



The U.S. Network for
Democracy in Brazil

Recommendations on Brazil to President Biden and the New Administration

Policy Paper

January 2021

About the U.S. Network for Democracy in Brazil (USNDB)

On December 1, 2018, 200 activists and academics gathered for a day-long conference at the Columbia Law School to found the U.S. Network for Democracy in Brazil. During the meeting, participants organized fourteen Working Groups, which now work on collecting and disseminating information to the U.S. public about the effects of the far-right turn in Brazilian politics and the conservative agenda of the new Bolsonaro government. A National Steering Committee was formed; it is made up of forty organizations that have joined the Network. In addition, an Executive Committee was developed to collaborate directly with the two National Coordinators. In total, over 1,500 people in 234 colleges and universities in 45 states throughout the United States have joined the Network.

The U.S. Network for Democracy in Brazil is a decentralized, democratic, non-partisan national network with three main objectives: **(1) Educate the U.S. public about the current situation in Brazil; (2) Defend social, economic, political, and cultural advances in Brazil; and (3) Support social movements, community organizations, NGOs, universities, and activists, etc., who face diverse threats in the current political climate.**

The Network has fostered the implementation of a **Washington Brazil Office (WBO)**, to support advocacy efforts related to Brazil in the U.S. Congress in collaboration with think tanks and advocacy groups in Washington, D.C. The WBO includes an executive director, a project assistant, and an advisory board of eleven members representing academics, labor unions, researchers, non-profits, social movement leaders, and NGOs. The WBO works on issues related to human rights and the environment in Brazil, seeking to analyze policies and their consequences and promote democratic debate toward social and environmental justice in the country.

This document provides a background analysis of Brazil's current situation, focusing on ten main areas with a list of policy recommendations. Both the background analysis and the policy recommendations were written by top specialists in each area; their names and affiliations may be found at the end of the document under *Contributors*.

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More information about the USNDB and the WBO can be found on our website at: <https://www.democracybrazil.org/>

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Since taking office on January 1, 2019, President Jair Bolsonaro has implemented policies that have caused enduring harm to the people and the environment of Brazil and, consequently, to the region and the world. This paper presents an overview of the most pressing issues, including:

1. DEMOCRACY AND THE RULE OF LAW (p. 7)
*Bolsonaro has **continued to disregard democratic practices** that ensure free and fair elections and vital checks and balances on government power;*
2. INDIGENOUS RIGHTS, CLIMATE CHANGE, AND DEFORESTATION (p. 8)
*Bolsonaro has **failed to enforce environmental protections**, leading to increased deforestation in the Amazon rainforest and raging fires in Brazil's central savanna (Cerrado) and the world's largest tropical wetland (Pantanal), in order to benefit large landholders and corporations in detriment of constitutionally guaranteed Indigenous and traditional communities' rights;*
3. POLITICAL ECONOMY (p. 11)
*Bolsonaro has **reduced government spending and implemented austerity measures that have increased Brazil's inequality gap**, affecting welfare programs and food security;*
4. ALCÂNTARA SPACE BASE AND U.S. MILITARY AID (p. 12)
*Bolsonaro has **sanctioned the forced removal of 800 Afro-Brazilians** from their constitutionally guaranteed territories near the Alcântara Space Base in the state of Maranhão after the signing of the Technology Safeguard Agreement between Brazil and the United States;*
5. HUMAN RIGHTS: HISTORICALLY MARGINALIZED GROUPS (p. 14)
*Bolsonaro has **worsened the situation of marginalized groups**, Afro-Brazilians, Indigenous peoples, LGBTQI+ people, women, and social movements, through actions that range from hostile rhetoric to outright violence committed and supported by the Brazilian State;*
6. STATE VIOLENCE AND POLICE BRUTALITY (p. 18)
*Bolsonaro has **given public cover and tacit support for police brutality** that overwhelmingly targets low-income citizens, including people of color;*
7. PUBLIC HEALTH (p. 19)
*Bolsonaro has **worked to dismantle and defund Brazil's public healthcare system (SUS)**, making it close to impossible for low-income families to have access to care and seek treatment;*
8. COVID-19 (p. 21)
*Bolsonaro has **grossly mishandled the COVID-19 pandemic**, leading to thousands of unnecessary deaths, failing to create a timely vaccination plan, and enabling an anti-vaccine sentiment in the population;*
9. RELIGIOUS FREEDOM (p. 23)
*Bolsonaro has **attacked religious plurality and freedom**, promoting a conservative agenda that has pushed for the elimination of sexual education programs in schools and discriminating overtly against the practitioners of Afro-Brazilian religions. Brazil has been a secular state since 1890;*
10. LABOR (p. 24)
*Bolsonaro has **dismantled labor protections and undermined unions** in favor of unsustainable and unequal economic growth, shredding worker protections, and contributing to a pattern of unfair trade practices.*

POLICY RECOMMENDATIONS

The United States has a moral obligation and a practical interest in opposing a number of actions taken by Brazil's current Administration. The recent "special relationship" between the United States and Brazil in the form of expanded trade relations and military aid has enabled human rights and environmental violations and protected Bolsonaro from international consequences. In this document, we have made several policy recommendations **to create a more equitable relationship, and to help protect the people of Brazil and the environment from further harm.**

It is imperative that the United States **prioritize respect for civil and human rights and the rule of law** in its relations with Brazil. Members of Congress have asked the Department of Justice to clarify its role in the controversial and politicized "Car Wash" anti-corruption operation, but the DOJ has failed to respond to their questions.¹

The U.S. Administration should explore a broad set of levers with Brazil, beyond conservation funding, to urge the country to change course. **It is critical that conservation funding or bilateral engagement not replace needed attention to address the role of U.S. trade, investment, and foreign policy in driving deforestation and enabling human rights abuses.**

A top priority should be **restricting, via executive order on government procurement or legislation, imports of forest-risk commodities like timber, soy, and cattle products, unless it can be determined that the imports are not linked to deforestation or human rights abuses.** The United States is one of the largest markets for timber from the Amazon and at least the majority of logging in the Amazon is done illegally, despite the **U.S. Lacey Act's prohibition on illegal timber imports.**

Funding conservation under Brazil's current government could resemble "throwing money at the problem," unless the Brazilian government reverses course on its current destructive agenda. Any new conservation scheme must adhere to human rights and environmental safeguards and specific criteria to ensure efficacy. The **incoming Administration should engage directly with Brazilian civil society to develop a comprehensive understanding of the breadth and impact of the Brazilian government's actions on the Amazon and Indigenous peoples.** Any payment-for-performance conservation should be linked to the Brazilian government meeting recently-published demands of Brazilian civil society to restore environmental governance and respect Indigenous peoples' rights and the rights of Afro-descendant *Quilombos*,² *ribeirinha* communities,³ and other traditional communities.

As much as an emphasis on the Brazilian Amazon is warranted, the Administration must bear in mind that there are other climate-critical ecosystems in Brazil that are under threat, including the Cerrado savanna, the Pantanal wetlands, and the Mata Atlântica rainforest. **U.S. foreign policy must adopt a global approach to maximize the protection and restoration of ecosystems beyond Brazil in order to address the climate emergency.**

A bilateral approach toward the Brazilian Amazon needs to be informed by the broad-based demands of Brazilian NGOs including Indigenous peoples, *Quilombolas*,⁴ labor, small-scale farmers, land reform proponents, and environmentalists (including Greenpeace and WWF-Brazil)⁵. These demands include: (i) a moratorium on deforestation in the Amazon, prohibition of any deforestation in the Amazon for at least five years, with exceptions made for subsistence agriculture and practices of traditional populations,

¹ Congressman Hank Johnson (D-GA) and twelve other congressmembers submitted an inquiry to the Department of Justice regarding the U.S. involvement with Operation Car Wash in August, 2019: <https://hankjohnson.house.gov/media-center/press-releases/rep-johnson-colleagues-ask-doj-answers-brazil-corruption-persecution>.

² Land of descendants of runaway enslaved people.

³ Peasant riparian communities formed along the rivers, especially in the Amazon region.

⁴ Descendants of runaway enslaved people.

⁵ The list of signatory organizations defending these demands can be found in this document: "Five emergency measures to fight the deforestation crisis in the Amazon," http://www.observatoriodoclima.eco.br/wp-content/uploads/2020/08/Emergency-measures-deforestation-Update6_8V.pdf.

smallholder agriculture, sustainable forestry, works of public utility, and national security issues; (ii) increased penalties for environmental crimes and deforestation; (iii) immediate resumption of the Action Plan for Prevention and Control of Deforestation in the Legal Amazon (PPCDAm); (iv) demarcation of Indigenous and *Quilombola* lands and the creation, regularization, and protection of all conservation units; and (v) restoring the institutional powers and authority of IBAMA, ICMBio, and FUNAI.⁶

Given the current Brazilian government's failure to protect critical ecosystems and the current threats to the human rights of Indigenous peoples and other vulnerable sectors of Brazilian society, providing aid requires the consideration of what experts on the ground (Brazilian NGOs and local communities) have to say.

Therefore, this set of recommendations includes a study undertaken by experts who are currently resisting the setbacks that have taken place under the Bolsonaro-Mourão Administration.⁷ A summary of this study includes **six steps the U.S. should adopt while considering collaboration in sustaining the environment and assuring the human rights of Indigenous peoples:** (i) **freeze bilateral trade negotiations with Brazil;** (ii) **withdraw current support for Brazil's accession to the Organization for Economic Cooperation and Development (OECD) and question Brazil's participation in G7 and G20;** (iii) **suspend military aid and cooperation, including non-lethal aid, pending a rigorous human rights review of Brazilian security forces, military, and police, only resuming any military assistance when there are assurances of the full implementation of the Leahy Law;** (iv) **vigorously denounce and call for justice in the cases of assassinated or threatened human rights and environmental rights defenders, in particular Indigenous and *Quilombola* leaders;** (v) **evaluate infrastructure investment strategy in Brazil both bilaterally and multilaterally (vis-a-vis international financial institutions);** and (vi) **investigate organized crime linked to environmental crimes in Brazil and improve the timber trade bilateral partnership in a way that addresses illegal timber laundering.**

The Biden-Harris Administration has an important opportunity to support human rights and environmental protections by reversing the Technology and Safeguard Agreement (TSA) signed by the Bolsonaro and Trump administrations as it will illegally and unnecessarily force some 800 Afro-Brazilian families from their constitutionally guaranteed land. The TSA also would include the expropriation of some 12,000 hectares of forested *Quilombo* land, on which the slave-descended residents have long practiced sustainable rotating agriculture and forest preservation. The Biden-Harris administration **can take a firm stand against any expropriation of *Quilombo* land while engaging in peaceful collaboration with the Brazilian Space Agency in Alcântara.** In keeping with the peaceful aims of the Outer Space Treaty, to which both the United States and Brazil are signatories, the Biden-Harris Administration should firmly reject any military involvement in space collaboration in Brazil. Any collaboration between the U.S. and Brazilian Space programs should eliminate the racist and destructive environmental legacy of Trump and Bolsonaro.

The Biden-Harris Administration must **emphatically call on the government of Brazil to maintain the highest standards for the protection of human rights.** For instance, the Brazilian government could, as it has in the past, allocate sufficient funding for the collection of accurate, disaggregated data, and statistical and qualitative information on the human rights situation of Afro-descendants and traditional *Quilombola*, Indigenous, LGBTQI+ communities, in addition to other vulnerable groups.

The Biden-Harris Administration **must take decisive action alongside Brazil against impunity for human rights violations committed in the context of illegal business or activities against Indigenous and *Quilombola* peoples.** This should be done through support for exhaustive and independent investigations, applying sanctions to material and intellectual authors of violations and providing

⁶ IBAMA is the Brazilian Institute of the Environment and Renewable Natural Resources; ICMBio is the Chico Mendes Institute for Biodiversity; FUNAI is the National Indian Foundation.

