

Academic Freedom in Brazil

A Case Study on Recent Developments

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Freedom of expression, freedom of thought, the freedom to teach and to learn, and university autonomy are all protected by the Brazilian Constitution. Yet a closer look at the state of academic freedom in the country reveals that these constitutional rights have come under attack. In recent years, the difficult political climate in Brazil has strained the country's academic landscape, and its deeply polarized politics have aggravated pre-existing problems in the regulation and governance of higher education. Based on an analysis of media reporting, assessments by various research organizations as well as preliminary survey data, this case study investigates to what extent different dimensions of academic freedom have come under threat in Brazil. It also sheds light on recent efforts to promote academic freedom before concluding with several recommendations for Brazilian and international policymakers.

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Table of Contents

Summary	4
Methods, Sources, and Scope of the Study	5
Characteristics of the Higher Education Sector	6
Current State of Academic Freedom	8
Legal Protection of Academic Freedom	8
Freedom to Research and Teach	9
Exchange and Dissemination of Academic Content	14
Institutional Autonomy and Governance	15
Campus Integrity	18
Subnational and Disciplinary Variation	19
Efforts to Promote Academic Freedom	22
Policy Recommendations	25

Summary

Freedom of expression, freedom of thought, freedom to teach and to learn, and university autonomy are all rights protected by the Brazilian Constitution. Yet a closer look at the state of academic freedom in the country reveals that these constitutional rights are under threat. In recent years, the political climate has strained ideas and ideologies, and Brazil's deeply polarized politics have aggravated pre-existing problems in the regulation and governance of higher education.

Top-down measures from the Brazilian government, administered through legal and institutional channels and combined with constant discursive attacks, have created an increasingly hostile environment for academics, who constitute a significant opposition group to the federal government. Threats to academic freedom include: significant budget cuts and freezes; judicial orders censoring political debates on campuses; reporting channels for political and ideological complaints; new laws and interpretations affecting institutional governance; and false statements about the academic community and scholarship as a whole. Resonating with and amplifying some of these threats, certain groups made up of both academics and non-academics have accused universities of promoting leftist “indoctrination” and are pushing for restrictions on certain content in curricula and classes.

Thus far, scholars have successfully resisted certain key measures through publications, networking and advocacy. Yet graver threats to academia seem to be underway in recently inaugurated government measures to increase institutional control over universities. Today, the efficacy of constitutional protections of academic freedom depends in large part on judicial decisions – and consequently suffers from the weariness of the courts – as well as on constant civil society mobilization.

This study was written on the basis of new research guidelines for country case studies on academic freedom developed as part of GPPi's project on academic freedom assessments around the world.¹ The guidelines serve to inspire qualitative studies describing the current state of academic freedom and recent developments in individual countries and will soon be available for anyone to use as a template. The case studies are complemented by a global time-series dataset with five indicators of academic freedom and an Academic Freedom Index, developed by GPPi in partnership with the V-Dem Institute and Scholars at Risk.²

1 Katrin Kinzelbach, Ilyas Saliba and Janika Spannagel, “Country Case Studies on Academic Freedom: Research Guidelines”, in: Kinzelbach et al. (eds.), *Studying Academic Freedom: Guidelines for qualitative case study research with examples on Brazil, Egypt, Ireland and Russia* (forthcoming).

2 For more information on the dataset, visit <https://gppi.net/academicfreedom>.

Methods, Sources, and Scope of the Study

One of the most significant difficulties in safeguarding academic freedom in Brazil is the number of higher education institutions in the country.³ Only longer-term, more detailed studies could fully depict the state of academic freedom in Brazil in all of its complexity. As a first step toward that endeavor, this study intends to present a broad picture of the dynamics involving academics, non-academics, and state bodies in Brazil. In focusing on academic freedom in Brazil today, we chose to refer to four periods in recent history whenever necessary for a better understanding of current events: the period of the military regime, 1964–1985; the period from re-democratization until Dilma Rousseff’s impeachment, 1988–2016; the period of anti-leftist uproar, 2016–2018; and the period after the election of Jair Bolsonaro, from 2019 until the present.

Due to the lack of centralized, combined data on recent events, this study aggregates information reported by the press and various research initiatives.⁴ The main limitation of these sources is their lack of detailed examination of the day-to-day effects of structural pressures on academic freedom. To address this problem, we undertook a preliminary survey with academics at different public and private universities throughout the country.

This preliminary survey was made available online on the SurveyMonkey platform and sent privately via e-mail to 58 academics from January 16 to 30, 2020. These 58 academics are well-known university professors in law, the humanities, and the social sciences who were chosen by the research team on the basis of their areas of research and their availability to help us test and improve our questionnaire. Through a combination of multiple-choice and open-ended questions, we were able to access some of their personal experiences while asking for important feedback on the phrasing of most of the survey questions (e.g., identifying biases or missing information) as well as for suggestions on additional topics that could potentially be covered in a future survey. The survey data presented in this report is not statistically representative of Brazilian academia, yet it points to important areas for a broader understanding of the conditions of academic freedom in Brazil.

3 Brazil had a total of 2,537 higher education institutions in 2018. See Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira (INEP), *Sinopse Estatística da Educação Superior 2018*, <http://portal.inep.gov.br/web/guest/sinopses-estatisticas-da-educacao-superior>.

4 This study reflects events up to June 30, 2020.

Characteristics of the Higher Education Sector

The higher education sector in Brazil is made up of both public and private institutions. Public institutions are funded by federal, state and municipal governments. Except for municipally funded courses, public courses are generally free of charge. Private higher education includes both for-profit and not-for-profit institutions, and some of the latter are philanthropic institutions linked to religious organizations.

The majority of undergraduate students are enrolled in courses offered by private institutions⁵, while most graduate students attend public universities.⁶ In contrast, all of the 17 most prominent universities in Brazil – in terms of research, teaching innovation, perception in the job market, and internationalization – are public institutions. Out of the 50 best higher education institutions in the country, only seven are private schools.⁷ Public universities are responsible for the vast majority of academic research in Brazil, according to both national and international studies.⁸

In addition to considerable discrepancy in their regional distribution,⁹ higher education admissions reflect historical patterns of discrimination. Affirmative actions have been implemented since 2000.¹⁰ Since then, quotas and programs for financial support have improved diversity in higher education, but a significant discrepancy remains between access to higher education and the composition of Brazilian society.¹¹

- 5 The majority of undergraduate students in Brazil (70%) attended private institutions in 2018. See Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, *Sinopse Estatística da Educação Superior 2018*, <http://portal.inep.gov.br/web/guest/sinopses-estatisticas-da-educacao-superior>.
- 6 In 2018, approximately 85% of graduate students attended public institutions, and 15% attended private institutions. See Capes, “Dados abertos,” *Discentes 2018–2019*, <https://dadosabertos.capes.gov.br/dataset?groups=avaliacao-da-pos-graduacao>.
- 7 Folha de S. Paulo, “Ranking Universitário Folha 2019,” <https://ruf.folha.uol.com.br/2019/ranking-de-universidades/principal/>.
- 8 Mariluce Moura, “Universidades públicas respondem por mais de 95% da produção científica do Brasil,” <http://www.abc.org.br/2019/04/15/universidades-publicas-respodem-por-mais-de-95-da-producao-cientifica-do-brasil/>; Rodrigo Menegat, “Universidades brasileiras sob o microscópio,” *Estadão* (December 23, 2019), <https://www.estadao.com.br/infograficos/educacao,universidades-brasileiras-sob-o-microscopio,1061261>.
- 9 The majority of higher education programs offered in Brazil – 46% of all graduate programs and more than 44% of undergraduate courses – are located in the southeast region. See INEP, *Sinopse Estatística da Educação Superior 2018*; Capes, “Dados abertos,” *Cursos 2018*, <https://dadosabertos.capes.gov.br/dataset?groups=cursos-da-pos-graduacao>.
- 10 João Feres Júnior and Verônica T. Daflon, “Políticas de igualdade racial no ensino superior,” *Cadernos de Desenvolvimento Fluminense* 5 (2014): 31–43.
- 11 On accessibility in higher education, see Boletim Lua Nova, “Estudantes e docentes negras/os nas instituições de ensino superior: em busca da diversidade étnico-racial nos espaços de formação acadêmica no Brasil,” <https://boletimluanova.org/2019/11/15/estudantes-e-docentes-negras-os-nas-instituicoes-de-ensino-superior-em-busca-da-diversidade-etnico-racial-nos-espacos-de-formacao-academica-no-brasil/>; Dhiego Maia, “Ao menos 12 universidades federais do país têm cotas para alunos trans,” <https://www1.folha.uol.com.br/educacao/2019/05/ao-menos-12-universidades-federais-do-pais-tem-cotas-para-alunos-trans.html>.

Data on the profiles of higher education professors is scarce, but the available figures point to a majority of white, male professors.¹²

The precarity of academic labor is usually more severe in private universities, where scholars are often more vulnerable to institutional restrictions and self-censorship. Professors at public institutions usually have more stable jobs due to civil service regulations.¹³ Research usually depends on external funding. Federal government agencies are responsible for most of the research funding opportunities in Brazil, alongside state-level agencies.¹⁴

Brazil has a very recent history of attacks on academic freedom – the period of the military regime, from 1964 to 1985, saw the persecution of scholars and students at public universities. At that time, a veneer of formal legality justified even the most arbitrary actions taken against academics. This was blatantly the case for scholars who were arrested, dismissed from their positions, or forced to retire; in some cases, they were victims of torture, arbitrary execution, or disappeared. The National Union of Students and other student movements were targeted by the general policy against the freedom of expression and the freedom of assembly and association.¹⁵

Almost 20 years later, universities created commissions to investigate human rights violations. They documented and reported abuses. In the final report of the University of São Paulo's Truth Commission in 2018, Professor Boris Fausto – a widely respected historian at the University of São Paulo – described the reality of the persecution of scholars: “With regard to scholars, the central concern revolved around their ideas [...] around the possibility that they were contributing to ‘perverting’ the minds of students with leftist preaching.”¹⁶

While Brazil is currently governed by democratically elected leaders and under a constitution which provides for democratic institutions and guarantees, recent events still resonate with some of these authoritarian ideas from the era of the military dictatorship. As we will explore in the next sections, measures taken under the veneer of legality put academic freedom at risk. In many cases, they are informed by an anti-leftist or anti-scientific ideology, which targets scholars as enemies of a certain right-wing project aimed at the realization of an anti-pluralist meaning of the common good.

