FREEDOM IN THE WORLD 2017

Brazil

FREE

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79/100

Global freedom statuses are calculated on a weighted scale. See the methodology.
Overview

Brazil is a democracy with competitive elections and vibrant civil society engagement. However, a severe economic and political crisis has significantly challenged the functioning of government. Corruption, crime, and economic exclusion of minorities are among the country’s most serious difficulties.

Key Developments in 2016

- Brazil faced its worst economic recession in recent history as well as a political crisis that included the impeachment of President Dilma Rousseff in August.
- Large demonstrations took place on several occasions, with participants marching for or against Rousseff’s impeachment and expressing dissatisfaction with pervasive corruption, among other issues.
- A major investigation into a multibillion-dollar bribery scandal at the state-controlled oil company Petrobrás continued, with prosecutors pursuing several active court cases and continuing to file charges against public servants and officials from private.
- Rousseff’s impeachment prompted heightened scrutiny over judicial independence and the country’s checks and balances.

Executive Summary

Serious political and economic challenges marked the year in Brazil. Since 2014, a high inflation rate and growing unemployment have characterized what has become Brazil’s worst economic recession in more than two decades. The situation was further exacerbated in 2016 by paralyzing disagreement between opposing parliamentary parties as well as the controversial Petrobrás bribery investigation, so-called Operation Car Wash. The investigation, which began in 2014, focuses on bribery, money-laundering, and bid-rigging involving the state-controlled oil giant and private construction companies. Its findings have implicated former Petrobrás executives, heads of major construction firms, and elected officials from across the political
spectrum. In December, approximately 80 employees of Odebrecht, a conglomerate involved in the scandal, accepted plea deals. Their testimony is expected to inform prosecutors about dozens of politicians who took kickbacks as part of the scheme.

Rousseff, who faced low approval ratings in 2016, proved unable to sustain her political coalition or to meaningfully address the country’s economic challenges. Ongoing efforts to impeach her for manipulating the country’s budget, initiated in late 2015, further frayed her position. In May, legislators suspended Rousseff’s presidential powers ahead of the commencement of her trial and appointed Michel Temer, Rousseff’s vice president, to be interim president. Temer’s party had departed from its coalition with Rousseff’s in March, and upon his appointment, the new president fully withdrew from the leftist platform that had led to his and Rousseff’s reelection in 2014 and installed a right-of-center, all-male cabinet. In August, the Senate voted to impeach Rousseff on charges of budgetary manipulation, and confirmed Temer to serve out the remainder of her term. Temer himself faced allegations of past involvement in corruption, and at the time of the impeachment vote, more than half of all members of the National Congress had been charged or were under investigation for serious crimes, including corruption, kidnapping, and murder.

Rousseff’s ouster heightened scrutiny over the reach and strength of Brazil’s judicial bodies and processes, with promoters and detractors weighing in on the constitutionality of the impeachment process and judicial independence. Some legal scholars pointed to the political implications of prosecuting officials in a system where corruption reaches most of the ruling class, and others raised questions about Judge Sergio Moro’s use of pretrial detention and treatment of sensitive wiretap recordings.

Large, mostly peaceful protests took place throughout the year. Protesters marched for or against Rousseff’s impeachment, as well as against the National Congress, corruption in general, and controversial preparations for the Rio de Janeiro Olympics.

**Political Rights**

**A. Electoral Process**
Brazil is a federal republic governed under a presidential system. 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. Rousseff, the Workers’ Party (PT) candidate, 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), who received 48.4 percent. In August 2016, the Senate impeached Rousseff on charges of budgetary manipulation, finding that she had committed the offense 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 in May, and was confirmed in August to serve for the remainder of her term, which ends in 2018.

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. Numerous smaller parties made up the remainder. The PT lost a considerable number of seats in municipal elections held in October 2016.

