLY INVOLVED QUALITATIVELY.



### FUNCTION

- THE PETITIONER'S SPHERE OF INFLUENCE: STATE AND MUNICIPAL.
- WHAT THE CASES SOUGHT, ORGANIZED BY SUBJECT.
- THE MANDATES OF COURT PRESIDENTS, WHICH LAST FOR TWO YEARS (ONE ADMINISTRATION).





# **STAYS OF PRELIMINARY ORDERS** SÃO PAULO

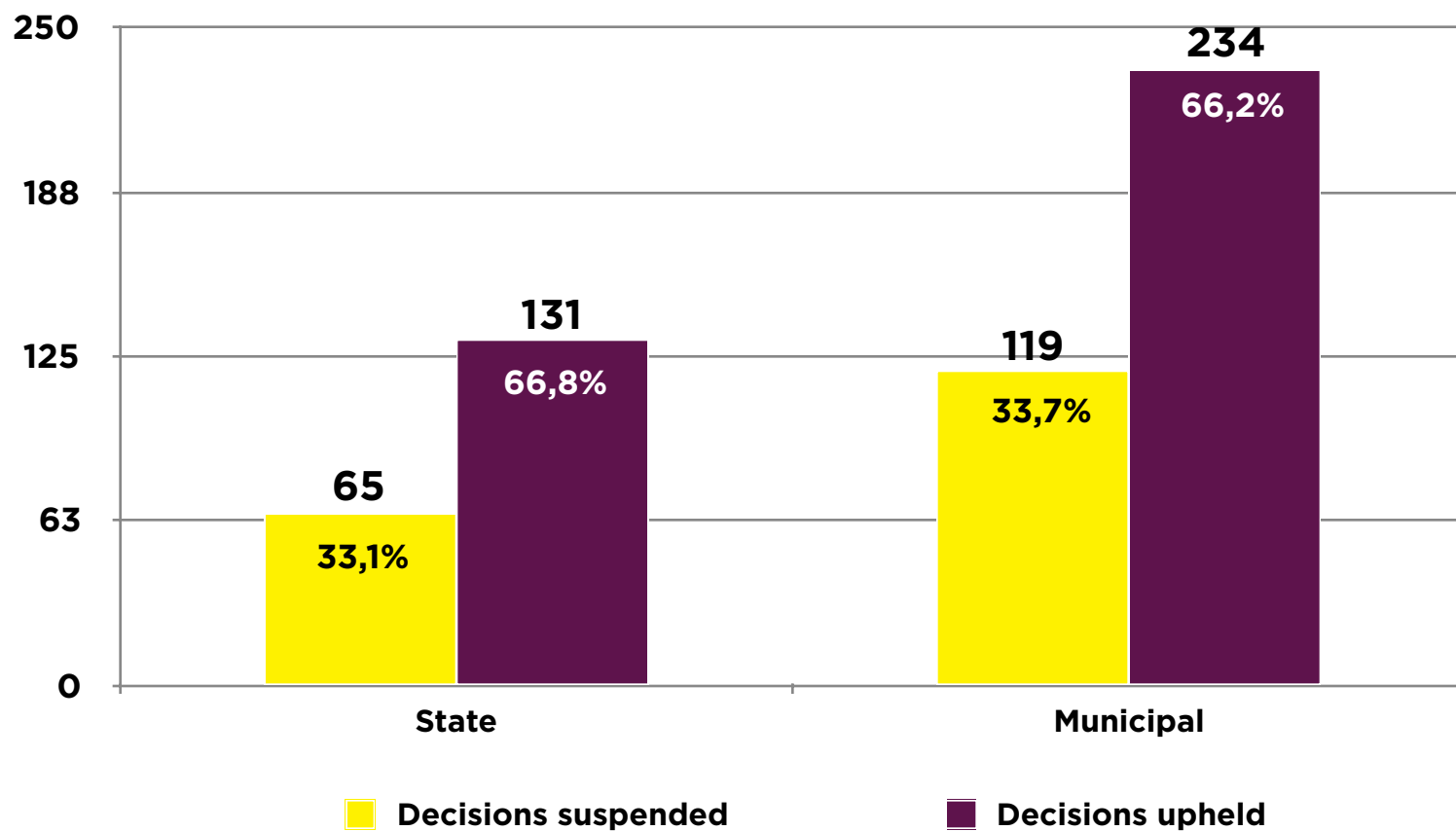


**549**  
CASES

**196**  
STATE  
JURISDICTION  
CASES

**353**  
MUNICIPAL  
JURISDICTION  
CASES

Number of cases where there is a stay of the preliminary order by level  
SP | 2013 - 2018