12 Policies such as the one established by law in 2014 which guarantees a minimum of 20% of federal civil servant positions to black people have been warmly welcomed by diversity experts. See Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, *Sinopse Estatística da Educação Superior 2018*, <http://portal.inep.gov.br/web/guest/sinopses-estatisticas-da-educacao-superior>; Domingos N. Nonato, Raimundo W. G. Raiol, and Daniella M. S. Dias, “O recorte etnicorracial como critério à promoção da igualdade: possibilidade jurídica e adequação sociopolítica sob a perspectiva da Lei 12.990/14,” *Revista da AGU* 17, no. 4 (2018): 87–122.

13 Among public university professors teaching undergraduate courses, 86% had full-time contracts, 11% part-time, and 7% were paid per hour. Inversely, the majority of professionals teaching at private institutions had been hired on part-time (42%) or per-hour contracts (30%), and less than one-third of them had a full-time contract (27%). See INEP, *Sinopse Estatística da Educação Superior 2018*.

14 A recent study – based on the acknowledgments section of Brazilian research publications – indicates that the federal agencies National Council for Scientific and Technological Development (CNPq) and Coordination for the Improvement of Higher Education Personnel (CAPES), together with the state-level São Paulo Research Foundation (FAPESP), Minas Gerais State Research Support Foundation (FAPEMIG), and Carlos Chagas Filho Foundation for Supporting Research in the State of Rio de Janeiro (FAPERJ), are the most mentioned sources of funding. See USP, “Quem financia a pesquisa brasileira? Um estudo InCites sobre o Brasil e a USP,” <https://www.sibi.usp.br/noticias/quem-financia-a-pesquisa-brasileira-um-estudo-incites-sobre-o-brasil-e-a-usp/>.

15 See Comissão Nacional da Verdade, “Relatório final. Violações de direitos humanos na universidade”, vol. 2 (Brasília: Comissão Nacional da Verdade, 2014), text 6.

16 Ibid.

Current State of Academic Freedom

Legal Protection of Academic Freedom

In addition to freedom of thought and expression (Article 5 [IV] IX), two provisions in the Brazilian Constitution directly relate to academic freedom. Article 206 establishes the protection of freedom of research and teaching: “teaching shall be provided on the basis of [...] II. the freedom to learn, teach, research, and express thoughts, art, and knowledge.” The same article establishes the principle of “the pluralism of ideas and pedagogical concepts” (III). Addressing the specific characteristics of higher education, Article 207 proclaims that universities in Brazil “shall enjoy autonomy with respect to didactic, scientific, and administrative matters, as well as autonomy in financial and patrimonial management [...].”

The constitutional provision that safeguards autonomy for universities is usually interpreted as comprising various aspects of administrative and bureaucratic activities. Case law has established that: (1) universities shall decide on personnel matters; (2) autonomy does not equal freedom from general supervision by federal and state-level agencies; (3) higher education institutions may enact supplementary norms to elaborate on primary legislation; and (4) autonomy hinders judicial interference in university matters, except in cases of illegality or abuse.¹⁷

A central case in the ongoing disputes over the legitimacy of rectors appointed by the federal government (see section “Institutional Autonomy and Governance”) is a 1999 decision by the Brazilian Supreme Court. The Court concluded that direct elections and appointments of heads of faculty and rectors by federal universities violated the president’s constitutional prerogative to nominate (Article 84 [III] XXV, Article 37 [II]).¹⁸

There are also other significant cases related to academic freedom currently pending at the Brazilian Supreme Court. Some refer to the constitutionality of the 2019 cuts to the federal universities budget.¹⁹

Another case relates to dozens of official measures taken between 2015 and 2019 to censor teachers based on general prohibitions of so-called “indoctrination,” “gender ideology” (see section “Subnational and Disciplinary Variation”), and “education

17 We considered all the case law of the Brazilian Supreme Court (STF), the Brazilian Superior Court of Justice (STJ), and all cases decided in 2019 at the Federal Court of Appeal – 3rd Region (TRF-3) and the State Court of Appeal in Sao Paulo (TJ-SP), after a search for uses of the expression “university autonomy.”

18 Brazilian Supreme Court, ADI n° 578.

19 See Brazilian Supreme Court, ADI n° 6127 and ADPF’s n° 582 e 583 (currently pending), on the constitutionality of Decree 9.741/2019, which froze 30% of the public budget destined for federal universities and institutes, on the grounds that this decree violated university autonomy.

with religion”²⁰ – similar to other suits currently pending before the Supreme Court.²¹ Although most of these references relate to primary education, they could directly impact the interpretation of the legal protection of academic freedom at universities. Recently, three decisions²² indicated that the Supreme Court tends to see official measures against the so-called “gender ideology” as unconstitutional.

Under the freedom of expression, freedom to teach and to learn, and university autonomy provisions, a Supreme Court decision in 2018 deemed unconstitutional any act such as the search and seizure of leaflets or other materials; any interruption of classes, lectures or debates; and any investigations of teachers, students and other citizens at public or private universities. The case arose as a result of a series of campus raids conducted under judicial orders (see section “Campus Integrity”) in 2018.²³

Freedom to Research and Teach

A Scholars at Risk report published in November 2019 collected cases of targeted attacks on scholars and students, which indicated the increasing fragility of the academic environment in Brazil. The report points to cases such as that of a student from the University of Fortaleza (UNIFOR) who received racist threats and was raped in the context of attacks against the LGBTQ+ community by Bolsonaro supporters around the time of the elections. In another case, fifteen students from the Federal University of the State of Rio de Janeiro were attacked for their support of the Workers’ Party (PT) candidate Fernando Haddad. Student representatives at the Federal University of Pará received anonymous threats for belonging to the LGBTQ+ community or for being activists or people of color. Anonymous letters were also sent to students and faculty members at the University of Pernambuco who worked with LGBTQ+ communities, on gender issues, or on drug legalization, with the message that they would be banned after Bolsonaro was elected, and that the university would be “purged of all communists.”²⁴

These cases happened around the time of the Brazilian presidential elections in 2018. At least 18 higher education institutions received threats of attacks that would take place in 2019 – some expressing hatred of women, blacks, or the LGBTQ+ community.²⁵ Other instances of threats to individual scholars have become widely known among academics. The most recent case covered by the press involved threats to a Brazilian professor at the University of Virginia who has conducted research on Bolsonaro followers’ WhatsApp groups.

20 Brazilian Supreme Court, ADPF n° 624.

21 Brazilian Supreme Court, ADI n° 5.537; 5.580; 6.038; also ADPF n°; 460; 461; 462; 465; 466; 479; 522.

22 Brazilian Supreme Court, ADPF n° 457, 467 and 526.

23 Brazilian Supreme Court, ADPF n° 548.

24 Academic Freedom Monitoring Project, “Free to Think 2019,” *Scholars at Risk* (November 19, 2019): 1–72, here 56, <https://www.scholarsatrisk.org/resources/free-to-think-2019/#ExecSummary>.

25 Vinicius Kinchinski, “Ameaças de ataques em ao menos 18 universidades geram investigações da PF,” May 7, 2019, <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2019/05/07/ameacas-de-ataques-em-ao-menos-17-universidades-gera-investigacoes-na-pf.htm>.

While he was in Brazil for a conference, previously vague threats escalated to messages with photographs, proving that he was being watched in São Paulo.²⁶

Before 2017, the organization Scholars at Risk had only received one request for academic assistance in Brazil. From 2018 to the beginning of 2019, the organization registered a total of 18 requests for academic assistance, most of them for indefinite exile. Madoché Bozier, an assistant in the protection program for university professors, attributes the growth of requests “to the significant change that occurred in the socio-political atmosphere in Brazil that led to the election of Bolsonaro.”²⁷

In the cases reported by Scholars at Risk, acts of violence against women, discrimination against people of color or against the LGBTQ+ community, and vocal opposition to drug legalization became acts of support for Jair Bolsonaro. One important aspect of the political discourse at that time was a general uproar against the left, which intensified with Dilma Rousseff’s impeachment in 2016. During his campaign, Bolsonaro used incendiary language about minorities – usually linked to a loathing for the “leftist agenda” – which added to a complex cocktail of stimuli for violence.²⁸

After Jair Bolsonaro’s election, the ideological conditions of academic freedom became even more complex. The president has attacked freedom of expression and thought in general – sometimes by institutional means, but mostly by amplifying depreciative discourse. In addition to his praise of the dictatorial regime of 1964–1985,²⁹ Bolsonaro’s government often undermines the press and academics.³⁰

To quote an example, in an interview about student protests in Brazil, Bolsonaro stated that most of the protesters were “activists” who did not even know the “[chemical] formula for water”; that they were “useful idiots [...] being used as a maneuver by a smart minority that makes up the core of federal universities in Brazil.”³¹ Delegitimizing teachers and academic work goes hand in hand with anti-intellectualism and a general hostility toward science.³² The minister of education, without any hint of evidence