⁷ "Five Emergency Measures to Fight the Deforestation Crisis in the Amazon," http://www.observatoriodoclima.eco.br/wp-content/uploads/2020/08/Emergency-measures-deforestation-Update6_8V.pdf.

compensation and reparations to the victims, individually and collectively. In addition, **Brazil should be urged to consult directly with *Quilombo* communities prior to carrying out projects in their territories**, as established in Convention No. 169 of the International Labor Organization⁸ and the jurisprudence of the Inter-American Court of Human Rights, observing the appropriate forms of organization of *Quilombos* and their decision-making processes and including protocols of consultation for these communities. This should **strengthen preventive public policies that break the cycle of contemporary slavery**, promoting the possibility of access to dignified and autonomous livelihoods and the socioeconomic integration of workers in their places of origin, as well as access to professional qualifications and the relocation of displaced workers in the labor market.

The Biden-Harris Administration should release all **U.S. classified archives related to the Brazilian military dictatorship (1964-85)** to further the agenda of memory, truth, and justice and all the necessary actions to determine the fate or whereabouts of the victims of forced disappearance, identifying their remains and handing them over to their family members. **The Biden-Harris Administration should urge Bolsonaro's Administration to cease the repression of and interference with the work of human rights defenders while respecting the right to freedom of expression constitutionally guaranteed to journalists.**

It is vital for the Biden-Harris Administration to bring sustained international attention to the **assassinations of rural movement leaders. Hate speech from the current administration** has enabled more violence toward these groups. Through the full implementation of the Leahy Law, U.S. support for Brazilian security forces should be reconsidered, particularly for those units involved in harassment and intimidation of activists. It is important to also consider evaluating the **connection between U.S. trade policy and Brazil-based agribusiness that benefits from the destruction of fragile ecosystems and the eviction of small farmers.**

By showing a **commitment to tolerance, science, and religious liberty**, the Biden-Harris Administration can reverse recent damaging trends led by the Trump Administration and followed by Bolsonaro.

Finally, through a more robust labor diplomacy conducted by the U.S. State Department, the U.S. Labor Department, and U.S. trade unions and employer organizations, **the Biden-Harris Administration should urge the Bolsonaro-Mourão government to take steps to end its dismantling of trade union rights, trade union financing, collective bargaining, and labor inspection.** The U.S. administration should urge the Bolsonaro-Mourão Administration to restore the Labor Ministry and end its rhetoric in favor of abolishing the labor justice system. **The existing Memorandum of Understanding on Labor Cooperation between Brazil and the United States as well as the Social Security Agreement between the two countries would serve as useful tools to advance this labor diplomacy.** The enforcement of labor and trade union protections must be part of any future trade and investment agreements between both nations. **Until this is possible, the Biden-Harris Administration should in no way, shape, or form pursue a free trade agreement with Brazil.**

1. DEMOCRACY AND THE RULE OF LAW

The Bolsonaro-Mourão Administration has weakened Brazil's democracy and accelerated institutional erosion by embracing authoritarianism. The increase in police brutality due to a lack

⁸ Brazil ratified Convention No. 169 of the International Labor Organization (ILO) in 2002.

of accountability for public safety officers, the rise of non-state violence by paramilitary crime syndicates (*milícias*), and the delegitimizing of the judicial system through the distortions of the rule of law during Operation Car Wash should alarm the Biden-Harris Administration. The U.S. government has the power to stop legitimizing such anti-democratic practices and place respect for civil and human rights, and for the rule of law, at the center of diplomatic relations.

Since 2016, Brazilian democracy has faced several setbacks. Alongside a political crisis, Brazil has undergone a broader process of institutional erosion that should alarm observers concerned with the fate of democracy worldwide. While many of Brazil's social and political problems have deep historical roots, they have been aggravated by the Bolsonaro-Mourão Administration.

Under Bolsonaro, official negligence has increased violence committed by non-state actors. This pattern has grown in several areas. Paramilitary crime syndicates of police officers and firefighters (*milícias*) have come to control large swaths of the state of Rio de Janeiro (and were reportedly responsible for the execution of former city councilwoman Marielle Franco).⁹ Some wealthy and well-connected large landowners have been considered responsible for the Amazon fires¹⁰ (at the same time, in a positive development, some investors have helped to hold responsible parties accountable for environmental damage).¹¹ In addition, far-right extremists have coordinated the harassment of Congress members and Supreme Court justices through social media or other means.¹²

Perhaps the most notable example of democratic erosion—one that arguably made Bolsonaro's election possible in the first place—is the distortion of the rule of law in Operation Car Wash (*Operação Lava-Jato*)—a long-running investigation into corruption at the state-run oil company, Petrobras, which turned into a mechanism for settling political scores. In June 2019, *The Intercept Brasil* revealed a pattern of mendacity and manipulation at the heart of the Lava-Jato investigation when it published a trove of leaked messages between presiding judge Sérgio Moro, who would later join the Bolsonaro-Mourão Administration as minister of justice, and the lead prosecutor, Deltan Dallagnol. According to the leaked messages, Moro and Dallagnol privately colluded to prevent former president Luiz Inácio Lula da Silva from running in the 2018 presidential elections.^{13,14} While *The Intercept's* reporting revealed grievous ethical, if not illegal, breaches by then-Judge Moro, who was secretly advising the prosecution in Lula's case, reporters bore the brunt of official scrutiny. Some of those involved with the story were arrested or targeted with tax fraud investigations as retaliation by the government.¹⁵ In August 2019, members of

⁹ Juliana Ruhfus, "The Murder of Marielle Franco: What the Death of Brazil's Famous Activist Reveals about the Links between Rio's Militia Groups and Corrupt Politicians," *Al Jazeera*, June 6, 2019, <https://www.aljazeera.com/program/episode/2019/6/6/the-murder-of-marielle-franco/>. The Bolsonaro family has reportedly maintained a close relationship with members from *milícias* in Rio de Janeiro. This NYT article is one of the many publications highlighting these links: <https://www.nytimes.com/2019/04/10/opinion/brazil-bolsonaro-militias.html>.

¹⁰ Alexandra Heal, Andrew Wasley, Sam Cutler, and André Campos, "Revealed: Fires Three Times More Common in Amazon Beef Farming Zones," *The Guardian*, December 10, 2019, <https://www.theguardian.com/environment/2019/dec/10/revealed-fires-three-times-more-common-in-amazon-beef-farming-zones>.

¹¹ Michael Stott, "Investors Boycott Brazil over Amazon Deforestation," *Financial Times*, December 4, 2019, <https://www.ft.com/content/6e8c91b6-e46a-11e9-b8e0-026e07cbe5b4deforestation>.

¹² Terrence McCoy, "An Investigation into Fake News Targets Brazil's Bolsonaros, and Critics Fear a Constitutional Crisis," *The Washington Post*, June 3, 2020, https://www.washingtonpost.com/world/the_americas/brazil-bolsonaro-fake-news-coronavirus/2020/06/03/60194428-a4de-11ea-898e-b21b9a83f792_story.html.

¹³ "Secret Brazil Archive," *The Intercept*, <https://theintercept.com/series/secret-brazil-archive/>.

¹⁴ The Brazilian Constitution does not forbid a former president from running in another election even after being in power for two subsequent terms. He or she can run again after another president has had a full four or eight-year term, as long as it is not a third consecutive term. Constituição Federal, Dos Direitos Políticos, Artigo 14, Parágrafo 5, <https://www.tse.jus.br/legislacao/codigo-eleitoral/constituicao-federal/constituicao-da-republica-federativa-do-brasil#tit4>.

¹⁵ Débora Ely, "Entenda o Vazamento de Diálogos da Lava-Jato," *NSC Total*, August 6, 2019, <https://www.nscetotal.com.br/noticias/entenda-o-vazamento-de-dialogos-da-lava-jato>; Terrence McCoy, "Glen Greenwald has Faced Pushback for his Reporting Before. But Not Like This," *The Washington Post*, July 11, 2019, https://www.washingtonpost.com/world/the_americas/glenn-greenwald-has-faced-pushback-for-his-reporting-before-but-not-like-this/2019/07/11/9a7f3590-a1b1-11e9-bd56-eac6bb02d01d_story.html.

Congress asked the Department of Justice to clarify its role in the "Car Wash" anti-corruption operation, but the DOJ has so far failed to respond to their questions.¹⁶

Democracy and the rule of law are important and contentious issues in contemporary U.S.-Brazil relations. U.S. organizations (governmental and non-governmental) played a pivotal role in supporting Brazilian democratic resistance to the dictatorship that governed the country from 1964 to 1985, as well as subsequent efforts to promote individual freedoms and political accountability. At the same time, the history of twentieth-century U.S. influences in Latin America, ample documentary evidence of U.S. support for the 1964 military coup, and reports of recent interferences in domestic affairs by the Department of Justice and National Security Agency have fueled growing resentment among many Brazilian democrats toward the United States, a country that in many respects has been a key partner in the cause of defending political liberalism across the hemisphere. Such resentments were further aggravated as both countries converged on the path toward political illiberalism with the elections of Donald Trump and Jair Bolsonaro. In fact, the especially close relationship between both presidents has been a central factor in the legitimization of Bolsonaro and his authoritarian tendencies. The Trump-Bolsonaro alliance has led many Brazilians who support democratic values and the rule of law to question whether Washington is truly a reliable partner in the struggle to protect and expand democracy.

Some of the processes that have led to the erosion of democratic institutions in Brazil draw from global templates and networks spreading misinformation and fostering political polarization. Public officials in the United States seem to have understood the importance of fighting these ills domestically, whether by attempting to hold big tech power accountable or by investigating lead individuals, such as Steve Bannon, in those misinformation schemes. These initiatives will be of key importance to supporters of democracy and the rule of law in Brazil and other countries; hence, we exhort the Biden-Harris administration to further them. It is imperative that the United States and Brazil reestablish relations by placing respect for civil liberties, democratic rights, and the rule of law at the heart of their diplomacy.

2. INDIGENOUS RIGHTS, CLIMATE CHANGE, AND DEFORESTATION

Both President-elect Joe Biden and Vice President-elect Kamala Harris have issued statements of concern regarding how Bolsonaro's policies threaten the climate. Biden has repeatedly proposed conservation funding for the Brazilian Amazon. **The U.S. government should also explore a broad set of levers with Brazil, beyond conservation funding, urging the country to change course. It is critical that conservation funding and bilateral engagement not replace the role of U.S. trade, finance, and foreign policy in preventing deforestation and human rights abuses.**

One top priority for the new Administration should be restricting, via executive order on government procurement or legislation, imports of forest-risk commodities, such as timber, soy, and cattle products, unless it can be determined that these imports are not linked to deforestation or human rights abuses. The United States is one of the largest markets for timber from the Amazon, and at least the majority of logging in the Amazon is done illegally, despite the U.S. Lacey Act's prohibition on illegal timber imports.¹⁷ The United States should also explore sanctions for companies and individuals complicit in human rights abuses in Brazil, under the Global Magnitsky Act.¹⁸

¹⁶ Congressman Hank Johnson (D-GA) and twelve other congressmembers submitted an inquiry to the Department of Justice regarding the U.S. involvement with Operation Car Wash in August, 2019: <https://hankjohnson.house.gov/media-center/press-releases/rep-johnson-colleagues-ask-doj-answers-brazil-corruption-persecution>.

¹⁷ Greenpeace International, "Imaginary Trees, Real Destruction," March 20, 2018, <https://www.greenpeace.org/international/publication/15432/imaginary-trees-real-destruction>.

¹⁸ "People can be sanctioned (a) if they are responsible for or acted as an agent for someone responsible for 'extrajudicial killings, torture, or other gross violations of internationally recognized human rights,' or (b) if they are government officials or senior associates of government officials complicit in 'acts of significant corruption.'" Human Rights Watch, September 13, 2017, <https://www.hrw.org/news/2017/09/13/us-global-magnitsky-act>.

