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Na gestão pública, a cor importa?

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## Teaching Case

### In public management, does color matter?

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#### Abstract

Ibirapitanga is a country in which 56% of the population identifies as Black. However, this population is underrepresented in the public administration. In 2014, the government passed a law to address this issue, reserving 20% of the job vacancies in the federal bureaucracy offered through public examinations for Black individuals. The law is valid for ten years and aims to improve ethnic-racial representation in the public sector. After seven years since its approval, Mr. Militaldo, the secretary of the agency that monitors affirmative policies in the federal government, was tasked with conducting a study about the policy's implementation. This case exposes Mr. Militaldo's journey to develop the study and the results obtained from the affirmative policy in the bureaucracy of Ibirapitanga.

**KEYWORDS:** Bureaucracy. Representativeness. Affirmative public policies. Evaluation. Monitoring.

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## Na gestão pública, a cor importa?

### Resumo

Ibirapitanga é um país em que 56% da população se declara negra, a despeito da sub-representação de pessoas negras em sua administração pública. Nesse contexto, foi aprovada, em 2014, uma lei que reserva aos negros 20% das vagas oferecidas nos concursos públicos da administração pública federal e tem vigência de dez anos, com o intuito de aprimorar a representatividade étnico-racial no setor público. Após sete anos da aprovação, Sr. Militaldo, secretário do órgão que acompanha as políticas públicas afirmativas no governo federal, recebe de um ministro a demanda de elaboração de um estudo sobre a implementação da referida política. A jornada para entregar o trabalho é exposta por este caso, assim como os resultados observados no que tange à implementação da política relativa à representatividade da população negra na burocracia de Ibirapitanga.

**PALAVRAS-CHAVE:** Burocracia. Representatividade. Políticas públicas afirmativas. Avaliação. Monitoramento.

## En la gestión pública ¿importa el color?

### Resumen

Ibirapitanga es un país en el que el 56% de la población se declara negra, a pesar de la escasa representación de los negros en su administración pública. En este contexto, en 2014 se aprobó una ley que reserva a las personas negras el 20% de las vacantes ofrecidas en los concursos públicos de la administración pública federal, cuya vigencia de diez años y se propone mejorar la representatividade étnico-racial en el sector público. Después de siete años de esta aprobación, el Sr. Militaldo, secretario del organismo que monitorea las políticas públicas afirmativas en el gobierno federal, recibe de un ministro una solicitud de elaboración de un estudio sobre la implementación dicha política. El trayecto para entregar el trabajo es expuesto por este caso, así como los resultados observados con respecto a la implementación de la política relativa a la representatividade de la población negra en la burocracia de Ibirapitanga.

**PALABRAS CLAVE:** Burocracia. Representatividade. Políticas públicas afirmativas. Evaluación. Monitorización.

## INTRODUCTION

The Federal Republic of Ibirapitanga is a country of continental dimensions, with about 210 million inhabitants as of the year 2022, the majority of whom (56%) are black. However, the racial distribution of the population in certain social sectors does not match this proportion, largely due to the past of institutionalized slavery, officially abolished in 1888, on which Ibirapitanga was founded.

The country's bureaucracy is one of the sectors in which there remains an under-representation of black people, and between the years of 2004 and 2013, when the percentage of black people in the population was 53%, their entry into Ibirapitanga's public administration varied from 22% to 29%, according to a survey by the Ministry of Management (MoM), which is responsible, among other things, for people management policies at the federal level.

The majority (90%) of the country's bureaucracy is made up of civil servants selected through meritocratic exams accessible to the population: civil service entrance examinations. Embracing the issue into the public agenda and determined to increase the representation of black people in Ibirapitanga's federal civil service, the government issued a legislative proposal to the National Congress, in 2013, establishing a minimum percentage of jobs in civil service exams to be reserved for black people.

