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***Technical Reports Series No. 43***

***Public Administration, Health Law  
and Public Health Advocacy:  
The Experience of Academic Institutions  
in Fostering Community Participation  
and Citizenship in Brasil<sup>1</sup>***

Edited by Rosemary Barber-Madden

**Health Legislation Project  
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## **NOTE**

**\* \* \***

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## INTRODUCTION

The Brazilian Constitution, adopted in 1988, provides new avenues for discussion, debate and advocacy in resolving conflicts in social policy unknown, heretofore, at the community, municipal, state and federal levels. The three spheres of political power in the Brazilian State (Union, States and Municipalities) are required to make provisions for health and other social services (Article 23, II and 24, XII. Legislation related to health and social policy can be enacted by the people. Through new constitutional mechanisms, the citizenry can now introduce legislative proposals directly (Article 14), participate in public hearings (Article 58, Paragraph 2, II), hold public referenda, and declare its will in plebiscites (Article 49, XV).

Public participation, along with Executive Power, is explicitly mandated in the Constitution. It is required for all planning at the municipal level (Article 29, X). The Constitution guarantees the right to health as a social right for all people (Article 196) and public participation in health planning is required in the Health Section (Article 198).

Taking into account these provisions and the fact that the Constitution clearly mandates public disclosure of proposed budgets and actual allocations for all public policies including health and social policy, the avenues for public intervention in the decision-making processes are extraordinary.

The exercise of these new rights of citizenry requires not only an understanding of the technical aspects of the legal mechanisms created by the Constitution, but also an understanding of the bureaucratic systems, community needs and how individuals and communities can be empowered to effectively use these mechanisms. There is a need for analysis of these constitution mechanisms and their application at the community and municipal level. Similarly, there is a need for well trained professionals who can provide technical assistance to community organizations, non-governmental organizations as well as governmental agencies in their application (Dallari and Barber-Madden, 1993).

This report summarizes the experience of academic institutions, the Escola Brasileira de Administração Pública, Fundação Getúlio Vargas (EBAP/FGV); Centro de Estudos e Pesquisas em Direito Sanitário, Universidade de São Paulo (CEPEDISA/USP) and the Center for Population and Family Health, Columbia University School of Public Health (CPFH/CUSPH), in developing new academic programs, adapting research methodologies and collaborating with governmental and non-governmental organizations in attempting to operationalize the provisions of the Brazilian Constitution.

In a one day meeting held at EBAP/FGV in August 1993, representatives of these institutions examined their experience in developing new programs to address these needs.

The purpose of the meeting was to:

- Discuss new academic, research and service programs related to social policy development based on the provisions of the Brazilian Constitution.
- Examine how basic, applied and policy related research methodologies, specifically in the areas of social administration, health law and health advocacy, are being used to evaluate the experience of enabling communities, NGOs and governmental agencies to effectively use the new constitutional mechanisms.
- Discuss collaborative projects with community organizations, NGOs and governmental agencies; and strategies used to inform community and professional organizations, NGOs, and governmental agencies about this experience.

The report is divided into three sections. The first one describes the experience of each institution in developing academic programs and field activities to prepare new leadership to work with communities, governmental and non-governmental organizations in assuming the role of facilitator, providing technical assistance and collaborator and partner in the process. Efforts of each institution to adapt basic, applied and policy related research methods in partnership with communities, NGOs in their efforts toward full exercise of citizen rights; and to assist governmental agencies in the application of the new mechanisms established by the Constitution are discussed. Relevant papers resulting from the work of each program are cited in the references. Illustrative examples of collaboration between academic institutions, community based organizations, NGOs and governmental organizations are described. Strategies used in dissemination of findings of projects undertaken and based on the experience of each institution are examined.

The second section examines community participation strategies based on Columbia's international experience, while the last one discusses lessons learned and conclusions drawn for the collective experience and proposes future areas for collaboration and strengthening and expanding these efforts.