Funding conservation under Brazil’s current government could resemble “throwing money at the problem,” unless the Brazilian government reverses course on its current destructive agenda. Any new conservation scheme must adhere to human rights and environmental safeguards and specific criteria to ensure efficacy. The incoming Administration should engage directly with Brazilian civil society to obtain a comprehensive understanding of the breadth and impact of the Brazilian government’s actions on the Amazon and Indigenous peoples. Any payment-for-performance conservation should be linked to the Brazilian government meeting the recently-published demands of Brazilian civil society¹⁹ to restore environmental governance and respect Indigenous peoples’ rights and the rights of Afro-descendants living in *Quilombos*, the *ribeirinha* communities, and other traditional communities.

Finally, as much as an emphasis on the Brazilian Amazon is warranted, the Administration must bear in mind other climate critical ecosystems in Brazil under threat which include the Cerrado savanna, the Pantanal wetlands, and the Mata Atlântica rainforest, and that U.S. foreign policy must adopt a global approach to maximize the protection and restoration of ecosystems beyond Brazil in order to address the climate emergency.

This year’s historic levels of fires and deforestation are moving the Amazon closer towards its tipping point in which it could lose so much vegetation that it would fail as a rainforest.²⁰ Protecting the Amazon is a critical part of an effort to stabilize the climate, prevent the next global pandemic, and curb the upcoming extinction crisis. Brazil recently recorded the highest Amazon deforestation rate in eight years.²¹ Bolsonaro has consistently attacked those working to protect forests and human rights, calling them “a cancer he regrets not being able to kill.”²² Aside from demonstrating a clear lack of commitment to protecting Brazil’s environment, this statement constitutes an incitement of violence in a country that has led the world in assassinations of environmental and human rights activists. In November 2020, leaked documents revealed an official proposal by Vice President Hamilton Mourão to regulate non-governmental organizations (NGOs) in the Amazon, since “they are against ‘national interests.’”²³

In 2020, fires increased, and not only were the Amazon Rainforest and *Cerrado* savanna biomes set aflame again, but burnings occurred as well in the *Pantanal* wetlands biome, an ecosystem critical for its climate and biodiversity. The Brazilian National Institute of Space Research (INPE) has determined that with 40,213 fire hotspots registered across the Amazon and Pantanal biomes, September 2020 was the most destructive month in the Pantanal since 1998 when data recording began.²⁴ At least 28% of the Pantanal burned in 2020. In the first week of October of 2020, there was a 773% increase in the number of hotspots over 2019.²⁵ The devastating fires in the Pantanal are unprecedented, and yet, the Brazilian

¹⁹ Five Emergency Measures to Fight the Deforestation Crisis in the Amazon

http://www.observatoriodoclima.eco.br/wp-content/uploads/2020/08/Emergency-measures-deforestation-Update6_8V.pdf.

²⁰ Stockholm Resilience Centre, “As Emissions Grow, More Parts of the Amazon are Likely to Dry Out,” October 5, 2020, <https://www.stockholmresilience.org/research/research-news/2020-10-05-as-emissions-grow-more-parts-of-the-amazon-are-likely-to-dry-out.html>.

²¹ Jake Spring and Lisandra Paraguassu, “Deforestation in Brazil’s Amazon Skyrockets to 12-year High Under Bolsonaro,” *Reuters*, November 30, 2020, <https://www.reuters.com/article/us-brazil-environment/deforestationdeforestationfiresdeforestation-in-brazils-amazon-the-worst-in-a-decade-data-shows-idUSKBN26M6EA.skyrockets-to-12-year-high-under-bolsonaro-idUSKBN28B3MV>.

²² “Bolsonaro Slams ‘Cancer’ of Environmental NGOs,” *France 24*, September 4, 2020, www.france24.com/en/20200904-bolsonaro-slams-cancer-of-environmental-ngos.

²³ “Government Wants Legal Framework to Control NGOs in the Amazon and Allow Only Those That Meet ‘National Interests’ to Act Politics,” *Time 24 News*, November 9, 2020, www.time24.news/2020/11/government-wants-legal-framework-to-control-ngos-in-the-amazon-and-allow-only-those-that-meet-national-interests-to-act-politics.html.

²⁴ Catrin Einhorn et al, “The World’s Largest Tropical Wetland Has Become an Inferno,” *The New York Times*, October, 13, 2020, www.nytimes.com/interactive/2020/10/13/climate/pantanal-brazil-fires.html.

²⁵ Jenny Gonzales, “As Fire Season Ends, Brazil Cited for Failed Amazon and Pantanal Policies,” *Mongabay Environmental News*, November 9, 2020, news.mongabay.com/2020/11/as-fire-season-ends-brazil-cited-for-failed-amazon-and-pantanal-policies/.

environmental minister spent only 0.4% of his Ministry's budget between January and August 2020 to control them.²⁶

Bolsonaro's devastation of the environment has mirrored Trump's assault on bedrock environmental protections in the United States. Both Trump and Bolsonaro family members and cabinet officers are well connected in alt-Right networks.²⁷ Bolsonaro and his allies have accelerated their dismantling of environmental protections and human rights in Brazil since the global outcry of the 2019 fires. They have supported a legislation nicknamed "Land-grabber's Bill", which would legitimize the stealing of public lands. According to Brazilian Federal Public Prosecutors, the bill would favor criminal organizations.²⁸

A video of an April 2020 Brazilian cabinet meeting revealed Environmental Minister Ricardo Salles encouraging his fellow ministers to take advantage of the country's focus on the COVID-19 pandemic to dismantle environmental protections.²⁹ The strategy seems to have worked, since the government has managed to do the following: undermine Indigenous Peoples' rights;³⁰ block critical Coronavirus aid to Indigenous Peoples in the Amazon;³¹ divert resources from environmental law enforcement;³² and treat land-grabbers and arsonists responsible for the 2019 illegal fires with impunity.³³ Investors and trade partners with Brazil not only face increased legal, operational, and reputational risks as a result of these recent developments, but they are also complicit in the environmental and human rights crises.

Brazil's response to international concern over the Amazon has also been to address deforestation with military operations while slashing the budgets of environmental enforcement agencies. Vice President General Mourão leads an "Amazon Council" made up of military officials, but with no representation from environmental agencies nor from the bureau of Indigenous Peoples' Affairs.³⁴ Sending in the military to address deforestation is part of a cynical PR strategy. The military does not have the expertise nor the authority to enforce environmental laws. At the same time, the administration is starving the budgets of environmental law enforcement agencies.³⁵ Since militarizing environmental enforcement, deforestation and illegal fires have only increased.³⁶

²⁶ "Salles Só Gastou R\$ 105 Mil Em Política Ambiental Em 2020," Observatório Do Clima, September 11, 2020, www.observatoriodoclima.eco.br/salles-gastou-r-105-mil-em-politica-ambiental-em-2020/.

²⁷ Benjamin R. Teitelbaum, *The War for Eternity: Inside Bannon's Far-Right Circle of Global Power Brokers* (New York: Dey Street Books, 2020).

²⁸ Redação RBA, "MPF: Projeto da MP 910 Abre Portas Para Grilagem e Violação de Leis Ambientais," *Rede Brasil Atual*, May 19, 2020, <https://www.redebrasilatual.com.br/politica/2020/05/mp-910-grilagem-pl2633/>.

²⁹ Jenny Gonzales, "Brazil Minister Advises Using COVID-19 to Distract from Amazon Deregulation," *Mongabay Environmental News*, May 26, 2020, <https://news.mongabay.com/2020/05/brazil-minister-advises-using-covid-19-to-distract-from-amazon-deregulation/>.

³⁰ G1 Santarém, "Justiça Federal Declara Nulidade de Instrução Normativa Que Favorecia Grilagem de Terras Indígenas," *G1*, October 28, 2020, <https://g1.globo.com/pa/santarem-regiao/noticia/2020/10/28/justica-federal-declara-nulidade-de-instrucao-normativa-que-favorecia-grilagem-de-terras-indigenas.ghtml>.

³¹ Jamil Chade, "ONU Contesta Vetos de Bolsonaro em Lei para Proteger Indígenas da Covid-19," August 17, 2020, <https://noticias.uol.com.br/colunas/jamil-chade/2020/08/17/onu-contesta-vetos-de-bolsonaro-em-lei-para-proteger-indigenas-da-covid-19.htm>.

³² Ciara Nugent, "Brazil Is on Fire. But Ricardo Salles Is Cutting Protections," *Time*, October 1, 2020, <https://time.com/5895167/brazil-fires-ricardo-salles-environment/>.

³³ Greenpeace Brasil, "Dia do Fogo Completa Um Ano, Com Legado de Impunidade," August 11, 2020, <https://www.greenpeace.org/brasil/florestas/dia-do-fogo-completa-um-ano-com-legado-de-impunidade/>.

³⁴ Jan Rocha, "Brazil's Bolsonaro Creates Amazon Council and Environmental Police Force," *Mongabay Environmental News*, January 24, 2020, <https://news.mongabay.com/2020/01/brazils-bolsonaro-creates-amazon-council-and-environmental-police-force/>.

³⁵ Mauricio Savarese, "AP Finds Brazil's Plan to Protect Amazon Has Opposite Effect," *Washington Post*, August 28, 2020, https://www.washingtonpost.com/world/the_americas/ap-finds-brazils-plan-to-protect-amazon-has-opposite-effect/2020/08/28/3143f87e-e8e4-11ea-bf44-0d31c85838a5_story.html.

³⁶ Savarese, "AP Finds Brazil's Plan."

The Brazilian government recently approved 58 mining permits in Indigenous lands in the Amazon, in violation of the Brazilian Constitution.³⁷ The Brazilian government has offered tacit support for illegal mining, which is contaminating critical tributaries in the Amazon basin with high levels of mercury.³⁸ In the first half of 2020, deforestation due to mining within protected areas represented 67.9% of total tree loss in the Amazon River Basin.³⁹

Engagement with the current Brazilian Administration over the environment should be informed by the work of civil society and researchers, and particularly, the efforts of Indigenous organizations,⁴⁰ political actors, scholars, and activists. Brazilian officials have on record misrepresented their policies in communications with the U.S. Government, as in a letter from the Brazilian ambassador to the U.S. House Ways and Means Committee in summer 2020.⁴¹

3. POLITICAL ECONOMY

As the Brazilian economy emerges from the pandemic over the course of the next year, the Bolsonaro-Mourão Administration is set to return to its model of privatization and austerity, casting millions of ordinary citizens back into precarious living arrangements and without a social safety net. The Biden-Harris Administration has an opportunity to turn domestic policy around and set an example of how robust social spending, rather than a concerted reduction in state efforts, can and should be used to drive recovery around the world. Doing so will make it harder for Brazilian policymakers to justify slashing welfare and other crucial spending under the auspices of market necessities.

Bolsonaro has pursued a conservative economic policy committed to reducing the size and cost of government and attracting foreign investment. The current administration is a continuation of the neoliberal turn ushered in by President Michel Temer (2016-18) following the ouster of President Dilma Rousseff in 2016. Economy Minister Paulo Guedes, arguably the single most important member of the current administration, is a committed free-market technocrat. A disciple of Milton Friedman, Guedes received his doctorate from the University of Chicago in 1978 and has frequently praised the performance of his fellow so-called Chicago Boys who worked under the dictatorial regime of Augusto Pinochet in Chile, signaling his political and economic orientation.

One of Bolsonaro's earliest moves was to announce that Guedes would oversee all economic matters in his Administration. This sent a reassuring signal to observers, particularly in the business community, otherwise concerned about Bolsonaro's erratic far-right extremism. Once in power, Guedes sent a

³⁷ Reuters, "Brazil's Bolsonaro Unveils Bill to Allow Commercial Mining on Indigenous Land," *The Guardian*, February 6, 2020, <https://www.theguardian.com/world/2020/feb/06/brazil-bolsonaro-commercial-mining-indigenous-land-bill>; Hyury Potter and Eduardo Goulart de Andrade, "Agência do Governo Autoriza 58 Requerimentos Minerários em Terras Indígenas da Amazônia," *Infoamazonia*, November 26, 2020, <https://infoamazonia.org/pt/2020/11/agencia-do-governo-autoriza-58-requerimentos-minerarios-em-terras-indigenas-da-amazonia#!/map=20394&story=post-61489&loc=-4.742999099999971,-56.40030240000001,7>.