**549**  
CASES

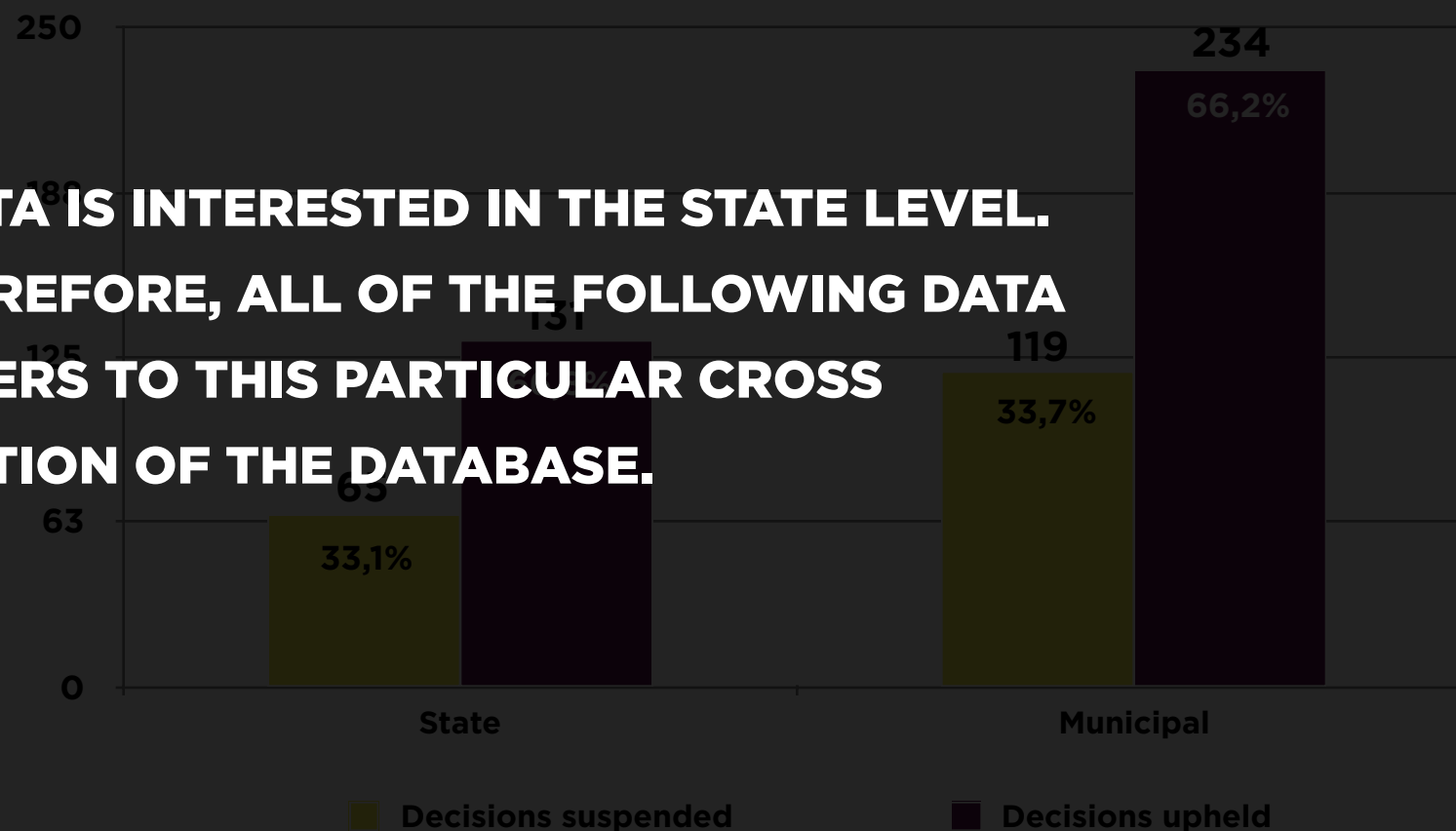
**196**

**353**

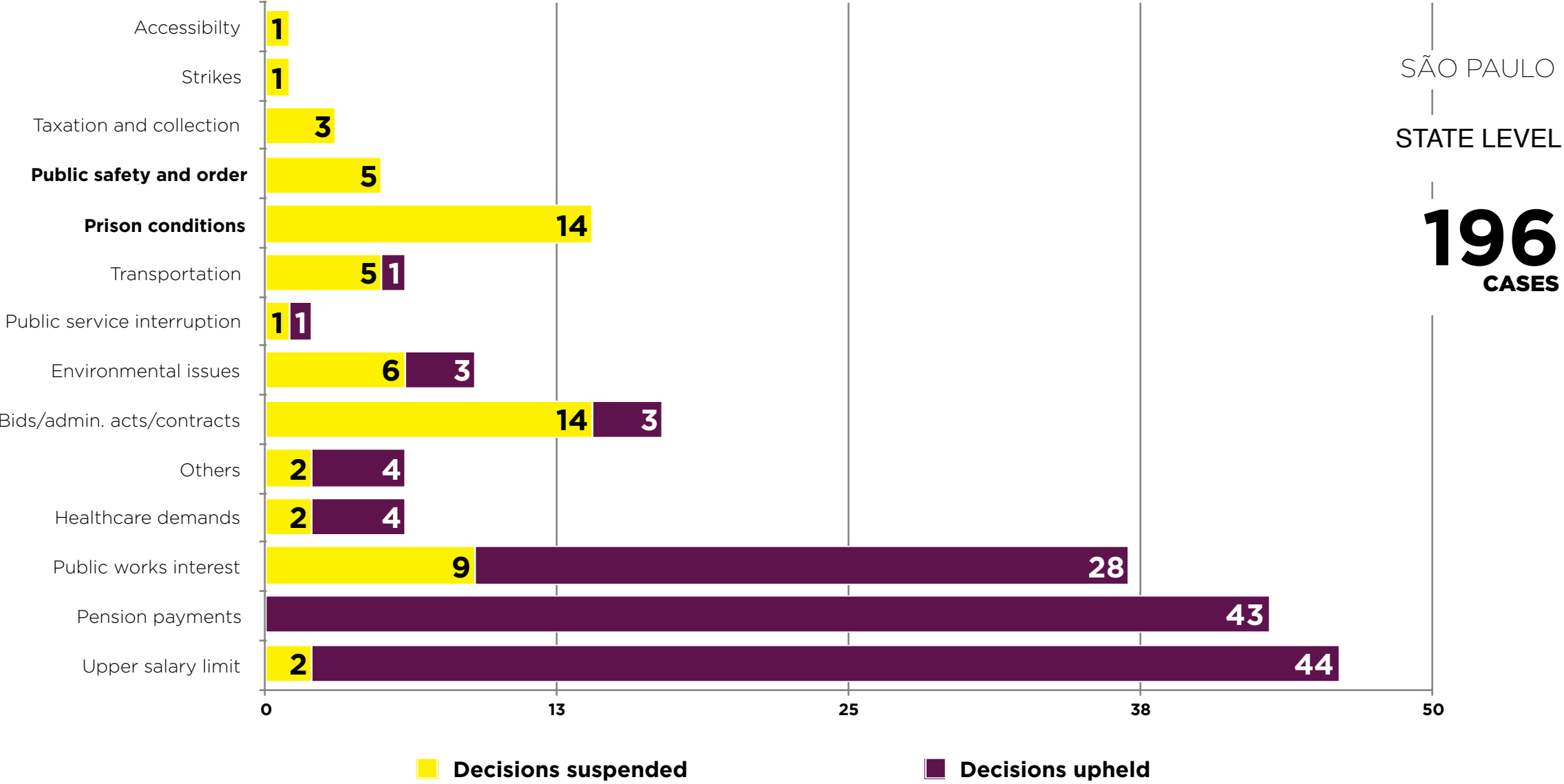
MUNICIPAL  
JURISDICTION  
CASES

Number of cases where there is a stay of the preliminary order by level  
SP | 2013 - 2018

