

Brazil | Freedom House

POLITICAL RIGHTS: 30 / 40 (-1)

A. ELECTORAL PROCESS: 10 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4 (-1)

Brazil is a federal republic governed under a presidential system. The president is elected by popular vote for a four-year term and is eligible for reelection to a second term. In 2016, Michel Temer of the Brazilian Democratic Movement Party (PMDB) was confirmed president. His predecessor, Dilma Rousseff of the PT, was impeached by the Senate on charges that she had manipulated the federal budget in an effort to hide Brazil's economic problems. Temer served as president for the remainder of Rousseff's term.

In the 2018 race, candidates made their cases to voters disillusioned by persistent corruption scandals, and increasingly concerned by a difficult economic environment and a rise in violent crime. Jair Bolsonaro of the PSL won the election, taking 55.1 percent of the vote in a runoff against Fernando Haddad of PT. Bolsonaro's campaign was characterized by a disdain for democratic principles and aggressive pledges to wipe out corruption and violent crime. An Organization of American States (OAS) election observation mission generally praised the poll's administration, and stakeholders quickly accepted its result. However, the highly polarized campaign was marred by the spread of fake news, conspiracy theories, and aggressive rhetoric on social networks and online messaging services (notably WhatsApp). There was also a high rate of preelection threats and violence targeting candidates, political supporters, journalists, and members of the judiciary. Investigative journalism group Agência Pública reported more than 70 physical attacks linked to the race between September 30 and October 10. While most of the reported incidents appeared to involve attacks by Bolsonaro supporters, his backers were also targeted. Among these attacks, PT campaign buses were shot at in March, and Bolsonaro was stabbed at a rally in early September, forcing him to cut back on public appearances a month before the election.

In October 2018, the electoral court and federal police announced investigations amid reports of the existence of organized disinformation campaigns on social media.

Score Change: The score declined from 4 to 3 due to a high rate of political violence during the campaign period, as well as the spread of election-related disinformation and hate speech on social media and messaging platforms, which contributed to a threatening campaign environment.

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 October 2018 elections, the PT lost seats but remained the largest party in the lower house, with 56 deputies. Bolsonaro's PSL captured 52 seats, up from just a single seat previously. In the Senate, which will begin its new session in 2019, the Brazilian Democratic Movement (MDB, previously PMDB) maintained its lead with a total of 12 seats, while the Brazilian Social Democratic Party (PSDB) will have 9, followed by the Social Democratic Party (PSD), Democrats (DEM), and PT, which will each hold 4 seats. Bolsonaro's PSL entered the chamber after capturing 4 seats.

The 2018 legislative elections were held concurrently with the first round of the presidential election, thus campaigning took place in the same highly polarized environment, marked by aggressive rhetoric and instances of political violence. In one instance, a gay candidate contesting a spot in the São Paulo legislature was surrounded by a group of men and slapped while campaigning.

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 a 6-1 ruling in August 2018, the Supreme Electoral Court declared that former president Luiz Inácio "Lula" da Silva was ineligible to run as a presidential candidate based on a "clean slate" law that prohibits candidates with criminal sentences confirmed on appeal from running for office. Lula withdrew in favor of replacement Haddad shortly before the deadline for candidate registration. The UN Human Rights Committee had urged authorities to guarantee his rights to political participation and allow him to run "until his appeals before the courts have been completed in fair judicial proceedings."

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.

Ahead of the 2018 elections, 35 parties were registered, 30 of which won seats in the

lower chamber—the largest number of parties seated there since the redemocratization of Brazil in 1985.

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. Ahead of the 2018 polls, Bolsonaro's small, far-right PSL succeeded in attracting widespread support in a short amount of time.

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 and in government. As a result of the 2018 elections, women will hold 15 percent of seats in the Chamber of Deputies, and 16 percent in the Senate. However, by December, Bolsonaro had awarded only two cabinet posts to women. Separately, he also announced that month that the National Indian Foundation (FUNAI), the government office that manages the affairs of indigenous people, would be moved from the Justice Ministry to a new ministry of Women, Family, and Human Rights. The development came after Bolsonaro had indicated that his administration would permit greater development of indigenous lands and deny more land claims by indigenous peoples.

Increasing societal discrimination and violence against LGBT (lesbian, gay, bisexual, and transgender) people can discourage their political participation. In March 2018, Rio de Janeiro councilwoman Marielle Franco, a black lesbian politician who was an outspoken advocate for minorities, was murdered.

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. Corruption was a chief concern for voters in 2018, as political crises linked with the numerous ongoing corruption investigations against senior officials dominated the political sphere.

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

4

Corruption and graft are endemic in Brazil, especially among elected officials. Beginning in 2014, an ongoing investigation known as Operation Car Wash has focused on bribery, money laundering, and bid rigging involving state oil company Petrobrás and private construction companies. In addition to former Petrobrás executives and heads of major construction firms, its findings have also implicated elected officials from across the political spectrum. A number of prominent figures associated with Temer have been convicted on charges related to the investigation.

Former president Lula, who was convicted of corruption and money laundering in 2017, lost an appeal in January 2018 and began serving a 12-year sentence in April; additional appeals of his conviction are pending. In October, a police report recommended that Temer face new corruption charges, and that authorities confiscate his and several associates' assets, in connection with a decree on port management Temer had approved in 2017. Related charges were filed in December against Temer and five others. Although the lower house voted twice in 2017 to shield Temer from trial on corruption charges, his presidential immunity will be revoked when he formally leaves office in 2019.