³⁸ Terence McCoy and Heloisa Traiano, "Brazil Coronavirus: Amazon Sees Gold Rush; Bolsonaro Supports Miners," *Washington Post*, September 4, 2020, https://www.washingtonpost.com/world/the_americas/in-the-amazon-the-coronavirus-fuels-an-illegal-gold-rush--and-an-environmental-crisis/2020/09/03/0a4c62e6-e624-11ea-970a-64c73a1c2392_story.html.

³⁹ Jenny Gonzales, "Goldminers Overrun Amazon Indigenous Lands as COVID-19 Surges," *Mongabay Environmental News*, July 30, 2020, <https://news.mongabay.com/2020/07/goldminers-overrun-amazon-indigenous-lands-as-covid-19-surges/>.

⁴⁰ Marcia Nunes Macedo and Valeria Paye Pereira, "We Know How to Stop the Fires," October 2, 2020, <https://www.nytimes.com/2020/10/02/opinion/amazon-rainforest-fire-prevention.html>.

⁴¹ Letter from Nestor Forster Jr. to The Honorable Richard Neal, Chairman, Ways and Means Committee, Washington, DC, June 8, 2020, <https://www1.folha.uol.com.br/mercado/2020/06/brasil-vai-responder-a-deputados-dos-eua-e-pedir-dialogo-para-acordo-comercial.shtml>.

far-reaching pension reform to Congress, which passed in November 2019.⁴² Among other measures, the reform raised the age at which workers can retire: 65 for men and 62 for women. The reform also stipulated that male workers must pay into the social security system for 40 years (35 for women) to receive full retirement benefits. Those who retire at 65 but without having contributed for four decades receive only 60% of their salary. The problem, as critics noted, is that in many parts of the country, life expectancy is in the low 60s. Thus, setting a universal minimum retirement age at 65 effectively means that workers in poorer, less developed parts of Brazil will not be able to retire. Another problem is that while the law requires 40 uninterrupted years of contributions to the social security system, statistics show that the average Brazilian spends 8 years working outside the formal labor market. For someone in that situation, the average retirement age would, in practice, rise to 73 years. Bolsonaro's pension reform is a product of austerity economics. It is sharply regressive and will make it more difficult for poor and working-class people to secure a dignified retirement. Initially, the Bolsonaro-Guedes plan was to completely privatize the social security system; however, other political forces, including from the center-right, pushed back in 2019, the first year of the administration.

Guedes' stark economic policies have sometimes been in tension with Bolsonaro's amorphous ideological inclinations. During the COVID-19 pandemic, for example, the current administration reluctantly agreed to provide emergency support funds to Brazilians whose livelihoods have been affected by the global health crisis. Guedes has publicly expressed an eagerness to wind the program down, insisting there is no room in the budget for continuing the stipend indefinitely.⁴³ He has even suggested Bolsonaro could face impeachment for fiscal crimes if he is not careful. For his part, Bolsonaro quickly came around to the idea of sending money directly to voters. Despite a radically hands-off approach to COVID-19, Bolsonaro's popularity increased during the pandemic, a development many analysts attribute to the fact that voters credit him for the stipends that keep them afloat.⁴⁴ The irony is that Bolsonaro's government opposed the resolution that created the emergency payments in the first place.

4. ALCÂNTARA SPACE BASE AND U.S. MILITARY AID

The Biden-Harris administration has the opportunity to support human rights and the environment by reversing the Technology and Safeguard Agreement (TSA) signed by the Bolsonaro and Trump Administrations. The TSA will force some 800 Afro-Brazilian families from their constitutionally guaranteed land and expropriate some 12,000 hectares of forested *Quilombo* land on which the slave-descended residents have practiced sustainable agriculture and forest preservation for centuries.⁴⁵ In keeping with the Outer Space Treaty (to which the United States is signatory), the Biden-Harris administration should firmly reject any military involvement in its collaboration with Brazil in the fields of outer space research, study, and exploration. Any other kind of collaboration between the U.S. and Brazilian space programs should, further, repudiate the racist and destructive environmental legacies of Trump and Bolsonaro.

The agreement is a "Technology Safeguards Accord" for the use of Brazil's principal spaceport, in Alcântara, Maranhão, at the eastern edge of Brazil's Amazon. Unfortunately, the plans for the accord go

⁴² Brazil Institute, "What's Happening with Pension Reform in Brazil?," *Wilson Center*, October 22, 2019, <https://www.wilsoncenter.org/blog-post/whats-happening-pension-reform-brazil>.

⁴³ Reuters, "Brazil Has No Plans to Extend Emergency Budget, Aid to Poor Beyond Year-End Deadline – Guedes," *Yahoo Money*, October 7, 2020, https://money.yahoo.com/brazil-no-plans-extend-emergency-150410817.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2x1LmNvbS8&guce_referrer_sig=AQAAAHqINSOO_JLoIVS3oWQEt3vsdbiQncsnxK5RBBStgrBttRNCWJ1ASv6Hz3g6IEtBp5wyuE6AFrrBUjgbFhwnRIIGhCjA8MHBqxIKF9zCrIixe1QbsKX8kuY-O9vHPDmTGKPyq1876QB7f4y13UvrepFuVCyxJ7rCRJ6uEGBWXY.

⁴⁴ Philip Reeves, "As Covid-19 Deaths Rise in Brazil, So Does Bolsonaro's Popularity," *NPR*, November 24, 2020, <https://www.npr.org/2020/11/24/938326560/as-covid-19-deaths-rise-in-brazil-so-does-bolsonaros-popularity>.

⁴⁵ Gimena Sánchez-Garzoli, "The United States Must Not Enter into a Free Trade Agreement with Brazil Given President Bolsonaro's Frontal Assault on Human Rights," *Washington Office on Latin America*, June 24, 2020.

far beyond peaceful collaboration between the U.S. and Brazilian space programs, and include major human rights violations and damage to a crucial global ecosystem.⁴⁶

The residents of the region are mostly descendants of enslaved Afro-Brazilian people who won their freedom and formed *Quilombo* communities before the abolition of slavery in 1888.⁴⁷ The land rights of *Quilombo* communities are guaranteed in Brazil's constitution.⁴⁸ The Biden Administration should not participate in the violation of these rights by a Brazilian president who has said that *Quilombo* residents are "not even fit to procreate," and who has repeatedly shown contempt for the constitutionally guaranteed land rights of Indigenous and *Quilombo* communities.⁴⁹

As Trump and Bolsonaro administrations negotiated this accord, *Quilombo* communities were promised that there would be no land expropriation.⁵⁰ But those promises were unceremoniously broken amid Brazil's deepening pandemic in March 2020, when the Bolsonaro administration announced its plan to illegally expropriate 12,000 hectares of forested *Quilombo* land of some 800 *Quilombo* families who have long practiced sustainable rotating agriculture and forest preservation.⁵¹

The Biden-Harris administration should reject and repudiate the deforestation carried out under the Bolsonaro-Mourão administration, which has used the COVID-19 crisis as a distraction.⁵² The area already has an 8,713 hectare equatorial spaceport with open ocean to the east, significantly larger than the United States' own 7,300 hectare Spaceport America. **The Biden-Harris Administration can, therefore, take a firm stand against any expropriation of *Quilombo* land while engaging in peaceful collaboration with the Brazilian Space Agency in Alcântara.**⁵³

Because the land where the spaceport now sits was taken from the residents under Brazil's 1964-85 military dictatorship, the Biden administration should also insist that the region's *Quilombo* communities be fairly compensated for any use of the existing spaceport.

5. HUMAN RIGHTS: THE SITUATION OF HISTORICALLY MARGINALIZED GROUPS, HUMAN RIGHTS DEFENDERS, AND JOURNALISTS

5.1 GENDER RIGHTS AND SEXUAL ORIENTATION

Prior to his presidency and during the campaign, Bolsonaro consistently adopted an aggressive and disrespectful posture towards women and LGBTIQ+ people, seeking support through homophobic and misogynistic rhetoric, disinformation, and policies. His administration has generalized these

⁴⁶ "Black Communities in Brazil under Threat from US Satellite Deal," *The Real News Network*, January 31, 2020, <https://therealnews.com/brazil-black-communities-quilombos-united-states-alcantara-satellite-deal>.

⁴⁷ Katerina Hatzikidi, "Brazil's Space Programme Threatens Black Quilombo Communities," *Alborada*, July 5, 2020, <https://alborada.net/brazil-space-programme-quilombo-environment/>.

⁴⁸ Rapoport Delegation on Afro-Brazilian Land Rights, "Between the Law and Their Land: Afro-Brazilian Quilombo Communities' Struggle for Land Rights," September 22, 2008, <https://law.utexas.edu/wp-content/uploads/sites/31/2016/02/brazil-eng.pdf>.

⁴⁹ "What Brazil's President, Jair Bolsonaro, Has Said about Brazil's Indigenous Peoples," *Survival International*, <https://www.survivalinternational.org/articles/3540-Bolsonaro>.

⁵⁰ Rubens Valente, "Documentos Contradizem Versão de Ministro Sobre Ampliação de Base de Alcântara," *Folha de São Paulo*, October 11, 2019, <https://www1.folha.uol.com.br/ciencia/2019/10/documentos-contradizem-versao-de-ministro-sobre-ampliacao-de-base-de-alcantara.shtml>.

⁵¹ Sean T. Mitchell, "Alcântara: Bolsonaro's Illegal Plan to Expropriate Afro-Brazilian Land for Trump Deal," *Brasil Wire*, June 18, 2020, <https://www.brasilwire.com/bolsonaros-illegal-plan-to-expropriate-afro-brazilian-land-in-alcantara-for-a-deal-with-trump/>.

⁵² Jake Spring, "Brazil Minister Calls for Environmental Deregulation While Public Distracted by COVID," *Reuters*, May 22, 2020, <https://www.reuters.com/article/us-brazil-politics-environment/brazil-minister-calls-for-environmental-deregulation-while-public-distracted-by-covid-idUSKBN22Y30Y>.

⁵³ Mitchell, "Alcântara."

issues and failed to address human rights and marginalized groups' agendas, favoring an ultraconservative approach. Given the worrisome rate of gender-based and anti-LGBTQI+ violence in Brazil, this approach is harmful and should be of concern to diplomatic partners.

The level of gender and sexuality-based violence in Brazil is staggering. In 2019, the country registered a 7.2% increase in femicides nationwide for an average of 4 women killed every day.⁵⁴ Since 2008, it has consistently ranked as the country with the highest rate of murder of trans people in the world.⁵⁵ Statistics also reveal one case of homophobia-motivated murder every 23 hours and an average of 180 rape cases every day.⁵⁶ Reports of domestic violence have surged 3.8% in 2020, so far.⁵⁷

As a Congressional representative, Jair Bolsonaro was known for his aggressive statements toward women and LGBTQI+ people, including telling former Human Rights Minister and Congresswoman Maria do Rosário that she “did not even deserve to be raped,”⁵⁸ and making numerous homophobic comments about Jean Wyllys, an openly-gay Congressman.⁵⁹ Wyllys was forced to leave the country in January 2019 because of constant and credible death threats.⁶⁰

During the 2018 electoral campaign, Bolsonaro relied on homophobic and misogynist rhetoric disseminated widely through social media to misinform the public and mobilize support. The Bolsonaro-Mourão Administration has made no strides in addressing issues of inequality or violence. Bolsonaro consolidated departments and ministries that previously had been tasked individually with addressing issues of human rights, women’s rights, racial inequality, and LGBTQI+ rights through the Ministry of Women, Family and Human Rights.⁶¹ The new ministry notably excludes LGBTQI+ people from their purview and has taken an ultraconservative, discriminatory, and retrograde approach to multiple issues related to gender and equity.⁶²

5.2 AFRO-BRAZILIANS/BLACK POPULATIONS

While comprising the majority of the Brazilian population, Afro-Brazilians have been historically marginalized and underrepresented in spaces of power. In recent years, the mistreatment of the

⁵⁴ “Feminicídio Cresce No Brasil e Explode em Alguns Estados,” *Folha de S.Paulo*, February 22, 2020, <https://www1.folha.uol.com.br/cotidiano/2020/02/feminicidio-cresce-no-brasil-e-explode-em-alguns-estados.shtml>.