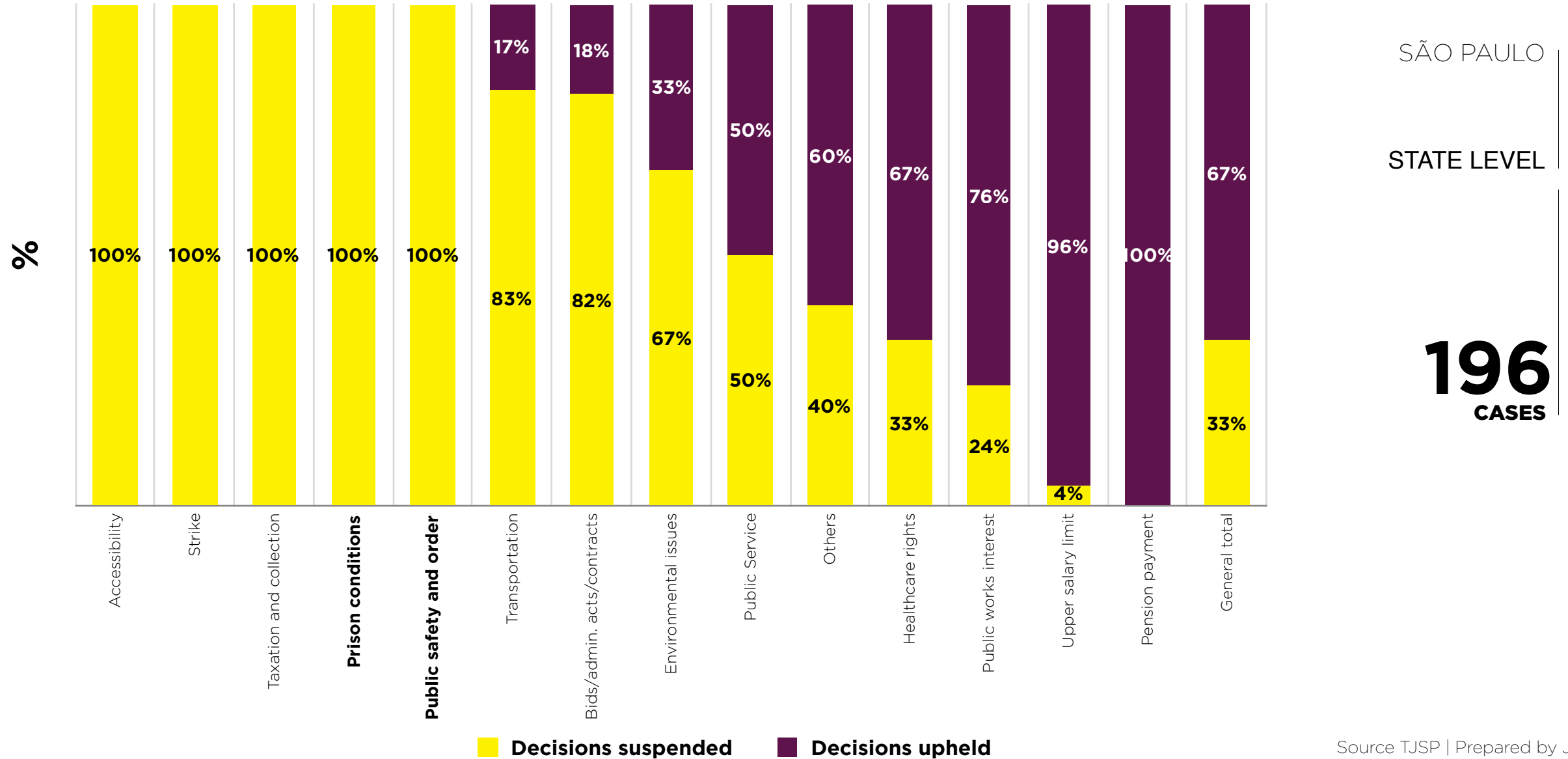
**JUSTA IS INTERESTED IN THE STATE LEVEL.  
THEREFORE, ALL OF THE FOLLOWING DATA  
REFERS TO THIS PARTICULAR CROSS  
SECTION OF THE DATABASE.**



State jurisdiction cases suspended by subject matter and outcome  
SP | 2013 a 2018



## % State jurisdiction cases suspended by subject matter and outcome SP | 2013 a 2018



SÃO PAULO

**EXAMPLES OF  
STAYING A  
DECISION'S  
EFFECTS**

- GUARANTEED MEDICAL ATTENTION IN PRISONS AND TRAVEL FOR MEDICAL SERVICES:

Emergency Room  
Hospital  
Exams  
Doctor visits

- GUARANTEE THAT PRISONERS CAN TAKE SHOWERS AT AN APPROPRIATE TEMPERATURE.

**IN 100% OF THE CASES, THE  
COURT'S PRESIDENCY UNDERMINED  
THE RIGHTS OF PRISONERS.**

SÃO PAULO

**EXAMPLES OF  
STAYING A  
DECISION'S  
EFFECTS**

- OVERCROWDING AND PERMANENT INCARCERATION AT PROVISIONAL DETENTION CENTERS, PENITENTIARIES AND YOUTH DETENTION CENTERS:

- Fundação CASA de Araçatuba
- Centro de Progressão Penitenciária de Mongaguá
- Alas de Progressão das Penitenciárias I e II de São Vicente
- Centro de Detenção Provisória São Vicente
- Penitenciária de Álvaro de Carvalho
- Unidade Prisional de Andradina
- Penitenciária "Nilton Silva" - Franco da Rocha II
- Penitenciária III de Franco da Rocha