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- 26 Marlen Couto, “Pesquisador relata ameaças virtuais após divulgar análises sobre grupos bolsonaristas no WhatsApp,” *O Globo*, December 16, 2019, <https://oglobo.globo.com/brasil/pesquisador-relata-ameacas-virtuais-apos-divulgar-analises-sobre-grupos-bolsonaristas-no-whatsapp-24142129>.
 - 27 Natalia Viana, “Atmosfera em universidades brasileiras preocupa organização internacional que protege acadêmicos ameaçados,” *Pública*, March 18, 2019, <https://apublica.org/2019/03/atmosfera-em-universidades-brasileiras-preocupa-organizacao-internacional-que-protege-academicos-ameacados/>.
 - 28 Antony Faiola and Marina Lopes, “How Jair Bolsonaro Entranced Brazil’s Minorities – While Also Insulting Them,” *Washington Post*, October 23, 2018, https://www.washingtonpost.com/world/the_americas/how-jair-bolsonaro-entranced-brazils-minorities-while-also-insulting-them/2018/10/23/a44485a4-d3b6-11e8-a4db-184311d27129_story.html.
 - 29 Dom Phillips, “Brazil: Tortured Dissidents Appalled by Bolsonaro’s Praise for Dictatorship,” *The Guardian*, March 30, 2019, <https://www.theguardian.com/world/2019/mar/30/brazil-bolsonaro-regime-military-dictatorship>; Daniel Carvalho, “Bolsonaro Changes Dictatorship Commission to Support His Political Views,” *Folha de S. Paulo*, August 2, 2019, <https://www1.folha.uol.com.br/internacional/en/brazil/2019/08/bolsonaro-changes-dictatorship-commission-to-support-his-political-views.shtml>.
 - 30 “Bolsonaro Says He Will No Longer Speak to the Press,” *Folha de São Paulo*, March 6, 2020, <https://www1.folha.uol.com.br/internacional/en/brazil/2020/03/bolsonaro-says-he-will-no-longer-speak-to-the-press.shtml>.
 - 31 Henrique G. Batista and Paola De Orte, “Nos EUA, Bolsonaro chama manifestantes da educação de ‘idiotas úteis,’” *O Globo*, May 15, 2019, <https://oglobo.globo.com/sociedade/nos-eua-bolsonaro-chama-manifestantes-da-educacao-de-idiotas-uteis-23667150>.
 - 32 Claudio Ferraz, “O populismo e o ataque às universidades,” *Nexo*, May 2, 2019, <https://www.nexojornal.com.br/colonistas/2019/O-populismo-e-o-ataque-%C3%A0s-universidades>; Guilherme Mazui and Fabiano Costa, “Governo contesta dados de desmatamento, mas diz que não iria alardear se julgasse corretos,” *GI*, August 1, 2019,

to justify his view, stated that “[u]niversities are expensive and create a lot of waste with things that have nothing to do with scientific production and education,” such as “politicization, ideologization, and upheaval (*balbúrdia*),” and that their campuses are “crackoland (*cracolândia*)” – referring to a widely known drug use area in the city of São Paulo. He concluded: “We are in a difficult fiscal situation, and wherever turmoil (*balbúrdia*) arises, we will face it.”³³

Another instance was the announcement that the former minister of education would order cuts in funds earmarked for universities that were causing “turmoil”: “Universities that, instead of seeking to improve academic performance, make a mess, will have their funding reduced.” The minister also complained that universities were using public money to “make a mess and ridiculous events” instead of fulfilling their role: “The homework needs to be done: scientific publications, evaluations [must be] up to date, [they must do] well in the rankings.”³⁴ These unfounded accusations were directed against three public universities: the University of Brasília (UnB), Fluminense Federal University (UFF) and the University of Bahia (UFBA), where students and scholars had been promoting events related to political debates and protests. These universities had also recently received a better evaluation in the Times Higher Education World University Rankings than in previous years.³⁵

In addition to deprecating scholars and their work with false statements, Bolsonaro and his ministers accuse teachers of exposing students to “leftist indoctrination.” They commonly rely on a broader theory, shared by other right-wing opinion makers, that “Marxist ideology” has a central part in an alleged “leftist cultural monopoly.” This theory is sharply critical of the work of Paulo Freire – the Brazilian educator and philosopher who wrote the celebrated book *Pedagogy of the Oppressed* and influenced national and international education through his critical approach to pedagogy.³⁶

In line with the broad effort against the “leftist indoctrination”, the movement “Schools without Party,” founded in 2004, focuses on primary education and raised concerns about political influence by professors over their students.³⁷ Jair Bolsonaro has endorsed the movement’s agenda by encouraging students to record and denounce

<https://g1.globo.com/natureza/noticia/2019/08/01/governo-contesta-dados-de-desmatamento-mas-diz-que-nao-iria-alardear-se-julgasse-corretos.ghtml>; Roda Viva, “Sidarta Ribeiro,” *TV Cultura*, January 6, 2020, https://tvcultura.com.br/videos/72552_roda-viva-sidarta-ribeiro-06-01-2020.html; and Audrey Furlaneto, “Carlos Bolsonaro usa frio para questionar aquecimento global, e cientistas explicam o erro,” *O Globo*, July 10, 2019, <https://oglobo.globo.com/sociedade/carlos-bolsonaro-usa-frio-para-questionar-aquecimento-global-cientistas-explicam-erro-23794854>.

33 Ana Carla Bermúdez, “Sem provas, Weintraub diz que federais têm plantações extensivas de maconha,” November 22, 2019, <https://educacao.uol.com.br/noticias/2019/11/22/weintraub-ha-plantacoes-extensivas-de-maconha-em-universidades-federais.htm>.

34 Juliana Sayuri, “O perfil das 3 universidades atingidas por cortes do MEC,” *Nexo*, April 30, 2019, <https://www.nexojornal.com.br/expresso/2019/04/30/O-perfil-das-3-universidades-atingidas-por-cortes-do-MEC>.

35 Renata Agostini, “MEC cortará verba de universidade por ‘balbúrdia’ e já enquadra UnB, UFF e UFBA,” *O Estado de S. Paulo*, April 30, 2019, <https://educacao.estadao.com.br/noticias/geral,mec-cortara-verba-de-universidade-por-balburdia-e-ja-mira-unb-uff-e-ufba,70002809579>; Isabela Palhares, “Universidades acusadas de ‘balbúrdia’ tiveram melhora de avaliação em ranking internacional,” *O Estado de S. Paulo*, April 30, 2019, <https://educacao.estadao.com.br/noticias/geral,universidades-acusadas-de-balburdia-tiveram-melhora-de-avaliacao-em-ranking-internacional,70002810148>.

36 Sérgio Haddad, “Por que o Brasil de Olavo e Bolsonaro vê em Paulo Freire um inimigo,” *Folha de S. Paulo*, April 14, 2019, <https://www1.folha.uol.com.br/ilustrissima/2019/04/por-que-o-brasil-de-olavo-e-bolsonaro-ve-em-paulo-freire-um-inimigo.shtml>.

37 Escola Sem Partido, “Quem somos,” <http://escolasempartido.org/quem-somos/>.

teachers who are “ideological predators.”³⁸ Other politicians have also campaigned for this idea and opened channels for complaints.³⁹ In November 2019, the Minister of Human Rights Damares Alves announced that an official reporting channel was in development.⁴⁰

Before Bolsonaro’s election, this political conflict gained ground in academia with the creation of an optional module at the University of Brasília (UnB) on the topic of former President Dilma Rousseff’s impeachment, called “The 2016 Coup and the Future of Democracy in Brazil.” The then-minister of education in the Temer government in office after Rousseff’s impeachment declared that the course constituted proselytism in favor of the Workers’ Party (PT) and mentioned that he had requested an administrative misconduct investigation into those responsible for the course. In solidarity, a few dozen similar courses were later created at other federal universities all over the country. Some scholars demonstrated their support for these courses; others disagreed with what they understood as a misappropriation of university autonomy.⁴¹ A similar case was broadly discussed more recently, when a rally in opposition to Minister of Justice Sergio Moro, organized by the law faculty at Fluminense Federal University, was prohibited by the rector of the institution on the grounds of a complaint made to the Ministry of Education.⁴² A couple of days later, a judicial injunction suspended the prohibition.⁴³

Currently, anti-leftist movements are promoting events, publications, complaint reporting channels, advocacy, and also legal suits against universities and scholars. For instance, the group called Teachers for Freedom acts both inside and outside of academia, aiming to “recover the quality of education in Brazil, break with the hegemony of the left, and fight ideological persecution.”⁴⁴

These bottom-up movements that led to individual-level instances of repression⁴⁵ must be understood in combination with both the top-down image of academia created through governmental discourse we mentioned previously and also

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- 38 Anna Jean Kaiser, “Call for Students to Film ‘Biased’ Teachers Brings Brazil’s Culture Wars to Classroom,” *The Guardian*, May 3, 2019, <https://www.theguardian.com/world/2019/may/03/brazil-schools-teachers-indoctrination-jair-bolsonaro>.
- 39 See, for example, G1, “Deputada estadual do PSL eleita por SC incita alunos a filmar e denunciar professores,” October 29, 2018, <https://g1.globo.com/sc/santa-catarina/eleicoes/2018/noticia/2018/10/29/deputada-estadual-do-psl-eleita-por-sc-incita-alunos-a-filmar-e-denunciar-professores.ghtml>.
- 40 Fernanda Canofre, “Damares anuncia canal de denúncias para questões contra moral, religião e ética nas escolas,” *Folha S. Paulo*, November 19, 2019, <https://www1.folha.uol.com.br/cotidiano/2019/11/damares-anuncia-canal-de-denuncias-para-questoes-contra-moral-religiao-e-etica-nas-escolas.shtml>.
- 41 Murilo Roncolato, “O curso sobre o ‘golpe de 2016’ e o debate sobre a autonomia universitária,” *Nexo*, March 6, 2019, <https://www.nexojornal.com.br/expresso/2018/03/06/O-curso-sobre-o-%E2%80%98golpe-de-2016%E2%80%99-e-o-debate-sobre-a-autonomia-universit%C3%A1ria>.
- 42 Flávio Costa, “Reitoria da UFF suspende evento crítico a Moro em faculdade de direito,” *Uol*, September 21, 2019, <https://educacao.uol.com.br/noticias/2019/09/21/reitoria-da-uff-suspende-evento-critico-a-moro-em-faculdade-de-direito.htm>.
- 43 Mônica Bergamo, “Justiça derruba veto de reitor da UFF e libera ato anti-Moro,” *Jornal do Brasil*, September 23, 2019, <https://www.jb.com.br/pais/2019/09/1017045-justica-derruba-veto-de-reitor-da-uff-e-libera-ato-anti-moro.html>.
- 44 Docentes Pela Liberdade, “Seja um associado” (2019), <https://dpl.org.br/quemosom/>
- 45 Felix Hoffmann and Katrin Kinzelbach, “Forbidden Knowledge: Academic Freedom and Political Repression in the University Sector Can Be Measured. This Is How,” *Map of Political Repression in the University Sector*, April 2018, www.gppi.net/fileadmin/user_upload/media/pub/2018/Kinzelbach_Hoffmann_2018_Forbidden_Knowledge.pdf.

with other manifestations of repression (see sections “Exchange and Dissemination”, “Institutional Autonomy”, and “Subnational and Disciplinary Variation”). Together, they point to a scenario in which authoritarian legalism acts under the veil of moralizing and of economic crisis management.

