Kairos: A Journal of Critical Symposium Vol. 5 No. 1 (2020)

Bolsonaro, Populism and the Fascist Threat: The Role of Human Rights Defenders in Protecting Brazilian Democracy

Ulisses Terto Neto
State University of Goiás

Abstract: *This paper reflects on the interface of international law, politics and the fights conducted by human rights defenders (HRDs) who challenge populist anti-democratic practices in Brazil. Based on critical analysis, the paper contends that a global tendency of the extreme right has taken Brazil over, making possible the rise of Bolsonaro as president, and bringing neo-fascist threats to the country. To validate this contention, it sheds light on the work of HRDs in promoting democracy, and exposing and remedying the adverse effects of populist undemocratic activities of the current federal government. It explains that the arrival of Bolsonaro to power was a direct result of right-wing populism, and explores how this phenomenon has augmented the threats to HRDs and democracy itself. From this perspective, the paper not only argues that HRDs must oppose Bolsonaro's hybrid regime, but also specifies feasible ways for the bolstering of Brazil's democratic institutions. In this sense, it emphasises the significance of human rights education (HRE) in challenging right-wing populism and stopping the neo-fascist wave in Brazil. The final section explains how HRDs should resist Bolsonaro's hybrid regime and confront populism in order to tackle neo-fascist threats and, as a result, strengthen Brazilian democracy.*

Keywords: Brazilian democracy, human rights defenders, populism, fascism, hybrid regime

Introduction

Brazilian society has historically been characterised by poverty, exclusion, inequality, violence, and all core elements of social authoritarianism (Dagnino 1998). The Portuguese invasion generated collisions with the native peoples, who, despite their acute resistance, were almost extinct. The enslavement of the African peoples followed the same line of violence and extermination, showing that in Brazilian society, since its origin, there has been the hegemony of the elites over dominated sectors (Gramsci 2004). Despite advances in recent

CONTACT Ulisses Terto Neto ✉ ulisses.terto.neto@ueg.br

decades, this reality remains, and has been aggravated by right-wing populism (Berezin 2019; Morelock 2018) and neo-fascist (Berezin, 2019) threats to democracy and human rights (HR), especially since the 2016 parliamentary coup (Bercovici 2016) that overthrew President Rousseff (Almeida 2019; Bentes 2018; Maestri 2018; Mendonça 2018; Nogueira 2016; Santos and Guarnieri 2016; Torres 2019). The extreme right's arrival to the federal government paralysed the path to HR that had begun with the country's re-democratisation (1985-1990). This highlights two elementary facts. First, the internalisation of international HR norms has not stopped HR violations. Hence, we must move from *commitment* to *compliance* with such HR standards (Risse et al. 2013). Second, human rights defenders (HRDs) are essential in realising HR in a concrete level, for they organise and conduct social and popular struggles for democracy and HR (Terto Neto 2018; Dagnino 1998).

It is thus in a context of social authoritarianism, populism, and HR violations, exponentially magnified by Brazilian neo-fascism that this paper situates itself. The next section discusses the relationship between the 2016 parliamentary coup and neo-fascist threats, highlighting that a global tendency of the extreme right has taken Brazil over, making possible the rise of Bolsonaro. The analysis considers that HRDs must oppose Bolsonaro's hybrid regime in order to bolster Brazil's democratic institutions. The third section sheds light on the significance of human rights education (HRE) in challenging right-wing populism and stopping the neo-fascist wave in Brazil. The fourth section proposes a four-level strategy for HRDs to confront populist right-wing neo-fascist threats and strengthen Brazil's constitutional democracy. Finally, a brief conclusion is presented.[1]

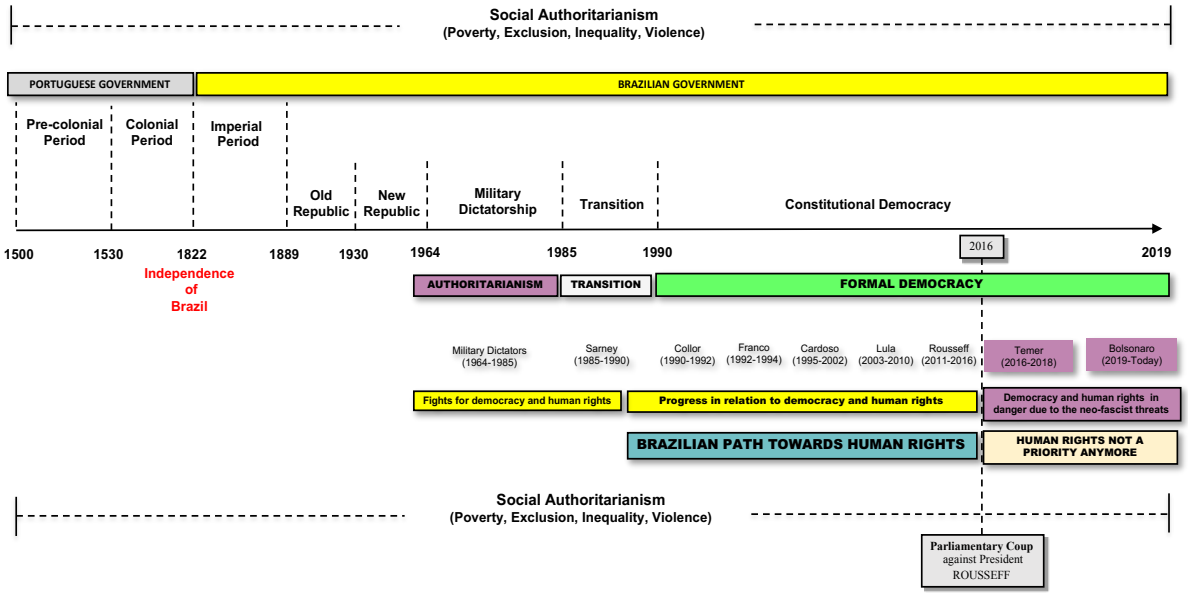
Bolsonaro's Hybrid Regime and the Role of Human Rights Defenders

The re-democratisation process transformed Brazil into a constitutional democracy (Pereira 2005; Smith 1987). This has brought considerable HR advances, at least until the 2016 parliamentary coup. With HR guaranteed by the 1988 Constitution, civil society began to reorganise itself and conduct social struggles for HR full exercise. Due to these social struggles, waged under HRDs' leadership, the country set out on its journey toward HR realisation. This journey has been characterised by a dialectical relationship between organised civil society and the state, under the monitoring of international mechanisms – Organisation of American States (OAS) and United Nations (UN) – and also of transnational advocacy networks (TANs). From 1964 to 2016, this led to improvements in national HR affairs. In summary, during this time, Brazil gradually overtook a military dictatorship (1964-1985), promulgated a democratic constitution (1988), held seven direct presidential elections (1990-1994-1998-2002-2006-2010-2014) and therefore improved the quality of its democracy (Pinheiro 1998; Terto Neto 2017b). The problem is

that the 2016 parliamentary coup paved the ground for the election of the populist Bolsonaro – in the sense that he is a far-right nationalist and defensor of the 1964-1985 military dictatorship's torturers – and the arrival of neo-fascism in the country (Almeida 2019; Maestri 2018; Mendonça 2018; Torres 2019; Barros and Silva 2019).