**IN 100% OF THE CASES, THE  
COURT'S PRESIDENCY UNDERMINED  
THE RIGHTS OF PRISONERS.**

SÃO PAULO

**EXAMPLE OF**

# **UPHOLDING A DECISION'S EFFECTS**

- WHEN THE SUBJECT IS THE CONSTITUTIONAL THRESHOLD, **96% OF THE TRIAL COURT'S DECISIONS ARE UPHELD.**

**THE COURTS NEARLY ALWAYS ALLOWED THE UPPER SALARY LIMITS TO CONTINUE TO RISE.**



# **STAYS OF PRELIMINARY ORDERS** PARANÁ

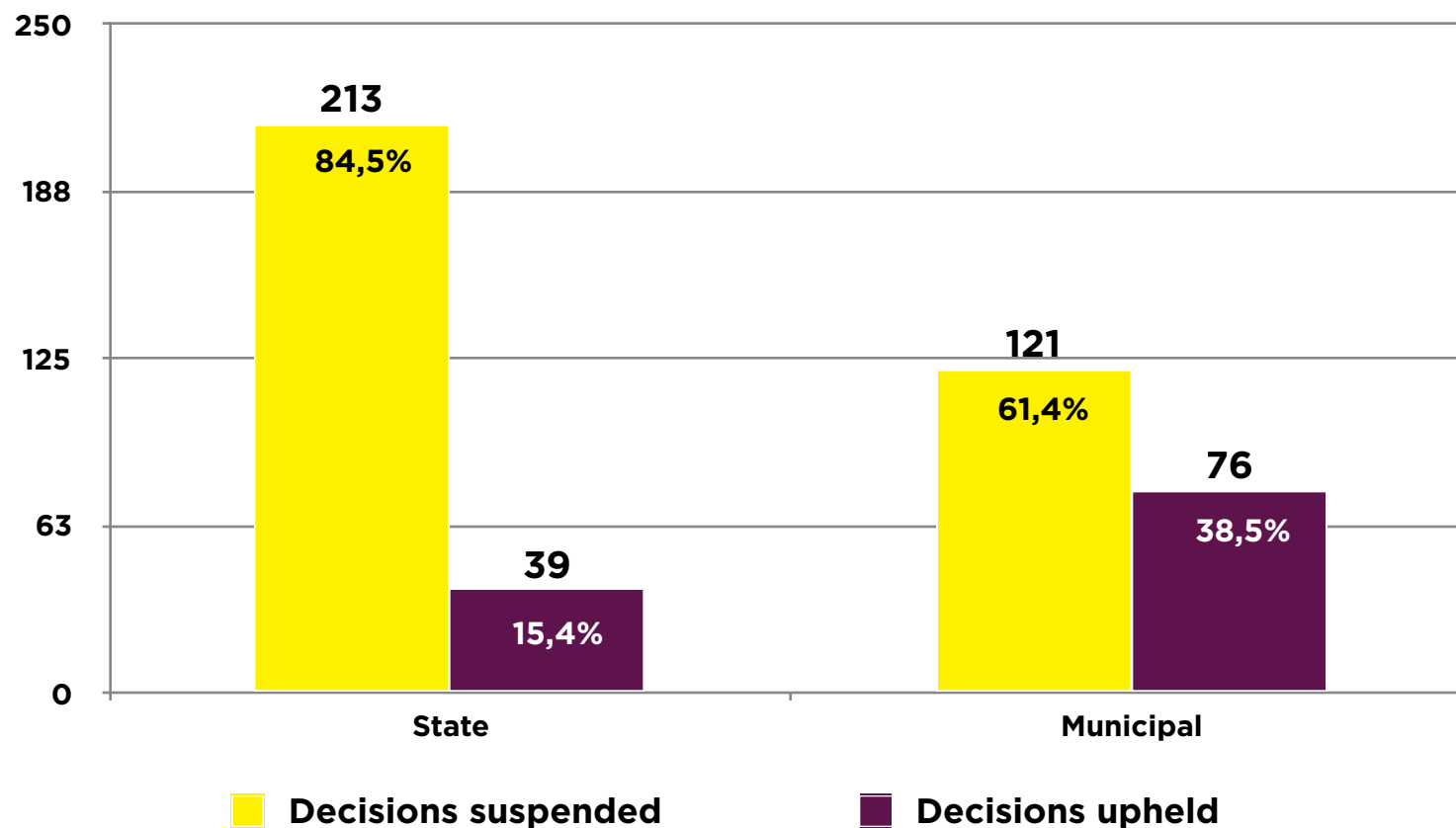


**449**  
**CASES**

**252**  
**STATE**  
**JURISDICTION**  
**CASES**

**197**  
**MUNICIPAL**  
**JURISDICTION**  
**CASES**

Number of cases where there is a stay of the preliminary order by level  
PR | 2013 - 2018

