

Brazil - Human Rights Scorecard ¹

Brazil, officially Federative Republic of Brazil, is the largest country of South America and Latin America. There are many different ethnic and racial groups living within the same border, which poses challenges relating to equality, discrimination and economic opportunity. Poverty is a serious problem in Brazil, as well as corruption in the government. Officially, the country has solid laws to protect the core rights of Brazilian citizens. Nevertheless, it is an ongoing issue that such laws are not always respected or enforced by state officials.

Official language: Portuguese

Ethnic groups: 47.7% White; 43% Pardo; 7.6% Black; 1% Asian; 0.4% Amerindian

Government: Federal presidential constitutional republic

- President: Michel Temer
- Vice-President: Vacant

Death penalty: Abolitionist for ordinary crimes only

Population: 204.3 million

Life expectancy: 74.5

Under-5 mortality per 1000 live births: 20

Expected years of schooling: 15.2



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.755 – High Human Development ³

According to the UNDP, Brazilians enjoyed a gross national income per capita of \$15,175, and could expect to have on average 15.2 years of schooling. However, other countries with comparable gross national income per capita tend to have a higher HDI.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected ⁴

There has not been any report of politically motivated killings by the government or its apparatus. However, state police have committed numerous arbitrary and unlawful killings and often use disproportionate force. Most of the victims were Afro-Brazilian under the age of 25.

Freedom from disappearance



Respected ⁵

There are no reports of politically motivated disappearances in Brazil.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Partially respected ⁶

The Brazilian constitution forbids torture and other inhuman treatment and severely sanctions perpetrators. However, there are reports of degrading treatment committed by prison guards and police.

Freedom from arbitrary arrest or detention



Partially respected ⁷

The Brazilian constitution prohibits arbitrary arrests and detentions, but police do not always respect these laws.

Freedom from denial of fair public trial



Partially respected ⁸

The constitution guarantees an independent judiciary and the government generally respects this. However, there are reports that the judiciary is sometimes influenced by external factors and that it suffers from a problem of internal corruption.

Freedom from arbitrary interference with privacy, family, home or correspondence



Partially respected ⁹

Brazilian laws forbid arbitrary interference with privacy, but several civil society organizations report invasive police searches without search warrants in poor neighbourhoods.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 32.62, Rank: 104 / 180 – Highly controlled, limited or intimidated ¹¹

The Brazilian constitution guarantees freedom of speech and press. However, many journalists are victim of violence and harassment by police forces and sometimes by criminal elements.

Freedom from academic censorship



Respected ¹²

There are no reports of academic censorship in Brazil.

Freedom of peaceful assembly and association



Respected ¹³

The right to assemble and organize peacefully is guaranteed by law, and there are no reports of violations of Brazilians' of these freedoms by the government.

Freedom of religion



Respected ¹⁴

The government and laws protect the freedom of religion of Brazilians and promote interfaith dialogues. However, there are occasional incidents which demonstrate that there is religious intolerance between different communities.

Freedom of movement



Respected ¹⁵

Brazil's constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and these laws are generally respected.

Protection of refugees and stateless persons



Respected ¹⁶

Brazil has many laws in place to protect refugees and migrant workers. Refugees are given official documentation, access to public services and to legal protection. In 2015, the country saw a sharp increase in asylum requests, notably by Syrians, Congolese and Angolans.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*) ^{17 18}



2 / 7 – Free ¹⁹

Although there are instances of violation of liberties, such as freedom of press, Brazil protects overall the civil liberties of its people.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



2 / 7 – Free²¹

Brazil holds free and fair elections, where there are many choices of political parties and where political rights are protected in the constitution. Nevertheless, corruption among elected officials can be a serious issue and threatens the efficiency of the government.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 38%, Rank: 76 / 175 – Highly corrupt²³

Corruption is one of the biggest problems in Brazil. Even while laws exist to prevent it, they are not well enforced. There are many high-profile examples of high-level politicians being involved in corruption, especially with oil and construction companies.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²⁴

The government often collaborates with NGOs and other organizations regarding human rights problems. These organizations have the liberty to investigate and operate without restriction from the Brazilian government.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



No threat listed – Limited dangers to minorities²⁶

According to Minorities Rights Group International, Brazil does not have any minorities which face an immediate threat of violence.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: 69.4%, Rank: 71 / 142 – Very unequal rights²⁸

The law forbids and severely sanctions discrimination and violence based on sex and gender. However, women face systemic discrimination in the labour force and domestic violence has been widespread, despite the implementation of prevention programs and hotlines.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Score: 68.6%, Rank: 107 / 165 – Somewhat protected³⁰

Child abuse and sexual exploitation of children constitute a problem in Brazil. Nevertheless, the government tries to mitigate the problems by providing treatment programs for victims.