The measure was approved by the people's representatives and materialized with the sanction, by the president of Ibirapitanga, of Law No. 99.012/2014, which reserved for black people 20% of the opportunities offered in public exams for the federal administration. The law was approved with a ten-year validity – until 2024, in other words –, and established that it would be the responsibility of the Ministry of Racial Equality (MIRE) to follow up and monitor the provisions of the law on an annual basis.

Since good intentions are not enough to govern a country, Ibirapitanga experienced a political and economic crisis in 2014, and the then-president was eventually ousted from office in 2016 by the same National Congress that had approved Law No. 99.012/2014. Her vice-president then took charge of Ibirapitanga with the mission of adopting measures to improve the health of the country's public economic affairs. One of his objectives was to “rationalize the current structure of the Executive Branch and orient it towards providing services to the population efficiently”, which meant “doing more with less”.

One of the areas most affected by this new government guideline was personnel, with a reduction in the number of civil service exams to replenish the Ibirapitangan federal bureaucracy. Following this “administrative rationalization” was the replacement of key posts in the MIRE's Secretariat for Affirmative Policies Monitoring (Sapolim) – responsible for monitoring and evaluating the quota policy implemented by Law No. 99.012/2014 –, the drastic reduction in the MIRE's budget, and the undermining of the importance of racial equality policies on the government's agenda.

The MIRE does not have its own career path, and its workforce is mostly made up of people loaned from other agencies. Faced with this new scenario in the management of the agency, many of these MIRE employees were returned to their original agencies or requested, on their own, to move to agencies with a working environment more conducive to the delivery of effective public services and policies.

In 2018, there were presidential elections in Ibirapitanga, and in 2019 an administration took office that was even more inclined to reduce expenses on civil service. In 2016, the number of active

civil servants in the federal public administration totaled around 632,000 people. With the reduction in the rate of staff rehiring adopted from that year onwards, the stock of these civil servants fell to around 568,000. This context posed serious challenges to Ibirapitanga's policy of increasing racial representation in the bureaucracy, which had the civil service exam as the main gateway for new people to join the ranks of the federal public administration.

In 2021, seven years after the publication of Law No. 99.012/2014, the Chamber of Deputies' Commission for Historical Reparation Policies (CHiRP) requested access to the monitoring data of the quota policy implemented by the aforementioned law. In this context, the MIRE's management realized that the department had so far done nothing to monitor the policy.

Fearful that the MIRE's inertia could cause a political or electoral problem for the president of the Republic, since there would be elections in 2022 and the current president would be running for re-election, the MIRE minister ordered the secretary of Sapolim, Militaldo, to find a way to make up for this lapse and present the information on the monitoring of the public policy in question.

## **FROM TRANQUILLITY TO ALL HELL BREAKING LOOSE WITHIN THE MIRE**

After receiving the order from the MIRE minister, Militaldo, the Sapolim secretary, was faced with the first concrete measure he had to take in relation to a public policy since taking office in January 2019. On the same day, he called a meeting with his entire cabinet team and informed them of the MIRE minister's demand to monitor the quota policy approved by Law No. 99.012/2014.

Startled, everyone present looked at each other, as many of the civil servants there were not actually from the MIRE and had arrived in 2019. Palmirinha, who was responsible for coordinating the administrative side of Sapolim and the only survivor of the past "management turnaround", not only knew the terms of the law but also mentioned that the ministry would have to monitor the results of the policy on an annual basis. However, since 2016, when she started working with the administrative process flux of the secretariat, she could not recall any documents being processed in the secretariat about monitoring and added that the MIRE had a board whose task was to monitor matters.

After the meeting, and with no further action taken about the demand, Militaldo called Rubinho, the MIRE's director of research on racial issues, into his office. Rubinho had taken up the post that very month, loaned from MoM, the ministry responsible for people management, and did not know much about affirmative policies. However, he was a bold public servant and well-known on Ministry Avenue.

Rubinho, in his obscure speech on the subject, told Militaldo that the law not only had an erroneous ideological aspect but also dealt with rules to be complied with in public service exams' notices, and that MoM was the body responsible for people management, not the MIRE. Militaldo, convinced that the MIRE was not the body to deal with the issue, turned to MoM to find someone responsible for dealing with the case.