⁵⁵ Oscar Lopez, “Reported Murders, Suicides of Trans People Soar in Brazil,” *Reuters*, September 8, 2020, <https://www.reuters.com/article/us-brazil-lgbt-murders-trfn-idUSKBN25Z31O>.

⁵⁶ Viviane Sousa and Leo Arcoverde, “Brasil Registra Uma Morte por Homofobia a Cada 23 Horas, Aponta Entidade LGBT,” *GL*, May 17, 2019, <https://g1.globo.com/sp/sao-paulo/noticia/2019/05/17/brasil-registra-uma-morte-por-homofobia-a-cada-23-horas-aponta-entidade-lgbt.ghtml>; “Brazil Registers More than 180 Rapes per Day, The Highest Since 2009,” *Folha de S.Paulo*, September 11, 2019, <https://www1.folha.uol.com.br/internacional/en/brazil/2019/09/brazil-registers-more-than-180-rapes-per-day-the-highest-since-2009.shtml>.

⁵⁷ Sarah Teófilo, “Feminicídios Crescem Durante a Pandemia; Casos de Violência Doméstica Caem,” *Correio Braziliense*, October 19, 2020, <https://www.correiobraziliense.com.br/brasil/2020/10/4883191-feminicidios-crescem-durante-a-pandemia-casos-de-violencia-domestica-caem.html>.

⁵⁸ Charlotte Alter, “Brazilian Politician Tells Congresswoman She’s ‘Not Worthy’ of Sexual Assault,” *Time*, December 11, 2014, <https://time.com/3630922/brazil-politics-congresswoman-rape-comments/>.

⁵⁹ Alexandre Putti, “Bolsonaro Comete Homofobia ao se Referir a Jean Wyllys, Diz Advogado,” *CartaCapital* (blog), June 20, 2019, <https://www.cartacapital.com.br/politica/bolsonaro-comete-homofobia-ao-se-referir-a-jean-wyllys-diz-advogado/>.

⁶⁰ “Jean Wyllys: Gay Brazil Politician Will Not Return over Death Threats,” *BBC News*, January 24, 2019, <https://www.bbc.com/news/world-latin-america-46996206>.

⁶¹ “Bolsonaro to Abolish Human Rights Ministry in Favour of Family Values,” *The Guardian*, December 10, 2018, <http://www.theguardian.com/world/2018/dec/06/outcry-over-bolsonaros-plan-to-put-conservative-in-charge-of-new-family-and-women-ministry>.

⁶² Anthony Faiola and Marina Lopes, “LGBT Rights Threatened in Brazil under New Far-Right President,” *Washington Post*, December 18, 2020, https://www.washingtonpost.com/world/the_americas/lgbt-rights-under-attack-in-brazil-under-new-far-right-president/2019/02/17/b24e1dcc-1b28-11e9-b8e6-567190c2fd08_story.html; Ana Carolina Ogando and Mariana Prandini Assis, “Bolsonaro, ‘Gender Ideology’ and Hegemonic Masculinity in Brazil,” October 31, 2018, <https://www.aljazeera.com/opinions/2018/10/31/bolsonaro-gender-ideology-and-hegemonic-masculinity-in-brazil>.

Black population in Brazil has increased due to police violence, military police occupation of primarily Afro-Brazilian *favela* neighborhoods, and a disproportionate risk of COVID-19.

Afro-Brazilians comprise 56% of the Brazilian population, which means there are over 100 million Afro-Brazilians in the country. Brazil is second to Nigeria as having the largest population of African descendants. While they represent the majority of the population, they are underrepresented in spaces of power, such as the national congress. Some of the most important challenges facing Afro-Brazilians today are police violence and civilian deaths, expulsion of people from *Quilombos*, disproportionate deaths due to COVID-19, political executions, and threats to Black activists and politicians.⁶³

Afro-Brazilians have consistently been the targets of police violence and make up 75% of citizens killed by police.⁶⁴ Both adults and children are under threat of being murdered by police and secret squads. During the pandemic, these killings have continued. Two among many cases include João Pedro Matos Pinto, a 14-year-old Afro-Brazilian boy, who was killed in Rio de Janeiro on May 18, 2020, and João Alberto Silveira Freitas, who was beaten and killed by security guards of the Brazil Carrefour supermarket on November 19, 2020. Because of the frequency of police killing, Black citizens now say they have a George Floyd type of incident every 23 minutes. In 2016, Brazilian police killed 4,224 people compared to police in the United States killing 963 people. In October 2019, police in Rio de Janeiro killed 1,249 people, which equates to about 5 people per day.

In 2014, Federal military police occupied *favela* neighborhoods in Rio de Janeiro on the grounds that these neighborhoods were high crime areas. However, their heavy presence has led to an escalation of innocent residents being killed, and most *favela* residents are Afro-Brazilian. Marielle Franco, a Black lesbian city councilwoman from Rio de Janeiro, condemned the occupation of Rio's *favela* communities. She was assassinated on March 14, 2018. Her high-profile case caught the attention of people internationally, but it is still unresolved. The person who ordered her death has not been captured.

Brazil is second to the United States in COVID-19 deaths. Like in the United States, COVID-19 has disproportionately affected African descendants. Afro-Brazilians are 38% more likely to die of COVID-19 than whites.⁶⁵ This is the result of structural racism and higher exposure to the virus than whites because Afro-Brazilians disproportionately make up the large majority of the low skilled labor force where many jobs are considered essential.

5.3 INDIGENOUS RIGHTS AND PROTECTION OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS

The U.S. government must strongly condemn racist public security policy in Brazil and demand a comprehensive and intersectional approach to crime reduction policies. This new approach to crime reduction should address factors that increase the risk of violent deaths, such as ethnic-racial origin, poverty, sexual orientation, and gender identity.

⁶³ Jake Spring, "Brazil Minister Calls for Environmental Deregulation While Public Distracted by COVID," *Reuters*, May 22, 2020, <https://www.reuters.com/article/us-brazil-politics-environment/brazil-minister-calls-for-environmental-deregulation-while-public-distracted-by-covid-idUSKBN22Y30Y>.

⁶⁴ Fábio Grellet, "Negros São 75% dos Mortos Pela Polícia no Brasil, Aponta Relatório," *UOL Notícias*, July 15, 2020, <https://noticias.uol.com.br/ultimas-noticias/agencia-estado/2020/07/15/negros-sao-75-dos-mortos-pela-policia-no-brasil-aponta-relatorio.htm>.

⁶⁵ Jake Spring, "Brazil Minister Calls for Environmental Deregulation While Public Distracted by COVID," *Reuters*, May 22, 2020, <https://www.reuters.com/article/us-brazil-politics-environment/brazil-minister-calls-for-environmental-deregulation-while-public-distracted-by-covid-idUSKBN22Y30Y>; Diego Viñas, Pedro Duran, and Júlia Carvalho, "Morrem 40% Mais Negros que Brancos por Coronavírus no Brasil," *CNN Brasil*, July 5, 2020, <https://www.cnnbrasil.com.br/saude/2020/06/05/negros-morrem-40-mais-que-brancos-por-coronavirus-no-brasil>.

Bolsonaro has intimidated and incited violence and hostility against human rights defenders, union members, social leaders, environmental leaders, and journalists.⁶⁶ Public institutions that protect human rights have been seriously weakened, and the spaces for civil society participation are progressively being reduced.⁶⁷ The Bolsonaro-Mourão Administration has undermined autonomous inspection bodies, such as the National Mechanism for the Prevention and Combat of Torture, which monitors the situation of human rights violations in prisons and youth detention centers. The administration is also demobilizing the bodies responsible for developing social and territorial policies related to Indigenous peoples and *Quilombola* communities, including the National Institute for Colonization and Agrarian Reform (INCRA) and the National Indian Foundation (FUNAI). In 2020, programs monitoring social movements and political opposition through government structures were uncovered. According to public complaints, the Ministry of Justice started to "monitor activists," among them university professors such as Paulo Sérgio Pinheiro, President Fernando Henrique Cardoso's former human rights secretary; Luiz Eduardo Soares, a former national secretary of public security; and Ricardo Ballestreri, the former president of Amnesty International in Brazil.

Civil society entities denounced the administration's intention to oversee non-governmental organizations that defend the Amazon. The number of murders of human rights defenders has soared in the past two years. The killings of Indigenous leaders Paulo Guajajara, Zexico Guajajara, Kwaxipuhu Ka'apor, and of social movement leader Carlos Cabral reveal the alarming atmosphere of intimidation of human rights defenders. Brazil is one of the deadliest countries in the world for land and environmental defenders, many of them from Indigenous communities. For example, there were 24 murders of land and environmental defenders in Brazil in 2019, the third highest number in the world. Almost 90% of these deaths occurred in the Amazon.⁶⁸

During the 2020 elections, female candidates with a women's rights agenda suffered threats and intimidation. In addition, cases of harassment against journalists and news outlets grew 54% in 2019, as revealed by the report "Violence against Journalists and Freedom of the Press in Brazil," produced by the National Federation of Journalists (FENAJR). President Jair Bolsonaro alone was responsible for most of this increase: he harassed the press in 121 instances in 2019, a staggering 58% of the total number of reported cases for the year.

5.4 CRIMINALIZATION OF SOCIAL MOMENTS: The Case of the MST

U.S. citizens, and in particular U.S. policymakers, have an important role to play in Brazil's rural conflicts. First, it is vital to bring sustained international attention to the assassinations of rural movement leaders. As a serious human rights violation, political assassination calls for global concern. Second, U.S. support for Brazilian security forces should be reconsidered, particularly for those units that harass activists and other civilians. Third, policymakers should evaluate the connection between U.S. trade policy and Brazil-based agribusiness that benefits from the destruction of fragile ecosystems and the eviction of small farmers.

⁶⁶ Sami Naïr, "O que está por trás do discurso de ódio," El País, December 8, 2020, https://brasil.elpais.com/brasil/2018/12/07/internacional/1544180778_836431.html.

⁶⁷ Naiara Galarraga Gortázar, "Bolsonaro acelera deterioração da democracia no Brasil," El País, January 12, 2020, https://brasil.elpais.com/brasil/2020/01/12/politica/1578841564_993293.html.

⁶⁸ Global Witness, Brazil, "The climate-critical Amazon rainforest is under major threat from destructive agribusiness. Brazil is also one of the deadliest countries in the world for land and environmental defenders, many of them from indigenous communities," 2020, <https://www.globalwitness.org/en/all-countries-and-regions/brazil/#:~:text=We%20recorded%2024%20murders%20of,deaths%20were%20in%20the%20Amazon.>

On August 12, 2020, small farmers in Campo Grande rushed into their village school and grabbed every book they could find. They strained visibly under the masks they wore to protect themselves from COVID-19. The farmers were already surrounded by dozens of officers from the Military Police of Minas Gerais. The air was darkened by smoke from a fire that had apparently been set to force out the villagers. Minutes after the school was evacuated, a police bulldozer demolished the building.

To understand why the state police destroyed a state school, it is important to consider the current situation of Brazil's Landless Workers Movement (MST). Campo Grande's farmers joined the MST in 1998, when the sugarcane plantation where they worked went bankrupt without paying them what they were owed. The unpaid workers began planting crops in the empty fields of the plantation. For the next twenty-two years, they lived there in peace and earned the support of state agencies trying to help them obtain title to the land. Then, on August 12, 2020 the police evicted fourteen families and the village school in order to make way for a new corporate coffee venture. It was the middle of the COVID-19 pandemic. The villagers preserved the schoolbooks.

