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Brazil

Country:

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Year:

2018

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

2

Aggregate Score:

78

Freedom Rating:

2.0

Overview:

Brazil is a democracy with competitive elections and a vibrant civil society sector. However, economic and political crises have challenged the functioning of government. Corruption, crime, and economic exclusion of minorities are among the country's most serious difficulties.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 31 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Brazil is a federal republic governed under a presidential system. Presidential elections are generally free and fair. The president is elected by popular vote for a four-year term and is eligible for reelection to a second term. Dilma Rousseff, the incumbent and the candidate of the Workers' Party (PT), won the 2014 presidential election by a slim margin,

taking 51.6 percent of the vote in a runoff against Aécio Neves of the centrist Brazilian Social Democratic Party (PSDB).

In 2016, the Senate impeached Rousseff on charges that she had manipulated the federal budget in an effort to hide Brazil's economic problems. Temer, Rousseff's vice president and one of the leading figures in the Brazilian Democratic Movement Party (PMDB), was installed as interim president at the outset of the impeachment trial, and was confirmed in August 2016 to serve for the remainder of Rousseff's term, which ends in 2018.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Legislative elections are generally free and fair. The bicameral National Congress is composed of an 81-member Senate and a 513-member Chamber of Deputies. Senators serve staggered eight-year terms, with one- to two-thirds coming up for election every four years. Members of the Chamber of Deputies serve four-year terms. In the 2014 legislative elections, the PT remained the largest party in the lower house with 70 deputies, followed by the centrist, PT-allied PMDB with 66 seats, and the opposition PSDB with 54 seats. The PMDB maintained its lead in the Senate with 18 seats, while the PT captured 12 seats, and the PSDB took 10.

Electoral bodies reported that as many as 20 politicians were killed ahead of the 2016 municipal elections, in attacks that were generally suspected to have been carried out by organized crime groups.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Brazilian election laws are generally well enforced. A Supreme Electoral Court presides over cases related to violations of electoral law. In June 2017, the Supreme Electoral Court, in a 4-3 ruling, decided not to annul Rousseff and Temer's electoral victory in 2014 in connection with allegations of accepting bribes and improper donations to fund their campaign. The court had excluded damaging testimony from executives of the construction firm Odebrecht, who said they had directed millions of dollars toward Rousseff and Temer's campaign, raising some concerns about its impartiality. An annulment of the results would have effectively forced Temer from office.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Brazil has an unfettered multiparty system marked by vigorous competition between rival parties. The electoral framework encourages the proliferation of parties, a number of which are based in a single state. Some parties display little ideological consistency. Party switching is common by members of congress, rendering electoral coalitions fragile. The sheer number of parties means that the executive branch must piece together diverse and ideologically incoherent coalitions to pass legislation, which may encourage corruption.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties are able to compete freely and gain power through elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

Recent investigations into corruption have exposed how wealthy business interests undermine democratic accountability by facilitating or encouraging corruption among elected officials. Criminal groups have carried out attacks against political candidates.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The Constitution guarantees equal rights without prejudice, but some groups have greater political representation than others. Afro-Brazilians and women remain underrepresented in electoral politics. The Senate has one self-identified black representative. Women hold 12 seats (14.8 percent) in the Senate and 55 seats (10.7 percent) in the House. Temer's cabinet does not include any women or Afro-Brazilians.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Widespread corruption undermines the government's ability to make and implement policy without undue influence from private or criminal interests. Political crises linked with the numerous ongoing corruption investigations against senior officials dominated the political sphere in 2017, severely weakening the functioning of government.

Despite an economic crisis and accompanying austerity proposals that helped drive his approval ratings into single digits, Temer managed to push through significant and controversial reforms to the country's labor laws in 2017.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption and graft are endemic in Brazil, especially among elected officials. The controversial bribery investigation known as Operation Car Wash, which focuses on the state oil company, Petrobrás, continued in 2017. The investigation, which began in 2014, focuses on bribery, money-laundering, and bid-rigging involving Petrobrás and private construction companies. Its findings have implicated former Petrobrás executives, heads of major construction firms, cabinet members, and elected officials from across the political spectrum. A number of prominent figures associated with Temer have been convicted on charges related to the investigation.

In 2017 the lower house voted twice to shield Temer from trial on corruption charges. In June, Attorney General Rodrigo Janot charged Temer with involvement in a bribery

scheme worth millions of dollars, but the lower house voted against advancing the charges to the Supreme Federal Court in August. The following month, Janot charged Temer with obstruction of justice in connection with alleged attempts to derail Operation Car Wash, and with leading a criminal organization within the executive branch. The lower house failed to advance those charges to the Supreme Federal Court in a vote in October. In an apparent attempt to maintain his congressional coalition and avoid trial—which can only be initiated against the president by the lower house—in 2017 Temer directed hundreds of millions of dollars to congressional members' favored projects.

C3. Does the government operate with openness and transparency? 2 / 4

Brazil enacted an Access to Information Law in 2012, but in practice, the government does not always release requested information.

The National Controller's Office (CGU) had been an important resource for members of the public seeking information about government operations. However, President Temer reorganized ministerial cabinets in 2016 and converted the CGU into a new Ministry of Transparency, Monitoring, and Oversight. This decision was considered to be detrimental to the independence of the agency.

CIVIL LIBERTIES: 47 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF 15 / 16

D1. Are there free and independent media? 3 / 4

The constitution guarantees freedom of expression, and the media scene is vibrant. However, politicians and influential businesspersons continued to make use of existing laws, including criminal defamation laws, to curtail critical reporting in 2017.