## MY PROBLEM IS YOUR PROBLEM

MoM, by means of the Secretariat of Data and Information (SecDI), was responsible for storing and managing the data of public agents, including civil servants who had been recruited and those who had been working since before the constitutional requirement of a civil service exam to fill a permanent position in the public service, in what was known as the Inco system. Among Inco's data was self-declared ethnic-racial identity information, acquired from public officials when they entered the Ibirapitangan public service. This data, among others stored there, was defined as personal and protected by the General Data Protection Act (GDPA).

Secretary Militaldo, faced with the MIRE minister's demand, recalled a civil servant with whom he had worked for years in another agency on Ministry Avenue and, thanks to his knowledge of systems, had managed to get a good, commissioned position at MoM, especially at SecDI. Pedro Gude, who was responsible for managing the data available at Inco, was a friend of Rubinho's, with whom he used to exchange information about his work at soccer matches every weekend. Militaldo then called Rubinho and asked him to involve Pedro Gude in the job.

Rubinho soon called his friend and explained the request, which was almost impossible for Sapolim to fulfill, as the agency was not tasked with the rules of public service exams. Pedro, realizing that the work would involve SecDI because of the data available at Inco, also tried to clarify that the analysis of ethnic-racial policy would not be the responsibility of MoM. It was therefore an inter-ministerial activity, in which MoM would provide the specific data requested by the MIRE and this ministerial portfolio, given its attributions, would be responsible for monitoring the policy.

After further talks between Militaldo, Rubinho, and Pedro Gude, they realized that the information had to be requested by official means, given the definition of confidential data in the GDPA, a regulation that protects personal data.

Palmirinha oversaw the official letter draft and, while working on it, she asked Rubinho about the rules to be used by SecDI when filtering specific data for analysis by the MIRE, especially Sapolim. After a brief reflection, Rubinho shared his concern with Militaldo about the rules mentioned by Palmirinha, and Militaldo, in turn, recalled that, about three years earlier, he had taken a course at the School of Bureaucratic Administration (SBA), where he met Dr. Douglas, a professor who taught the course on evaluating public policies.

Dr. Douglas was extremely experienced in evaluating policies aimed at meeting ethnic, racial, gender-related, and religious demands, known as "affirmative public policies". Militaldo then called Rubinho, and they both got in touch with the professor. They explained the work to him and asked about hiring him and the SBA team, who readily consented to continue negotiating the agreement.

In order to enable the hiring process, Militaldo asked Palmirinha to check the budget for studies and research. The budget had stalled, as it required the signing of a Technical Cooperation Agreement (TCA) between the two bodies. As the work would be carried out by Sapolim with the help of SecDI, hiring SBA would be entirely possible. All they had to do was adjust the budget amounts to what they had available.

After setting a ceiling cost and discussing the entire spectrum of the work at a second meeting, Militaldo, Rubinho, and Dr. Douglas reached an agreement, within all legally accepted limits, for its execution. At the third meeting, involving SecDI professionals, they discussed a work plan, including the definition of the Inco system's filtering rules and the quantitative data analysis to be carried out by the team.

Once everything had been agreed upon, Rubinho prepared the TCA to formalize the partnership between Sapolim and SBA. He was also responsible for the documentation that dealt with the commitment of all those involved to comply with the GDPA. With everything in hand, Palmirinha rushed to collect the signatures of the MIRE and MoM ministers so that the budget could be released. Apparently, the project would take off. With the synergy between the bodies, Sapolim would soon make available a preview of the study.

## YOU ONLY REAP WHAT YOU SOW?

Four months after the formalization of the TCA to develop the study on the implementation of Law 99.012/2014, Dr. Douglas went to Militaldo's office at Sapolim, followed by Pedro and Rubinho, to present the preliminary results of the study. In the evaluation carried out by the Sapolim (MIRE), SecDI (MoM), and SBA teams, it was concluded that, despite guaranteeing a minimum percentage of black people joining the civil service, the implementation of the law has not led to a significant increase in the number of black civil servants in the Federal Executive Branch in Ibirapitanga. In percentage terms, the proportion of black civil servants, which in 2013 was 28%, reached a total of 31% in 2019, an increase of just 3 percentage points.