Since its founding in 1984, the MST has called for land reform. That call has turned the group into one of the largest social movements in Brazil – indeed, through the Via Campesina network, into one of the most recognized rural movements in the world. MST activists pressure the government to fulfill the constitutional mandate to redistribute land (with fair compensation to the former owners) so that small farmers can own the crops that they plant. The movement carries out nonviolent land occupations of large unproductive estates as a form of protest. Over the past two years, the MST's approach has led to a direct confrontation with the Bolsonaro-Mourão Administration.

The MST was one of Bolsonaro's favored rhetorical targets during the 2018 presidential campaign. He repeatedly called for plantation owners to shoot land protestors. Bolsonaro's incendiary language came in the midst of a wave of assassinations against rural leaders, with 70 activists murdered in 2017.⁶⁹ In October 2020, an MST organizer in the state of Paraná was kidnapped and executed.

Overall, Bolsonaro has adopted a more bureaucratic approach to propagating injustice in the rural sector. Land reform was halted, and resources allocated to expropriations have been reduced to practically zero.⁷⁰ Previous governments had committed to purchasing school lunches and similar federal food items from small farmers; Bolsonaro almost entirely eliminated funding for the program.⁷¹ Finally, under Bolsonaro, government security forces have repeatedly found pretexts to evict (as in Campo Grande) or harass landless communities.

MST activists are currently responding to the Bolsonaro moment through a strategic pivot toward broad-based actions designed to build a coalition with urban Brazilians. Perhaps the movement's most visible current intervention has been its practice of direct food donation. With hunger on the rise due to COVID-19, MST farmers have responded by giving away their crops to people in high-poverty city neighborhoods.⁷² Similarly, in the wake of fires in the Amazon, the movement has committed itself to

⁶⁹ Cristiane Passos and Mário Manzi, "Conflitos no Campo Brasil 2019," *Comissão Pastoral da Terra*, April 17, 2020, <https://www.cptnacional.org.br/publicacoes-2/destaque/5167-conflitos-no-campo-brasil-2019>; Gregory Duff Morton, "Blood on the Land in Brazil," *The New York Review of Books*, March 5, 2018, <https://www.nybooks.com/daily/2018/03/05/blood-on-the-land-in-brazil/>.

⁷⁰ "Bolsonaro Manda Incri Paralisar Processos da Reforma Agrária," *Canal Rural*, January 8, 2019, <https://www.canalrural.com.br/noticias/bolsonaro-paralisar-incra-reforma-agraria/>; "Bolsonaro Reduz Verba para Reforma Agrária e Aumenta Indenizações a Ruralistas," *Brasil de Fato*, September 8, 2020, <https://www.brasildefato.com.br/2020/09/08/bolsonaro-reduz-verba-para-reforma-agraria-e-aumenta-indenizacoes-a-ruralistas>.

⁷¹ Marcos Antônio Corbari, "Camponeses Reafirmam PAA como Instrumento de Segurança Alimentar Frente à Pandemia," *Brasil de Fato*, May 29, 2020, <https://www.brasildefato.com.br/2020/05/29/camponeses-reafirmam-paa-como-instrumento-de-seguranca-alimentar-frente-a-pandemia>.

⁷² Gram Slattery and Anthony Boadle, "Specter of Hunger Rises in Brazil as Coronavirus Wrecks Incomes," *Yahoo News*, April 21, 2020, <https://news.yahoo.com/feature-specter-hunger-rises-brazil-140000410.html>; Maura Silva, "Since the Start of the Pandemic, MST Has Donated More Than 3400 Tons of Food," *MST*, September 10, 2020, <https://mst.org.br/2020/09/10/since-the-start-of-the-pandemic-mst-has-donated-more-than-3400-tons-of-food/>.

planting 100 million trees in ten years.⁷³ The movement has also issued an emergency plan that offers a roadmap for a rapid increase in the redistribution of land to needy families.

6. STATE VIOLENCE AND POLICE BRUTALITY

The striking number of homicides committed by law enforcement in Brazil are of concern to global human rights experts. Their recent increase, without a direct link to violent crime, is tied to a culture of impunity and a hardline, violent anti-crime rhetoric, which specifically target low-income and predominantly Black neighborhoods. New legislation loosening gun regulations and decreasing the accountability of police officers has also contributed to increased brutality.

One of the first issues Bolsonaro tackled in office was public safety, pushing for legislation that, among other things, would make it harder to hold police officers accountable for killing civilians. For the first time, the government omitted data on police brutality from its own public reports on human rights.⁷⁴ The numbers since then are telling. Brazil has one of the highest homicide rates in the world, ranking in the top 15 in 2019, with a rate of 30.5 per 100,000 residents.

Increases in police violence cannot be explained as a response to violent crime, which has been in decline since 2018. Rather, many observers tie this growth to the expansion of a culture of impunity, ratified by a president who campaigned on a hardline stance against crime and has, on repeated occasions, encouraged violence against low-income communities. He has said that violent police should be decorated, and not held accountable for their actions.

While the Bolsonaro-Mourão Administration did not invent the long-standing culture of violence that pervades the Brazilian Military Police (the part of the force responsible for street patrol), the president's rhetoric has played an important role in fomenting police perpetrated murder. When the president says that “criminals should die like cockroaches,” the police hear that they have a *carte blanche* to kill.

The majority of victims of police brutality and death at the hands of police are low-income, Black men residing in *favelas* or poor suburbs of Brazilian cities. According to the most recent Annual Report of the Brazilian Forum for Public Security, 76.2 percent of victims of police perpetrated killings are Black, demonstrating that police violence in Brazil is strongly correlated with race.

The climate of impunity and the rhetoric of support for police violence from key politicians extends beyond the federal government, with notable statements from Rio de Janeiro's former governor, Wilson Witzel, who promised to dig mass graves to hold the bodies of criminals, ordered police snipers to shoot at suspects from helicopters, and was photographed mimicking the deadly police special force.

Recently, anti-crime legislation has also contributed to growing police violence, loosening gun laws and allowing police to use lethal force based on “excusable fear, surprise or violent emotion.” With the legal mandate to wage state terror against low income, Black populations, we can expect that the police will continue to shoot to kill.

7. PUBLIC HEALTH SYSTEM

The Biden-Harris Administration should seek to collaborate with Brazil in the public health sphere. Brazil's extensive and comprehensive Universal Health System has been successful in increasing health indicators and reducing health inequality; however, it suffers with insufficient funds since its

⁷³ “MST Holds National Tree Planting Campaign throughout Brazil,” *MST*, September 17, 2020, <https://mst.org.br/2020/09/17/mst-holds-national-tree-planting-campaign-throughout-brazil/>.

⁷⁴ Rogério Pagnan, “Governo Bolsonaro Exclui Violência Policial de Relatório sobre Violações de Direitos Humanos,” *Folha de São Paulo*, June 12, 2020, <https://www1.folha.uol.com.br/cotidiano/2020/06/governo-bolsonaro-exclui-violencia-policial-de-relatorio-sobre-violacoes-de-direitos-humanos.shtml>.

inception and is the target of many corruption actions. The pandemic has both increased pressure on the system and demonstrated its importance. The current crisis presents an opportunity to exchange information to improve health in both countries.

Brazil has one of the largest and most comprehensive universal health systems in the world, implementing the right to health guaranteed in the Federal Constitution of 1988. It is the only country with more than 100 million inhabitants that offers free healthcare to its population and any visitors. The Unified Health System (*Sistema Único de Saúde*, SUS) was created after the end of military rule in 1985.⁷⁵ For the past thirty years, SUS has improved key health indicators: infant mortality declined from 53 to 14 per thousand, life expectancy rose from 64 to 76 years, and racial inequalities in the scope of health decreased.⁷⁶ Around 75% of the population depends exclusively on SUS for primary health care access, while the rest of the population utilizes additional coverage through private health insurances, mainly funded by employers. Thanks to SUS, Brazil has one of the largest mass vaccination programs in the world, eliminating rubella and polio with its National Vaccination Program and achieving over 80% of coverage for most vaccines. It has implemented a policy of using generic drugs to expand access, and it broke the patent on HIV and AIDS drugs to guarantee treatment for all. **The country is recognized for having promoted some of the most successful mass public health campaigns in the world, such as those concerning tobacco control, organ transplants, and Zika.**⁷⁷

Nevertheless, pressure on the system intensifies every day.⁷⁸ The recent and deeply devastating COVID-19 pandemic has underscored the importance of a broad and universal healthcare system. In a very unequal country, and despite all the recent drawbacks, SUS has been successful in taking care of millions of people, who would not have had access to healthcare otherwise.

⁷⁵ “Flawed but Fair: Brazil’s Health System Reaches out to the Poor,” *Bulletin of the World Health Organization* 86, no. 4 (April 2008): 248-249.

⁷⁶ Arminio Fraga, Miguel Lago, and Rudi Rocha, “Despite Troubles, Brazil’s SUS Health System Can Be a Model for Latin America,” *Americas Quarterly*, August 5, 2020, <https://www.americasquarterly.org/article/5-big-ideas-universal-health/>; Jaciane Milanezi, “A Institucionalização da Saúde da População Negra no SUS,” *NEXO Políticas Públicas*, October 14, 2020, https://pp.nexojournal.com.br/linha-do-tempo/2020/A-institucionalizacao-da-saude-da-populacao-negra-no-sus?fbclid=IwAR0J6PpgBoCtnGPEuWJvTwEKF4VPboZLwu_k-7NiqRw9VyJ4Thar7OF_5P0.

⁷⁷ “Generic Drugs in Brazil Are a Hard Pill for Big Pharma to Swallow,” *Knowledge@Wharton*, March 1, 2006, <https://knowledge.wharton.upenn.edu/article/generic-drugs-in-brazil-are-a-hard-pill-for-big-pharma-to-swallow/>; Michael Day, “Threat to Break Patents Saves Brazil \$1bn in Cost of HIV Treatment,” *British Medical Journal* 335 no. 7629 (November 2007): 1065; Amy S. Nunn et al, “AIDS Treatment in Brazil: Impacts and Challenges,” *Health Affairs* 28, no. 4 (August 2009): 1103-1113; J. Weston Phippen, “Brazil Declares an End to Its Zika Health Emergency,” *The Atlantic*, May 12, 2017, <https://www.theatlantic.com/news/archive/2017/05/brazil-ends-zika-emergency/526509/>.

⁷⁸ Katherine E. Bliss, “Health in Latin America and the Caribbean: Challenges and Opportunities for U.S. Engagement,” *CSIS Global Health Policy Center*, April 2009, https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/media/csis/pubs/090422_bliss_healthlatinamer_web.pdf.

Brazilian public health policy still faces numerous political and management challenges. The system faces underfunding; the judicialization of the supply of medicines and services; regional inequality in the supply of professionals; and the difficulties of cooperation between public and private service providers, as well as between subnational entities.⁷⁹ Furthermore, in recent years, SUS has been experiencing the growing impact of rising health care costs.⁸⁰ The situation worsened in 2016, after the approval of Constitutional Amendment 95, which has frozen federal expenditure in real terms (i.e. discounting inflation) up to 2036.⁸¹ This situation has worsened underfunding, decreased the quality of services provided, and increased inequality.

While SUS has been successful in tackling COVID-19, this pandemic also revealed the existence of an open flank in the system: the challenge of coordinating health care efforts between national and sub-national public and private sectors.⁸² While health professionals, bureaucrats, researchers, members of the National Congress, the Supreme Court, and civil and community associations were constantly looking for ways to contain and mitigate the tragic effects of the pandemic, the president exercised chaotic leadership.⁸³ Bolsonaro demobilized the Health Program, the More Doctors Program,^{84,85} ignored key prevention and care tools; neglected the policy of testing for coronavirus; delayed sending federal funds to subnational units; fired two health ministers in the midst of a campaign to fight the disease; and weakened the Ministry of Health.⁸⁶ Like Trump, the Brazilian president also politicized the prescription of drugs without scientific evidence, helped spread polemics concerning the vaccine, and promoted misinformation among the population.⁸⁷ The results speak for themselves: as of early January 2021 there were over 203,100 deaths in the country, more than 8.1 million confirmed cases, and a significant worsening of the socio-economic conditions of tens of millions of other Brazilians.

