

FREEDOM IN THE WORLD

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Brazil

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OVERVIEW:

President Dilma Rousseff's tough stance toward corruption helped bolster her approval rating throughout 2012. In May, Brazil's Truth Commission began investigating human rights violations committed by the country's military regime, and a racial equality act was enacted in August to widen access to education for minorities and the poor. Approximately half of Brazil's federal workforce went on strike between May and August, demanding increased pay and improved working conditions.

After gaining independence from Portugal in 1822, Brazil retained a monarchical system until a republic was established in 1889. Democratic governance was interrupted by long periods of authoritarian rule, and the last military regime gave way to an elected civilian government in 1985. However, Brazil's democracy has been marred by frequent corruption scandals. One scandal eventually led Congress to impeach President Fernando Collor de Mello in 1992.

Brazilian Social Democracy Party (PSDB) leader Fernando Henrique Cardoso—a market-oriented, centrist finance minister—was elected president in 1994, and he subsequently oversaw a highly successful currency-stabilization program that included fiscal reform, privatization of state enterprises, and a new currency pegged to the U.S. dollar. He also ushered in a new era of dialogue with international human rights and good-governance groups. In 1998, Cardoso handily won a second term in a rematch against his 1994 opponent, former labor leader and political prisoner Luiz Inácio Lula da Silva of the left-leaning Workers' Party (PT).

Lula won the presidency in 2002, promising to maintain orthodox economic policies while initiating meaningful social-welfare programs. These included "Bolsa Família," a cash-transfer program that benefited approximately one-fourth of the population, and "ProUni," a fund providing low-income students with scholarships to private colleges.

Lula was reelected by a comfortable margin in the October 2006 presidential runoff, drawing on his popularity among working-class voters. Despite the fact that the legislature was widely seen as the most corrupt in the country's history, the PT did not suffer losses in the concurrent congressional elections.

In August 2007, the government released a report outlining the fate of political dissidents who were "disappeared" by the military between 1961 and 1988. Unlike in other Latin American countries with recent histories of military rule, former officials in Brazil remain protected by a 1979 amnesty law, and none have faced charges for human rights violations. Brazil's Supreme Court upheld the constitutionality of the amnesty in April 2010. A December 2010 Inter-American Court of Human Rights ruling deemed the law invalid, and served as a catalyst for the creation of Brazil's Truth Commission in November 2011. In

2013 SCORES

STATUS

Free

FREEDOM RATING

2.0

CIVIL LIBERTIES

2

POLITICAL RIGHTS

2

May 2012, the commission began investigating human rights abuses committed during the rule of the military regime; it has a two-year mandate.

Dilma Rousseff, Lula's chosen successor, was elected president in October 2010 with 56 percent of the vote, defeating rival PSDB candidate José Serra. The PT and its coalition partners also strengthened their majorities in both the Senate and Chamber of Deputies in concurrent legislative elections. As president, Rousseff has taken a strong stance against corruption, removing six cabinet-level officials from office for corruption during her first year in office. Thirty-eight prominent members of the ruling party were put on trial in August 2012 before Brazil's Supreme Court for their involvement in the 2005 *mensalao* (big monthly allowance) vote-buying scandal. By the end of 2012, 25 of the 37 were found guilty, including the former PT president and party treasurer. The trials were historic in that the accused were leading members of Rousseff's own party. Meanwhile, the "clean record" law banning individuals who have been found guilty of a crime from taking office was determined to be constitutional by the Supreme Court in February. Rousseff's "ethical cleansing" campaign has earned her respect from many for taking a hard line against corruption, and by the end of the year, her popular support levels remained above 70 percent.

Despite the high-profile corruption trial and conviction of PT party leaders, the PT captured a total of 635 mayoral races, up 14 percent from 2008, in the October 2012 municipal elections.