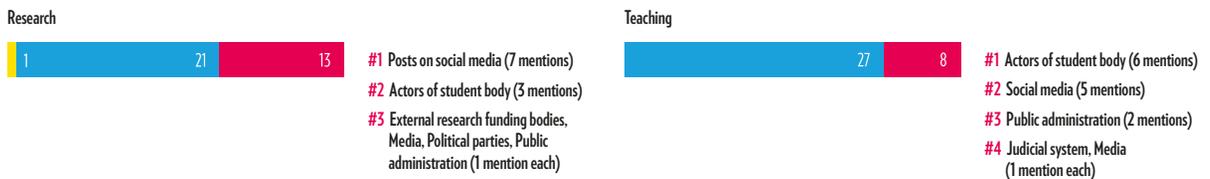
In the preliminary survey we conducted among academics from ten different Brazilian states, we asked whether they have ever suffered some form of threat or retaliation based on the content of their research or classes (see Figure 1). More than 30% of the respondents list some form of restriction. As we mentioned above (see Chapter 1, “Methods, Sources, and Scope”), the results are not statistically representative of scholars in Brazil. With that in mind, we present here some of their narratives as a way to illustrate the effects of the changes in the Brazilian academic atmosphere. We have omitted any details that could be used to identify these scholars.

Self-censorship appears to be an important form of the restriction of academic freedom among respondents: 17% of the respondents said they had restricted the content of their research for fear of retaliation, especially on the part of funding agencies and actors or organs of the public administration. One of the respondents affirmed that they suffered “no retaliation or intimidation,” but that “diffuse pressures from both academic and external (institutional and social media) sources are frequent, frustrating the independence of research.” In addition to research, 20% of the respondents mentioned restricting the content of their classes for fear of retaliation, in this case particularly from

Figure 1: Results of an Exploratory Survey Among Academics in Brazil

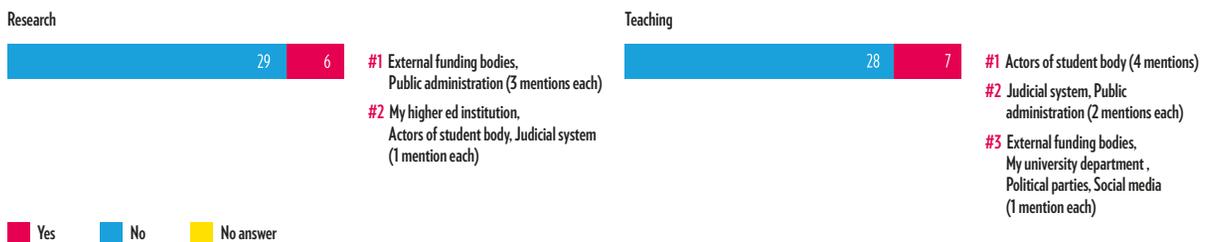
Experience of Retaliations/Threats

“In your experience, have you ever suffered some form of retaliation or threat caused by the content of your research or classes?”



Self-Censorship for Fear of Retaliations/Threats

“In your experience, have you ever limited the content of your research or classes out of fear of retaliation of any sort?”



Conducted by LAUT in January 2020 among well-known university professors in law, the humanities, and the social sciences (n = 35). The survey also included several open-ended questions in addition to the ones displayed.

the student body, members of the judicial system, and social media posts. One respondent said that they change the vocabulary of their classes so as not to trigger any connections between the content and any party or political view.

When asked whether they had suffered some form of retaliation or threat based on the content of their research or classes, the respondents also mentioned some significant events. One respondent described how they were filmed during class and broadcasted live to an extreme right-wing group on Facebook. Another scholar indicated having received threats from students linked to a right-wing political party. Yet another mentioned complaints from student evaluations for “political positions in class,” and added: “[s]ince I teach political science classes, it would be impossible not to address political issues.” One respondent said they had “currently [been placed] on unpaid leave by the university [...] due to an intimidating wave of emails and social media messages containing threats of death, defamation, and injury directed at me on the basis of my work.” For teaching a particular course, one scholar and their colleagues were “exposed on social media, on websites, [and] suffered racist, homophobic comments linked to extreme right [-wing] ideology.”

Exchange and Dissemination of Academic Content

A measure instituted by the Ministry of Education had the potential to severely impact academic freedom at the individual level. The regulation, issued on the last day of 2019, applied to all federal institutions and limited participation in national scientific events to two scholars from the same institution, or to one scholar per institution at international events.⁴⁶ A letter opposing the regulation, signed by representatives of the Brazilian Science Academy and the Brazilian Society for the Progress of Science, has been endorsed by 60 other scientific associations. This letter pointed to the clear ways in which such restrictions would impair both the quality of research on the national level and its international dissemination: it would harm inter-institutional partnerships, both in ongoing studies and in establishing new initiatives; it would impair the exchange of intra- or inter-disciplinary ideas; it would limit, to a greater degree than before, the opportunities for young scientists to learn from the experience of attending academic gatherings; it would hinder scientific societies in their interaction and assembly; and finally, it would jeopardize the impact of knowledge production and information on society, since this dissemination is essential to teaching, research, extramural activities, technological development, and innovation.⁴⁷ Following sustained

46 Ministério da Educação, Portaria nº 2.227, de 31 de dezembro de 2019; Gabriel Alves, “Ministério da Educação limita viagens de servidores, e cientistas protestam,” *Folha de S. Paulo*, January 24, 2020, <https://www1.folha.uol.com.br/educacao/2020/01/ministerio-da-educacao-limita-viagens-de-servidores-e-cientistas-protestam.shtml>.

47 Jornal da Ciência, “Mais de 60 entidades científicas endossam nota que solicita revisão de portaria do MEC sobre deslocamento de pesquisadores,” *Sociedade Brasileira para o Progresso da Ciência – SBPC*, January 27, 2020, <http://portal.sbpnet.org.br/noticias/mais-de-50-entidades-cientificas-endossam-nota-que-solicita-revisao-de-portaria-do-mec-sobre-deslocamento-de-pesquisadores>; Suzana H. Houzel, “Restrição de viagens de cientistas do Brasil não teve repercussão à altura,” *Folha de S. Paulo*, January 28, 2020, <https://www1.folha.uol.com.br/colunas/suzanaherculanohouzel/2020/01/restricao-de-viagens-de-cientistas-do-brasil-nao-teve-repercussao-a-altura.shtml>.

protests from the academic community, the measure was revoked at the beginning of February 2020.⁴⁸

Another widely publicized case limiting the exchange and dissemination of academic content occurred within the Brazilian funding system. Among the various grants offered by public agencies, funding for academic events plays an important role in the circulation of ideas and ensuring academic freedom. Higher education institutions rarely offer alternative funding options for scholars to take part in meetings in Brazil and abroad. A recent case covered by the press addressed a funding proposal by the Network for Latin American Democratic Constitutionalism. The Coordination for the Improvement of Higher Education Personnel (CAPES) rejected an appeal for more funding – only a quarter of the original amount had been approved – on the grounds that “organizers and speakers [were] highly relevant to the community of political activists in that legal area.” The report added that “the negative aspect [of the proposal] is the need to use public funds to hold a congress that is not founded on a solely scientific basis, but also on political criticism.” According to the report, “CAPES cannot allocate public funds for events, publications, or training of a political or partisan nature.”⁴⁹

Institutional Autonomy and Governance

The concept of “university autonomy” – established in Article 207 of the Brazilian Constitution – has been shaped into different regulatory experiences over the decades since its implementation.⁵⁰ The administration of private universities enabled legal and financial self-governance. Public institutions in general have some autonomy, within the limits of severe administrative regulation and accountability. In particular, federal institutions – which account for 32% of Brazilian universities⁵¹ – are more vulnerable to federal governmental control due to their greater dependence on state bureaucracy and funding.⁵²

Under the Brazilian Constitution, the leader of the executive has the power to appoint rectors for federal universities. The system of appointment is significant because rectors aligned with certain political views might enact long-term changes in internal university governance. The customary practice since 2003 has been to appoint the first name on the list of names chosen by the respective university committees. However, Bolsonaro decided to innovate: out of the 14 rectors nominated

48 Ministério da Educação, Portaria nº 204, de 6 de fevereiro de 2020.

49 Rede Internacional para o Constitucionalismo Democrático Latino-Americano, “Nota de repúdio: a censura atinge as agências de fomento,” <https://constitucionalismodemocratico.direito.ufg.br/n/119053-nota-de-repudio-a-censura-atinge-as-agencias-de-fomento>; Isabela Palhares, “Por ‘militância política’, Capes nega verba de apoio a realização de congresso em Santa Catarina,” *O Estado de S.Paulo*, August 13, 2019, <https://educacao.estadao.com.br/noticias/geral.por-militancia-politica-capes-nega-verba-de-apoio-a-realizacao-de-congresso-em-santa-catarina,70002965253>.