Militaldo, surprised, asked if the quota policy had not set a minimum level for new prospects, with 20% of job offers reserved for black people. Dr. Douglas, the SBA professor, explained that the data showed that, taking into consideration all the competitive examinations, except for the career of professor of higher education, only 15.4% of the candidates approved and appointed declared themselves or were identified as quota holders. Furthermore, the situation for the higher education professors, which included a large quantity of Ibirapitanga's civil servants, was even more critical, because the percentage of those appointed to opportunities reserved for black people was only 0.53% of the total.

Militaldo could not understand the result. It turns out that the study pointed out obstacles to achieving the percentage of 20% both in the public notice phase and in the nominations published in the Federal Register. At the public notice stage, the report pointed out that the law determined the application of the reservation of job opportunities whenever those offered in the public service exam were equal to or greater than three. In practice, there was a large fractioning of opportunities in the examinations, with many examinations making only one or two offers available for a given position and location.

To exemplify what he had said, Dr. Douglas showed Militaldo a copy of the 2016 exam notice for the career of technical manager in education at the Federal University of the Eastern Frontier, which, out of a total of 28 job opportunities, reserved only two (7.14%) for quota holders. If quotas had been applied to the total number of places on offer, the number reserved should have been higher: 6, or 20%, rounded up as required by law.

Pedro Gude, from SecDI, added that public notices that split offers by position and location resulted in a reduction in the total number of offers for quota holders. There was, therefore, no unified understanding among the bodies as to whether the percentage of the application of the law should be applied to the total number of opportunities offered in the exam or whether it should be applied to each position/location.



Moreover, there were at least two additional difficulties during the nomination phase. The first was when the public examination was for a very specific position or a very demanding test, without enough successful quota candidates to fill the job offer reserve. The second consisted of appointing quota candidates when they had the grades to be appointed to open positions, reducing the number of civil servants who would actually join benefitting from the quota.

According to the law, quota candidates compete concurrently for reserved offers and those destined for open competition, and the nomination of successful candidates should respect the criteria of alternation and proportionality, considering the ratio between the number of total offers and the number of reserved offers.

Palmirinha, who was quietly and attentively watching the meeting, recalled that the law had regulated the annual monitoring of the rule and said that the lack of regular monitoring of the policy had prevented adjustments and improvements, which would have generated more effective results in achieving its objectives.

## HITTING THE WEAK SPOT

On the MoM side, the news that the quota policy in public service exams was not being effective soon spread and alerted the minister, who was aware of the policy but was not closely monitoring possible changes in the composition of civil servants in the federal public administration between white and black people.

In order to find out about the issues brought to light by the study carried out by SBA, the ministers of the MIRE and MoM called an inter-ministerial meeting with Militaldo and the respective team involved, as well as the MoM team, Pedro from SecDI and Gentildo, who was in charge of the Secretariat for People and Management Strategy (Secpem), which dealt with the normative part relating to public examinations in the federal civil administration. In it, there were technicians who worked on the conception of what became Law No. 99.012/2014. Therefore, their participation could contribute to the debate on the challenges that management had to face.

At the meeting, the MIRE minister expressed his concern about the results published by Sapolim, so the MoM minister asked the others present for a summary of the implementation of the quota policy for black people in Ibirapitanga's public service exams. Gentildo, secretary of Secpem, said that the policy was the result of a political desire to increase the proportion of black civil servants in Ibirapitanga's public service.

At the time the policy was drafted, there was a lot of discussion and, when the issue entered the management affairs, there were those who believed that a more representative workforce in public administration could bring benefits to public policies and public services in the country. But the fact is that the law was passed and failed to guarantee a minimum percentage of black people in public administration.