In June 2011, Rousseff launched an antipoverty program known as *Brasil Sem Miséria* (Brazil Without Poverty)—an initiative intended to fully eliminate the extreme poverty that afflicts an estimated 16.2 million Brazilians. The program increases the transfer payments already provided by Bolsa Família, adding a monthly \$35 to each household member facing extreme poverty.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Brazil is an electoral democracy. The 2010 national and 2012 municipal elections were free and fair. The constitution provides for a president, to be elected for up to two four-year terms, and a bicameral National Congress. The Senate's 81 members serve eight-year terms, with a portion coming up for election every four years, and the 513-member Chamber of Deputies is elected for four-year terms.

The four largest political parties, accounting for more than half of the seats in the Chamber of Deputies and the Senate, are the centrist Brazilian Democratic Movement Party, the leftist PT, the conservative Democratic Party, and the center-left PSDB. Seventeen other parties are also represented in Congress. The electoral system encourages the proliferation of parties, a number of which are based in a single state. A 2007 Supreme Court decision outlawed party switching after elections, though lawmakers have continued to switch parties on occasion for financial and other inducements.

In spite of the Dilma Rousseff administration's public intolerance of corruption, official corruption still remains an endemic problem in Brazil. In 2012, some two dozen prominent PT members were found guilty of corruption in a vote-buying scandal. The country was ranked 69 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The constitution guarantees freedom of expression, and both libel and slander were decriminalized in 2009. A long-awaited freedom of information bill, which covers all branches of government at all levels, went into effect in May 2012. The press is privately owned, and there are dozens of daily newspapers and a variety of television and radio stations across the country. The print media have played a central role in exposing official corruption. However, journalists—especially those who focus on organized crime, corruption, or military-era human rights violations—are frequently the targets of violence. According to the International Press Institute, four journalists were killed in 2012 in probable connection to their work. The judicial branch—particularly judges outside large urban centers—remained active in 2012 in preventing media outlets from covering numerous stories, often involving politicians. The government does not

impose restrictions on access to the internet. However, local and regional courts posed an increased threat to internet freedom in 2012. In September, the Brazil director of Google was arrested for refusing to remove videos that attacked a mayoral candidate. Further, a proposed “internet bill of rights” guaranteeing basic rights for internet users and intermediaries was postponed in Congress in November 2012, with no immediate prospect for a vote.

The constitution guarantees freedom of religion, and the government generally respects this right in practice. The government does not restrict academic freedom.

Freedoms of association and assembly are generally respected, as is the right to strike. Industrial labor unions are well organized; organized labor represents 17 percent of the Brazilian work force. Although they are politically connected, Brazilian unions tend to be freer from political party control than their counterparts in most other Latin American countries. Labor issues are adjudicated in a system of special labor courts. In 2012, a three-month strike by teachers at federal universities attracted almost half of the federal workforce, including the police and judiciary. Strikes by construction workers in the Amazon region also delayed the construction of several hydroelectric dams—a key part of the administration’s plan to meet Brazil’s growing demand for electricity. The strikers, led by a powerful group of unions with strong ties to the ruling PT party, were able to negotiate a settlement with the Rousseff administration without undermining the government’s goals of fiscal balance.

Brazil’s largely independent judiciary is overburdened and plagued by corruption. The judiciary is often subject to intimidation and other external influences, especially in rural areas, and public complaints over its inefficiency are frequent. Access to justice also varies greatly due to Brazil’s income inequality.

Brazil has maintained an average homicide rate of 26 per 100,000 residents (compared to a global average of approximately 7 per 100,000). Most violent crime in the country is related to the illegal drug trade. Highly organized and well-armed drug gangs frequently fight against the military police as well as private militias comprising off-duty police officers, prison guards, and firefighters. However, the homicide rate for the state of Rio has fallen in the last decade; the government’s aggressive counterinsurgency against drug-related violence ahead of the 2016 Summer Olympic Games has likely contributed to that reduction. Most notably, the longer-term presence of “peace police” forces successfully pacified several of the city’s dangerous favelas, or slums; however the sustainability of this peace remains in question, as does the government’s ability to successfully expand the program to other impoverished areas. In September 2012, Brazil’s special forces began using unmanned drone aircraft to monitor the drug trade in Rio’s large favelas. In Rio de Janeiro, 1.2 million citizens—20 percent of the population—live in favelas.

