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## **Brazil: Democracy, Freedom, and Rule of Law Under Attack?**

*Remarks by Rep. Chris Smith (R-NJ)  
Chair of the House Global Human Rights Subcommittee  
Press Conference—March 12, 2024*

Since late 2022 Brazilians have been subject to human rights violations committed by Brazilian officials on a large scale.

Documented or credibly reported rights violations in Brazil include the political abuse of legal procedures to persecute political opposition, including jailing opposition figures on spurious charges; violations of freedom of speech and media freedom, including persecution of journalists, the silencing of opposition media, banning individuals from social media; thinly-veiled censorship laws claiming to fight “disinformation”, and many violations of rule of law and judicial malfeasance.

Already in [December 2022](#), Mary O’Grady, who writes a weekly column on Latin America for the *Wall Street Journal*, noted the danger.

“A greater threat is the 11-member Supreme Court, which is overstepping its jurisdiction and flouting the rule of law for political reasons without consequences... when the highest court becomes an ally of ideological and corrupt politicians, democracy is in grave danger. Brazil has arrived at such a moment... [the court] censored other political speech from business leaders, elected members of Congress and news-and-entertainment platforms on the right. This has been carried out with [assistance](#) from the electoral tribunal’s ‘special advisory to combat disinformation.’ It acts as a ministry of truth.”

In January 2023 the *New York Times* reported, referring to Brazilian Supreme Court Justice Alexandre de Moraes:

“Using a broad interpretation of the court’s powers, he has pushed to investigate and prosecute, as well as to silence on social media, anyone he deems a menace to Brazil’s institutions..... He has jailed people without trial for posting threats on social media; helped sentence a sitting congressman to nearly nine years in prison for threatening the court; ordered raids on businessmen with little evidence of wrongdoing; suspended an elected governor from his job; and unilaterally blocked dozens of accounts and thousands of posts on social media, with virtually no transparency or room for appeal. In the hunt for justice after the riot this month, he has become further emboldened. His orders to ban prominent voices online have proliferated.”

Many Brazilians have maintained that concerns regarding these issues have become **much more serious** since January 2023 – and that such violations have gravely undermined democracy, freedom, and the rule of law in Brazil.

As Chairman of the Global Human Rights Subcommittee, I am committed to supporting internationally-recognized human rights in Brazil, and to conducting oversight on the response of the U.S. government to these violations.

What I see in Brazil today, above all in the investigations and inquiries of Supreme Court Justice de Moraes, is called “rule by law” – the opposite of “rule of law”. **Rule of law** is supposed to put law outside of politics, so that the same laws apply equally to all. **Rule by law**, in contrast, means that, while some forms and procedures of law are maintained, the law is used selectively as an instrument of political power.

There is vast evidence that this is exactly what is going on in Brazil today, where investigations, inquiries, media bans, content removal orders are used to single out the opposition to President Lula.

I am preparing legislation that will address these issues, a **Brazil Democracy, Freedom and Human Rights Act**.

We will hear now from Brazilians, including elected officials. I believe their position and responsibilities as elected official make them an invaluable source of insight into the situation in Brazil and uniquely qualified to represent the concerns of its people.