Militaldo also argued that the policy has not been applied uniformly by the agencies. While some of them had fallen far short of the 20% target for reserving places for black people in their public service exams, others had managed to reach the minimum percentage of 20% of quota holders by interpreting the rules in a way that is more "favorable" to black people.

The MoM minister wanted to know how, if the law were one and the same, would it be possible for there to be such inequality in its implementation. Soon after, Dr. Douglas pointed out that the



reduction in the number of public service exams promoted by the government at the time also contributed to fewer black people in the civil service.

Feeling the shock of what they had just heard and aware of the need to slim down the public machine, as well as the somewhat unfavorable results exposed at that meeting about the evaluation and monitoring completed in relation to the public quota policy, the MIRE and MoM ministers asked Militaldo's team what could be done to resolve the issue.

## CLOSING THE CASE

Based on the manner in which the story unfolds, we can attempt to help Militaldo and Gentildo act on the dilemma they faced. To this end, here are some guiding questions:

- 1) Why is it important for the public service to have an ethnic-racial representation that demographically mirrors the public they serve?
- 2) How can public policies involving different sectoral bodies be implemented?
- 3) What kind of alternatives and solutions could Militaldo bring to the MIRE minister faced with the results seen in the implementation of the policy?
- 4) What about Gentildo? What could he propose to the Minister of MoM to increase the effectiveness of the quota policy in public service exams?
- 5) What can be done to increase the proportion of black people in the workforce of the federal public administration in Ibirapitanga?
- 6) Would assigning quotas only to permanent civil servants be enough to guarantee this representation?

## TEACHING NOTES

It is suggested that the teaching case be applied to undergraduate and postgraduate courses in applied social sciences in the disciplines of public administration and public policy. To do this, it is proposed that the teacher provides theoretical material that gives students knowledge of the subject to be studied and that a prior reading of the case is carried out with the resolution of the questions, delivered at the beginning of the class, making it possible to analyze the student's progress throughout the discussion.

After reading and discussing this case, the student should be able to:

- a) Recognize how the governance model works for a policy involving organizations with such different characteristics.
- b) Understand the importance of monitoring and evaluating public policies.
- c) Reflect on how to promote diversity management in the public sector.
- d) Provide critical reflections on the institutional failings highlighted in the case and, as a manager, try to resolve them.

## VIDEO MATERIAL

The case has a ten-minute video with the dilemma discussed<sup>1</sup>.

## ACKNOWLEDGEMENTS

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<sup>1</sup> Available at: <<https://periodicos.fgv.br/rglp/article/view/90144/84584>>. Accessed on: October 25, 2023.

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## **AUTHORS' CONTRIBUTION**

**Rafael Vieira Fernandes de Castro:** Conceptualization (Lead); Supervision (Equal); Validation (Equal); Writing - original draft (Lead); Writing - review & editing (Equal).

**Thayssa Mendes Tavares:** Supervision (Equal); Validation (Equal); Writing - original draft (Lead); Writing - review & editing (Equal).

**Pedro Henrique de Andrade Reckziegel:** Supervision (Equal); Validation (Equal); Writing - original draft (Equal); Writing - review & editing (Equal).

**Winnye Goes Silva:** Supervision (Equal); Validation (Equal); Writing - original draft (Equal); Writing - review & editing (Equal).

## **DATA AVAILABILITY**

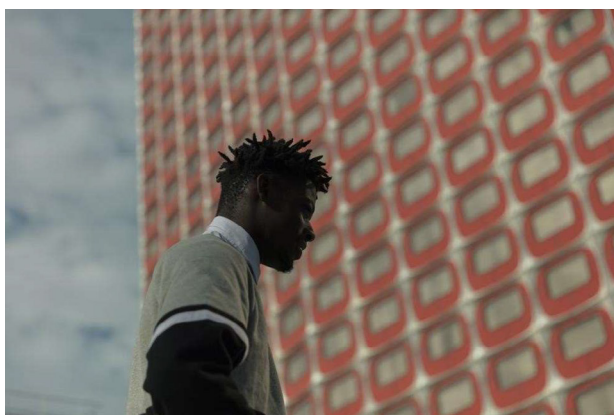
The dataset supporting the results of this study is not publicly available.