In spite of social authoritarianism, Brazil had begun a move towards democracy and HR. However, through the parliamentary coup, orchestrated by the far right, Vice-President Michel Temer (PMDB) came to power on 31 August 2016 (Proner et al. 2016). The arrival of Temer to the federal government represented a halt in the path towards HR realisation. Since 2016, there has been a federal policy of dismantling domestic HR mechanisms, which has been deepened under the Bolsonaro government (2019 to present). But what does this mean for Brazilian democracy?

Figure 1 - Brazil's Path towards Formal Constitutional Democracy



Source: Terto Neto at al, 2019; Terto Neto, 2018, 2017, and 2016

Bolsonaro's election "brings to a close a series of political manoeuvres and manipulations by the Brazilian right and centre, designed to reverse the modestly reformist legacy of the [Workers' Party] PT government, and particularly the two Lula administrations (2003-10)" (Grigera and Webber 2019, 60). The social and popular struggles for democracy and HR have occurred with intense reaction from conservative forces. The Lula and Rousseff governments had advanced public policies for democratic popular participation, enhancing a HR governmental culture. However, with the arrival of the extreme right to the federal government, the reaction of the elites to those social and political struggles intensified, aggravating the situation of

HRDs acting on the defence and strengthening of democracy (Barros and Silva 2019). As a result, the effective protection of Brazilian democratic institutions and HR is compromised, especially since the constitutional and supra-legal responsibilities (obligations deriving from internalised international HR norms) of the federal government have systematically been ignored by Bolsonaro (Mendes et al. 2016).

It is thus imperative that HRDs continue carrying out the social and political struggles for the progressive establishment of a national HR regime. In this sense, the full implementation of the principles and norms contained in the Universal Declaration of Human Rights can be achieved by constructing a *human rights state* (HRS) (Gregg 2016), which involves the establishment of a HR culture in the country. It demands the erection of less hierarchical and more egalitarian social relations, allowing people to identify themselves as HRDs, and guaranteeing effective citizenship (Brinks 2008). It is clear, given the neo-fascist threats that have arisen since the 2016 parliamentary coup, that national HR networks – in conjunction with TANs – must continue not only to monitor the HR progressive implementation, but also demand the Brazilian state address problems related to the quality of its democracy. Both activities go together and thus should be taken as strategies in the quest to establishing an effective HR domestic regime (HRS as a political project) (Gregg 2016).

The political and economic crises paralysed the Rousseff government. Economic recession and corruption scandals involving figures of the Workers' Party (PT) contributed to the decline in Rousseff's popularity (Santos and Guarnieri 2016). Car Wash Operation's success contributed to deteriorating Rousseff's already fragile public opinion indexes, which eventually led millions of Brazilians to the streets to ask for her impeachment. In the end, low levels of popularity allowed the parliamentary coup orchestrated by right-wing conservative forces that brought Vice-President Temer to power (Proner et al. 2016). The Temer administration was directed to consolidating the parliamentary coup, with the political and personal destruction of President Lula. There was a true *politicisation of the judiciary*, as well as a *judicialisation of politics* (Barbosa and Morais 2016; Santos and Guarnieri 2016); the former in the sense that the Executive Branch exerted strong pressure on the Judiciary Branch in the hopes of getting favourable decisions to the federal government on political themes (Ribeiro and Arguelhes 2019; Arantes 2005), and the latter in the sense that courts and judges had taken part in the socio-political game as protagonists or mediators (Domingo 2004). As Leandro Ribeiro and Diego Arguelhes (2018, 12) explain:

> […] it is possible to perceive that the ways of mobilizing the STF [Brazilian Supreme Court] to participate in the decision-making process are multiple, resulting from varied combinations of elements of institutional design, theme, political context and motivation. These elements are not necessarily correlated, nor do they have a linear relationship. For example, the motivation to use the STF as a political resource for the purpose of signaling or resolving conflicts on

> a given topic can make certain judicialization routes (such as the ADI [Unconstitutional Direct Action]) less attractive to certain actors. Furthermore, the political dynamics defines the positions of power of the actors at a given moment (conjunctural configuration of the correlations of force); the distance from the political position of the actors on a given subject; and the degree of internal cohesion of collective actors (coalitions, parties, associations, etc.). It also shapes the entry into the political agenda of themes more or less protruding.

This is why political and judicial institutions, with the reinforcement of media discourse contrary to PT, were used to prevent former President Lula from running the presidential elections, which eventually led to his unconstitutional arrest in 2018 (Barbosa 2018). With Lula out and the right-wing, conservative and anti-PT forces at his side, Bolsonaro was elected in the October 2018 presidential elections. Though, what does the rise of Bolsonaro to power mean?

The post-1985 civil governments – José Sarney, Fernando Collor, Itamar Franco, Fernando Henrique Cardoso, Luis Inácio Lula da Silva and Dilma Rousseff – initiated the transition, helped promote HR and strengthened democracy (Pinheiro 1998; Terto Neto 2016). Such governments internalised most of UN and OAS' HR treaties and consolidated a HR governmental culture. However, with the parliamentary coup and Bolsonaro's rise, both democracy and HR started being threatened by an international far-right wave. Being fundamentally opposed to liberal constitutional democracy, which reiterates his populist character (Daly 2019), Bolsonaro's rise to power means that there is no longer any intention from the federal government to abide by the constitutional rule of law. This makes Bolsonaro, as a populist far-right-wing politician, a true representative of the social authoritarianism that has historically marked the Brazilian society. Indeed, Bolsonaro's right-wing populist rhetoric has "deep roots in Brazilian history, and it has not happened overnight. Democracy and citizenship were achieved for the wealthy and white; while the black and the poor have never been integrated to receive its benefits. Brazil […] remains a veiled authoritarian and racist country" (Chagas-Bastos 2019, 98). With his authoritarian right-wing populism, Bolsonaro has attacked HR and Brazilian democratic institutions, contributing to a significant increase of the threats against HRDs opposing his administration, especially against indigenous and *quilombolas* fighting for their cultural rights. As a representative of social authoritarianism that has historically marked the Brazilian society, Bolsonaro must be confronted by progressive forces. That is why HRDs' work is crucial in promoting democracy and exposing and remedying the adverse effects of federal government's populist undemocratic activities. But who are the Brazilian HRDs exactly?