B. Political Pluralism and Participation

Brazil has an unfettered multiparty system marked by vigorous competition between rival parties. The electoral framework encourages the proliferation of parties. Some parties display little ideological consistency, and the frequent emergence of new parties poses challenges for voters and governance alike. The sheer number of parties means that the executive branch must piece together diverse coalitions to pass legislation, which may encourage corruption. No single party has been able to
dominate the executive and legislative branches in recent years. Rousseff was unable to sustain her party’s legislative coalition with the PMDB, which left it in March 2016.

Afro-Brazilians and women remain underrepresented in politics. The Senate has one self-identified black representative. Temer’s cabinet does not include any women or Afro-Brazilians.

C. Functioning of Government

Corruption and graft remain endemic in Brazil, especially among elected officials. This undermines the ability of the government to make and implement policy without undue influence from private or criminal interests.

While regular government operations continued in 2016, overall functioning was weakened by a political standoff between Rousseff and her pro-impeachment opponents, and major legislative initiatives stalled amid the standoff and subsequent impeachment trial. After months of disagreement and public protest, legislators passed a controversial austerity package in December. Temer’s own low approval ratings and divisive politics may further hinder efforts to ease parliamentary tensions and garner support for much-needed reforms in the face of the economic crisis.

Brazilians were deeply divided over Rousseff’s impeachment proceedings. In March, millions took to the streets in anti-government protests throughout the country, while Rousseff supporters rallied in June. Rousseff argued that impeachment constituted a coup d’état, claiming that the charges against her did not rise to the standard of “crime of responsibility,” as required by the constitution.

In March, Judge Moro leaked wiretaps of conversations between Rousseff and former president Luiz Inácio Lula da Silva, who was under investigation for his involvement in the Petrobrás case. In the recordings, the two discussed a plan for Lula’s appointment as presidential chief of staff, which would offer protection against prosecution in the courts. Both the conversation and the leak raised concerns about the integrity and independence of the impeachment process and the Petrobras investigation, as well as about executive and judicial overreach in general.
Operation Car Wash, as the Petrobrás investigation has come to be known, continued throughout the year. As investigators have so far confirmed, for at least the last decade, some of the country’s largest construction companies paid billions of dollars in bribes and kickbacks to politicians, political parties, and Petrobrás executives in order to land lucrative contracts with the oil producer at inflated prices. Rousseff, who had served as head of the Petrobrás board when much of the alleged corruption took place, faced allegations of involvement, but her impeachment charges did not ultimately include offenses related to the Petrobrás case. Many other current and former elected officials have been investigated or charged. Former president Lula was charged with corruption and money laundering in December. In October, the former speaker of the lower legislative house, Eduardo Cunha, was arrested and detained on the same charges. Cunha had been one of the most vocal proponents of Rousseff’s impeachment. In December, the Supreme Court removed the president of the Senate, Renan Calheiros, from the presidential line of succession after he was indicted on embezzlement charges.

Brazil is a cofounder of the Open Government Partnership, a multinational initiative seeking to increase governmental transparency and democratic ideals while decreasing corruption. As part of its pledge to support these goals, Brazil enacted an Access to Information Law in 2012. In June 2016, Temer converted the National Controller’s Office (CGU), an important resource for appealing denials of information requests, into a new Ministry of Transparency, Monitoring, and Oversight. Watchdogs considered this move detrimental to the independence of the country’s freedom of information mechanism.

Civil Liberties

D. Freedom of Expression and Belief

The constitution guarantees freedom of expression, but politicians and influential businessmen continued to make use of existing laws to curtail critical reporting in
2016. Defamation, for example, remains a crime and carries a minimum sentence of three months in prison.

Journalists, especially those who focus on organized crime or corruption, are frequently victims of violence. According to local press watchdogs, several journalists were killed in 2016, including radio host João Valdecir de Borba, shot during a live broadcast; website owner and reporter João Miranda do Carmo, shot outside his home; and blogger Manoel Messias Pereira, gunned down while driving his motorcycle. At year’s end, police had not been able to confirm work-related motives in all of the cases. When the newspaper Gazeta do Povo published a report in February alleging that the salaries of judges, magistrates, and district attorneys in the state of Paraná were above the pay ceiling that is enshrined in the constitution, the paper and its five reporters were served with 46 individual civil suits, which press freedom advocates decried as harassment.

