



# Brazil

FREEDOM IN THE WORLD 2020

**75**  
/100

FREE

<u>Political Rights</u>	<b>31</b> /40
<u>Civil Liberties</u>	<b>44</b> /60

## LAST YEAR'S SCORE & STATUS

75 /100    **Free**

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



## Overview

Brazil is a democracy that holds competitive elections, and the political arena is characterized by vibrant public debate. However, independent journalists and civil society activists risk harassment and violent attack, and the government has struggled to address high rates of violent crime and disproportionate violence against and economic exclusion of minorities. Corruption is endemic at top levels, contributing to widespread disillusionment with traditional political parties. Societal discrimination and violence against LGBT+ people remains a serious problem.

## Key Developments in 2019

- In June, revelations emerged that Justice Minister Sérgio Moro, when he had served as a judge, colluded with federal prosecutors by offered advice on how to handle the corruption case against former president Luiz Inácio “Lula” da Silva, who was convicted of those charges in 2017. The Supreme Court later ruled that defendants could only be imprisoned after all appeals to higher courts had been exhausted, paving the way for Lula’s release from detention in November.
- The legislature’s approval of a major pension reform in the fall marked a victory for Brazil’s far-right president, Jair Bolsonaro, who was inaugurated in January after winning the 2018 election. It also signaled a return to the business of governing, following a period in which the executive and legislative branches were preoccupied with major corruption scandals and an impeachment process.
- Officials at various levels of government frequently sought to suppress critical reporting and prohibit artistic expression, notably that which addressed LGBT+ issues. Several journalists who wrote critical stories about Bolsonaro were the targets of hacking and other technical attacks. Two journalists were shot and killed during the year.
- In June, despite intense pressure from some religious and political leaders, the Supreme Court ruled that it was unconstitutional to exclude sexual minorities from the nation’s antidiscrimination law, offering LGBT+ people increased legal protection.

# Political Rights

## A. Electoral Process

A1 0-4 pts

**Was the current head of government or other chief national authority elected through free and fair elections?**

**3 / 4**

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 the 2018 race, candidates made their cases to voters disillusioned by persistent, high-level corruption scandals, and increasingly concerned by a difficult economic environment and a rise in violent crime. Jair Bolsonaro, then of the far-right Social Liberal Party (PSL), won the election, taking 55.1 percent of the vote in a runoff against Fernando Haddad of the leftist Workers' Party (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 were also frequent preelection threats and violence targeting candidates, political supporters, journalists, and members of the judiciary. 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 2018, and Bolsonaro was stabbed at a rally in early September, forcing him to cut back on public appearances a month before the election.

**A2** 0-4 pts

**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, the center-right Brazilian Democratic Movement (MDB, previously PMDB) maintained its lead with a total of 12 seats, while the Brazilian Social Democratic Party (PSDB) holds 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** 0-4 pts

**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

**B1** 0-4 pts

**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 among 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 often ideologically incoherent coalitions to pass legislation. After a month of internal disputes in the PSL, Bolsonaro left the party to create a new one in November 2019, the Alliance for Brazil (APB).

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 Brazil’s return to electoral politics in 1985. However, political parties operate

with little transparency and under no governance rules. Independent candidates are not allowed to register and run for any office.

**B2** 0-4 pts

**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 former small, far-right PSL succeeded in attracting widespread support in a short amount of time.

**B3** 0-4 pts

**Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?**

**3** / 4

Recent investigations into corruption have exposed how powerful business interests undermine democratic accountability by facilitating or encouraging corruption among elected officials. Criminal groups have carried out attacks against political candidates. Ongoing investigations of the 2018 assassination of councilwoman Marielle Franco revealed the growing power of militia groups in Rio de Janeiro State.

**B4** 0-4 pts

**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 and their interests remain underrepresented in electoral politics and in government. As a result of the 2018 elections, women hold 15 percent of

seats in the Chamber of Deputies, and 16 percent in the Senate. However, Bolsonaro's cabinet has only 2 of 22 chairs headed by women.

Increasing societal discrimination and violence against LGBT+ 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. The crime remains unsolved, and the ongoing investigations have revealed corruption schemes and a growing power of militia groups in Rio de Janeiro state, including in the local police force. The revelations in September 2019 led the attorney general to demand that the investigations be transferred to the federal court.

## C. Functioning of Government

**C1** 0-4 pts

**Do the freely elected head of government and national legislative representatives determine the policies of the government?**

**3 / 4**

Widespread corruption undermines the government's ability to make and implement policy without undue influence from private or criminal interests.

In recent years, the functioning of government was severely hampered by an impeachment crisis that saw the removal of President Dilma Rousseff on charges she had improperly manipulated the state budget. Her term was completed by Michel Temer, who had been vice president; Temer soon became the subject of separate charges by the attorney general of bribery and obstruction of justice, which the lower house subsequently blocked. Corruption was a chief concern for voters in during the 2018 elections that brought Bolsonaro to power—as well as a more autonomous legislature. Bolsonaro was inaugurated on January 1, 2019, and his administration, in concert with Congress, has been able to govern more effectively than in recent years.