Marielle Franco, an Afro-Brazilian lesbian socialist woman, councilwoman in Rio de Janeiro city, was shot dead together with her driver, Anderson Gomes, on 14 March 2018, when they were leaving a political activity with the women movement in downtown. Franco was very active in reporting violence and other atrocities perpetrated by militias in Rio de Janeiro.

She was killed due to her fights for the HR of women, Afro-Brazilians, LGBTI and other vulnerable groups. Isis Tatiane da Silva, leader of Quilombo Criaú, in Amapá State, which fights for the visibility of the "black" (Afro-Brazilian) Amazon, that is, for the recognition of approximately 150 *quilombola* communities living in the Amazon rainforest. She has been the victim of threats due to her defence of *quilombola* HR. Paulo Paulino Guajajara, indigenous leader of the "Guardians of the Forest" movement was assassinated in an ambush of farmers in the Bom Jesus das Selvas region in November 2019. The movement is made up of members of the *Guajajara* people in Maranhão State, who are organised to protect the remaining areas of the eastern edge of the Amazon rainforest. The protection of the forest is linked to the very existence of the *Guajajara* people, with the maintenance of their territory, customs and traditions. He was therefore murdered for protecting the Amazon rainforest and, in so doing, fighting for the HR of the *Guajajara* people.

There are various indigenous peoples who defend the Amazon Forest in Brazil. The *Tenetehara*, *PyhcopCatiji* and *Ka'apor* peoples of Maranhão, for instance, understand how essential land is for their own survival (Terto Neto 2020). They depend on it for food, material for construction, medicine, rituals and so on. Indeed, their land is not only a source of materials, but the essence of their very culture: songs, dances and ceremonies are about nature and their place in it, now and in the afterlife (Human Rights Watch 2019). Hence, these people fight for the right to their land and culture against the interests of dominant groups that control the political and economic powers in the region (Muñoz 2019). These leaders and collectives are HRDs due to their actions for HR protection, promotion and realisation (Bennett et al. 2015; Fernández and Patel 2015; Silva 2014; Nah et al. 2013). With the neo-fascist threats, they have become easy targets of state and non-state violence. They must thus be protected effectively.

As Terto Neto (2018) explains, two main arguments justify the state protection of HRDs. There is the socio-political argument according to which states must protect HRDs because they are the people who organise and conduct social struggles for democracy, HR and social justice. They are fundamental to HR realisation, as they question the status quo and conduct social struggles for HR and development, which have helped strengthen imperfect Latin American democracies. And there is the legal argument according to which international HR standards impose on States the obligation to protect HRDs. Such rules need to be internalised, becoming supra-legal (above the ordinary law and below the Constitution) to have practical effects (Mendes et al. 2016). Thus, states – and, say, organised civil society – must protect HRDs also because they are the ones strongly opposing Bolsonaro's hybrid regime. Their protection is vital for constructing effective mechanisms crucial to strengthen Brazil's constitutional democracy. The 2016 parliamentary coup that contributed to Bolsonaro's rise to power helped consolidate a hybrid regime in Brazil. This is because since Temer's rise in

2016 there are only the formalities of representative electoral politics, for his so-called political legitimacy came from business and military sectors. Besides, Bolsonaro's victory in the 2018 presidential elections happened due to the Executive Branch exerting strong pressure on the Judiciary Branch in order to prevent Lula from running. It only occurred because the Executive Branch as well as business and military sectors manipulated the socio-political game to acquire unfair advantages over their political competitors. As Pat Niyomsilp (2019, 22) explains:

> A consolidated democracy or an authoritarian regime can be transformed into a hybrid regime. Democratisation is not a one-way process. Hybrid regimes are characterised by their institutional features that are mixed between the features which are typical of a democracy and an autocracy. The typical features of a hybrid regime are the presence of unfair political competition and the presence of a not-fully-functioning liberal constitution. The authoritarian style of governance in hybrid regimes leads to the systematic alteration of the rules guaranteed by the constitution. The uneven playing field allows the incumbent leaders to abuse state resources, manipulate the media, harass opposition politicians and government critics. In these circumstances, the opposition parties can still win some seats in parliament but they have little (or no) chance of winning a general election and unseating the government. Civil societies in these regimes enjoy greater space than in closed authoritarian regimes, but much less than that in consolidated democracies.

This is exactly the case of Brazil. Its constitutional democracy had been transformed into a hybrid regime since the 2016 parliamentary coup. And Bolsonaro's government presents democratic and authoritarian physiognomies, reinforcing Brazil's current façade of democracy. Such regimes that combine democratic and authoritarian elements are not new (Diamond 2002). Nevertheless, there is no consensual definition for hybrid regimes among scholars yet. As Mariam Mufti (2018, 113) explains:

> Hybrid regimes are variably understood as diminished subtypes of democracy (Merkel, 2004; Puhle, 2005; Zakaria, 1997); diminished subtypes of authoritarianism (Schedler, 2006); transitional "situations" that are expected to revert back to either democracy or authoritarianism (Armony & Schamis, 2005; Linz, 1973); a residual category of regimes that fit neither democracy nor authoritarianism (Bogaards, 2009; Gilbert & Mohseni, 2011); or as clear-cut instances of authoritarianism (Ezrow & Frantz, 2011; Gandhi, 2008).

Irrespective of the definition one adopts, however, it is undisputed that Bolsonaro's hybrid regime combines democratic and authoritarian elements. It has, for instance, had tensions with the Judiciary, deconstructed democratic mechanisms for HR protection, eliminated the popular participation in decision-making processes, given support to street demonstrations that called for the closure of the National Congress and the establishment of a military coup, all of which linked to the federal government's far-right populist public

policy agenda. Hence, Bolsonaro's hybrid regime aims at maintaining right-wing sectors controlling economic and political powers.

There is thus only one alternative for progressive forces, and that is, to resist Bolsonaro's hybrid regime. Democratic forces have historically confronted dominant groups that control economic, political, and sometimes even symbolic power. They have, for instance, been crucial for Brazil's re-democratisation and for conducting social and political struggles that sought access to constitutionally guaranteed rights (Gohn 2012; Viola 2005; Dagnino 2001). They have made Brazil' constitutional democracy possible and, now that it is under neo-fascist threats, they must preserve the democratic institutions. As democratic forces have faced issues related to poverty, exclusion, inequality and violence, symptoms of a society deeply marked by social authoritarianism (Alvarez et al. 1998), they have legitimacy to demand the state not only to protect everyone, but also guarantee them the full exercise of their HR. As for how democratic forces could resist Bolsonaro's hybrid regime, let's remember that HR NGOs and social movements, under HRDs' leadership, are actors capable of mobilising political influence strong enough to bring about HR changes. They are mainly suitable to pursue HR norms institutionalisation and socialisation domestically by building a new cultural politics through social struggles for democracy, HR and social justice (Dagnino 1998; Gohn 2012).