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## APPENDIX

FIGURE 1

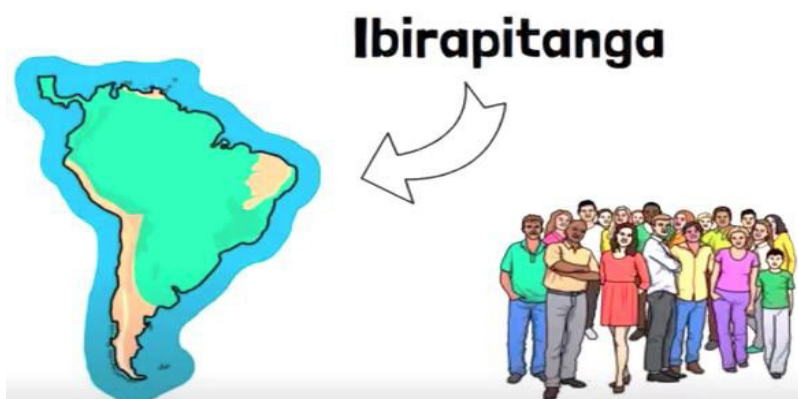
### Black man walking towards a building



Source: Unsplash (2019).

FIGURE 2

### Frame of the pitch vídeo about the case teaching about The Federal Republic of Ibirapitanga



Source: Elaborated by the authors.

TABLE 1

### Candidates registered in Siape<sup>2</sup>, in Brazil

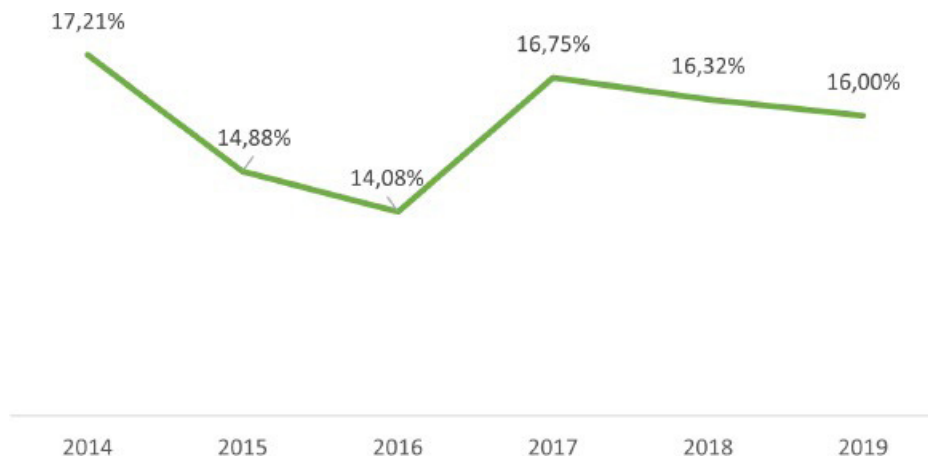
	Total list of successful candidates	Names found in Siape	Found in Siape (Name/Body/Year)	Found in Siape (specific filters)
Overall competition	136,702	37,542	27,732	24,643
Quota holders	19,155	6,344	4,862	4,488
<b>Total</b>	<b>155,857</b>	<b>43,886</b>	<b>32,594</b>	<b>29,131</b>

Source: Enap (2021).

<sup>2</sup> Siape is the Integrated System for Human Resources Management, in Brazil, a national platform for the registration of public service personnel.