Congressional leaders have gained political prominence, as Bolsonaro has declined to forge a coalition with the legislative branch. The speaker of the Chamber of Deputies, Congressman Rodrigo Maia, played a crucial role in the approval of pension reforms in October 2019 and is leading, along with the Ministry of Finance, the economic agenda. Congress has also blocked some of the more conservative initiatives of the government, such as expanding the right to bear arms by presidential decree.

*Score Change: The score improved from 2 to 3 because the executive and legislative branches were no longer encumbered by the impeachment and corruption crises that had often paralyzed them in previous years.*

**C2** 0-4 pts

<b>Are safeguards against official corruption strong and effective?</b>	<b>2 / 4</b>
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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 Petrobras and private construction companies. In addition to former Petrobras executives and heads of major construction firms, its findings have also implicated elected officials from across the political spectrum.

However, a series of investigative reports known as Vaza Jato, or Car Wash Leaks, published by the online outlet the Intercept Brasil beginning in June 2019, exposed an improper relationship between former judge Sérgio Moro (Bolsonaro's current Justice Minister) and federal prosecutors, in which Moro had shared advice on how to prosecute high-level corruption cases, including Lula's. Lula, who began serving a 12-year sentence in 2018 after being conviction on corruption charges, was freed in November 2019, after the Supreme Court ruled that defendants must be released while appeals are pending.

Separately, Senator Flávio Bolsonaro, one of three politician sons of President Bolsonaro, remained under investigation at the end of 2019 for diverting public resources when he was a state deputy in Rio de Janeiro.

In October 2019, the Organization for Economic Co-operation and Development (OECD) Working Group on Bribery decided, for the first time since 1999, to send a mission to assess Brazil's compliance with the OECD Anti-Bribery Convention over concerns of recent legislative and judicial decisions. Its mandate included study of a new Abuse of Authority Bill enacted the previous month, whose broad definition of abuse has prompted worries of potential misuse.

Former president Temer was arrested in March and May 2019 on corruption charges. He was released within a few days on both occasions, but remains the subject of investigation.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>2 / 4</b>
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Brazil enacted an Access to Information Law in 2012, but in practice, the government does not always release requested information, and when doing so, not always in machine-readable formats. Compliance with the legislation also varies among Brazil's 26 states and the Brasília Federal District.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

<b>Are there free and independent media?</b>	
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The constitution guarantees freedom of expression, and the media scene is vibrant. However, investigative journalists, particularly those who cover corruption and crime, face threats, harassment, obstruction, and violence, which in some cases has been deadly. In May 2019, Robson Giorno, a reporter and owner of a local news outlet in the city of Maricá, in Rio de Janeiro State, was shot to death outside his house; he was a potential candidate for the municipal elections in 2020. In June 2019, also in Maricá, local news reporter Romário da Silva Barros was shot to death, with police saying the killing may have been related to his work.

Journalists who criticized Bolsonaro faced online and offline harassment, and outlets that carried such criticism faced economic pressure from the government. Several journalists who wrote critical stories about Bolsonaro were the targets of hacking and other technical attacks.

In October 2019, Secretary of Social Communication of the Presidency Fabio Wajngarten suggested a boycott to media outlets that supposedly spread “fake news,” after *Folha de São Paulo*, Brazil’s largest newspaper, published a report linking Bolsonaro to an electoral fraud investigation. In November, Bolsonaro excluded the newspaper from federal contracts, including advertising and subscriptions, but later retreated from the decision. Separately, in July, the participation of Miriam Leitão, a journalist and writer who has faced personal criticism from Bolsonaro, was canceled in a Santa Catarina book fair after organizers received complaints and threats over her participation.

In April, the Supreme Court demanded the removal of press reports about a secretive investigation it had launched over what it characterized as threats and attacks on court’s integrity, prompting criticism from press freedom advocates. The action was later revoked.

Artists and artistic works have also been suppressed and in some cases attacked. On Christmas Eve, the office of the comedy group Porta dos Fundos was attacked with firebombs as its members prepared to screen a film it had produced with Netflix in which Jesus was portrayed as gay. Ongoing investigations suggest the involvement of a far-right group. At least four plays were canceled in federal theaters over their content, and the Federal Agency of Cinema (ANCINE) canceled grants to fund films dealing with LGBT+ people or issues, though a federal court ordered the ANCINE to resume funding. In September, Rio de Janeiro’s mayor, Marcelo Crivella, ordered the recall of a comic book over its depiction of a kiss between two male characters. The decision sparked intense backlash and a judicial battle which ended with a ruling from the Supreme Court against the recall. Bolsonaro in May 2019 characterized such repression of artistic expression not as censorship, but rather the “preservation of Christian values.”

**D2** 0-4 pts

**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. However, violence against Afro-Brazilian religious groups are on the rise, especially in Rio de Janeiro’s favelas. As of September 2019, the Commission to Combat Religious Intolerance, composed of judges and public prosecutors, had counted 176 Afro-Brazilian temples (“terreiros”) closed during the year after assaults or threats from evangelical drug dealers; these groups operate and claim territory like other Brazilian drug-trafficking operations, but also seek to repress faiths that do not align with their own.