It is my contention, therefore, that a HRS has the potential to function as an ideological argument with which HRDs can increase their efforts to build a HR culture and, with it, resist Bolsonaro's hybrid regime. By adopting a HRS as a political project to be built socially, social movements and HR NGOs would have a "realistic utopia" with which to use external and internal dissonance against the current establishment and exert effective pressure on the State concerning the fulfilment of its HR obligations (Gregg 2016). Since Brazil has already ratified most of the international HR treaties, it has thus committed itself to international HR law (Risse et al. 2013). Therefore, Brazil's problem is not about commitment, but instead, about the lack of full compliance with international HR standards already internalised, especially under Bolsonaro's hybrid regime. Hence, the vision of a HRS can serve as a powerful tool to conceptually prop up a campaign to change cultural politics and close the gap between official engagement and full compliance with international HR laws, since it requires collective political action to make HR a priority for individuals, communities and state institutions (Terto Neto 2017a; Gregg 2016). Organised civil society has an important role to play. It could campaign and lobby for state institutions to fully comply with international HR law and for people and HR communities to self-manage their behaviour according to HR norms (HR norms socialisation). Further, it could create a political dynamic with various civil society organisations to promote the social construction of a HR culture. And then this political coalition would plan, organise and carry out a national campaign to change the structures of social authoritarianism towards a new project of society or a HRS.

Human Rights Education and Brazilian Right-Wing Populism

Bolsonaro's hybrid regime has put Brazil's constitutional democracy under threat. This is because populist far-right conservative forces have advanced a neo-fascist rhetoric and influenced the policy-making processes at the current federal government level. Surprisingly enough, a significant part of the Brazilian population has supported their (mis)messages on the grounds of religious-(mis)based morals that impact negatively, for instance, the lives of LGBTI communities, women, and indigenous and *quilombola* groups. Their claims for one faith, one God, one nation and so on have disregarded the constitutional guarantees that make possible for all – not only the so-called insiders or "chosen" – the full enjoyment of their constitutional fundamental rights. It is not an exaggeration to affirm that HR and the democratic rule of law became obstacles to the populist far-right conservative forces' goal to control the economic, political and symbolic powers in Brazil.

A counter-rhetoric must be applied against that of populist far-right conservative forces. In constructing a new society or a HRS, there is no room for prejudice, racism, misogynism, LGBTI phobia, xenophobia and any other ideology that reflects discrimination or exclusion. As the idea of equality must prevail, HRE is crucial, for it is useful in the advancement of HR norms and standards that would counter-balance those (mis)messages from the extreme right-wing sectors. HRE must include HR content and process as well as 'goals related to cognitive (content), attitudinal or emotive (values/skills), and action-oriented components' (Bajaj 2011, 483). As the author explains, the HRE definition proposed by the Amnesty International encompasses those requirements, since it aims at empowering individuals, groups and communities through fostering knowledge, skills and attitudes consistent with internationally recognised [HR] principles.[2] Such a characterisation "places greater responsibility on HR learners becoming activists for HR through the process of HRE by sharing information with others and actively working to defend HR" (Bajaj 2011, 485). HRE "offers the possibility of acquiring knowledge and skills that activists can use to challenge state power" (Ahmed 2017, 3). Possibility does not necessary means locals will adopt HR norms or even abide by their standards. Therefore, Brazilian democratic forces themselves must develop their own strategies regarding the use of HRE, considering the social construction of a new society or a HRS is dependent on getting local people to not only accept HR norms but self-behave according to them (Gregg 2016).

In addition, HRE is a "long-term strategy with sights set on the needs of coming generations" that does not likely "draw support from the impatient and the parochial, but it is essential to construct innovative education programs to advance human development, peace, democracy and respect for rule of law"

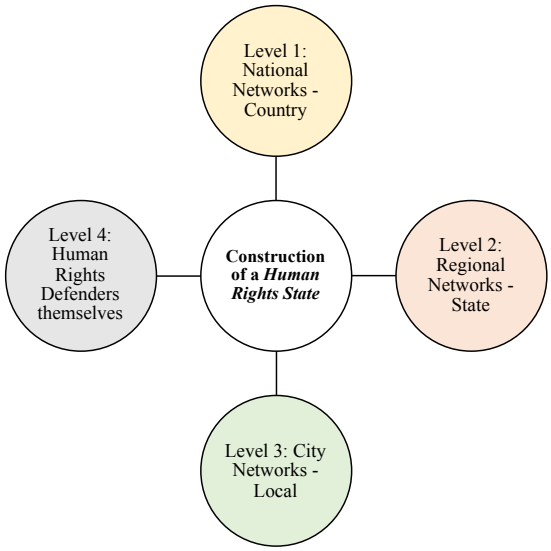
(Claude 2005, 37). HRE, as a political strategy, takes time, but must be applied in the Brazilian context. Indeed, HRE plays not only a strategic role, but is also fundamental in resisting Bolsonaro's hybrid regime and defending the democratic rule of law, since it is essential in forming right bearers (Viola and Zenaide 2017; Viola et al. 2014; Viola et al. 2013). Without forming right bearers, as a founded citizenship policy, the link between memory and truth cannot be remade. Without that link, the formal proclamation of a democracy – as shown in Brazil's recent history – will not pass from a legal illusion devoid of content. And without making an adjustment to the authoritarian past, concrete HR progress is impossible (Viola and Albuquerque 2015; Viola and Pires 2012; Engstrom 2012; Motta 2011).

The 2016 parliamentary coup and Bolsonaro's rise to power have endangered both democracy and HR. HRE is thus a key tool to counter-balance the populist neo-fascist rhetoric, since it has the potential to transform anyone into HRDs. This no doubt contributes to making an adjustment to the authoritarian past. To make concrete progress while pursuing a new society or a HRS involves the construction of international solidarity networks. HRE plays a central role. For instance, an alliance between Brazilian HRDs with support from the Latin American and Caribbean Network for HR Education (Red LACEDH) would be crucial, since it is a space for scientific and cultural knowledge and promotion of HRE in the region (Viola et al. 2013).

A Four-level Strategy to Resist Brazilian Right-Wing Populism

This paper proposes a four-level strategy for HRDs to resist Bolsonaro's hybrid regime and neutralise the populist right-wing neo-fascist threats to Brazil's constitutional democracy. In level 1, there are popular and social movements, under HRDs' leadership, working as national networks. In level 2, there are popular and social movements, also under HRDs' leadership, working as state networks. Then, in level 3, there are local NGOs and HRDs working in grassroots city movements. Finally, in level 4, there are HRDs themselves conducting self-protection in their own immediate environments.