Corruption and violence remain entrenched in Brazil’s police forces. Torture is used systematically to extract confessions from suspects, and extrajudicial killings are portrayed as shootouts with dangerous criminals. Police officers are rarely prosecuted for abuses, and those charged are almost never convicted. Police investigator Tapajos Macedo, who had been investigating an illegal gambling cartel, was shot and killed in July 2012 while watering the flowers on his parents’ grave. No one had been arrested by the end of 2012, but military police were known for obstructing Macedo’s work.

The prison system is anarchic, overcrowded, and largely unfit for human habitation. Brazil’s prisons held 550,000 inmates in 2012, representing the world’s fourth largest prison population—three-quarters more than the system’s intended capacity. Overcrowding sometimes results in men and women being held in the same facilities.

Racial discrimination, long officially denied as a problem in Brazil, began to receive both recognition and remediation during Luiz Inácio Lula da Silva’s first term. Afro-Brazilians earn less than 50 percent of the average earnings of other citizens, and they suffer from the highest homicide, poverty, and illiteracy rates. The 2010 Statute of Racial Equality recognized the right of *quilombos*—communities of descendants of escaped slaves—to receive title to their land. It also called for the establishment of non-quota affirmative action policies in

education and employment, as well as programs to improve Afro-Brazilians' access to health care. Accordingly, in August 2012, the government enacted a broad affirmative action law requiring public universities to reserve half of their admission spots to the mostly poor students attending public schools, as well as to increase the number of students from African descent in accordance with the racial composition of each state.

The owners of large estates control nearly 60 percent of the country's arable land, while the poorest 30 percent of the population hold less than 2 percent. Land invasions are organized by the grassroots Landless Workers' Movement, which claims that the seized land is unused or illegally held. Progress on land reform has been slow, due in part to a strong farm caucus and the economic importance of large-scale agriculture.

Although Brazil abolished slavery in 1888, thousands of rural laborers still work under slavery-like conditions. Landowners who enslave workers face two to eight years in prison, in addition to fines. Mobile inspection groups established under Lula's presidency have been effective in the fight to end slave labor; they have rescued an estimated 41,500 workers since the creation of the program in 1995. Measures to fight the impunity of employers, such as a public "black list" of offending companies and landowners, have also proven effective in reducing slave labor in rural Brazil. In May 2012, Brazil's Congress passed a constitutional amendment that will allow the government to confiscate all property of landholders found to be using slave labor, among other penalties.

Brazil's indigenous population numbers less than 1 percent of the country's total population. Violence and discrimination against indigenous people continues; 51 were killed in Brazil in 2011, with close to half of the murders related to land battles, according to the Indigenous Missionary Council. An indigenous leader was shot to death in November 2011 after returning to the land from which ranchers had evicted him; 18 individuals were arrested in July 2012 for the murder. Half of the indigenous population lives in poverty in Brazil, and most indigenous communities lack adequate sanitation and education services. The government promised in 2003 to demarcate large swaths of ancestral lands as the first step in creating indigenous reserves. A 2009 Supreme Court ruling defended the creation of one of the largest protected indigenous areas in the world, and the non-indigenous farmers living there peacefully left the 1.7 million hectare reservation that year.

Brazil's Supreme Court ruled in May 2011 that gays and lesbians have the right to form civil unions, and that couples in civil unions have the same rights as heterosexual married couples in regards to alimony, health, and retirement benefits, as well as adoption rights. While discrimination based on sexual orientation is prohibited by law, violence against members of the LGBT (gay, lesbian, bisexual, and transgender) community remains a problem.

A 2003 legal code made women equal to men under the law for the first time in the country's history. Upon entering office, President Rousseff vowed to push women's rights onto the national and international agenda, and women make up almost a third of Rousseff's cabinet. Nevertheless, violence against women and children is commonplace, and protective laws are rarely enforced. More than one million children between the ages of ten and fourteen worked in 2010. The government has sought to address the problem by cooperating with various nongovernmental organizations, increasing inspections, and offering cash incentives to keep children in school. Human trafficking continues from and within Brazil for the purpose of forced labor and commercial sexual exploitation.

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