The news media are privately owned, and there are dozens of independent papers and broadcast stations across the country. Financial dependence on state advertising, however, sometimes renders the press vulnerable to manipulation.

Brazil has been praised as a champion of internet user rights. The 2014 Marco Civil da Internet, a so-called bill of rights for the internet, guarantees universal internet access and establishes strong privacy protections for Brazilian users.

The constitution guarantees freedom of religion, and the government generally respects this right in practice. Academic freedom and private discussion are likewise unrestricted.

E. Associational and Organizational Rights

Freedom of assembly is generally respected. A series of largely peaceful demonstrations took place during the year over Rousseff’s impeachment, corruption, the economic crisis, and the 2016 Summer Olympics in Rio de Janeiro. Alarmingly, police met some protests with violence, using tear gas and rubber bullets. Police
conduct at public assemblies has been of concern for several years; in São Paulo, for example, police responses to protests have led to four participants being blinded in recent years. A 19-year old woman was hit in the eye with shrapnel during a demonstration in August, and two photojournalists were blinded by rubber bullets in 2013.

Although protest activity in Olympic venues was initially banned, a judge ruled in August that the government and the International Olympic Committee could not remove protesters from the sites.

There are no significant restrictions on freedom of association, and nongovernmental organizations (NGOs) are able to operate in a variety of fields. Industrial labor unions are well organized. Although they are politically connected, Brazilian unions tend to be freer from political party control than their counterparts in other Latin American countries. Labor issues are adjudicated in a system of special labor courts. Officials and employers sometimes engage in antiunion activity, including dismissal of organizers, and a number of labor activists have been threatened or murdered in recent years, particularly in rural areas.

F. Rule of Law

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.

In November 2016, the lower legislative house gutted an anticorruption bill, passing it with changes that would protect legislators from prosecution and allow prosecutors and judges to be punished for abuse of authority. The bill passed by 450 votes to 1, and was awaiting a vote in the Senate at year’s end. Prosecutors involved in the year’s major corruption scandals threatened to resign from their posts in protest. In December, a Supreme Court justice ordered the bill to be reassessed in the lower house.
Brazil has a relatively high homicide rate; approximately 60,000 homicides occurred in 2014, the majority of them involving firearms. This high level of violence is perpetuated by impunity and corruption, as well as the illegal drug trade. Highly organized and well-armed drug gangs frequently clash with military police or with private militias composed of off-duty police officers, prison guards, and firefighters. In recent years, violence has decreased in the larger and more affluent cities but increased in Brazil’s poorer northeastern regions.

Brazil’s police force remains mired in allegations of corruption as well as excessive and extrajudicial violence. Victims of police violence are predominantly young, black, and poor, and are often bystanders caught in crossfire between police and suspected gang members. Police use torture to extract confessions from suspects, and often portray extrajudicial killings as shootouts with dangerous criminals. Police officers are rarely prosecuted for such abuses, and those charged are almost never convicted. The long-term presence of special Pacifying Police Units (UPP) has apparently reduced crime in several urban favelas, or slums, though allegations of excessive or extrajudicial violence by the UPP continue to raise concerns.

A 2013 law created a watchdog body known as the National Mechanism to Prevent and Combat Torture. It consists of 11 experts with unprecedented power to visit any civilian or military facility where torture or ill-treatment has been documented. Despite this positive step, torture remained a serious problem in 2016. Brazilian law does not require that detainees be brought before a judge promptly after arrest, which increases opportunities for abuse in custody.

