



Federative Republic of Brazil

A Discussion Paper by Gilberto M. A. Rodrigues

Translated into English from the original Spanish version.

Context

Civic spaces in Brazil have been critically reduced by the far-right government of President Jair Bolsonaro (2019–present). At both the domestic and international levels, citizen and social participation has faced significant limitation and, in many cases, increased regression in the operation of related agencies and channels of expression. As Brazil is a federation, what happens at the federal level is not automatically reproduced in the states and municipalities. The elements of continuity for citizen-institutional participation are more present in decentralized spheres, although they have also suffered limitations caused by subnational conservative governments and the fundamentalist court, whether or not they align with Bolsonaro.

Reduction of Civic Participation at the Domestic Level

At the federal domestic level, the reduction of civic participation began with the impeachment of President Dilma Rousseff (served 2011–2016) and the changes imposed by President Michel Temer (2016–2018) in the name of reducing the government's fiscal deficit and maintaining order.¹ With Bolsonaro, organized civil society has not only been critiqued but verbally attacked by the president and several of his ministers, mostly in areas where the nongovernmental organizations (NGOs) and citizenship participation are key and well structured, namely the environment, human rights, and social development fields.

There are clear elements of change, with an increase in structural violence by the Bolsonaro government toward governmental and nongovernmental actors where there is citizen participation: federal councils on public policy, public universities and federal research institutes, environmental and human rights NGOs.

The federal councils that have participation from civil or social society formulate public policies, and their decisions are advisory/

deliberative; but they have binding normative force. To celebrate 100 days of governance in April 2019, Bolsonaro published Decree 9,759 to reduce the councils from 700 to 50. The Supreme Federal Tribunal (Supremo Tribunal Federal, or STF) has decided that councils created by law cannot be extinguished.² In practice, the majority of those councils have been deactivated or discontinued. Furthermore, the growing militarization of the public administration, driven by Bolsonaro at all levels of government, has equally negatively affected the councils and agencies regulating public policy.

Public universities have been attacked by the president, who has described them as bastions of “communism.” Various actions of the presidency and the Ministry of Education have tried to discredit and intervene in the autonomy of federal universities. The attempt to name candidates as deans with no votes or internal election process at universities (pro tempore deans) seeks to control not only the administrative management of the federal institutions responsible for a high percentage of the country's scientific research but also to intervene in their autonomous academic and scientific life.³ The behavior of the government violates the UNESCO recommendation of 1997 on this topic. The STF has been asked to decide on the application of the principle of university autonomy, which is provided for in the constitution.⁴

On another note, a secret dossier produced by the Ministry of Justice prepared a list of “anti-fascist” public officials. After the list was revealed by the press, protests and actions in Congress and a lawsuit before the STF ensued.⁵ One of those listed was Professor Paulo Sergio Pinheiro, former chairman of the Inter-American Commission on Human Rights (IACHR) and chairman of the UN Commission of Inquiry for Syria. The constitution of 1988 is democratic and focuses on human rights, but the Law of National Security of the military regime (1983) continues in force, justifying investigations against civilians branded as “subversives.”



At the same time, citizen participation continues to be active in the National Congress and the STF. The Brazil Bar Association (Orden de Abogados del Brasil) and the Brazilian Society for Scientific Advancement (Sociedade Brasileira para o Progresso da Ciência), the historical defenders of democracy, continue to be independent and active.

Reduction of Civic Participation at the International Level

At the international level, the foreign policy of Bolsonaro began with a radical and fundamentalist orientation⁶ that restricts dialogue and citizen participation between the Ministry of Foreign Affairs and civil society, and for the latter, restricts interactions at the regional, hemispheric, and global levels. The Alexandre de Gusmão Foundation (Fundación Alexandre de Gusmão) is the ministry's think tank and the traditional bridge for dialogue between the country's diplomatic and academic worlds, and it has become the nucleus of political-ideological opposition, organizing conferences and debates on antiglobalist and antiscientific topics.

The reduction of spaces for civil and social participation in regionalism originates from the debilitation of Mercosur (the Southern Common Market) and the breakdown of Unasur (the Union of South American Nations), starting with the blow to President Rousseff and becoming much stronger under the Bolsonaro government. In the Organization of American States, Brazil has contributed to the intervention of the Secretary of Government (*Secretaría de Gobierno*) in the IACHR, a pillar of citizen protection in the region. In the United Nations, diplomacy took a turn toward religious radicalism regarding policies of gender, LGBTQ+, and minorities.

Recommendations

Strong vigilance is needed by international organizations and key actors for development (such as foreign enterprises that serve as potential sources of investment in the country) to reverse the setback and prevent a regime of exception from being consolidated in the country. We recommend that:

- International loans, which could be funded from sources like the International Bank for Reconstruction and Development or the Inter-American Development Bank, only be awarded or serviced subject to respect for the autonomy of public councils with citizen participation.
- Full autonomy of public universities and institutes for scientific research be guaranteed.
- Civil society organizations be respected in their work of proposing, implementing, evaluating, and auditing public policies.

About the Author

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Endnotes

- ¹ Wanderley Guilherme dos Santos, *A Democracia Impedida: o Brasil No Século XXI [A Hindered Democracy: Brazil in the 21st Century]*, FGV Editora, Rio, 2017.
- ² Supremo Tribunal Federal (STF), “Supremo suspende regra de decreto presidencial que extingue conselhos federais previstos em lei” [Supreme Court suspends rule in presidential decree that extinguishes federal councils provided for by law], STF, June 13, 2019.
- ³ C. H. Mendes, et al., *Academic Freedom in Brazil*, Global Public Policy Institute, September 1, 2020.
- ⁴ Andes, Ministro Fachin vota contra intervenção de Bolsonaro na nomeação de reitores [Minister Fachin votes against Bolsonaro's intervention in the appointment of deans], Andes, October 13, 2020.
- ⁵ STF, “STF proíbe elaboração de dossiês sobre antifascistas pelo Ministério da Justiça e Segurança Pública” [STF prohibits preparation of anti-fascist dossiers by the Ministry of Justice and Public Safety], STF, August 20, 2020.
- ⁶ G. M. A. Rodrigues, “El Trump del Tropicó? Política Exterior de Ultraderecha en Brasil” [The Trump of the Tropics? Foreign Policy of the Far-Right in Brazil], *Analisis Carolina* [Carolina Analysis] (April 2019).





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