⁷⁹ Igor de Lazari and Sergio Dias, “Challenges in Implementing Brazil’s Universal Health Care,” *The Regulatory Review*, December 17, 2019, <https://www.theregreview.org/2019/12/17/delazari-dias-challenges-implementing-brazil-universal-health-care/>.

⁸⁰ Ke Xu et al, “Public Spending on Health: A Closer Look at Global Trends” (working paper, World Health Organization, 2018).

⁸¹ Rudi Rocha, Isabela Furtado, and Paula Spinola, “Financing Needs, Spending Projection and the Future of Health in Brazil” (working paper, Instituto de Estudos para Políticas de Saúde, São Paulo, 2020).

⁸² Solidarity Research Network, *Bulletin 20*, August 14, 2020, https://redepesquisasolidaria.org/wp-content/uploads/2020/08/boletimpps_20_14agosto_ingles.pdf.

⁸³ “COVID-19 in Brazil: ‘So What?’” editorial, *The Lancet* 395, no. 10235 (May 2020): 1461.

⁸⁴ The *Mais Médicos* (More Doctors) Program (PMM) was put in place in Brazil aiming to reduce inequalities in access to Primary Healthcare; Sabado Nicolau Girardi et al, “Impact of the Mais Médicos (More Doctors) Program in Reducing Physician Shortage in Brazilian Primary Healthcare,” *Ciencia & Saude Coletiva* 21, no. 9 (2016):2675-84,doi: 10.1590/1413-81232015219.16032016.

⁸⁵ The More Doctors Program suffered under the austerity measures adopted with the Constitutional Amendment 95 enacted in 2016, with President Temer. The parliament approved a “New Tax Regime” and all public expenses were frozen for 20 years; Yaniv Roznai and Leticia Regina Camargo Kreuz, “Conventionality Control and Amendment 95/2016: A Brazilian Case of Unconstitutional Constitutional Amendment,” *Revista de Investigações Constitucionais* 5 no. 2 (2018): 35-56. <https://doi.org/10.5380/rinc.v5i2.57577>.

⁸⁶ Gabriela Lotta et al, “Community Health Workers Reveal COVID-19 Disaster in Brazil,” *The Lancet* 396, no. 10248 (August 2020): 365-366; Solidarity Research Network, *Bulletin 13*, June 26, 2020, <https://redepesquisasolidaria.org/en/bulletins/bulletin-13/differentiated-strategies-and-lack-of-testing-benchmarks-hinder-pandemic-response-undermine-social-distancing-decisions-and-further-increase-insecurity/>; Ernesto Londoño, Manuela Andreoni, and Leticia Casado, “Brazil, Once a Leader, Struggles to Contain Virus Amid Political Turmoil,” *The New York Times*, May 16, 2020, <https://www.nytimes.com/2020/05/16/world/americas/virus-brazil-deaths.html>.

⁸⁷ Ricardo della Coletta, “Brazil’s Medical Council Authorizes Hydroxychloroquine Use, After Meeting with Bolsonaro,” *Folha de São Paulo*, April 24, 2020, <https://www1.folha.uol.com.br/internacional/en/scienceandhealth/2020/04/brazils-medical-council-authorizes-hydroxychloroquine-use-after-meeting-with-bolsonaro.shtml>; Daniel Carvalho, Gustavo Uribe, and Natália Cancian, “Nobody Can Force Anyone to Get a Vaccine, Says Bolsonaro,” *Folha de São Paulo*, September 2, 2020, <https://www1.folha.uol.com.br/internacional/en/scienceandhealth/2020/09/nobody-can-force-anyone-to-get-a-vaccine-says-bolsonaro.shtml>; Francis França, “Opinion: Bolsonaro Lets 100,000 Die of COVID-19 in Brazil,” *DW*, August 11, 2020, <https://www.dw.com/en/opinion-bolsonaro-lets-100000-die-of-covid-19-in-brazil/a-54533605>.

The consistent underfunding of science and research in Brazil since 2016, with the approval of the Constitutional Amendment 95,⁸⁸ has positioned the country behind in the race for the COVID-19 vaccine. However, Fiocruz and Butantan, of national and state research institutes, respectively, rose to the challenge and took the lead in creating technology transfer partnerships to test and produce the vaccine in the country. As the incidence of the disease spiked in the country, other federal universities and hospitals took the opportunity to collaborate in many trials, adding to the international contribution for research. Despite those efforts, Bolsonaro's government questioned vaccines' efficacy and used xenophobic arguments to increase fear and rejection of vaccines. Despite having a very successful National Immunization Program, the federal government failed to present an immunization plan that corresponds to Brazil's epidemiological situation and protects the most vulnerable populations.

The current situation calls for scientific and health cooperation between the two countries. The Biden-Harris Administration should publicly pressure Bolsonaro to reverse his position regarding the COVID-19 vaccine. Further, the new administration has the opportunity to learn from the successes of the Brazilian Unified Healthcare System, which can offer valuable examples for improving the U.S. model with regard to reducing inequalities, while the Brazilian healthcare system could benefit from scientific and technical cooperation with the United States on COVID-19. Given that the SUS can provide healthcare services to anyone in Brazil (including non-citizens, immigrants, tourists, and others),⁸⁹ increased international support for the system could also strengthen it.

8. COVID-19, POVERTY AND WELFARE

The largest challenge of socio-economic policy in Brazil is combating poverty and inequality, accentuated by the COVID-19 pandemic. The pandemic has deepened the country's existing social problems and economic fragility, increasing unemployment, dismantling social protection policies such as Bolsa Família, and damaging the education system. There is a need to reflect on a fiscally responsible replacement for COVID Emergency Aid and on measures to increase welfare.

The COVID-19 pandemic has highlighted the fragility of the labor market in Brazil and the vulnerable socio-economic condition of millions of Brazilian citizens. Altogether, it is estimated that 83.5% of workers were at risk of losing income and jobs due to the pandemic.⁹⁰ In the last quarter of 2020, the unemployment rate was 14.4 percent, reaching its worst level in history. However, to a larger extent, the fragile socio-economic condition in which Brazil found itself throughout the pandemic stems from its inability to mitigate the effects of the economic recession after 2015.⁹¹

The situation over the last few years has been characterized by the dismantling of important social protection policies.⁹² The budget of the Bolsa Família Program, a conditional targeted cash transfer for combating poverty, which was the main policy responsible for taking the country out of the UN hunger

⁸⁸ Yaniv Roznai and Leticia Regina Camargo Roznai, "Conventionality Control and Amendment 95/2016: A Brazilian Case of Unconstitutional Constitutional Amendment," *Revista de Investigações Constitucionais* 5 no. 2 (2018): 35-56. <https://doi.org/10.5380/rinc.v5i2.57577>.

⁸⁹ James Macinko, Ph.D. and Matthew J. Harris, M.B., B.S., D.Phil., "Brazil's Family Health Strategy — Delivering Community-Based Primary Care in a Universal Health System," *The New England Journal of Medicine*, June 4, 2015, <https://www.nejm.org/doi/full/10.1056/NEJMp1501140#t=article>; "Foreigner Compliments Assistance Received by SUS on Social Media," *Secretaria do Estado de Saúde*, <https://www.saude.mg.gov.br/sus/story/7144-estrangeiro-elogia-atendimento-do-sus-em-postagem-nas-redes-sociais>.

⁹⁰ Solidarity Research Network, *Bulletin* 3, April 2020, <https://redepesquisasolidaria.org/en/bulletins/bulletin-3/black-men-and-black-women-are-the-most-vulnerable-in-the-crisis-however-a-new-vulnerable-group-emerges-white-men-and-white-women-in-non-essential-services/>.

⁹¹ Rogério J. Barbosa, Pedro H. G. Ferreira de Souza, and Sergei S. D. Soares, "Desigualdade de Renda no Brasil de 2012 a 2019," *Dados: Revista de Ciências Sociais*, July 16, 2020, <http://dados.iesp.uerj.br/desigualdade-brasil/>.

⁹² Thiago Resende and Danielle Brant, "Bolsonaro Cuts Government Spending in Social, Culture and Labor Areas," *Folha de São Paulo*, December 26, 2019, <https://www1.folha.uol.com.br/internacional/en/brazil/2019/12/bolsonaro-cuts-government-spending-in-social-culture-and-labor-areas.shtml>.

map,⁹³ has been systematically reduced since 2015.⁹⁴ Precisely for this reason, there was a sharp drop in the values of the benefits. The government's role in registering the poorest families and enrolling them as beneficiaries has also slowed.

At the beginning of the pandemic, there was an inexplicable “queue” of 1.7 million families waiting indefinitely to receive Bolsa Família, even though their profiles fulfilled all the eligibility criteria.⁹⁵ This weakening of policies to fight poverty occurred exactly when the country was facing its worst economic crisis since the re-democratization in 1985. For instance, homelessness in Brazil has risen 140% since 2012 and, as of March of 2020, it reached 222,000 people.⁹⁶ In the short term, this number is expected to be much bigger due to evictions taking place during the pandemic. The mismanagement of the pandemic has also a long-term effect on the current socio-economic crisis: the vast majority of low-income families in Brazil enroll their children in public schools, and given this ongoing crisis, many schools have not had sufficient resources to secure a stable learning environment. In addition to the inability to provide continuity in education, there has been a rise in dropouts among high schoolers which, combined, may affect low-income youth as they struggle to break free from what sometimes can be a vicious generational cycle of poverty.⁹⁷

Emergency Aid, a program carried out on an urgent basis to mitigate the effects of the COVID-19 pandemic on the income and well-being of the most vulnerable families, had undoubtedly positive results. One-third of the Brazilian population, currently over 210 million people, applied for the benefit.⁹⁸ The program successfully reached about 70 million beneficiaries by October 2020. Without the program, poverty would have reached 25 million more Brazilians.⁹⁹ However, the duration of this program is unlikely to be extended to 2021, and the amount was cut by half in October, totaling the equivalent of \$54 U.S. dollars per beneficiary monthly until December 2020. The challenge that has arisen is conceiving a new politically and fiscally viable program that could replace it.¹⁰⁰

Some politicians and specialists argue in favor of a transition and adaptation phase for social assistance policies in Brazil.¹⁰¹ A temporary cash transfer program, derived from the Emergency Aid and inheriting some of its properties, could gradually allow for the transition to a better permanent model of a non-contributory social protection benefit. **There is a unique opportunity to create a broader program than Bolsa Família, which could not only alleviate extreme poverty, but also reduce the income volatility that affects almost two-thirds of the population.**¹⁰² This main challenge of social policy is to

⁹³ The UN World Food Programme is considering re-listing Brazil on its World Hunger Map after a multi-year absence as increasing numbers of Brazilians face unemployment and hunger. Jose Graziano da Silva (Coord.), “From Fome Zero to Zero Hunger: A Global Perspective.” Rome, FAO.

⁹⁴ “Bolsa Família, Brazil’s Admired Anti-Poverty Programme, Is Flailing,” *The Economist*, January 30, 2020, <https://www.economist.com/the-americas/2020/01/30/bolsa-familia-brazils-admired-anti-poverty-programme-is-flailing>.

⁹⁵ Marina Rossi, “Governo Bolsonaro Não Explica Tamanho Real da Fila do Bolsa Família,” *El País*, January 31, 2020, <https://brasil.elpais.com/brasil/2020-01-31/governo-bolsonaro-nao-explica-tamanho-real-da-fila-do-bolsa-familia.html>.

⁹⁶ “População em Situação de Rua Cresce e Fica Mais Exposta à Covid-19,” *IPEA*, June 12, 2020, https://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=35811#:~:text=A%20popula%C3%A7%C3%A3o%20em%20situa%C3%A7%C3%A3o%20de%20pandemia%20da%20Covid%2D19.

⁹⁷ Camila Boehm, “Risco de Evasão em Escolas Públicas Chega a 31%, Diz Pesquisa,” *Agência Brasil*, July 21, 2020, <https://agenciabrasil.ebc.com.br/educacao/noticia/2020-07/risco-de-evacao-escolar-em-escolas-publicas-chega-31-diz-pesquisa>.