Rights of persons with disabilities



Partially respected³¹

Laws that protect the rights of persons with disabilities exist in Brazil, but there are not frequently enforced.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Partially respected³²

Even though laws prohibit discrimination against individuals based on national, racial and ethnic identities, dark-skinned individuals, especially Afro-Brazilians often face discrimination.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Respected^{33 34}

Brazil is considered to have one of the best legal protections for people of all sexual orientations. Same-sex partners can get married, can be considered family units and are able to adopt.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Respected³⁵

These rights are generally upheld in Brazil.

Freedom from forced or compulsory labour



Partially respected³⁶

Laws exist to protect Brazilians' from forced or compulsory labour but unlawful labour practices still exist. The government has a number of strategies to fight against illicit labour practices.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³⁷

Although laws clearly stipulate that the minimum age of employment is 16, many abuses continue to occur. The government is actively working on the eradication of child labour, and runs many programs to extract children as young as 7 from of unlawful labour.

Right to acceptable conditions of work



Partially respected³⁸

The government has detailed laws about favourable conditions of work which are in line with international standards. However, there continue to be important violations of these laws.

Right to employment



6.6% - Reasonable unemployment³⁹

The unemployment rate has been steadily decreasing since 2005. Projections predict that Brazil will keep its current rate for the near future.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 8, 2017 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, Brazil" UNDP, based on 2014 or the most recent year available. Accessed Jan. 11, 2017. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2015 Brazil." U.S Department of State. January 1, 2017. Accessed January 11, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

- ⁵ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.
- ⁶ Ibid. U.S Department of State.
- ⁷ Ibid. U.S Department of State.
- ⁸ Ibid. U.S Department of State.
- ⁹ Ibid. U.S Department of State.
- ¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.
- ¹¹ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2016. Accessed January 11, 2017. <http://rsf.org/index2014/en-index2014.php>.
- ¹² "Country Reports on Human Rights Practices for 2015 Brazil." U.S Department of State. January 1, 2016. Accessed January 11, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.
- ¹³ Ibid.
- ¹⁴ "Brazil." International Religious Freedom Report for 2015. January 1, 2016. Accessed January 13, 2017. <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.
- ¹⁵ "Country Reports on Human Rights Practices for 2015 Brazil." U.S Department of State. January 1, 2016. Accessed January 13, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.
- ¹⁶ Ibid.
- ¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).
- ¹⁸ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed January 13, 2017 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>
- ¹⁹ "Brazil." Freedom in the World 2016: Brazil. January 1, 2016. Accessed January 11, 2017. <https://freedomhouse.org/report/freedom-world/2016/brazil>
- ²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed January 13, 2017 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>
- ²¹ "Brazil." Freedom in the World 2014: Brazil. January 1, 2016. Accessed January 13, 2017. <https://freedomhouse.org/report/freedom-world/2016/brazil>.
- ²² Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt
- ²³ "Brazil." Corruption by Country. January 1, 2016. Accessed January 13, 2017. <http://www.transparency.org/country/BRA#>.
- ²⁴ "Country Reports on Human Rights Practices for 2015 Brazil." U.S Department of State. January 1, 2016. Accessed January 13, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.
- ²⁵ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 8, 2017 <http://peoplesunderthreat.org/>.
- ²⁶ "Brazil." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed Jan. 8, 2017. <http://peoplesunderthreat.org/>.
- ²⁷ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights
- ²⁸ "Brazil." World Economic Forum. January 1, 2016. Accessed January 13, 2017. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BRA>.
- ²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable
- ³⁰ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed January 13, 2017. <http://www.kidsrightsindex.org/>
- ³¹ "Country Reports on Human Rights Practices for 2015 Brazil" U.S Department of State. January 1, 2016. Accessed January 13, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.
- ³² Ibid. U.S Department of State.
- ³³ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed January 13, 2017. <http://ilga.org/>. See also Ibid. U.S Department of State.
- ³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.
- ³⁵ "Country Reports on Human Rights Practices for 2015 Brazil." U.S Department of State. January 1, 2016. Accessed January 13, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Global Employment Trends." International Labour Organization. January 1, 2016. Accessed January 13, 2017. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.