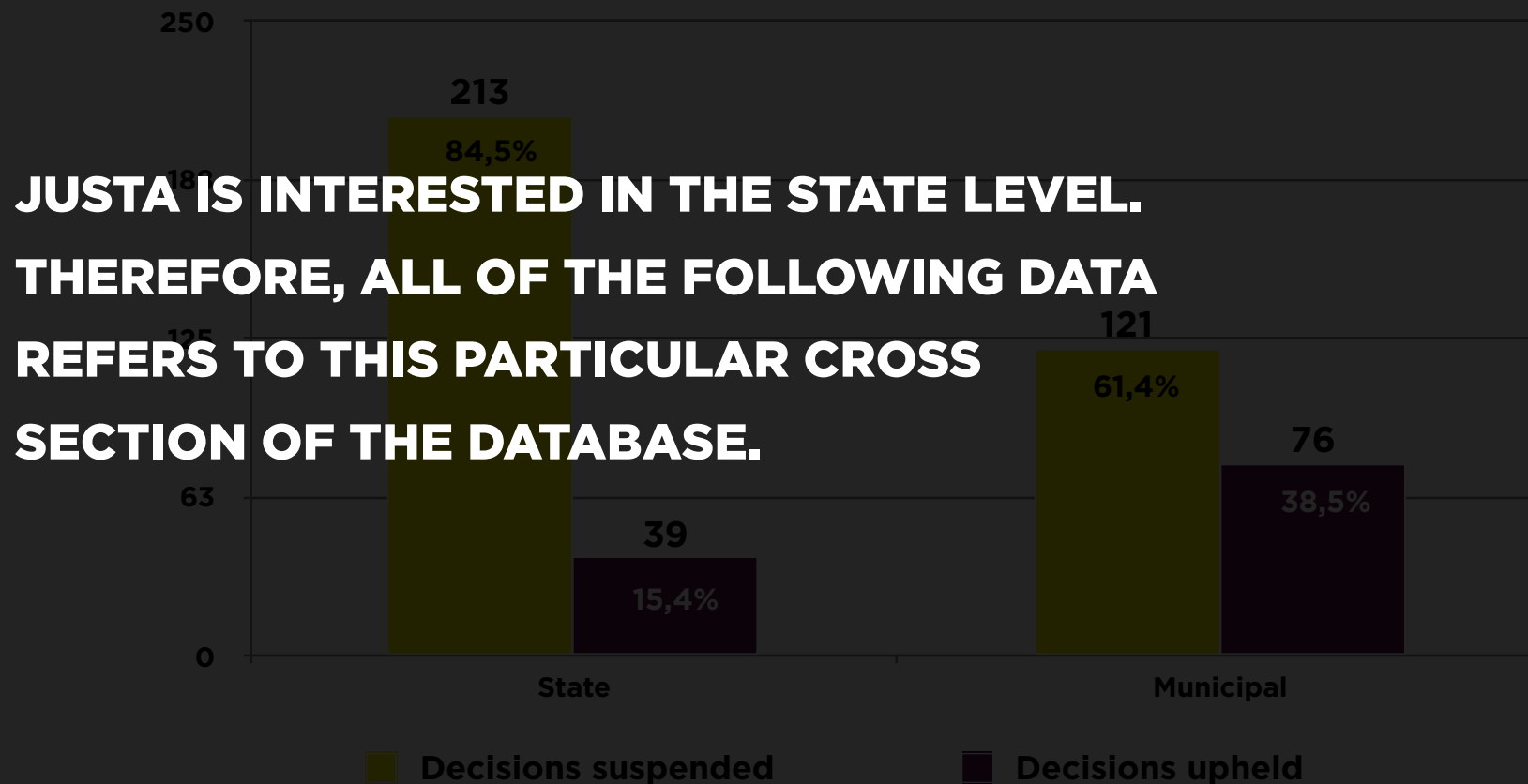


**449**  
CASES

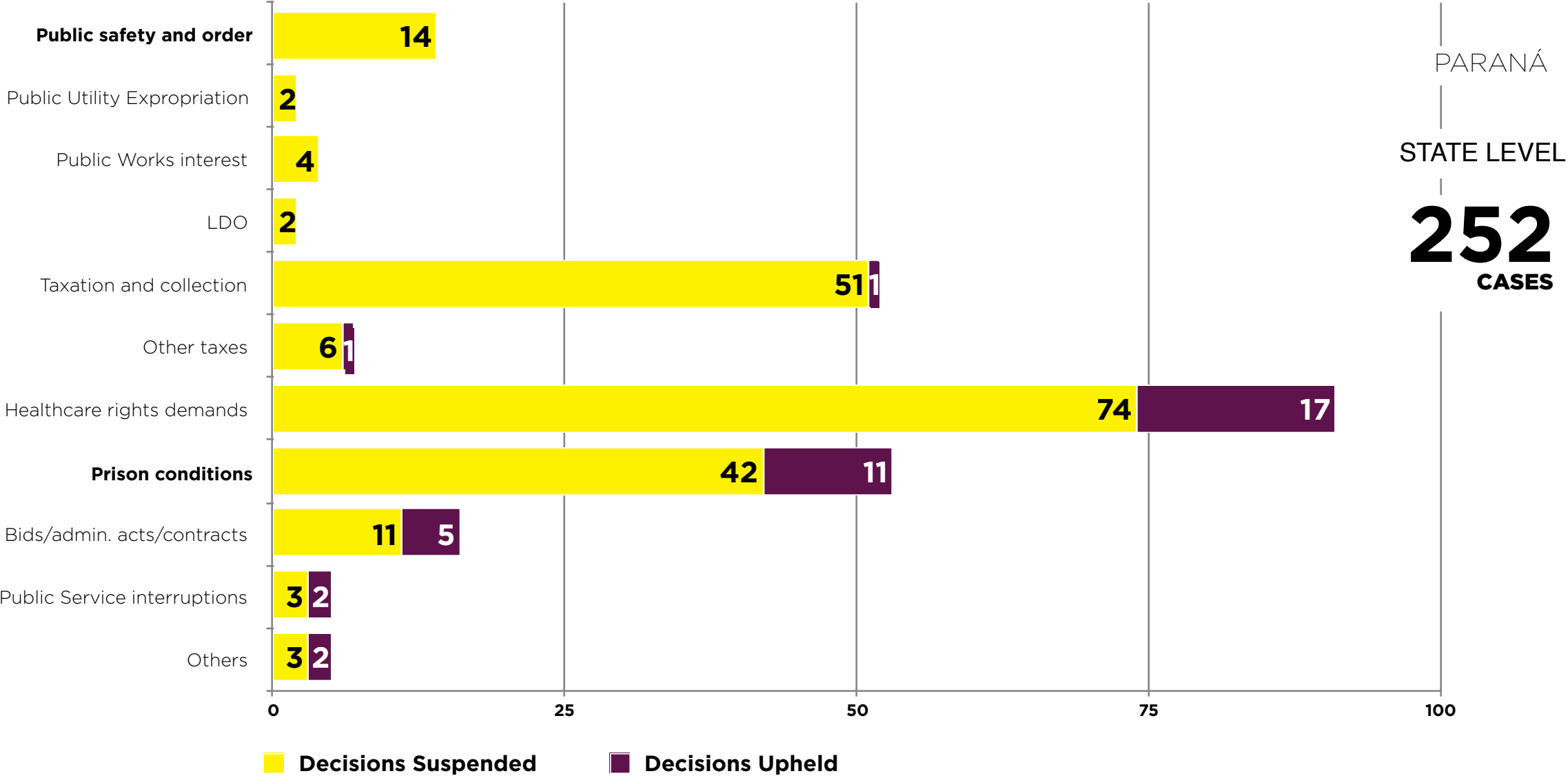
**252**

**197**  
MUNICIPAL  
JURISDICTION  
CASES

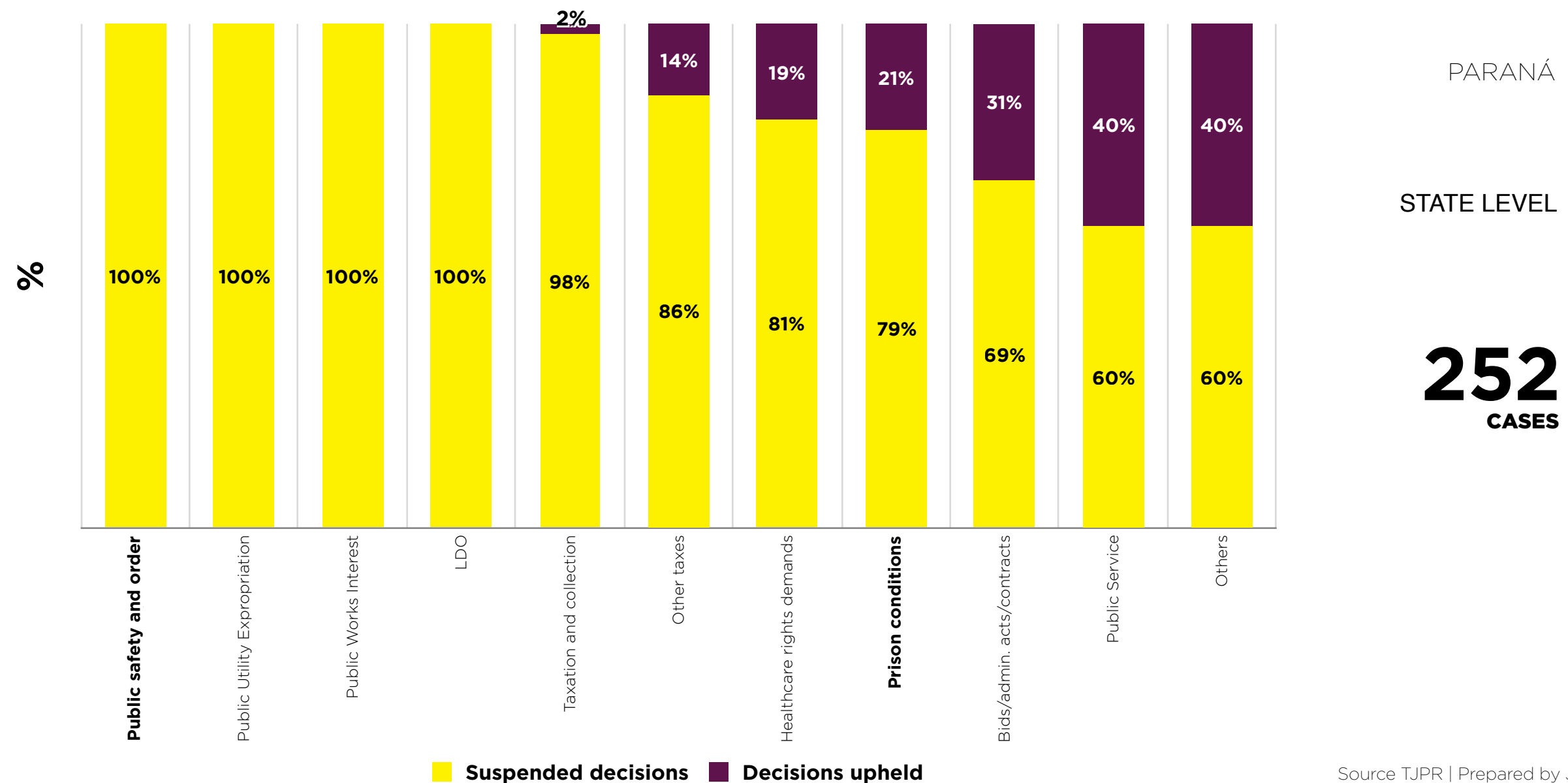
Number of cases where there is a stay of the preliminary order by level  
PR | 2013 - 2018