⁹⁸ Ugo Gentilini et al, “Social Protection and Jobs Responses to COVID-19: A Real-Time Review of Country Measures,” (brief, World Bank, Washington, DC, 2020).

⁹⁹ Ian Prates et al, “Dramatic unemployment remains hidden in official indicators. Without the emergency income of R\$ 600.00, poverty would reach 30% of the population” Solidarity Research Network, *Bulletin 14*. July 6, 2020, <https://rededesquisasolidaria.org/en/bulletins/bulletin-14/dramatic-unemployment-remains-hidden-in-official-indicators-without-the-emergency-income-of-r-600-00-poverty-would-reach-30-of-the-population/>

¹⁰⁰ “Covid Brazil: Millions to Return to Poverty If Handouts Stop,” *BBC News*, October 9, 2020, <https://www.bbc.com/news/world-latin-america-54476934>.

¹⁰¹ Letícia Bartholo et al, “Auxílio Emergencial, Transição e Futuro,” *Valor Econômico*, June 24, 2020, <https://valor.globo.com/opiniaos/coluna/auxilio-emergencial-transicao-e-futuro.ghtml>.

¹⁰² Ian Prates and Rogério J. Barbosa, “The Impact of COVID-19 in Brazil: Labour Market and Social Protection Responses,” *The Indian Journal of Labour Economics* 63 (September 2020): 31-35.

combat poverty in the short and medium term. In this sense, having the U.S. work with Brazil in establishing a dialogue toward an agenda to strengthen their public health communication on preventing the spread of COVID-19, including an educational program for this and other viruses, especially in underserved communities, can lead both countries to be better prepared for any health challenges that may occur in the future.

9. RELIGIOUS FREEDOM

The Biden Administration should distance itself from ultraconservative religious sectors that deny science and oppose democratic rights. By showing a commitment to tolerance, science, and religious liberty, the new Administration could help reverse damaging trends initiated by the Trump Administration and followed by Bolsonaro.

Three days before Bolsonaro's election, a leading Brazilian pollster found that he enjoyed the support of 69 percent of Evangelical Christian voters.¹⁰³ Evangelicals, a broad religious category with steadily increasing influence in Brazilian life, have provided the most steadfast support for Bolsonaro since he took office. Bolsonaro's overwhelming support among Evangelicals, especially among Pentecostals, is not surprising. Since the return of democracy, Evangelicals have generally been a conservative political force, gradually embracing more extreme right-wing positions. While they joined calls for religious pluralism and separation between Church and State in the Constituent Assembly that followed military rule, more recently, the rhetoric of leading pastors has emphasized "traditional" gender roles in opposition to feminism and LGBTQI+ groups and movements, and has attacked Afro-Brazilian religions.¹⁰⁴

The degree of evangelical influence in the current administration is unprecedented in Brazilian democracy. Perhaps most notably, Bolsonaro appointed the evangelical pastor Damarens Alves to the Ministry of Women, Family and Human Rights, where she has sought to implement policies that promote sexual abstinence among teenagers, remove any discussion of gender in schools, facilitate the religious conversion of Indigenous peoples, and further hinder women's access to abortion (currently legal only in cases of rape and to save the mother's life). The highly publicized case of an eleven-year-old girl, who had been raped by her uncle and thereby granted legal permission to undergo an abortion, shocked the nation in 2020. According to press reports, Alves was directly involved in demonstrations by a religious group against the young girl and the medical team. Bolsonaro has endorsed all of Alves' positions and tried to appoint like-minded believers to key posts in his administration, including Minister of Education Milton Ribeiro, who has recently been accused of homophobia. The president has yet to fulfill a campaign promise to appoint a "terribly Evangelical" judge to the Supreme Court, but he will have a chance in July 2021 when the next sitting justice reaches the mandatory retirement age.

Beyond symbolic support for conservative religious sects in Brazil, the Trump administration encouraged and fostered relations between radical religious figures in both countries. In 2019, for example, U.S. leaders affiliated with the religious denomination Capitol Ministries visited a group of Brazilian evangelical legislators to discuss joint agendas and strategies.¹⁰⁵ Bolsonaro has also approached other countries and world leaders over religious issues, namely Israel, deemed a theological reference by Brazilian Pentecostals. In accordance with that approach, Bolsonaro signaled in 2019 that Brazil would recognize Jerusalem as the Israeli capital, but then backpedaled after backlash from important trading partners.

¹⁰³ DATAFOLHA. Eleições 2018. São Paulo, out de 2018. PDF Available on: <<http://media.folha.uol.com.br/datafolha/2018/10/28/b469d4556e176c907bad8986ccc459cd.pdf>> Accessed on: 08 Oct 2020.

¹⁰⁴ See Eduardo Dullo, "Política Secular e Intolerância Religiosa na Disputa Eleitoral," in: *Religiões e Controvérsias Públicas: Experiências, Práticas Sociais e Discursos* (São Paulo/Campinas: Terceiro Nome/Unicamp, 2015); see Sidnei Nogueira, *Intolerância Religiosa*, (São Paulo: Pólen, 2020).

¹⁰⁵ See Dullo, "Política Secular," and Nogueira, *Intolerância Religiosa*.

10. LABOR

Through a more robust labor diplomacy conducted by the U.S. State Department, the U.S. Labor Department, and U.S. trade union and employer organizations, the Biden-Harris Administration should urge the Bolsonaro government to take steps to end its destruction of trade union rights, trade union financing, collective bargaining, and labor inspection. The U.S. should urge the Bolsonaro-Mourão Administration to restore the Labor Ministry and end its rhetoric of abolishing the labor justice system. The existing Memorandum of Understanding on Labor Cooperation between Brazil and the United States, as well as the Social Security Agreement between the two countries, would serve as useful tools to advance this labor diplomacy. In addition, labor and trade union rights conditionality must be part of any future trade and investment agreement between both nations.

During successive Workers' Party Administrations (2003-16), Brazil made unprecedented advances in expanding formal sector employment, strengthening trade union rights, reducing inequality, delivering over 30 million Brazilians out of poverty, and reducing child and forced labor. Since the 2016 impeachment of President Dilma Rousseff, however, labor laws have been targeted, enabling the deconstruction of sustainable union organization and collective bargaining.

In less than four months in 2017, the Temer Administration (2016-18) and the Brazilian Congress pushed through the most anti-worker and anti-union labor law reform in modern Brazilian history, even exceeding, in some respects, the anti-labor repression of the military dictatorship (1964-85). The new law invalidated the obligatory trade union contribution. In addition, the judiciary has invalidated the practice of collectively bargained assistance contributions, similar to union security clauses in the United States. The combined effect of these legislative and judicial measures since 2017 has been a reduction of almost 90 percent in the budgets of Brazilian labor unions. Brazil now has become, in U.S. terms, a total “right to work” or “right to work for less” regime.¹⁰⁶

The 2017 reform undermines minimum labor standards and perverts collective bargaining by giving legal priority and precedence to contracts with individual workers in higher salary brackets and collective accords with individual employers *over* the sectorial collective agreements involving multiple employers of the same professional category and economic activity - even if such contracts are *inferior* to the general sector floor agreements in terms of wages and working conditions. The reform also permits bargaining below formerly legislated minimum standards in many instances, stipulating that the “negotiated prevails over the legislated”. Moreover, the 2017 reform exempts mass layoffs from collective bargaining obligations and permits the expansion of intermittent work (zero-hour contracts). It also provides that “self-employed” autonomous workers are never to be considered directly employed, and, therefore, cannot receive the formal legal protections of regular employees, even when their contract is exclusively with one employer. And pregnant workers now can be subject to potentially unhealthy and dangerous working conditions if permission is granted by the company doctor. Finally, according to separate legislation passed in 2017, all functions of an enterprise may be contracted out, potentially gutting established collective bargaining structures.¹⁰⁷

¹⁰⁶ Ana Virginia Moreira Gomes and Stanley Arthur Gacek, “Trade Union Financing Law in Brazil and the United States – A Dangerous Convergence”, *On Labor*, April 5, 2020, <https://www.onlabor.org/trade-union-financing-law-in-brazil-and-the-united-states-a-dangerous-convergence/>.

¹⁰⁷ João Renda Leal Fernandes, “The 2017 Brazilian Labor Reform: A Brief Overview,” (lecture, Brazil-Japan Litigation and Society Seminar: Courts and Dispute Resolution, Shinshu University, Matsumoto, Nagano, Japan, January 2018); Afonso de

Matters have worsened for Brazilian workers under Jair Bolsonaro. As soon as he assumed office, Bolsonaro eliminated the Labor Ministry, with the union registration process being reassigned to the Justice Ministry and the Federal Police, making the function subject to criminal justice rather than standard labor review. Union registration and the legal recognition of internal union elections were suspended from January to April of 2019. All of the labor market intermediation and labor inspection functions of the former Labor Ministry were assigned to the Economics Ministry, led by the radical laissez-faire advocate Paulo Guedes.

Bolsonaro has questioned publicly the need for continuing the Brazilian labor judiciary, which, if eliminated, would wreak havoc on stable labor relations for workers and employers alike. He also says that individual employment contracts must take legal priority over all collective agreements, sounding the death knell for Brazilian collective bargaining. In a further effort to financially hemorrhage the labor unions, Bolsonaro enacted an executive order in March of 2019 prohibiting employers from deducting voluntary and individually authorized union dues from worker paychecks. Although the measure expired in June of 2019 without Congressional approval, Bolsonaro threatened to push through a constitutional amendment to give it new and permanent life. This action financially impacted worker unions during a 90-day period.

Exceedingly troubling are Brazil's difficulties in eradicating forced labor and guaranteeing that children are in school rather than the labor market, difficulties due to reduced labor inspection capacity. The situation is exacerbated by the current cutbacks in the Bolsa Família cash transfer program for poor families (conditioned on children staying in school), not to mention Bolsonaro praising the salutary effects of child labor in 2019.¹⁰⁸

For the first time in modern Brazilian history, Bolsonaro reduced the federal monthly minimum wage from 1006 *reais* (about US\$180) to 998 *reais* (about US\$177). Facing overwhelming popular disapproval in 2020, Bolsonaro ultimately reversed an executive decree allowing employers to suspend wage payments during the COVID-19 pandemic.¹⁰⁹

Bolsonaro's scheme to destroy labor unions, end collective bargaining, and undermine decent work is not generating more employment, despite his rhetoric during the presidential campaign that "you can have either rights or jobs, but not both." As of April 2020, the official unemployment rate surged to 12.6% with a further loss of 4.9 million leaving the workforce,¹¹⁰ and unemployment only has increased since that time. The global pandemic has made labor conditions more perilous for the vast majority of Brazilian workers.

Paula Pinheiro Rocha and Ana Virginia Moreira Gomes, "The Fallout from the 2017 Labour Reform in Brazil for the Trade Union Movement," *International Union Rights (ICTUR)*, no. 4, 2017: 9-10.

¹⁰⁸ "Bolsonaro, Who Worked from Age 8, Defends Child Labor in Brazil," *France 24*, July 6, 2019, <https://www.france24.com/en/20190706-bolsonaro-who-worked-age-8-defends-child-labor>.

¹⁰⁹ Maria Carolina Marcello and Ricardo Brito, "Brazil's Bolsonaro Walks Back Decree to Suspend Worker Pay amid Coronavirus," *Reuters*, March 23, 2020, <https://www.reuters.com/article/us-health-coronavirus-brazil/brazils-bolsonaro-walks-back-decree-to-suspend-worker-pay-amid-coronavirus-idUSKBN21A27O>.

¹¹⁰ Jamie McGeever, "Brazil Unemployment Rises to 12.6%, Record 4.9 Million People Leave Workforce," *Reuters*, May 28, 2020, <https://www.reuters.com/article/us-brazil-economy-unemployment-rises-to-12-6-record-4-9-million-people-leave-workforce-idUSKBN234220>.

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