Brazil’s prison system, known for its appalling living conditions, holds a population far above capacity. From 2000 to 2014, the prison population increased by 164 percent, due principally to an increase in drug arrests. Approximately 40 percent of inmates in Brazil’s prisons are awaiting trial, and they are often held with convicted criminals, which violates international law. Pretrial detention can last for months or even years, as a chronic backlog in the court system routinely results in substantial trial delays. Some legal experts have cautioned that the multitude of pretrial detentions and plea bargains used in the Petrobrás investigation runs counter to the defendants’ presumption of innocence.
Brazilian law prohibits discrimination on the basis of race, gender, disability, or social status, but the country continues to struggle with discrimination. Just over half of Brazil’s population identify themselves as black or of mixed race. However, Afro-Brazilians suffer from higher rates of homicide, poverty, and illiteracy; almost 70 percent of Brazilians living in extreme poverty are black. Government attempts to address this issue include the 2010 Statute of Racial Equality, which granted land rights to inhabitants of quilombos—communities of descendants of escaped slaves. A 2012 affirmative action law requires public universities to reserve 50 percent of admission spots for students coming from public schools, and dictates that the number of students of African descent at public universities must change in accordance with the racial composition of each state. In 2014, the National Congress passed a law requiring that at least 20 percent of its civil service employees be of African descent.

Indigenous peoples make up less than 1 percent of the population. Many indigenous communities suffer from poverty and lack adequate sanitation and education services. Unresolved and often violent land disputes between indigenous communities and farmers continued to be a problem in 2016. In the face of court cases that further delay already lengthy disagreements, tribes occasionally resort to forcible removal of those inhabiting their protected lands. In January, a court suspended the construction of the Belo Monte hydroelectric dam in the Amazon due to the lack of adequate support for the indigenous families that the construction would affect. In August, the government withdrew plans to build the Tapajós dam, which had also faced indigenous opposition.

Although Brazil has a largely tolerant society, it reportedly has one of the world’s highest levels of violence against members of the LGBT (lesbian, gay, bisexual, and transgender) community. According to Grupo Gay da Bahia, a domestic LGBT advocacy group, a gay or transgender person is killed almost every day in Brazil.

G. Personal Autonomy and Individual Rights
Brazilians enjoy freedom to travel within and outside of the country, and to make decisions about their places of residence and employment. Property rights are enforced, though requirements for starting new businesses are often onerous, and corruption and organized crime sometimes pose obstacles to private business activity.

A 2003 update to the legal code granted women rights equal to those of men. In 2013, the National Congress approved a constitutional amendment extending equal labor rights to household workers, many of whom are women. Upon taking presidential, Rousseff had pledged to make women’s rights a priority for her government, and appointed a number of women to each of her cabinets. President Temer did not appoint any women to his cabinet in 2016; Brazil had not seen an all-male cabinet since the end of its 1964–85 military dictatorship. Women hold fewer than 10 percent of seats in the Chamber of Deputies, and roughly 16 percent in the Senate.

While contraception is available, 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. The spread of the Zika virus in 2015 and 2016, along with related complications like microcephaly, raised awareness of women’s restricted access to abortion. Abortion in cases of microcephaly, a condition in which an infant’s head is underdeveloped, remains illegal. Many women turn to illegal providers, and those who undergo clandestine abortions are often hospitalized due to complications. Illegal abortions are a leading cause of maternal mortality in Brazil.

A 2013 law legalized same-sex marriage.

Slavery-like working conditions pose a significant problem in rural zones, and increasingly in urban ones as well. A 2012 constitutional amendment allows the government to confiscate all property of landholders found to be using slave labor. A report published in February 2016 by a domestic NGO showed that from May 2013 to May 2015, the Ministry of Labor fined 340 companies for using slave labor, which in Brazil is defined as forced labor, unpaid work in exchange for debt forgiveness, or working in degrading conditions.
The government has sought to address the problem of child labor by cooperating with various NGOs, increasing inspections, and offering cash grants to keep children in school.

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Global Freedom Score
75/100 Free

Internet Freedom Score
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