Figure 2 - A 4-Levels Strategy for Human Rights Defenders to Resist Bolsonaro's Hybrid Regime



Source: Terto Neto, 2018, 2017, 2016, 2015.

In level 1, the main concern would be with issues related to democracy and HR in general. There would be a national coalition to face up Bolsonaro's hybrid regime and the populist right-wing neo-fascist threats to Brazil's constitutional democracy. HRDs would work at the level of rhetoric (via social media) as well as practice. There would be an articulation with the National HR Council (CNDH), which still has the power to oversee some of the federal public policies on HR. The idea is to influence its progressive members for them to make CNDH demand that the state fulfils its international HR obligations. There would also be an articulation with international HR NGOs – such as Amnesty International, Protection International or Frontline Defenders – and with the UN and OAS' HR protection mechanisms (Keck and Sikkink 1998). The idea is to exert combined pressure from above and from below (Brysk 1993) on the state for its full compliance with international HR norms and standards (Risse et al. 2013). The case of Marielle Franco is a good empirical example. As mentioned before, she was very active in fighting for the HR of vulnerable people living in *favelas* and reporting the atrocities committed by the militias linked to the Bolsonaro family. On 14 March 2018, after leaving a political meeting with the women movement, Franco and her driver were assassinated by gunshots from a passing car in the downtown area. Given her political status, the commotion was national, especially among other HRDs. A national articulation among HR NGOs such as Justiça Global, Terra de Direitos and Movimento Nacional de Direitos Humanos (MNDH) was formed to engage with the National HR Council (CNDH). Amnesty International got involved and led the articulations with international HR NGOs and UN mechanisms. Domestic and international actors formed a transnational HR coalition to exert combined pressure from above and below on Rio de Janeiro State's

government and the federal government demanding the crime be investigated and perpetrators punished. They also broadcasted the case on social media and in public spaces, both in Brazil and abroad. Nonetheless, two years after the killings of Marielle Franco and her driver Anderson Gomes, the crime has not been solved so that impunity still prevails. This is because of social authoritarianism that has been present since the formation of the country (Dagnino 1998). Consequently, utilising the same stratagem as the transnational HR coalition did, HRDs will be able to construct effective resistance to Bolsonaro's hybrid regime and the populist right-wing neo-fascist threats to Brazil's constitutional democracy.

In level 2, the focal point would be to decide on the tactics according to the HR struggle conducted such as environment, urban violence, indigenous communities and so forth. There would be a state coalition to face up Bolsonaro's hybrid regime and the populist right-wing neo-fascist threats to Brazil's constitutional democracy. Here, too, HRDs would work at the level of rhetoric (via social media) as well as practice. There would be an articulation with national HRNGOs, the State HR Council (CEDH) and the National HR Council (CNDH). The idea is to strengthen state coalitions' power of influence over the state governments in hopes of getting them to comply with international HR norms and standards. The case of the Defensoria Pública Jápopular campaign is a good empirical example. Although the 1988 Constitution determines that legal aid is a HR and that each state must create its legal aid office, Maranhão State had not complied in the late 1990s. Hence, HR NGOs such as Centro de Defesa da Vida e dos Direitos Humanos de Açailândia (CDVDH), Centro de Cultura Negra (CCN) and Comissão Pastoral da Terra (CPT), among others, formed a popular and democratic camp to develop a collective effort for demanding the creation and implementation of the state legal aid office (Terto Neto 2010; Bourdieu 1996, 1998). It applied different tactics for advancing its HR cause. It exerted political pressure on state and federal politicians from the Executive and Legislative branches, engaged with members of the state and federal Judiciary branch, articulated actions with the Brazilian Bar Association and the Catholic Church, advertised the Defensoria Pública Já campaign in medias and public spaces, and used HRE for building up collective awareness and mobilisation. It was a collective HR movement that created a state coalition strong enough to make the state government set up and implement Maranhão State's Legal Aid Office in 2001. By employing the same strategy as the HR NGOs that formed the popular and democratic camp did, HRDs will be able to build up a strong state coalition to face up Bolsonaro's hybrid regime and boost Brazil's constitutional democracy.

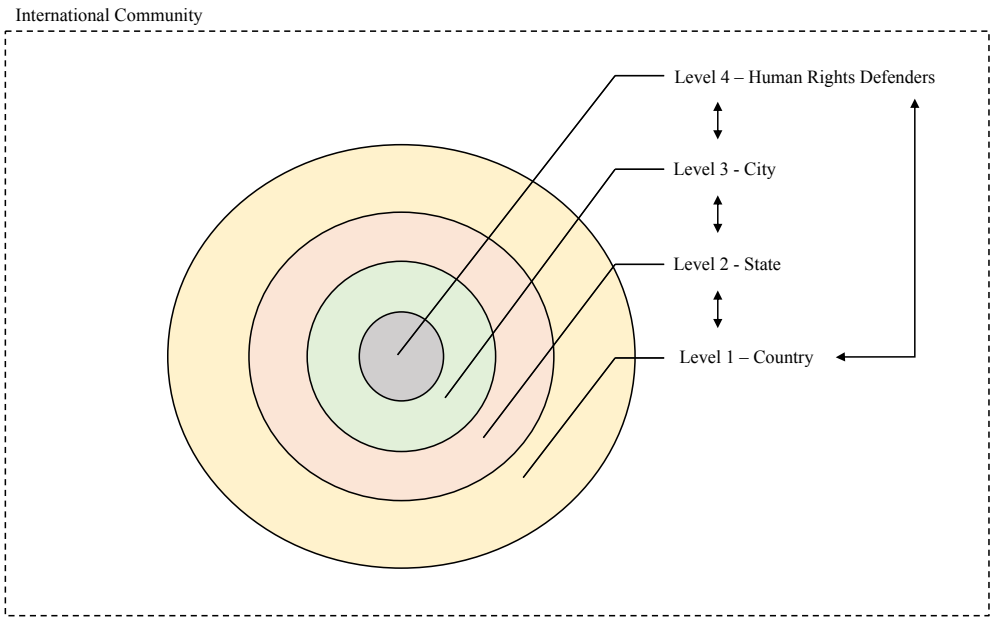
In level 3, too, the kind of HR struggle developed – *quilombola*, women, housing, and so forth – that influences the decision on which tactics to be applied. However, this level must reflect HRDs' demands for their operational protection and also infrastructure for their political activities (Nah et al. 2013; Eguren and Caraj 2009). This is because they must continue their activities for