**D3** 0-4 pts

**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** 0-4 pts

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

**3** / 4

People are generally able to express personal 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 2018, 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 and 2019 has contributed to a sense of fear among many that open discussion of LGBT+ rights and issues could be met with harassment or attack.

Intimidation and harassment by progovernment troll groups on social media remains a serious problem in Brazil, and one that has been met with little concern by authorities. In early 2019, there were several cases of academics, politicians, and activists leaving the country in response to online attacks and threats.

In 2019, authorities' toleration of progovernment troll groups, their overt hostility toward criticism and LGBT+ activism and artistic expression, and their frequent attempts to cancel or prohibit various journalistic and artistic events encouraged greater self-censorship among ordinary people, who increasingly risk repercussions for expressing their views on certain topics.

*Score Change: The score declined from 4 to 3 because authorities' toleration of progovernment trolls on social media and expressions of hostility toward government critics and LGBT+ activism have resulted in greater self-censorship among ordinary people.*

# E. Associational and Organizational Rights

**E1** 0-4 pts

Is there freedom of assembly?	<b>3</b> / 4
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While freedom of assembly is generally respected, police or other security agents sometimes use excessive force against demonstrations.

**E2** 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	<b>3</b> / 4
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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 harassment, threats, and violence in recent years. Preliminary data from the Pastoral Land Commission shows that at least seven indigenous leaders were killed in 2019, the highest number in 11 years.

**E3** 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	<b>3</b> / 4
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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

**F1** 0-4 pts

<b>Is there an independent judiciary?</b>	<b>3 / 4</b>
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The judiciary, though largely independent, is overburdened, inefficient, and often subject to intimidation and other external influences, especially in rural areas. Despite these shortcomings, the country's progressive constitution has resulted in an active judiciary that often rules in favor of citizens over the state.

In June 2019, revelations emerged that Justice Minister Moro, when he had served as a judge, colluded with federal prosecutors by offered advice on how to handle a corruption case against former president Luiz Inácio "Lula" da Silva, who was convicted of those charges in 2017. Moro has not denied the existence of the leaked text messages at the center of the revelations, but claims they were misrepresented by the Intercept Brasil, which published them, and do not show misconduct.

**F2** 0-4 pts

<b>Does due process prevail in civil and criminal matters?</b>	<b>2 / 4</b>
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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. Access to justice also varies greatly due to Brazil's high level of income inequality. 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.

In March 2019, the Supreme Court opened a secretive investigation, without the participation of the Attorney General's Office, into what was characterized as false news about and threats to the court, and at least 60 cases developed from the investigation. Prosecutors filed lawsuits against the investigation, arguing that it fell outside the Supreme Court's jurisdiction. The court attempted to suppress media reports about the investigation and cases that came from it, but relented after sharp criticism from press freedom groups.

**F3** 0-4 pts

**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?**

**1** / 4

Brazil has a high homicide rate, though it had decreased in recent years due in part to a cease-fire among some of the more highly organized drug-trafficking groups, as well as modest successes in security reforms by previous administrations. In September 2019, the Brazilian Forum of Public Security reported a rate of 27.5 homicides per 100,000 residents in 2018, a 10.8 percent decrease 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 2019. Police officers are rarely prosecuted for abuses, and those charged are almost never convicted. A 2019 Brazilian Forum of Public Security report found that, on average, 17 people died per day in 2018 due to the actions of police officers, a 19.6 percent increase from the previous year.

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** 0-4 pts

<b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b>	<b>2 / 4</b>
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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, 420 LGBT+ people were killed in 2018 as a result of homophobic violence, marking a 6 percent decrease from the group's figures for the previous year. The same group reported that 141 LGBT+ people were killed under the same circumstances in the first five months of 2019.

However, in June 2019, despite intense pressure from some religious and political leaders, the Supreme Court ruled that it was unconstitutional to exclude sexual minorities from the nation's antidiscrimination law. As a result, LGBT+ people will be protected under a criminal law that already prohibits discrimination on the basis "race, color, ethnicity, religion and national origin."

## **G. Personal Autonomy and Individual Rights**

**G1** 0-4 pts

**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 at times has impeded free movement, and has prompted schools to shut down temporarily.

**G2** 0-4 pts

**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 2019, at least 28 people were murdered over land and resource disputes in 2018.

Requirements for starting new businesses are often onerous, but authorities have taken some steps to ease the process. Legislation approved in August 2019 loosened licensing and inspection requirements for small businesses, for example. Corruption and organized crime can pose obstacles to private business activity.

**G3** 0-4 pts

**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** 0-4 pts

**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, a measure criticized by Bolsonaro.

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 and legislation enacted in 2014 classifies the sexual exploitation of minors as "a heinous crime."



### On Brazil

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### *Country Facts*

Global Freedom Score

75/100 Free

Internet Freedom Score

64/100 Free

Other Years

2019

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