**GRAPH 1**

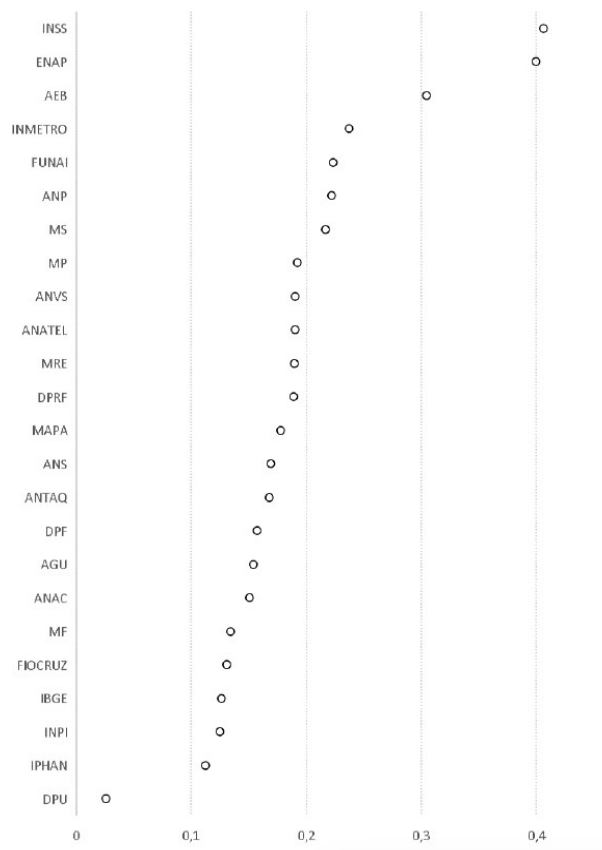
**Percentage of candidates approved as quota holders per year, in Brazil**



Source: Enap (2021).

**GRAPH 2**

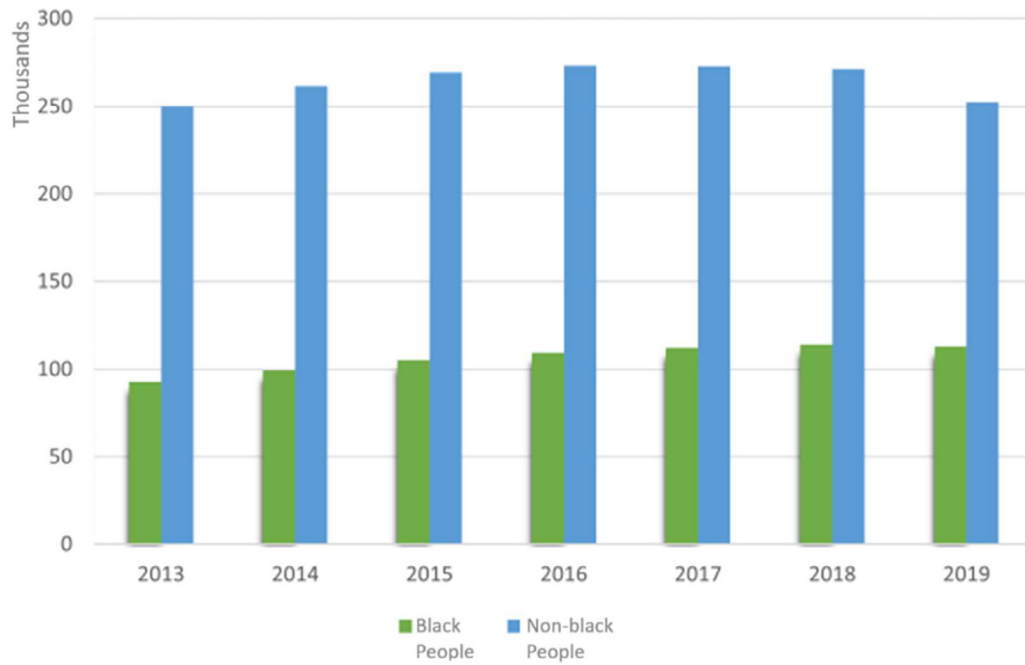
**Approved quota candidates by body (except educational institutions linked to the Education Ministry) according to Siape, in Brazil**



Source: Enap (2021).

**GRAPH 3**

**Evolution of the stock of civil servants by race/color according to Siape, in Brazil**



Source: Enap (2021).