50 Nina Ranieri, “Trinta anos de autonomia universitária: resultados diversos, efeitos contraditórios”, *Educ. Soc.*, 2018, https://www.scielo.br/scielo.php?script=sci_abstract&pid=S0101-73302018000400946&lng=pt&nrm=iso

51 Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, *Sinopse Estatística da Educação Superior 2018*, <http://portal.inep.gov.br/web/guest/sinopses-estatisticas-da-educacao-superior>.

52 Nina Ranieri, “Trinta anos de autonomia universitária: resultados diversos, efeitos contraditórios”, *Educ. Soc.*, 2018, https://www.scielo.br/scielo.php?script=sci_abstract&pid=S0101-73302018000400946&lng=pt&nrm=iso

in 2019, only eight had been presented by the respective universities as the first name on the list.⁵³ In an emergency decree,⁵⁴ Bolsonaro also created the option to appoint a *pro tempore* rector, who would have the power to choose deans without holding any elections or consultations in certain cases. Scholars saw these measures as threats to their institutions' autonomy.⁵⁵ After actually nominating *pro tempore* rectors under his previous decree,⁵⁶ Bolsonaro has recently enacted a new emergency decree amid the COVID-19 pandemic, excluding the academic community from the nomination process and allowing for *pro tempore* rectors to be chosen by the federal government.⁵⁷ This emergency decree received such strong opposition from academics, civil society organizations, and political parties that the head of Congress resorted to a rarely invoked rule and refused the emergency decree for deliberation in Congress.⁵⁸ Bolsonaro revoked the emergency decree on the third day after its enactment.⁵⁹

Despite the legal limitations barring Bolsonaro's policy from expanding beyond federal universities, initiatives on the part of municipal or state executives and legislatures could reproduce these changes in higher education institutions under their jurisdiction. A significant move in that direction occurred last year, when the governor of the state of Rio de Janeiro, Wilson Witzel, presented a bill to change the state's procedure for appointing rectors to reflect the federal one. Scholars perceived the bill as a threatening, illegal attempt to expand the governor's powers to interfere in state-level higher education.⁶⁰

In addition to the appointment of rectors, other actions taken by the federal government have been perceived as illegitimate interferences. Striking at the heart of the institutional vulnerability of federal universities – their dependence on the

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- 53 Estêvão Bertoni, "O que mudou na escolha de reitores das universidades federais," *Nexo*, December 26, 2019, <https://www.nexojournal.com.br/expresso/2019/12/26/O-que-mudou-na-escolha-de-reitores-das-universidades-feder-ais>.
- 54 Presidência da República, "Medida Provisória nº 914, de 24 de dezembro de 2019," December 24, 2019, http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/Mpv/mpv914.htm.
- 55 O Estado de S. Paulo, "Entidades científicas e acadêmicas criticam medida provisória do governo Bolsonaro," January 9, 2020, <https://educacao.estadao.com.br/noticias/geral,entidades-cientificas-e-academicas-criticam-medi-da-provisoria-do-governo-bolsonaro,70003149943>.
- 56 Ministério da Educação, "Portaria nº 384, de 9 de abril de 2020", April 9, 2020, <http://www.in.gov.br/en/web/dou/-/portaria-n-384-de-9-de-abril-de-2020-252094144>; Ministério da Educação, "Portaria nº 405, de 17 de abril de 2020", April 17, 2020, <http://www.in.gov.br/en/web/dou/-/portaria-n-405-de-17-de-abril-de-2020-253147071>; Ministério da Educação, "Portaria nº 406, de 17 de abril de 2020", April 17, 2020, <http://www.in.gov.br/en/web/dou/-/portaria-n-406-de-17-de-abril-de-2020-253147228>.
- 57 Presidência da República, "Medida Provisória nº 979, de 9 de junho de 2020", June 9, 2020, <https://www.in.gov.br/en/web/dou/-/medida-provisoria-n-979-de-9-de-junho-de-2020-261041611>.
- 58 Pacto Pela Democracia, "Democracia é a comunidade acadêmica escolher seus reitores", June 10, 2020, <https://www.pactopelademocracia.org.br/blog/democracia-e-a-comunidade-academica-escolher-seus-reitores>; Andifes, "Intervenção na Democracia", June 11, 2020, <http://www.andifes.org.br/intervencao-na-democracia/>; Apufsc, "Universidades questionam constitucionalidade de medida provisória que suspende eleições para reitor", June 10, 2020, <https://www.apufsc.org.br/2020/06/10/universidades-questionam-constitucionalidade-de-medida-provisoria-que-suspende-eleicoes-para-reitor/>; Rodrigo Baptista, "Oposição pede devolução de MP sobre escolha de reitores", *Senado Notícias*, June 10, 2020, <https://www12.senado.leg.br/noticias/materias/2020/06/10/oposicao-pede-devolucao-de-mp-sobre-escolha-de-reitores>.
- 59 Senado Notícias, "Governo revoga MP que autorizava Weintraub a nomear reitores durante a pandemia," June 12, 2020, <https://www12.senado.leg.br/noticias/materias/2020/06/12/governo-revoga-mp-que-autorizava-weintraub-a-nomear-reitores-durante-a-pandemia>.
- 60 Paula Ferreira, "Witzel tenta manobra para nomear reitores de universidades estaduais," *O Globo*, May 5, 2019, <https://oglobo.globo.com/sociedade/educacao/witzel-tenta-manobra-para-nomear-reitores-de-universidades-estaduais-23682478>.

National Treasury and supplementary federal funding – at the beginning of 2019, the then-minister of education announced budget cuts. At first, these budget cuts targeted specific universities for promoting “turmoil,”⁶¹ but then they were expanded to all federal universities. The legality of these cuts was questioned in a lawsuit filed with the Supreme Court, which is currently awaiting judgment.⁶²

Recently, academics have perceived another measure as an abuse of the federal government’s authority and a threat to university autonomy. It was an order by the Ministry of Education that universities should freeze hiring costs, which some universities have decided to ignore.⁶³ Additionally, to address the crucial issue of federal universities’ dependence on government funding, the Ministry of Education launched the “Future-se” (“Join the Future”) program in July 2019. This program aims to implement a system of incentives for federal universities to raise private funds. The program was heavily criticized from the start.⁶⁴ After a period of consultations, scholars still perceive it as a risky attempt to institute a market rationale in place of public support. Despite being presented as a viable alternative, the rules of the program may leave federal universities with no other choice in practice.⁶⁵ Another point mentioned by the rector of the University of Campinas (Unicamp) might also play a role: the federal government’s rhetoric against universities might jeopardize their ability to attract private investments.⁶⁶

Another event that affected the state universities of São Paulo happened in 2019. The São Paulo Legislative Assembly voted to create a Parliamentary Investigative Committee to investigate the University of São Paulo, the State University of Campinas, and the State University Paulista Júlio de Mesquita Filho. Proposed by right-wing members of the state parliament, the formal task of this committee was to investigate overspending and the transfer of state resources to these universities. Notwithstanding, members of the committee stressed that issues such as the “ideological bias” of the faculty could also be analyzed. Left-wing parliamentarians as well as university students, teachers, and staff mobilized against this investigative committee, pointing out that it demonstrated a clear persecutory bias, which is contrary to the principles of

61 Renata Agostini, “MEC cortará verba de universidade por ‘balbúrdia’ e já enquadra UnB, UFF e UFBA,” *O Estado de S. Paulo*, April 30, 2019, <https://educacao.estadao.com.br/noticias/geral,mec-cortara-verba-de-universidade-por-balburdia-e-ja-mira-unb-uff-e-ufba,70002809579>.

62 See section “Legal Protection of Academic Freedom”.

63 Ana C. Bermúdez, “MEC segura quase 20 mil contratações, e federais temem falta de professores,” *Uol*, February 6, 2020, <https://educacao.uol.com.br/noticias/2020/02/06/mec-segura-quase-20-mil-contratacoes-e-federais-temem-falta-de-docentes.htm>.

64 The “Future-se” project was one of the main governmental initiatives opposed by protesters in major marches throughout the country. See *Folha de S. Paulo*, “Atos contra Bolsonaro levam milhares às ruas pelo Brasil,” *Folha*, August 13, 2019, <https://www1.folha.uol.com.br/educacao/2019/08/atos-contra-bolsonaro-levam-milhares-as-ruas-no-rio-e-em-sp.shtml>.

65 Janes Rocha, “Novo texto do Future-se mantém problemas apontados em versões anteriores, dizem especialistas,” *Sociedade Brasileira para o Progresso da Ciência - SBPC*, January 28, 2020, <http://portal.sbpnet.org.br/noticias/novo-texto-do-future-se-mantem-problemas-apontados-em-versoes-anteriores-dizem-especialistas/>; Universidade Federal de Minas Gerais, “Consagrada há três décadas, autonomia enfrenta cenário de incertezas,” February 7, 2020, <https://ufmg.br/comunicacao/noticias/consagrada-ha-tres-decadas-autonomia-enfrenta-cenario-de-incerteza>.