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.

Temer's 2016 decision to convert the National Controller's Office into a new Ministry of Transparency, Monitoring, and Oversight was considered to be detrimental to the independence of the agency.

CIVIL LIBERTIES: 45 / 60 (-2)

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, in 2018 politicians and influential businesspersons continued to make use of existing laws, including criminal defamation laws, to curtail critical reporting. Investigative journalists, particularly those who cover corruption and crime, face threats, harassment, obstruction, and violence, which in some cases has been deadly.

In January 2018, radio presenter Jefferson Pureza Lopes, who was known for his scrutiny of local politicians in Goiás State, was shot dead at his home after repeated threats. In April, a police investigation concluded that a local politician had ordered the murder for political and personal reasons; he and two others were awaiting trial as of September. Another radio journalist, Jairo de Sousa, was killed in June while arriving at his station's offices in the northern state of Pará; prior to his death de Sousa, known for his denunciations of local corruption, reportedly occasionally wore a bulletproof vest due to persistent threats.

As of October, the Brazilian Association of Investigative Journalism (Abraji) had registered more than 150 physical or online attacks perpetrated against journalists covering the 2018 elections. Throughout 2018, Bolsonaro denounced investigative outlets as peddlers of “fake news,” singling out the daily *Folha de São Paulo* in particular; among other reports, the newspaper published an article in October indicating that digital marketing companies had used WhatsApp to circulate attacks on Haddad, which apparently prompted the subsequent investigations by the electoral court and federal police into the existence of organized disinformation campaigns on social media. Individual journalists who wrote critical stories about Bolsonaro faced threats and harassment offline and online, including hacking and other technical attacks.

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 debate is vibrant and freedom is generally unrestricted in schools and universities.

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. However, in the tense 2018 campaign atmosphere, some political speech was met with acts of violence. In October, a 63-year-old capoeira master died after being stabbed by a Bolsonaro fan at a bar in Salvador; the man had attacked him after he expressed his support for Haddad. A prevalence of violent homophobic rhetoric in 2018 contributed to a sense of fear among many that open discussion of LGBT rights and issues could be met with harassment or attack.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12
(-1)**

E1. Is there freedom of assembly? 3 / 4

While freedom of assembly is generally respected, police or other security agents sometimes use excessive force against demonstrations.

In late May, Temer issued a controversial decree order giving the military several days’ authorization to clear a disruptive demonstration by truckers who were protesting rising fuel prices by blockading key sections of highways nationwide. While the order did not lead to violence, Amnesty International and other observers criticized it as a disproportionate response.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3

/ 4 (-1)

Nongovernmental organizations (NGOs) are able to operate freely in a variety of fields. However, activists working on land rights and environmental protection issues have faced increasing harassment, threats, and violence in recent years. In March, the indigenous leader Paulo Sergio Almeida Nascimento was murdered; he had vocally criticized a Norwegian-owned refinery for polluting rivers in Pará State. Nazildo dos Santos Brito, the leader of an agricultural community association in Pará State and an anti-palm oil campaigner, was killed in April 2018 after receiving death threats.

Score Change: The score declined from 4 to 3 due to increasing intimidation and violence against land rights activists.

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 diminished the strength and role of unions in collective bargaining with businesses.

F. RULE OF LAW: 8 / 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 judiciary generally upholds the right to a fair trial. 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.

Under a 2017 law, members of the armed forces and military police accused of certain serious crimes against civilians can be tried in military, rather than civilian, courts.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4 (-1)

Brazil has a relatively high homicide rate; in August 2018, the Brazilian Forum of Public Security reported a rate of 30.8 homicides per 100,000 residents in 2017, a 3 percent increase over the previous year. Many of the victims are bystanders caught in crossfire between highly organized and well-armed drug-trafficking outfits, as well as between those outfits and security forces.

Brazil's police force remains mired in corruption, and serious police abuses, including

extrajudicial killings, continued in 2018. Police officers are rarely prosecuted for abuses, and those charged are almost never convicted. A 2018 Brazilian Forum of Public Security report found that, on average, 14 people died per day in 2017 due to the actions of police officers, a 20 percent increase from the previous year. In response to ongoing violence in the state of Rio de Janeiro, in February 2018 Temer ordered emergency measures authorizing the military to take charge of security there.

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.

Score Change: The score declined from 2 to 1 due to increasing violence, much of which is among drug-trafficking gangs or between these gangs and security forces, and the government's inability to curb it.

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

Some populations are not able to fully exercise their human rights in practice. Many indigenous communities—who comprise about 1 percent of the population—suffer from poverty and lack adequate sanitation and education services.

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 80 percent of Brazilians living in extreme poverty are black or mixed race. 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 people. According to Grupo Gay da Bahia, an LGBT advocacy organization, 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.

Bolsonaro has a history of making aggressively misogynistic and homophobic statements. LGBT activists reported numerous acts of intimidation and outright attacks against LGBT people by Bolsonaro supporters during the 2018 campaign.

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, though access to high-quality education across all levels remains a challenge. Gang violence in favelas (low-income urban areas) 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. According to figures released by the Pastoral Land Commission in April 2018, at least 70 people were murdered over land and resource disputes in 2017. 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. However, 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 impinge 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, in urban zones. A 2012 constitutional amendment allows the government to confiscate all property of landholders found to be using slave labor.

The government has sought to address the problem of child labor by cooperating with various NGOs, 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 10 years in prison without eligibility for bail or amnesty.