Investigative journalists, particularly those who cover corruption and crime, face threats, harassment, obstruction, and violence, which in some cases has been deadly. In March 2017, a car belonging to investigative journalist Rodrigo Lima of the daily newspaper *Diário da Região* was set on fire, in what he said was likely retaliation for work on corruption. In June, blogger Luís Gustavo da Silva was shot and killed, and a police investigation concluded that his murder came as a result of his writings on drug trafficking and other crime.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees freedom of religion, and the government generally respects this right in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally unrestricted.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally able to express political or controversial views in public without fear of surveillance or retaliation.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12**E1. Is there freedom of assembly? 3 / 4**

While freedom of assembly is generally respected, demonstrations are sometimes met with excessive force by police or other security agents. There were a number of protests in 2017 against austerity measures proposed by President Temer. In May, troops deployed in response to a protest in the capital, and reportedly opened fire with live ammunition amid clashes with protesters. Dozens of injuries were reported, including one involving a bullet, but no one was killed.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Nongovernmental organizations are able to operate freely in a variety of fields. However, activists working on land rights and environmental protection issues have faced serious threats and encountered deadly violence.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Industrial labor unions are well organized, and although they are politically connected, Brazilian unions tend to be freer from political party control than their counterparts in other Latin American countries. However, controversial labor reforms enacted in 2017 will diminish the strength and role of unions in collective bargaining with businesses.

F. RULE OF LAW: 9 / 16 (–1)**F1. Is there an independent judiciary? 3 / 4**

The judiciary, though largely independent, is overburdened, inefficient, and often subject to intimidation and other external influences, especially in rural areas. Access to justice also varies greatly due to Brazil's high level of income inequality. Despite these shortcomings, the country's progressive constitution has resulted in an active judiciary that often rules in favor of citizens over the state.

F2. Does due process prevail in civil and criminal matters? 2 / 4

The right to a fair trial is generally upheld by the judiciary. However, federal, state, and appellate courts are severely backlogged. The state struggles to provide legal counsel for defendants and prisoners who are unable to afford an attorney.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Brazil's police force remains mired in corruption, and serious police abuses, including extrajudicial killings, continued in 2017. Police officers are rarely prosecuted for abuses, and those charged are almost never convicted.

The country's favelas, or slums, are heavily affected by gang violence. Highly organized and well-armed drug gangs frequently clash with security forces or with private militias comprised of off-duty police officers and prison guards. In September 2017, the government deployed troops to Rocinha, among the country's largest favelas, to quell a spate of violence between gangs that was accompanied by shootouts between gang members and police.

Brazil has a relatively high homicide rate; the UN Office on Drugs and Crime reported 27 homicides per 100,000 residents in 2015, compared with a global average of less than 6 per 100,000. The victims are predominantly young, black, and poor. Many are bystanders caught in crossfire between police and suspected gang members.

Conditions in Brazil's severely overcrowded prisons are life-threatening, characterized by disease, a lack of adequate food, and deadly gang-related violence. Violence is more likely to affect poor, black prisoners. Wealthy inmates often enjoy better conditions than poorer prisoners.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4 (-1)

Some populations are not able to fully exercise their human rights in practice. Indigenous peoples make up less than 1 percent of the population. Many indigenous communities suffer from poverty and lack adequate sanitation and education services. The government's National Indian Foundation (FUNAI) in September lodged a complaint with state prosecutors over the alleged killing of up to 10 members of a previously uncontacted indigenous tribe by gold miners.

Just over half of Brazil's population identifies as black or of mixed race. Afro-Brazilians suffer from high rates of poverty and illiteracy, and almost 70 percent of Brazilians living in extreme poverty are black. Victims of violence in Brazil are predominantly young, black, and poor.

Although Brazil has a largely tolerant society, it reportedly has one of the world's highest levels of violence against LGBT (lesbian, gay, bisexual, and transgender) people. According to Grupo Gay da Bahia, an LGBT advocacy group, 445 LGBT people were killed in 2017 as a result of homophobic violence, marking a 30 percent increase from the group's figures for the previous year.

Score Change: The score declined from 3 to 2 due to persistent human rights violations and violence committed against LGBT people and black youths.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Brazilians enjoy freedom to travel within and outside of the country, and to make decisions about their places of residence and employment. However, access to high-quality education across all levels remains a challenge. Gang violence in favelas at times has impeded free movement, and has prompted schools to shut down temporarily.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

While property rights are generally enforced, laws granting indigenous populations exclusive use of certain lands are not always upheld, sometimes leading to violent conflicts. Requirements for starting new businesses are often onerous, and corruption and organized crime sometimes pose obstacles to private business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government generally does not restrict social freedoms. Same-sex marriage became legal in 2013. While a 2006 law sought to address Brazil's high rates of impunity for domestic violence, violence against women and girls remains widespread. Abortion is legal only in the case of rape, a threat to the mother's life, or a rare and usually fatal brain deformity in the fetus. These restrictions limit women's reproductive choices and infringe on family planning.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Slavery-like working conditions pose a significant problem in rural—and increasingly urban—zones. A constitutional amendment in 2012 allows the government to confiscate all property of landholders found to be using slave labor. However, under President Temer, the Ministry of Labor and Social Security in October 2017 announced it would not continue automatically making public its “dirty list” of employers who subject workers to abusive conditions. The ministry also altered its internal definition of “slave-like conditions” to a more limited set of conditions that focus on freedom of mobility.

The government has sought to address the problem of child labor by cooperating with various nongovernmental organizations, increasing inspections, and offering cash incentives to keep children in school. Legislation enacted in 2014 classifies the sexual exploitation of minors as “a heinous crime,” with penalties of four to ten years in prison without eligibility for bail or amnesty.

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