66 Angela Pinho, “‘Quem vai investir nas universidades após tanto ataque?’ questiona reitor da Unicamp,” *Folha*, August 13, 2019, <https://www1.folha.uol.com.br/educacao/2019/08/quem-vai-investir-nas-universidades-apos-tanto-ataque-questiona-reitor-da-unicamp.shtml>.

university autonomy and freedom of thought.⁶⁷ An article written by the rectors of the three universities under investigation commented on the process of the investigations amidst a hostile context of budget cuts for federal universities and fake news about universities disseminated by (among others) the then-minister of education. They mentioned that the universities had to create taskforces to address “the exorbitant amount of data” requested by the parliamentarians. In the end, the rectors evaluated the result of the investigations as a victory for transparency and dialogue between the political class and society, and a defeat for obscurantism.⁶⁸

Campus Integrity

University campuses were at the center of a significant wave of interference in 2018, amid strong anti-leftist uproar during Jair Bolsonaro’s election campaign against the left-wing candidate Fernando Haddad. A series of campus raids occurred on the basis of judicial orders allowing the government to take measures against events organized and materials produced by students and scholars expressing political views. The Electoral Court issued search-and-seizure-warrants and ordered inspections at 17 universities across nine states, based on the electoral law prohibiting electoral propaganda in public spaces.⁶⁹ Police officers entered university campuses and seized materials allegedly containing illegal political content, removed banners with political statements, interrupted events and classes, interrogated teachers and students, and demanded the removal of public political statements from websites, among other actions.⁷⁰

These events triggered different social actors to manifest their opposition in various ways. The federal prosecutor for citizens’ rights released a statement on the constitutional protection of freedom of thought and the circulation of ideas on university campuses, indicating that, even if supported by certain interpretations of misuse of public space for political campaigning, acts obstructing free debate and expression on the part of students and teachers were unreasonable and unconstitutional.⁷¹ The Public Defender’s Office in Rio de Janeiro recommended that rectors defend the right to free expression of their students, teachers and employees during the electoral process, and

67 O Estado de S. Paulo, “A CPI das Universidades,” April 23, 2019, <https://opinioao.estadao.com.br/noticias/notas-e-informacoes,a-cpi-das-universidades,70002800317>; Adriana Cruz, “Nota sobre a conclusão dos trabalhos da CPI das Universidades,” *Jornal da USP*, November 6, 2019, <https://jornal.usp.br/institucional/nota-da-reitoria-sobre-a-conclusao-dos-trabalhos-da-cpi-das-universidades/>.

68 *Jornal da USP*, “CPI das Universidades: resultados e lições,” February 11, 2020, <https://jornal.usp.br/institucional/cpi-das-universidades-resultados-e-licoes/>.

69 These campus raids were mentioned in the Scholars at Risk report as significant events which flag the situation of academic freedom in Brazil. See Academic Freedom Monitoring Project, “Free to Think 2019,” *Scholars at Risk*, November 19, 2019, <https://www.scholarsatrisk.org/resources/free-to-think-2019/#ExecSummary>.

70 Mateus Coutinho, Helena Borges, and Lucas Altino, “Justiça Eleitoral apreende materiais e faz fiscalização em 17 universidades de nove estados,” *O Globo*, October 25, 2015, <https://oglobo.globo.com/brasil/justica-eleitoral-apreende-materiais-faz-fiscalizacao-em-17-universidades-de-nove-estados-23185086>; STF, “Arguição de Descumprimento de Preceito Fundamental nº 548,” petição inicial, October 26, 2018, 1–10, esp. 2–4.

71 Ministério Público Federal, “Nota pública sobre direitos constitucionais assegurados à comunidade discente de universidades brasileiras,” <http://pfdc.pgr.mpf.mp.br/atuacao-e-conteudos-de-apoio/temas-de-atuacao/direitos-humanos/atuacao-do-mpf/nota-publica-sobre-direitos-constitucionais-assegurados-a-comunidade-discente-e-docente-de-universidades-brasileiras/view>.

affirmed that demonstrations should respect the constitutional pillars of democracy, freedom, justice, solidarity, diversity, and other fundamental rights.⁷² The Brazilian Bar Association condemned “all forms of censorship and political violence” and argued that “universities should be respected as autonomous spaces for promoting debates and discussions, and that the right of all members of the academic community – both from the right and the left – should be guaranteed, allowing them to express their positions, always within the limits of the law.”⁷³ The Brazilian Lawyers Institute (IAB) also issued a statement affirming that professors and students at public universities were “victims of unjustified and illegal arbitrariness,” and the institute repudiated the “repressive acts by police officers who, without formal warrants, verbally claim to comply with orders from certain electoral courts.”⁷⁴

Students organized demonstrations in the cities of Rio de Janeiro, São Paulo, and Brasília.⁷⁵ Scholars used the press and their social networks to protest the decisions of the Electoral Court and the censorship practiced by state agents on university campuses.

The last chapter in this series of reactions began when the general prosecutor filed a suit challenging the prior judicial orders and applied for a preliminary injunction before the Supreme Court. In a decision in November 2018, Justice Carmen Lucia granted the preliminary injunction to suspend the acts emanating from public authorities under the constitutional protection of freedom of thought, teaching, learning, and university autonomy, in addition to the limits which the constitution places on electoral law. In the same month, the injunction was fully endorsed by the Supreme Court.⁷⁶ Several months later, in February 2020, certain media outlets reported that an undercover Brazilian intelligence agent was stationed at the University of Brasilia as a security guard.⁷⁷

Subnational and Disciplinary Variation

As we have seen above, the different vulnerabilities experienced by public and private universities may condition the freedom scholars enjoy in research and teaching. Federal universities are more dependent on federal policies and have therefore been most affected by budget cuts and bureaucratic constraints (see section “Institutional

72 Defensoria Pública da União, “DPU faz recomendação para garantir livre expressão nas universidades do RJ,” October 25, 2019, <https://www.dpu.def.br/noticias-rio-de-janeiro/46910-dpu-faz-recomendacao-para-garantir-livre-expressao-nas-universidades-do-rj>.

73 Ordem dos Advogados do Brasil – Rio de Janeiro, “Nota da OAB/RJ sobre tentativa de censura nas universidades,” October 26, 2019, <https://www.oabRJ.org.br/noticias/nota-oabRJ-sobre-tentativa-censura-nas-universidades>.

74 O Globo, “Entidades criticam fiscalização eleitoral em universidades,” October 26, 2018, <https://oglobo.globo.com/brasil/entidades-criticam-fiscalizacao-eleitoral-em-universidades-23188035>.

75 Folha de S. Paulo, “Estudantes protestam no Rio, SP e Brasília contra ações da Justiça Eleitoral em universidades,” October 26, 2018, <https://www1.folha.uol.com.br/cotidiano/2018/10/estudantes-protestam-no-rio-contraco-es-da-justica-eleitoral-em-universidades.shtml>.

76 STF, “Arguição de Descumprimento de Preceito Fundamental nº 548,” medida cautelar, October 27, 2018, 1–15, esp. 15.

77 André Barrocal, “Agente secreto do governo trabalha disfarçado de vigilante na UnB,” *Carta Capital*, February 13, 2020, <https://www.cartacapital.com.br/sociedade/agente-secreto-do-governo-trabalha-disfarçado-de-vigilante-na-unb/>.

Autonomy and Governance”). Federal universities are spread throughout the country, and there is no evidence of a difference in impact among them, apart from a potentially greater capacity for mobilization against top-down measures in the more consolidated, older institutions.⁷⁸ Municipal and state universities are distributed throughout the entire country as well, but their governance is very particular to each institution. As we have seen in the example of the investigative committee in the state of São Paulo (see section “Institutional Autonomy and Governance”), these universities may have to resist local political changes. At the same time, private universities are both the most autonomous in their governance and the most threatening environment for scholars: weaker labor protections make room for self-censorship and institutional control (see Chapter 2, “Characteristics of the Higher Education Sector”). Additionally, conditions at private universities tend not to be highlighted in the press. Due to the significance of public agencies in research funding in Brazil, the substantial federal budget cuts affect all universities.⁷⁹ Yet, depending of the context in which different institutions operate, these cuts might have a greater or lesser impact – for example, the 2019 graduate scholarship cuts were reported to be more significant for the northeast region.⁸⁰

Identifying specific disciplines which are commonly the targets of threats to academic freedom is particularly difficult. Based on our sources (see chapter 1, “Methods, Sources, and Scope”), we were able to identify the most vulnerable fields due to their links to certain targeted ideas which cross disciplinary boundaries.

Some of these include women and LGBTQ+ rights, sex and gender, or even reproductive rights – the so-called “gender ideology.”⁸¹ The claim that “gender ideology” should be excluded from curricula has been a topic of dispute, especially regarding primary education.⁸² Nevertheless, cases of self-censorship and self-exile may be connected to the overall level of public attention on this topic – including particular attention on the part of conservatives willing to take undemocratic, illegal action. This hypothesis is supported by some of the answers to our survey questions (see section, “Freedom to Research and Teach”) as well as by the reported attacks on and threats to students from the LGBTQ+ community and scholars in gender studies, or scholars whose work is more generally dedicated to research questions that might be perceived as “gender ideology.”

Another idea that might help identify vulnerable disciplines is the perception – shared by the president and his ministers (see section “Freedom to Research and Teach”) – that there is a kind of “leftist preaching” going on in academia. For this reason, any disciplines addressing political events and political analysis – such as the social sciences, anthropology, history, and geography – might be exposed to interpretations

78 Ministério da Educação, “Instituições da Rede Federal,” <http://portal.mec.gov.br/rede-federal-inicial/instituicoes>.

79 Egberto G. Moura and Kenneth R. de Camargo Junior, “The Crisis in Funding for Research and Graduate Studies in Brazil,” *Cad. Saúde Pública* 4, no. 33 (2017): 1–3; USP, “Quem financia a pesquisa brasileira? Um estudo InCites sobre o Brasil e a USP,” <https://www.sibi.usp.br/noticias/quem-financia-a-pesquisa-brasileira-um-estudo-incites-sobre-o-brasil-e-a-usp/>.

80 Paulo Saldaña, “Impacto de cortes de bolsas da Capes foi maior no Nordeste,” <https://www1.folha.uol.com.br/educacao/2020/02/impacto-de-cortes-de-bolsas-da-capes-foi-maior-no-nordeste.shtml>.

81 O Globo, “MEC vai fazer projeto de lei contra ‘ideologia de gênero,’” September 3, 2019, <https://oglobo.globo.com/sociedade/educacao/mec-vai-fazer-projeto-de-lei-contr-ideologia-de-genero-23924172>.