democracy, HR and social justice in the safest way possible (Bennett 2015; Jones 2015; Hankey and Clunaigh 2013). There would be a city coalition to face up Bolsonaro's hybrid regime and the populist right-wing neo-fascist threats to Brazil's constitutional democracy. At this stage, however, HRDs would work with practical issues more than rhetorical ones. In here, action must be taken for demonstrations, riots, and so on, and necessarily involve local leadership to have a stronger result. There would be an articulation with the state HR NGOs as well as the State HR Council (CEDH). The idea is not only to keep them aware of all intricacies and dangers for the HR struggles to be successful, but also get their political and practical support to enhance the odds of those struggles to accomplish the desirable outcomes. The case of the Ocupação Nove de Julho is a good empirical example. Faced with the risk of repossession that threatened more than 400 people residing in the Nove de Julho Occupation, in São Paulo city, the Movimento dos Sem Teto do Centro (Downtown Homeless Movement or MSTC), responsible for the occupation, organised and carried out a campaign for support from organised civil society regarding the right to housing of those who live there (RBA 2019). It sent out an open letter and developed an online campaign highlighting the importance of the movement and its trajectory for transforming the building to fulfil its social function according to the Brazilian Constitution. The 400 people had been occupying the site for more than two decades, which makes the occupation a symbol of the struggle for housing in São Paulo. In spite of this, the state response has come in the form of lawfare and the criminalisation of the leaders of the occupation. The MSTC carried out street demonstrations and involved local leadership in engaging with state HR NGOs and the State HR Council (CEDH), which provided political support to the MSTC. As a result, it built up a strong city HR coalition, which helped the Nove de Julho Occupation acquire legal and financial support much needed to continue the struggle. This has forced the local government to engage with the MSTC to find a consensual solution. By applying the same strategies to their respective HR causes, as the MSTC did, HRDs will boost their chances of resisting Bolsonaro's hybrid regime at city level.

Finally, level 4 refers to HRDs themselves. It relates to safeguarding HRDs and their families from the harms of fighting against Bolsonaro's hybrid regime and populist right-wing neo-fascist threats to Brazil's constitutional democracy. Hence, it must involve self-protection strategies (Eguren and Caraj 2009), including effective use of social media for publicity in regard to the risk, threat or vulnerability HRDs are facing in their own environments (Bennett 2015; Hankey and Clunaigh 2013; Nah et al. 2013). HRDs would necessarily be working with practical issues such as those regarding the daily duties for organising and carrying out HR struggles. In this sense, they would develop a personal articulation with local, state and national as well as international HR NGOs for their political, symbolic, and, if necessary, economic support to continue with their HR struggles. HRDs would also reach out to HR

mechanisms such as the National HR Council (CNDH), UN's HR Council and OAS' Inter-American HR Commission for their political and/or symbolic protection, which has not rarely had an impact on the Brazilian State. In short, HRDs must involve all stakeholders in the HR world to secure for themselves the protection and conditions they need to carry on with their activities as safely as possible. In level 4, therefore, the main logic is that to resist Bolsonaro's hybrid regime and populist right-wing neo-fascist threats to Brazil's constitutional democracy is also to be alive. The case of Alexandre Anderson is a good empirical example. He is a fisherman and HRD who has worked for the HR of women and men to fish in Guanabara Bay, Rio de Janeiro. He has been facing powerful land developers, corporate interests and government authorities. Due to his activities, he and his family have been victims of death threats, killing attempts, and break-ins at his home and at the headquarters of AHOMAR (Seamen's Association). However, he has not only taken clever measures for self-protection as, for instance, the use of social media, but also developed a personal articulation with local, state and national/international HR NGOs such as Justiça Global and Frontline Defenders. This has helped him be included into the Brazilian Programme for the Protection of Human Rights Defenders and get political land economic support from international and domestic HR networks in order to continue with his HR struggles. By doing as Alexandre Anderson did, other HRDs will conduct self-protection and resist Bolsonaro's hybrid regime efficiently.

Figure 3 – Interactions of human rights coalitions in and among all levels



Source: Terto Neto, 2018, 2017, 2016, 2015.

Last but not least, a very important element of this strategy refers to the fact that coalitions in all four levels must interact with one another and share experiences, support and any kind of aid in order to better respond to the HR struggles' needs to being advanced. This means, for instance, that the decision-making processes within national, state and/or local coalitions regarding which HR fights to develop must occur as organically as possible and guarantee a truly democratic participation. They must be fully participatory in order to avoid that the voices of minorities or less-politically-structured groups get excluded.

Conclusion

In this article, I argued that to resist Bolsonaro's hybrid regime and populist right-wing neo-fascist threats to Brazil's constitutional democracy, social and popular movements and HR NGOs under HRDs' leadership need to employ a four-level strategy that involves the building up of national, state and local coalitions interacting with one another to share expertise and advance the HR agenda. This will eventually lead to changing the current cultural politics in the hopes of tackling social authoritarianism, guaranteeing effective citizenship and thus making possible the establishment of a HRS in the country. Although I implicitly made the case that this political project involves the construction of class-conscious left-wing national, state and local movements, I have not called for a left-wing populism to replace that of Bolsonaro's. Instead, I emphasised that the best strategy to defeat Bolsonaro's right-wing populism is to perfect Brazil's constitutional democracy, and by doing so, to guarantee the full enjoyment of HR. This implies the use of HRE as a conscience-shaping tool to transform people into HRDs that will demand Brazil to fulfill all of its international HR obligations at a domestic level. In such a context, as HRDs resist Bolsonaro's hybrid regime and populist right-wing neo-fascist threats that reproduce social authoritarianism and prevents effective citizenship, there should be no doubt that they play an essential role in protecting Brazilian democracy.

Notes

1 I would like to thank the participants of the workshop "Taking the Long View: Civil Society Resistance and Resilience" that occurred from November 3-10, 2019 and was organised by the Centre for Applied Human Rights at the University of York (UK), as well as my reviewers for their thoughtful insights.

2 Amnesty International <http://www.amnestymena.org/en/WhoWeAre/HumanRightsEducation.aspx?media=print> 6 June 2020.

Works Cited

Ahmed, A. Kayum. 2017. "Disrupting Power/Entrenching Sovereignty: The Paradox of Human Rights Education." *Prospects* 47: 3-16.

Almeida, Ronaldo de. 2019. "BOLSONARO PRESIDENTE: conservadorismo, evangelismo e a crise brasileira." *Novos estudos* CEBRAP 38 (1): 185-213.

Alvarez, S. E., E. Dagnino and A. Escobar, eds. 1998. *Culture of Politics, Politics of Culture: Re-Visioning Latin American Social Movements*. Boulder: Westview Press.

Amnesty International, "Promoting Human Rights Education & Capacity Building", June 6. http://www.amnestymena.org/en/WhoWeAre/HumanRightsEducation.aspx?media=print

Arantes, Rogério B. 2005. "Constitutionalism, the Expansion of Justice and the Judicialization of Politics in Brazil." In *The Judicialization of Politics in Latin America: Studies of the Americas*, edited by Rachel Sieder et al., 231-262. New York: Palgrave Macmillan.

