

## FREEDOM IN THE WORLD

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# Brazil

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## OVERVIEW:

The new administration of President Dilma Rousseff suffered from a series of setbacks in 2011, including losing five cabinet members to corruption scandals. Although Rousseff's tough stance toward corruption weakened her position within her disparate multi-party alliance, she was able to use the crises to highlight her anticorruption credentials, which contributed to high levels of popular support by year's end. The president launched a major antipoverty program in June, and a Supreme Court ruling in May afforded homosexuals greater rights, including the right to form civil unions.

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 finally 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. However, the Inter-American Court of Human-rights ruled in December 2010 that the amnesty law was invalid, and that Brazil was responsible for the forced disappearances of 70 members of a resistance movement during the military era.

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 did well in congressional elections held in early October, strengthening their majorities in both the Senate and Chamber of Deputies.

A number of major government corruption scandals that began in 2004 continued into 2011. The affairs involved vote-buying, kickbacks for public-works contracts, and the abuse of congressional power in awarding jobs and salary increases to favored recipients. During Lula's tenure, two of his three chiefs of staff were forced to resign amid corruption scandals, and Brazil's legislature was deemed one of the most corrupt in the world. The transition to the Rousseff administration brought no immediate improvement on the corruption front. Between June and October 2011, Rousseff ousted five staff and cabinet members for corruption: her chief of staff for alleged enrichment; the transport minister for bribes and over-billing on contracts; the agriculture minister for nepotism and

## 2012 SCORES

STATUS

Free

FREEDOM RATING

2.0

CIVIL LIBERTIES

2

POLITICAL RIGHTS

2

cronyism; the tourism minister, along with dozens of tourism ministry officials, for embezzlement; and the sports minister for alleged kickbacks.

Rousseff's "ethical cleansing" campaign earned her respect from many for taking a hard line against corruption. Indeed, by the end of 2011, her popular support levels remained high at 70 percent. However, ending the decades-old norm of tolerating some forms of official corruption raised doubts about the president's ability to maintain control over her divided coalition, made up of ten parties of varying sizes and ideologies. The center-right Partido da Republica (PR) dropped out of the government coalition after Rousseff ousted the transport minister, who was also the party's president. The cabinet shake-ups also hindered the administration's ability to push through structural changes, such as badly needed tax reform.

In June 2011, Rousseff launched an antipoverty program known as *Brasil Sem Miséria* (Brazil Without Poverty)—an initiative intended to eliminate the extreme poverty that afflicts 16 million Brazilians—by 2014. The program will increase the transfer payments already provided by Bolsa Família; provide credit, technical assistance and skills training; and increase the poor's access to health care, housing, and sanitation. She also signed a Truth Commission bill in November 2011 that will investigate human rights abuses committed during the military regime.

## POLITICAL RIGHTS AND CIVIL LIBERTIES:

Brazil is an electoral democracy. The 2010 national 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.

Corruption is an endemic problem in Brazil, and five members of President Dilma Rousseff's cabinet were forced to resign in 2011 in the face of various corruption scandals. The country was ranked 73 out of 183 in Transparency International's 2011 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, was passed in the Senate on October 25, 2011. Rousseff signed the bill into law in November, and it will come into effect in mid-2012. The press is privately owned, and while foreigners can acquire a 30 percent stake in a media company, they are restricted in their ability to influence editorial decisions and management selection. 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, five journalists were killed in 2011 in probable connection to their work; at least one of the deaths was attributed to alleged government involvement. The judicial branch—especially judges outside large urban centers—remained active in 2011 in preventing media outlets from covering numerous stories, often involving politicians. The government does not impose restrictions on access to the internet.

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.

The country's largely independent judiciary is overburdened, plagued by corruption, and virtually powerless in the face of organized crime. The judiciary is often subject to intimidation and other external influences, especially in rural areas, and public complaints over its inefficiency are frequent.

Brazil has one of the highest homicide rates in the world. 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. Drug-related violence migrated away from the major cities to some extent in 2011, increasing in Brazil's historically poor northeast—specifically the states of Bahia and Alagoas. The homicide rate for Rio—once deemed one of the world's most dangerous cities—has dropped by half in the last decade; the government's aggressive counterinsurgency against drug-related violence ahead of the 2016 Summer Olympic Games 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. In Rio de Janeiro, 1.2 million citizens—20 percent of the population—live in favelas.

Corruption and violence remains an entrenched problem 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. However, a

military police chief and seven officers were arrested on September 27, 2011 for the killing of a judge known for her tough stance against corrupt police officers.

The prison system is anarchic, overcrowded, and largely unfit for human habitation. According to official estimates, Brazil's prisons hold over 490,000 inmates, 50 percent over the system's intended capacity. Overcrowding sometimes results in men and women being held in the same facilities, and human rights groups claim that the torture and other abuses common to most of the country's detention centers have the effect of turning petty thieves into hardened criminals.

Racial discrimination, long officially denied as a problem in Brazil, began to receive both recognition and remediation from Lula during his 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. When he assumed office, Lula took the unprecedented step of naming four Afro-Brazilians to his cabinet, and appointed the country's first Afro-Brazilian Supreme Court justice. The 2010 Statute of Racial Equality Statute calls for the establishment of non-quota affirmative action policies in education and employment, as well as programs to improve Afro-Brazilians's access to health care. The law also recognized the right of *quilombos*—communities of descendants of escaped slaves—to receive title to their land.

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 (MST), 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 more than 39,000 workers since the 1995 creation of the program, and compensated them over \$5 million. 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 December 2011, two separate cases of forced labor resulted in the prosecution of three cattle ranchers who were sentenced to five to seven years in prison.

Brazil's indigenous population numbers around 700,000. Violence and discrimination against indigenous people continues; half of the indigenous population lives in poverty, 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 homosexuals 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 homosexuals remains a problem.

In 2003, a new 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. Women make up a third of Rousseff's cabinet, comprising 11 of 34 posts. Nevertheless, the government has yet to propose specific policy plans to improve women's access to health care or to ensure wage equality. Violence against women and children is commonplace, and protective laws are rarely enforced. Forced prostitution of children is widespread. 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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