82 See section “Legal Protection of Academic Freedom” for the principle cases brought before the Supreme Court regarding local regulations excluding these topics from primary education curricula.

that could ignite threats to academic freedom. In addition, another related conception expressed by the federal government is that education should be profession-oriented.⁸³ This perception legitimizes measures such as “decentralizing” the funding earmarked for philosophy and sociology courses so as to “better spend public resources,” as announced by the president and the then-minister of education.⁸⁴ In line with this announcement, the federal government has recently extinguished undergraduate research grants for most of the humanities and social sciences, by restricting grants to a list of “priority technological areas.”⁸⁵

One episode that reinforced the threat to the humanities was the appointment of a new head for Casa Rui Barbosa, a research institution in Rio de Janeiro focused on history, law, philology and literature.⁸⁶ Breaking with the tradition of well-established academics leading this federal public institution, Bolsonaro selected Letícia Dornelles – a journalist, actress, and soap opera screenwriter.⁸⁷ Academics heavily criticized this appointment.⁸⁸ At the beginning of January 2020, researchers on the board of the foundation were dismissed,⁸⁹ which, again, led to protests from scholars.⁹⁰ On January 13, protesters found the gates of Casa Rui Barbosa closed.⁹¹ The political scientist Christian Lynch, who had been selected to coordinate one of its research departments, had his appointment reversed by then-Special Secretary of Culture Roberto Alvim, for critical comments Lynch had made about the government.⁹² More recently, a Brazilian

83 G1, “Bolsonaro diz que MEC estuda ‘descentralizar’ investimento em cursos de filosofia e sociologia,” April 26, 2019, <https://g1.globo.com/educacao/noticia/2019/04/26/bolsonaro-diz-que-mec-estuda-descentralizar-investimentos-em-cursos-de-filosofia-e-sociologia.ghtml>.

84 Ibid.

85 Folha, “Bolsonaro exclui humanas de edital de bolsas de iniciação científica,” April 30, 2020, https://www1.folha.uol.com.br/amp/educacao/2020/04/governo-bolsonaro-exclui-humanas-de-edital-de-bolsas-de-iniciacao-cientifica.shtml?utm_source=twitter&utm_medium=social&utm_campaign=twfolha&utm_twitter_impression=true1; Nexo “Como a academia reage à investida contra as ciências humanas,” May 7, 2020, <https://www.nexojournal.com.br/expresso/2019/05/07/Como-a-academia-reage-a-investida-contra-as-ciencias-humanas>.

86 João Paulo Charleaux, “Qual a importância de Rui Barbosa para o liberalismo brasileiro,” *Nexo*, January 23, 2020, <https://www.nexojournal.com.br/entrevista/2020/01/23/Qual-a-importancia-de-Rui-Barbosa-para-o-liberalismo-brasileiro>.

87 Nelson Gobbi, “Nova presidente da Casa de Rui Barbosa: ‘Como levar para um cargo de confiança quem compara na internet Bolsonaro a Hitler?’” *O Globo*, October 26, 2019, <https://oglobo.globo.com/cultura/nova-presidente-da-casa-de-rui-barbosa-como-levar-para-um-cargo-de-confianca-quem-compara-na-internet-bolsonaro-hitler-24044558>.

88 AdUFRJ, “Nota da diretoria contra nomeação política para Casa de Rui Barbosa,” October 27, 2019, <http://www.adufrj.org.br/index.php/pt-br/noticias/arquivo/21-destaques/2651-nota-da-diretoria-contra-nomeacao-politica-para-casa-de-rui-barbosa>; Associação Nacional de História – ANPUH, “Nota da ANPUH sobre a direção da Fundação Casa de Rui Barbosa,” <https://anpuh.org.br/index.php/2015-01-20-00-01-55/noticias2/noticias-destaque/item/5514-nota-da-anpuh-brasil-sobre-a-direcao-da-fundacao-casa-de-rui-barbosa>.

89 Maria F. Rodrigues, “Fundação Casa de Rui Barbosa exonera diretor e chefes do Centro de Pesquisa,” *O Estado de S. Paulo*, January 8, 2020, <https://cultura.estadao.com.br/noticias/literatura,fundacao-casa-de-rui-barbosa-exonera-diretor-e-chefes-do-centro-de-pesquisa,70003148808>.

90 Associação Brasileira de Ciência Política – ABCP, “Nota de repúdio - exoneração de pesquisadores da Fundação Casa de Rui Barbosa,” January 13, 2020, <https://cienciapolitica.org.br/noticias/2020/01/nota-repudio-exoneracao-pesquisadores-fundacao-casa-rui>.

91 Bolívar Torres, “Manifestantes ocupam rua ao encontrar Casa de Rui Barbosa fechada,” *O Globo*, January 13, 2020, <https://oglobo.globo.com/cultura/2274-manifestantes-ocupam-rua-ao-encontrar-casa-de-rui-barbosa-fechada-rv1-24187421>.

92 Mônica Bergamo, “Alvim reverte indicação para Casa de Rui Barbosa de servidor que criticou Bolsonaro,” *Folha de S. Paulo*, January 15, 2020, <https://www1.folha.uol.com.br/colunas/monicabergamo/2020/01/alvim-reverte-indicacao-para-casa-de-rui-barbosa-de-servidor-que-criticou-bolsonaro.shtml>.

newspaper revealed a confidential proceeding to turn the research institution into a museum.⁹³

Scholars also perceived another event as a threat to academic freedom, in the context of other signs of a rejection of scientific knowledge⁹⁴: the appointment of the new head of the Coordination for the Improvement of Higher Education Personnel (CAPES). This agency is linked to the Ministry of Education and is in charge of evaluating graduate programs at higher education institutions, funding research, and establishing cooperation agreements with foreign universities. The appointee, Aguiar Neto, is the former rector of Mackenzie Presbyterian University and argues in favor of teaching and studying intelligent design, a line of research that is influenced by creationism and denies Darwinian evolution as a suitable hypothesis for the origins of life. His appointment left scientists concerned “about the encroachment of religion on science and education policy.”⁹⁵ At the beginning of March 2020, the Ministry of Education and CAPES signed a letter of intent to expand their cooperation with Florida Christian University, which offers courses on coaching and Christian counseling. The Brazilian Prosecutor’s Office has sued this university for previous irregularities in courses it offered in cooperation with a Brazilian private university.⁹⁶

Efforts to Promote Academic Freedom

These recent attacks on academic freedom have galvanized a series of initiatives on the part of unions, associations, collectives, academic-scientific entities, politicians, congressional representatives, lawyers, teachers, and students. These groups have mobilized in at least six different ways.

First, they have created communication channels and defense platforms around the common objectives of protecting liberties as well as the quality of education, science, and research, university autonomy, and freedom of teaching and of expression. Significant examples include the Knowledge Observatory⁹⁷ and the National Commission to Combat the Criminalization and Political Persecution of Teachers.⁹⁸

93 Jan Niklas, “Estudo para extinguir Casa Rui Barbosa corre em sigilo no Governo Federal,” *O Globo*, May 18, 2020, <https://oglobo.globo.com/cultura/estudo-para-extinguir-fundacao-casa-de-rui-barbosa-corre-em-sigilo-no-governo-federal-24432701>.

94 Jornal Nacional, “Em vídeo, Damares Alves diz que igreja evangélica perdeu espaço nas escolas para a ciência,” *GI*, January 9, 2019, <https://g1.globo.com/politica/noticia/2019/01/09/em-video-ministra-dos-direitos-humanos-critica-adocao-da-teoria-da-evolucao-nas-escolas.ghtml>.

95 Herton Escobar, “Brazil’s pick of a creationist to lead its higher education agency rattles scientists,” *Science*, January 26, 2020, https://www.sciencemag.org/news/2020/01/brazil-s-pick-creationist-lead-its-higher-education-agency-rattles-scientists?fbclid=IwAR0cAiUeHGU71xR_amtq63TpZ-bKlAqAdl8MHnIg9tB4NPzdODnan7ojlw.

96 Ricardo Della Coletta and Paulo Saldaña, “MEC faz acordo com faculdade de coaching religioso dos EUA,” March 7, 2020, <https://www1.folha.uol.com.br/educacao/2020/03/mec-faz-acordo-com-faculdade-de-coaching-religioso-dos-eua.shtml>.

97 “Observatório do Conhecimento” is a network of university teachers’ associations and labor unions which “aims at increasing social control over policies that might undermine academic freedom through two connected strategies of communication and advocacy”; Observatório do Conhecimento, “Quem somos” (2019), <https://observatoriodoconhecimento.org.br/sobre/>.

98 Created in 2018 by the National Union of Teachers at Higher Education Institutions, this commission aims at “documenting, monitoring, and reporting cases of murders, persecutions, investigations, judicializations,

Second, they have published public statements and manifestos, either repudiating governmental actions and policies, or supporting the affected academic community. Events such as the president's announcement that his staff was looking into the possibility of "decentralizing" federal investments in philosophy and sociology faculties,⁹⁹ enacting provisional measures to change the appointment procedures for university rectors,¹⁰⁰ or even initiating budget cuts and suspending research scholarships¹⁰¹ led to reactions in the form of public statements and manifestos, alongside pronouncements reaffirming the importance of research, public universities, science, and education.¹⁰²

Third, both academic and non-academic actors have produced guides and informational materials to raise awareness about the various means – including legal ones – by which to defend university autonomy and academic freedom. This is the case for initiatives such as the Digital Marathon in Defense of Education,¹⁰³ the "Guidelines for Teachers: Freedom of Professorship, Teaching, and Thought,"¹⁰⁴ and the booklet *The Brazilian Policy of STI and the Manifestations of the Scientific Community*.¹⁰⁵

Fourth, they have promoted public debate and engaged in strategic litigation and advocacy against measures such as the dismantling of the public funding system for research as well as political-ideological attempts to control teachers and curricula.

and criminalizations of a political nature promoted by the state repressive apparatus or by reactionary groups organized inside and outside of higher education institutions"; ANDES–SN, <https://www.andes.org.br/>.