Bajaj, M. 2011. "Human Rights Education: Ideology, Location, and Approaches." *Human Rights Quarterly* 33: 481-508.

Barbosa, Agnaldo de Sousa and Ana Carolina de Morais Colombaroli. 2016. "Legal Citizenship: Judicial Activism and Judicialization of Politics in Brazil. Revista Academica Da Faculdade De Direito Do Recife." *Univ Fed Pernambuco* 88 (1): 120-146.

Barbosa, Claudia Maria. 2018. "A Juristocracia Brasileira Revelada no 'Caso Triplex'." In: *Comentários a um acordão – o processo Lula no TRF4,* edited by Carol Proner, Giselle Cittadino, Gisele Ricobom and João Ricardo Dornelles, 53-66. São Paulo: CLASCO.

Barros, Laura and Manuel Santos Silva. 2019. "#EleNão: Economic crisis, the political gender gap, and the election of Bolsonaro." *Ibero-America Institute for Economic Research* (IAI), Göttingen, IAI Discussion Papers 242: 1-43.

Bennett, Karen. 2015. "European Union Guidelines on Human Rights Defenders: A Review of Policy and Practice towards Effective Implementation." *The International Journal of Human Rights* 19 (7): 908-934.

_____, Danna Ingleton, Alice M Nah and James Savage. 2015. "Critical Perspectives on the Security and Protection of Human Rights Defenders." *The International Journal of Human Rights* 19 (7): 883-895.

Bentes, Ivana. 2018. "The Impeachment was a Fascist and Conservative Turn against Culture." *Journal of Latin American Cultural Studies* 27 (1): 43-61.

Bercovici, Gilberto. 2016. "O Golpe do *Impeachment.*" In *A resistência ao golpe de 2016,* edited by Carol Proner et al., 141-145. Bauru (SP): Canal 6/Projeto Editorial Praxis.

Berezin, Mabel. 2019. "Fascism and Populism: Are They Useful Categories for Comparative Sociological Analysis?" *Annual Review of Sociology* 45: 345-361.

Bourdieu, Pierre. 1996. *Razões Práticas sobre a Teoria da Ação*. Campinas: Papirus.

_____. 1998. *O Poder Simbólico*. Rio de Janeiro: Bertrand Brasil.

Brinks, Daniel M. 2008. *The Judicial Response to Police Killings in Latin America: Inequality and the Rule of Law*. New York: Cambridge University Press.

Brysk, Alison. 1993. "From Above and Below: Social Movements, the International System, and Human Rights in Argentina." *Comparative Political Studies* 26 (3): 259-285.

Chagas-Bastos, Fabricio H. 2019. "Political Realignment in Brazil: Jair Bolsonaro and the Right Turn." *Revista de Estudios Sociales* 69: 92-100.

Claude, Richard Pierre. 2005. "The Right to Education and Human Rights Education." *SUR – International Journal on Human Rights* 2 (2): 36-59.

Dagnino, E. 1998. "Culture, Citizenship, and Democracy: Changing Discourses and Practices of the Latin American Left." In *Culture of Politics, Politics of Culture: Re-visioning Latin American Social Movements*, edited by S. E. Alvarez, E. Dagnino and A. Escobar, 33-63. London: Westview Press.

_____. 2001. "Os movimentos sociais e a construção da democracia no Brasil: Tendências recentes." *JILAS – Journal of Iberian and Latin American Studies* 7 (1): 75-104.

Daimond, Larry. 2020. "Thinking About Hybrid Regimes." *Journal of Democracy* 13 (2): 21-35.

Daly, Tom Gerald. 2019. "Populism, Public Law, and Democratic Decay in Brazil: Understanding the Rise of Bolsonaro." *14th International Human Rights Researchers's Workshop "Democratic Backsliding and Human Rights", Law and Ethics of Human Rights Journal (LEHR)*, January 2-3. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3350098.

Domingo, Pilar. 2004. "Judicialization of Politics or Politicization of the Judiciary? Recent Trends in Latin America." *Democratization* 11 (1): 104-126.

Eguren, Enrique and Marie Caraj. 2009. *New Protection Manual for Human Rights Defenders*. Brussels: Protection International.

Engstrom, P. 2012. "Brazilian Foreign Policy and Human Rights: Change and Continuity under Dilma." *Critical Sociology* 38 (6): 835-849.

Fernández, Luis Enrique Eguren and Champa Patel. 2015. "Towards Developing a Critical and Ethical Approach for Better Recognising and Protecting Human Rights Defenders." *The International Journal of Human Rights* 19 (7): 896-907.

Front Line Defenders, "Case History: Alexandre Anderson", June 6. https://www.frontlinedefenders.org/en/case/case-history-alexandre-anderson

Gohn, M. G. 2012. *História dos movimentos sociais no Brasil: a construção da cidadania dos brasileiros*. São Paulo: Edições Loyola.

Gramsci, Antonio. 2004. *Escritospolíticos (volume I)*. São Paulo: Civilização Brasileira.

Gregg, Benjamin. 2016. *The Human Rights State: Justice Within and Beyond Sovereign Nations*. Philadelphia: University of Pennsylvania Press.

Grigera, Juan and Jeffery R. Webber. 2019. "The Long Brazilian Crisis: A Forum." *Historical Materialism* 27 (2): 59-121.

Hankey, Stephanie and Daniel Ó Clunaigh. 2013. "Rethinking Risk and Security of Human Rights Defenders in the Digital Age." *Journal of Human Rights Practice* 5 (3): 535-547.

Human Rights Watch. 2019. "Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon." *Human Rights Watch*, September 17. https://apo.org.au/node/259711

Jones, Martin. 2015. "Protecting Human Rights Defenders at Risk: Asylum and Temporary International Relocation." *The International Journal of Human Rights* 19 (7): 935-960.

Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.

Maestri, Mário. 2018. "Brasil 2018: para além do fascism." *Tlaxcala*, November 24. http://tlaxcala-int.org/article.asp?reference=24736

Mendes, Gilmar Ferreira and Paulo Gustavo Gonet Branco. 2016. *Curso de Direito Constitucional.* São Paulo: Saraiva.

Mendonça, André L. de Oliveira. 2018. "Teses sobre resistências ao fascism." *Em Construção* 4: 146-155.

Motta, Diego Airoso da. 2011. *Sobre Pombos e(Tu)Barões: Os Direitos Humanos nas Revistas Semanais Brasileiras.* São Leopoldo: Universidade do Vale do Rio dos Sinos.

Morelock, Jeremiah. 2018. *Critical Theory and Authoritarian Populism.* London: University of Westminster Press.