State jurisdiction cases suspended by subject matter and outcome  
PR | 2013 a 2018



**% State jurisdiction cases suspended by subject matter and outcome**  
**PR | 2013 a 2018**



PARANÁ

**EXAMPLE OF  
STAYING A  
DECISION'S  
EFFECTS**

- IRREGULARITIES IN THE CASCAVEL SOCIAL-EDUCATIONAL SYSTEM: IMMEDIATE REDUCTION TO THE NUMBER OF ADOLESCENTS HELD OR THE HIRING OF MORE SOCIAL EDUCATION SPECIALISTS.

**IN 79% OF CASES, COURT'S  
PRESIDENCY UNDERMINED THE  
PERSONAL RIGHTS OF INMATES.**

PARANÁ

**EXAMPLE OF  
STAYING A  
DECISION'S  
EFFECTS**

- **IMPROVEMENTS TO SAFETY AND PRISON CONDITIONS AT THE CITY JAIL IN CIDADE GAÚCHA:**

- Transfer of prisoners
- Guarantee regular medical treatment
- Assignment of more prison guards and other professionals,
- Make emergency repairs to the power grid, general structure and security cameras in the prison unit

**IN 79% OF CASES, COURT'S  
PRESIDENCY UNDERMINED THE  
PERSONAL RIGHTS OF INMATES.**



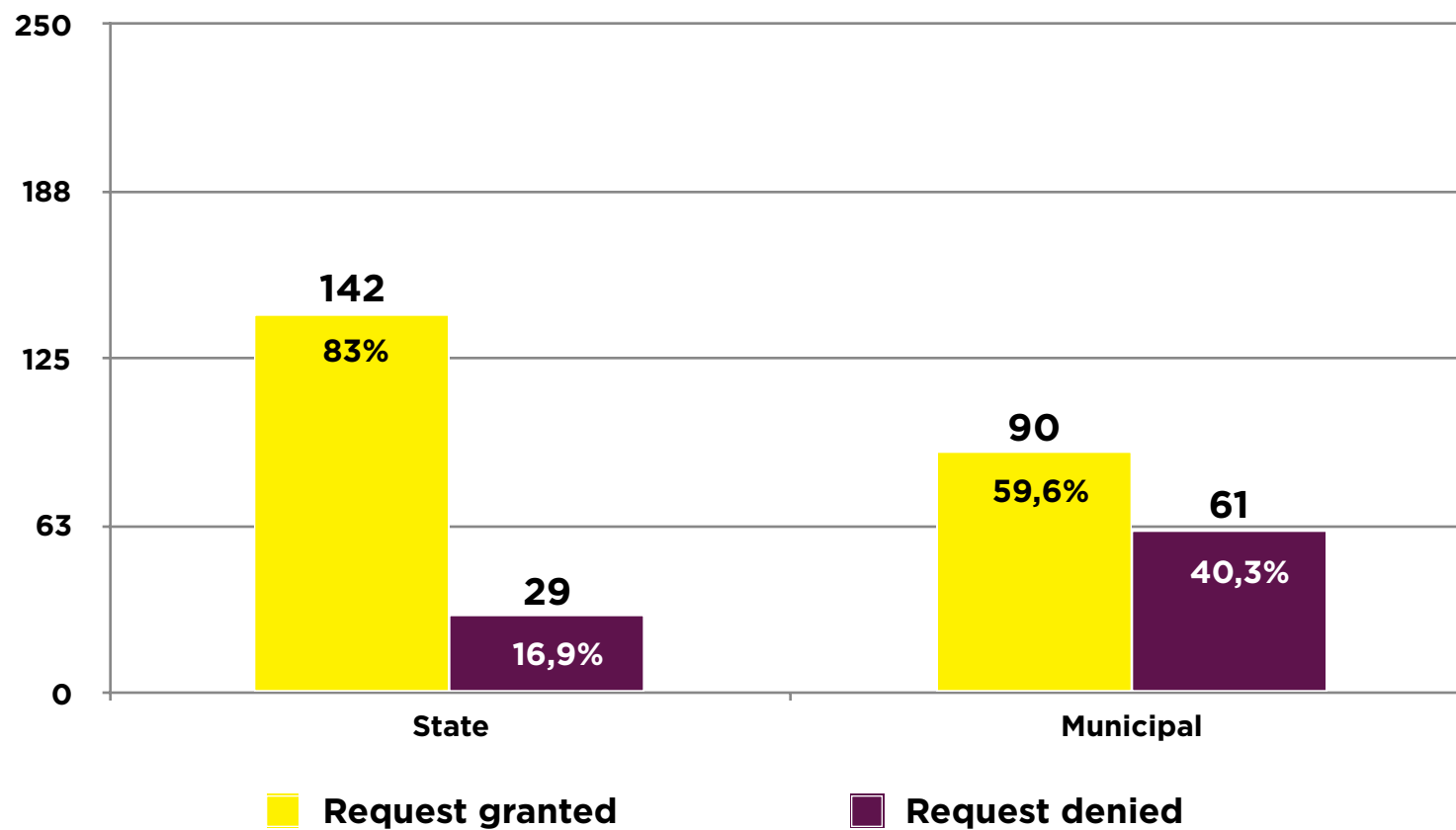
# **STAYS OF PRELIMINARY ORDERS** CEARÁ

**322**  
**CASES**

**171**  
**STATE**  
**JURISDICTION**  
**CASES**

**151**  
**MUNICIPAL**  
**JURISDICTION**  
**CASES**

Number of cases with stays by outcome and by level in  
CE | 2013 - 2018





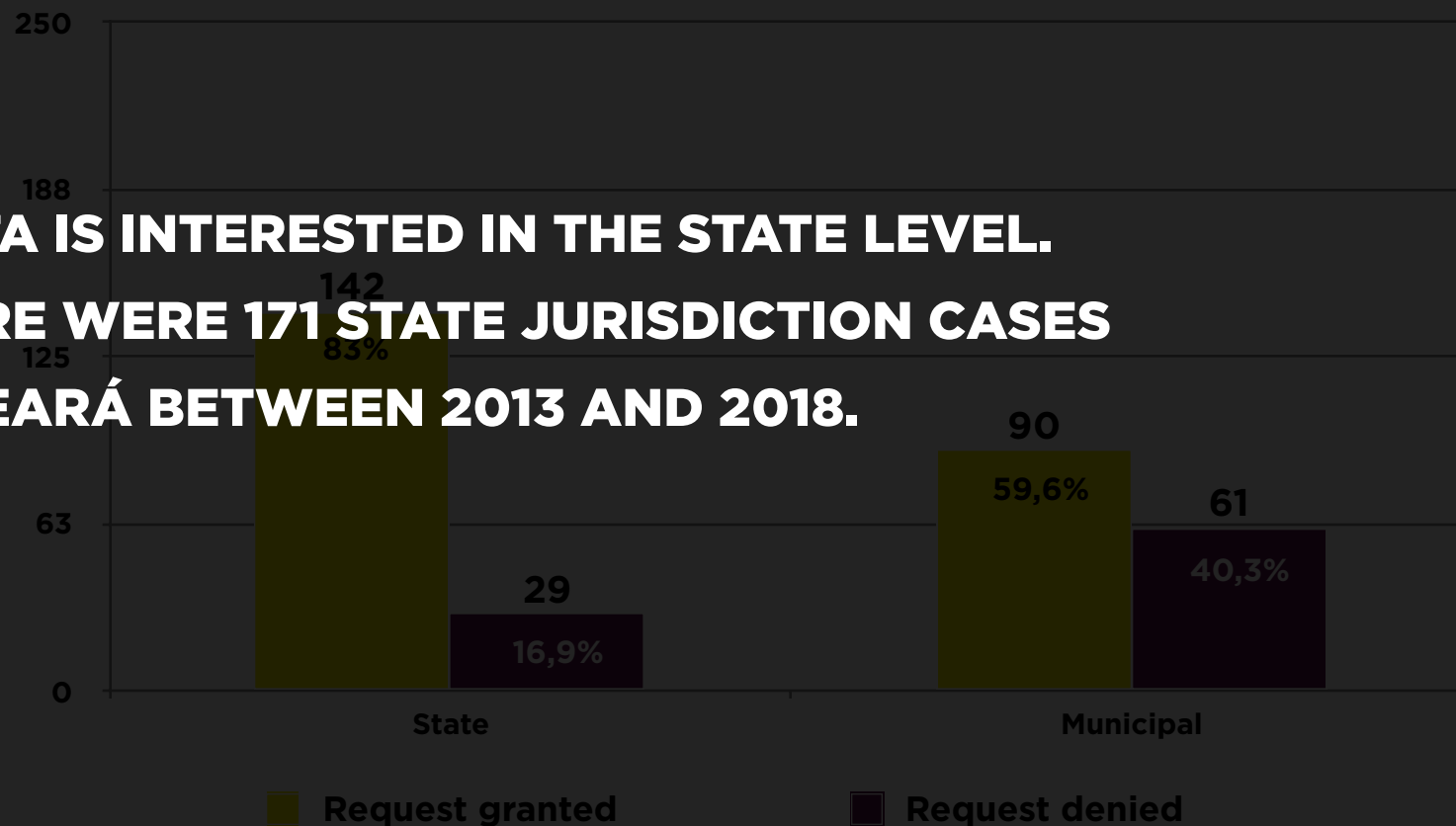
**322**  
CASES

**171**

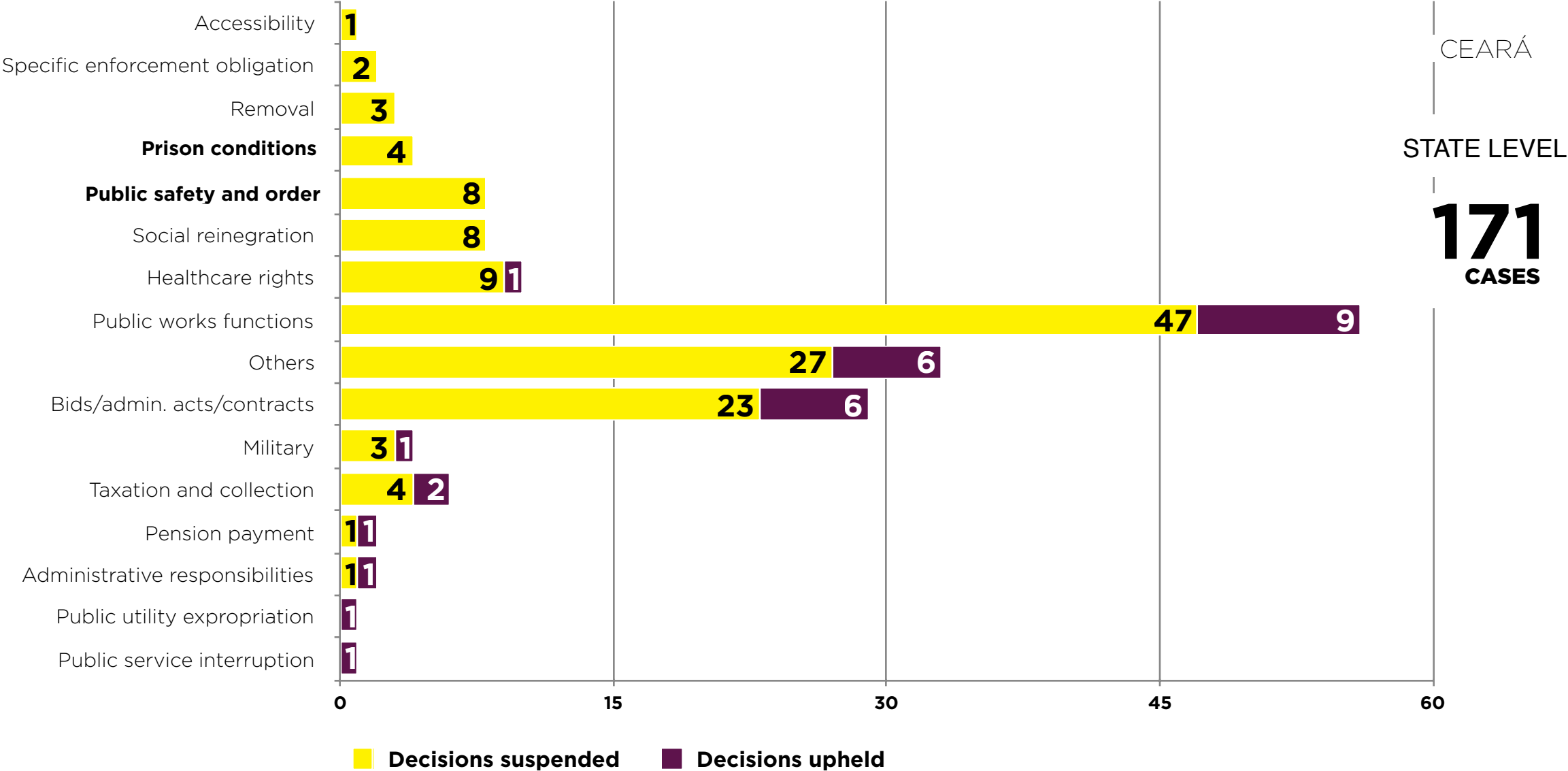
**151**  
MUNICIPAL  
JURISDICTION  
CASES

**JUSTA IS INTERESTED IN THE STATE LEVEL.  
THERE WERE 171 STATE JURISDICTION CASES  
IN CEARÁ BETWEEN 2013 AND 2018.**

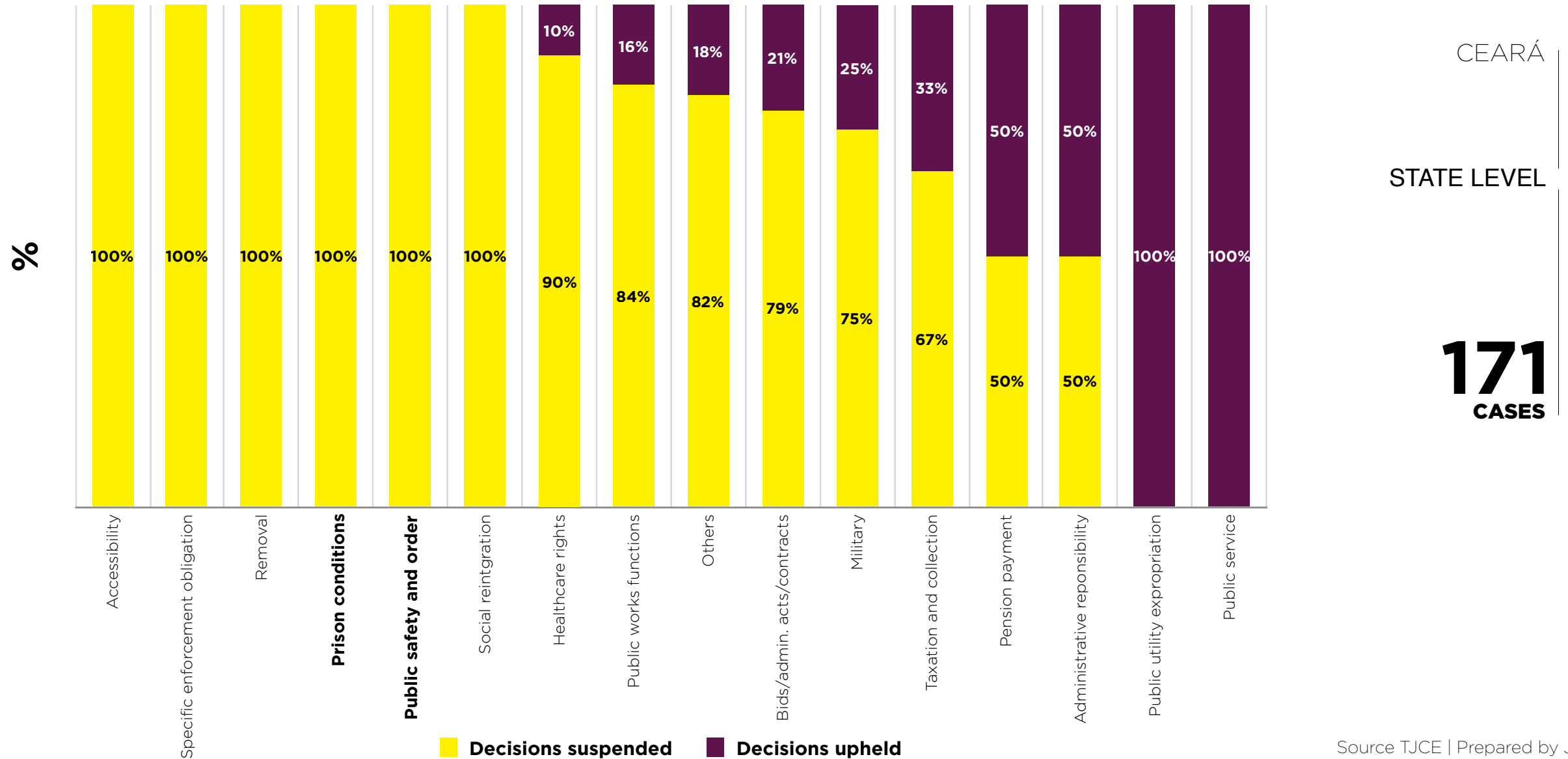
Number of cases with stays by outcome and by level in  
CE | 2013 - 2018



State jurisdiction cases suspended by subject matter and outcome  
CE | 2013 a 2018



## % State jurisdiction cases suspended by subject matter and outcome CE | 2013 a 2018



CEARÁ  
**EXAMPLES OF  
STAYING A  
DECISION'S  
EFFECTS**

- CIVIL POLICE DEPARTMENT CLOSED BY COURT ORDER IN CAMOCIM/CE DUE TO HUMAN RIGHTS VIOLATIONS AGAINST PRISONERS, AND DUE TO THE LACK OF PUBLIC SAFETY CONDITIONS.

**IN 100% OF THE CASES, THE  
COURT'S PRESIDENCY UNDERMINED  
THE RIGHTS OF PRISONERS.**

CEARÁ  
**EXAMPLE OF THE  
SUSPENSION  
OF THE  
DECISION'S  
EFFECTS**

- NO POLICE PATROLS AND POOR WORKING CONDITIONS FOR BOTH THE CIVIL AND MILITARY POLICE.

Santa Quitéria  
Catunda  
Hidrolândia

**IN 100% OF THE CASES, THE  
COURT'S PRESIDENCY BLOCKED  
INCREASES FOR PUBLIC SAFETY.**