- 99 See, for example, Sociedade Brasileira para o Progresso da Ciência – SBPC, "SBPC se manifesta em defesa das Ciências Humanas e Sociais," April 26, 2019, <http://portal.sbpnet.org.br/noticias/sbpc-se-manifesta-em-defesa-das-ciencias-humanas-e-sociais/>; Associação Nacional de Pós-Graduação em Filosofia – ANPOF, "Nota de repúdio às declarações do Ministro da Educação e do Presidente da república sobre as Faculdades de Humanidades, nomeadamente Filosofia e Sociologia," <http://www.anpof.org/portal/index.php/pt-BR/artigos-em-destaque/2075-nota-de-repudio-a-declaracoes-do-ministro-da-educacao-e-do-presidente-da-republica-sobre-as-faculdades-de-humanidades-nomeadamente-filosofia-e-sociologia>.
- 100 See, for example, Jornal da Ciência, "Entidades científicas endossam nota contra MP 914," *Sociedade Brasileira para o Progresso da Ciência*, January 9, 2020, <http://portal.sbpnet.org.br/noticias/entidades-cientificas-endossam-nota-contra-mp-914/>; Diretoria Nacional do ANDES–SN, "Nota da diretoria do ANDES–SN sobre a Medida Provisória nº 914/2019, que trata da escolha de dirigentes de universidades, institutos federais e do Colégio Pedro II," ANDES–SN, January 3, 2020, <https://www.andes.org.br/conteudos/nota/NOTA-da-DIRETORIA-do-ANDES-SN-SOBRE-a-mEDIDA-pROVISORIA-no-914-2019-QUE-tRATA-da-eSCOLHA-de-DIRIGENT>.
- 101 See, for example, Observatório do Conhecimento, "5 demandas urgentes para o MEC," <https://observatorioconhecimento.org.br/5-demandas-urgentes-para-o-mec-2/>; Associação Nacional de Pós-Graduandos – ANPG, "Nota da ANPG sobre suspensão de bolsas da CAPES," May 8, 2019, http://www.aba.abant.org.br/files/20190509_5cd44f395c369.pdf.
- 102 See, for example, Luiz Davidovich, "Nota pública em defesa da universidade pública, da ciência e da educação," *Associação Brasileira de Ciências – ABC*, November 23, 2019, <http://www.abc.org.br/2019/11/23/nota-publica-da-academia-brasileira-de-ciencias-em-defesa-da-universidade-publica-da-ciencia-e-da-educacao/>.
- 103 The Digital Marathon in Defense of Education was organized by the faculty to gather initiatives producing digital content to strengthen public education regarding budget cuts in education. See Observatório do Conhecimento, "Maratona digital em defesa da educação na UFRJ," July 7, 2019, <https://observatorioconhecimento.org.br/maratonadigital/>.
- 104 The National Collective of Lawyers for Civil Servants published a guide on freedom of teaching and thought, explaining the constitutional and legal provisions for teaching. See Grupo de Trabalho da Educação do Coleti-vo Nacional de Advogados de Servidores Públicos, "Orientações aos docentes: liberdade de cátedra, de ensino e de pensamento," https://ww2.icb.usp.br/icb/wp-content/uploads/2018/11/Cartilha_Liberdade_Catedra_Ensino_Pensamento.pdf?x89681.
- 105 The Brazilian Society for the Progress of Science (SBPC) published an analysis of the governmental measures regarding science, technology, and innovation in 2019. See Jornal da Ciência, "A Política Brasileira de CTandI e as manifestações da SBPC," *Sociedade Brasileira para o Progressos da Ciência – SBPC*, December 19, 2019, <http://portal.sbpnet.org.br/noticias/sbpc-lanca-caderno-balanco-politica-cientifica-brasileira-2019/>.

To establish an open dialogue with congressional representatives and policymakers, they have made efforts such as instituting the Initiative for Science and Technology in Parliament (ICTP.br),¹⁰⁶ relaunching the Parliamentary Front for the Valorization of Federal Universities,¹⁰⁷ and organizing a seminar entitled “The Role of the Public University in the Development of Science and Technology, Education, and Knowledge,” which took place at the Education and Science and Technology Commissions of the House of Representatives, with members of the scientific community attending.¹⁰⁸

Fifth, scholars have also mobilized regular means of communication – such as the press and social media – to individually express their opinions and to make the difficulties faced in academia more visible to a broader public.¹⁰⁹ Some of these initiatives have culminated in or been derived from networks of support and safety nets composed of academics from Brazil and abroad.¹¹⁰

Finally, in line with the historical role academic mobilization has played in Brazil, there have been student and scholars’ protests in support of education, science and public higher education. Thousands of people expressed their disagreement with cuts in education funding, with CAPES and CNPq suspending scholarships, and with statements such as those made by the then-minister of education (threatening budget cuts for universities with “poor academic performance” and a record of promoting “turmoil”) and the president (who referred to student protesters as “useful idiots”).¹¹¹

106 *Jornal da Ciência*, “O futuro existe se estivermos juntos no presente,” *Sociedade Brasileira para o Progresso da Ciência – SBPC*, January 6, 2020, <http://portal.sbpcnet.org.br/noticias/o-futuro-existe-se-estivermos-juntos-no-presente/>.

107 UFJF Notícias, “Frente Parlamentar pela Valorização das Universidades Federais é lançada,” April 24, 2019, <https://www2.ufjf.br/noticias/2019/04/24/frente-parlamentar-pela-valorizacao-das-universidades-federais-e-relancada>.

108 Observatório do Conhecimento, “Seminário na Câmara dos Deputados discute papel da universidade no desenvolvimento,” October 29, 2019, <https://observatoriodoconhecimento.org.br/seminario-na-camara-dos-deputados-discute-o-papel-da-universidade-no-desenvolvimento/>.

109 See, for example, Lilia Schwarcz, “O governo federal, o desleixo e o desmanche da cultura,” *Nexo*, November 18, 2019, <https://www.nexojornal.com.br/colunistas/2019/O-governo-federal-o-desleixo-e-o-desmanche-da-cultura>; Boris Fausto, “Boris Fausto sobre o golpe de 64: ‘É impossível negar os fatos,’” *Pública*, March 29, 2019, <https://apublica.org/2019/03/boris-fausto-sobre-o-golpe-de-64-e-impossivel-negar-os-fatos/>.

110 See, for example, Harvard University, “Open Letter from 17,000 U.S. and Global Sociologists in Support of Brazilian Sociology Departments,” *In Solidarity with Brazilian Sociologists*, April 26, 2019, <https://sites.google.com/g.harvard.edu/brazil-solidarity>; Academic Freedom in Brazil, “Rapid Response Network,” <https://academicfreedombr.wixsite.com/liberdadeacademica/rapid-response-network>; Asociación Latinoamericana de Antropología, “ABA, CEAS, Colegio de Antropólogos de Chile y AUAS se solidarizan con la comunidad académica de Brasil,” May 8, 2019, <http://asociacionlatinoamericanadeantropologia.net/index.php/zoo/102-aba-ceas-colegio-de-anthropologos-de-chile-y-auas-se-solidarizan-con-la-comunidad-academica-de-brasil>; “We Deplore This Attack on Freedom of Expression in Brazil’s Universities,” *The Guardian*, November 1, 2018, <https://www.theguardian.com/world/2018/nov/01/we-declare-this-attack-on-freedom-of-expression-in-brazils-universities>.

111 Helena Borges, “Manifestação em defesa da educação: entenda os motivos que levam as pessoas às ruas,” *O Globo*, May 15, 2019, <https://oglobo.globo.com/sociedade/manifestacao-em-defesa-da-educacao-entenda-os-motivos-que-levam-as-pessoas-as-ruas-23668180>; Correio Braziliense, “Protestos em defesa da educação são realizados em 126 cidades,” May 31, 2019, <https://www.correiobraziliense.com.br/app/noticia/brasil/2019/05/31/interna-brasil,758942/protestos-em-defesa-da-educacao-desta-quinta.shtml>.

Policy Recommendations

Increasing federal universities' administrative independence from the federal government might be the first significant improvement to academic freedom in Brazil. Currently, federal universities receive legal advice and legal representation from lawyers headed by the attorney-general, a cabinet member. Other sectors of the public administration, such as the legislature and some state universities, retain their own independent legal counsel. Creating an independent office of legal counsel for federal universities, acting exclusively on the interests of the academic community, could help protect these universities against abuses by the federal government. Federal universities would also benefit from a constitutional provision establishing fixed fund transfers – similarly to the administration of the state universities in São Paulo. This would level off public funding and provide financial stability.

To avoid arbitrary measures, changes to institutional autonomy and governance should not be made by emergency executive decrees. Rather, such changes should be democratically and openly discussed, and passed as laws in standard congressional proceedings.

Further regulation of teachers' rights could expand the chances for effective, immediate protection of freedom of thought and expression related to scholarly activities. Formalizing these regulations in federal law would lead to a greater level of interpretive standardization across all levels of the judiciary. Academic freedom should also be expressly protected in universities' internal regulations.

Collecting and disseminating information about academic freedom at all Brazilian universities would enable concerted action at both the regional and national levels. A non-partisan, independent institution should be responsible for producing an academic freedom ranking in Brazil. For an even broader understanding of the challenges involved in protecting academic freedom, scholars could contribute by researching the historical background and comparative experiences of academic freedom, and by producing relevant information for academics and non-academics alike.

Foreign actors and institutions have a central role to play in monitoring academic freedom in Brazil and offering a safety net for Brazilian scholars. Currently, foreign institutions' support for research initiatives and events is significant in producing and sharing information on threats to academic freedom, both within the country and abroad. Opportunities for the exchange of information on and strategies for the protection of academic freedom may be particularly helpful for scholars from countries dealing with crises in democracy and the rule of law.

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