Mufti, Mariam. 2018. "What Do We Know about Hybrid Regimes after Two Decadesof Scholarship?" *Politics and Governance* 6 (2): 112-119.

Muñoz, César. 2019. "Defenders of the Rainforest: The Fight to Protect Brazil's Amazon." *Human Rights Watch Americas,* September 2019. https://www.hrw.org/video-photos/interactive/2019/09/23/defenders-rainforest-fight-protect-brazils-amazon.

Nah, Alice M, Karen Bennett, Danna Ingleton and James Savage. 2013. "A Research Agenda for the Protection of Human Rights Defenders." *Journal of Human Rights Practice* 5 (3): 401-420.

Niyomsilp, Pat. 2019. *Protest Law & Public Order Policing in Hybrid Regimes.* Doctoral thesis, University of East Anglia, UK.

Nogueira, M. A. 2016. "Sobre golpes, autogolpes e contragolpes: dilemas de uma democracia em turbulência." *Ponto e Vírgula-PUC SP* 19: 140-158.

Pereira, A. W. 2005. *Political (In)Justice: Authoritarianism and the Rule of Law in Brazil, Chile, and Argentina.* Pittsburgh: University of Pittsburgh Press.

Pinheiro, P. S. 1998. "Democratic Consolidation and Human Rights in Brazil." *Working Paper 256 Kellogg Institute (The Helen Kellogg Institute for International Studies), 1–45*, January 16. http://kellogg.nd.edu/publications/workingpapers/WPS/256.pdf

Proner, Carol et al. ed. 2016. *A resistência ao golpe de 2016*. Bauru (SP): Canal 6/Projeto Editorial Praxis.

RBA, "Na luta contra o despejo, Ocupação Nove de Julho faz campanha pelo direito à moradia" (17/May/2019), June 6. https://www.redebrasilatual.com.br/cidadania/2019/05/na-luta-contra-o-despejo-ocupacao-9-de-julho-faz-campanha-pelo-direito-a-moradia/

Ribeiro, Leandro Molhano and Diego Werneck Arguelhes. 2019. "Contextos da judicialização da política: novos elementos para um mapa teórico." *Revista Direito GV* 15 (2): 1-21.

Risse, Thomas, Stephen C. Roppand and Kathryn Sikkink. 2013. *The Persistent Power of Human Rights: From Commitment to Compliance*. Cambridge: Cambridge University Press.

Santos, F. and F. Guarnieri. 2016. "From Protest to Parliamentary Coup: An Overview of Brazil's Recent History." *Journal of Latin American Cultural Studies* 25 (4): 485-494.

Silva, L. G. M. 2014. *Quem Defende os Defensores? Do Recebimento à Construção de uma Política de Proteção aos Defensores de Direitos Humanos no Brasil.* João Pessoa (PB): Universidade Federal da Paraíba.

Smith, W. C. 1987. "The Political Transition in Brazil: From Authoritarian Liberalization and Elite Conciliation to Democratization." In *Comparing New Democracies: Transition and Consolidation in Mediterranean Europe and the South Cone,* edited by E. A. Baloyra, 55-90. London: Westview Press.

Terto Neto, Ulisses. 2010. *A política pública de assistência jurídica: a defensoria pública no Maranhão como reivindicação do campo democrático popular*. Curitiba: Juruá Editora.

_____. 2016. "Making the Human Rights Talk Matter: Are the Brazilian State's Practices Really Following Its Rhetoric Towards the Protection of Human Rights Defenders in the Country?" *Revista Quaestio Iuris* 9 (4): 2263-2311.

_____. 2017a. "Democracy, Social Authoritarianism, and the Human Rights State Theory: Towards Effective Citizenship in Brazil." *The International Journal of Human Rights* 21(3): 289-305.

_____. 2017b. "From Military Authoritarian Rule to Constitutional Democracy: An Overview of the Politics of Human Rights Through the

Brazilian Re-democratization." *Revista de Direitos Fundamentais & Democracia* 22 (3): 215-252.

_____. 2018. *Protecting Human Rights Defenders: A legal and socio-political analysis of Brazil.* New York: Palgrave Macmillan.

_____. 2020. "AMAZÔNIA EM CHAMAS: Defensores/as de Direitos Humanos na Proteção da Floresta Amazônica." In *Direito ao ambiente e justiça socioambiental,* edited by Marta de Paiva Macêdo, Nayron Divino Toledo Malheiros and Aristeu Geovani de Oliveira, 20-34. Curitiba: CRV.

_____, Vilma de Fátima Machado and Ricardo Barbosa de Lima. 2019. "A Long Walk to Establish the Universal Declaration of Human Rights at Domestic Level." *RIDH* 7 (1): 73-96.

Torres, Thiago. 2019. "Dancinha ou quando o fascismo inaugura uma dramaturgia." *FACES DA HISTÓRIA* 6 (1): 410-424.

Viola, S. E. A. 2005. "Rever 1964 para refazer a sociedade." *Cadernos IHU em Formação (UNISINOS)* 4: 4-12.

_____ and P. P. Albuquerque. 2015. "Ditadura e Educação: conexões a serem ressignicadas." *Reflexão e Ação* 23: 78-96.

_____ and, T. V. Pires. 2012. "A memória de um período e a verdade da história." *Ciências Sociais Unisinos* 48: 93-102.

_____ and T. V. Pires. 2014. "Os difíceis ecos dos direitos humanos: participação e cultura entre as gerações." *Revista Debates (UFRGS)* 8: 83-102.

_____, Carlos Santander and Ricardo Barbosa de Lima. 2013. "América Latina: fronteiras e horizontes comuns da Educação em Direitos Humanos."*Sociedade e Cultura* 16: 249-255.

_____ and M. N. T. Zenaide. 2017. "Entre memórias e Direitos Humanos." In: *Educación en Derechos Humanos en América Latina Construyendo perspectivas y trayectorias,* edited by Victoria Kandel, Nestor Manchini and Matías Penhos, 39-55. Lanus: De la UNLa.

About the Author:

Ulisses Terto Neto is a human rights lawyer and professor of law at the State University of Goiás (UEG, Brazil). He completed his PhD in Law at the University of Aberdeen (Scotland, UK), sponsored by CAPES, the Centre for Citizenship, Civil Society and Rule of Law (CISRUL - University of Aberdeen), and the College of Arts and Social Sciences Open Funding (CASS Open Funding - University of Aberdeen). He has published articles on human rights law, human rights defenders and access to justice, as well as two books: *A Política Pública de Assistência Jurídica: A Defensoria Pública no Maranhão como Reivindicação do Campo Democrático Popular* (Juruá, 2010) and *Protecting Human Rights Defenders in Latin America: A Legal and Socio-Political Analysis of Brazil* (Palgrave Macmillan, 2018).