

# Freedom in the World 2024



## header1 Overview

Brazil is a democracy that holds competitive elections, and the political arena, though polarized, is characterized by vibrant public debate. However, independent journalists and civil society activists risk harassment and violent attack, political violence is high, and the government has struggled to address crime and disproportionate violence against and economic exclusion of minorities. Corruption is endemic at top levels, and governmental transparency has decreased in recent years, contributing to widespread disillusionment among the public. Societal discrimination and violence against LGBT+ people remain serious problems.

## header2 Key Developments in 2023

- Luiz Inácio Lula da Silva, who narrowly defeated President Jair Bolsonaro in the October 2022 presidential runoff, was inaugurated on January 1.
- On January 8, thousands of Bolsonaro’s supporters stormed the National Congress, Supreme Court, and presidential palace in Brasília, occupying government buildings and calling on the military to keep Bolsonaro in power. Police forces responded, using tear gas to disperse rioters and arresting as many as 2,000 people. Some 1,300 people were charged by October and 25 people were convicted as of November, according to Human Rights Watch (HRW).
- In May, police charged Ruben Dario da Silva Villar, who allegedly operated an illegal fishing enterprise, of ordering the murders of British journalist Dominic “Dom” Phillips and activist Bruno Araújo Pereira in 2022. Police also accused a fisherman of involvement in the murders.
- Also in June, the Superior Electoral Court (TSE) barred Bolsonaro from holding office until 2030, saying that his 2022 comments on the country’s electronic voting mechanism constituted an abuse of power.

## PR Political Rights

# A Electoral Process

A1 1.00-4.00 pts0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	3.003 4.004
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Brazil is a federal republic governed under a presidential system. The president is elected by popular vote for a four-year term and is eligible for reelection to a second consecutive term.

In the 2022 race, Luiz Inácio Lula da Silva of the Workers' Party (PT), who served as president from 2003 to 2011, and incumbent Jair Bolsonaro of the Liberal Party (PL) were the two leading candidates. Lula campaigned on economic concerns and social policy, while Bolsonaro's campaign focused attention on evangelical support. Lula won 50.9 percent of the vote in an October runoff.

The highly polarized campaign was marred by disinformation, aggressive rhetoric on social networks and online messaging services, and political violence. Bolsonaro also said the country's voting system was susceptible to fraud during the contest. As the second round was held, federal highway agents reportedly conducted traffic stops in several states, stopping buses carrying voters to polling stations. Bolsonaro did not explicitly concede after losing the election, initially remaining silent while his supporters blocked major roads and called for new elections and military intervention. Bolsonaro unsuccessfully challenged the results in court, calling for some runoff results to be "invalidated" after the TSE ratified the vote.

Lula was sworn in on January 1, 2023, with some of Bolsonaro's supporters still camping outside military headquarters asking for intervention. On January 8, thousands of Bolsonaro's supporters stormed the National Congress, Supreme Court, and presidential palace in Brasília, occupying government buildings and calling on the military to keep Bolsonaro in power. Police forces responded by retaking occupied buildings and using tear gas to disperse rioters. As many as 2,000 people were arrested as the riot ended.

A2 1.00-4.00 pts0-4 pts

Were the current national legislative representatives elected through free and fair elections?	3.003 4.004
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Legislative elections are generally free and fair. The bicameral National Congress is composed of an 81-member Senate and a 513-member Chamber of Deputies. Senators serve staggered eight-year terms, with one- to two-thirds coming up for election every four years. Members of the Chamber of Deputies serve four-year terms.

In the October 2022 elections, the PL became the largest single party in the Chamber of Deputies with 99 seats, while the PT won 69. The *Centrão* ("Big Center"), an array of patronage-based parties without clear ideological positions that provided legislative support to Bolsonaro, became the largest force in the Chamber of Deputies; the five parties understood to make up the *Centrão* won a combined 231 seats. The PL became the largest party in the Senate.

A3 1.00-4.00 pts0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	4.004 4.004
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Brazilian election laws are generally well enforced. The TSE presides over cases related to violations of electoral law.

While Brazilian voters have cast ballots electronically since 1996, Bolsonaro repeatedly claimed that the country's ballot system was vulnerable to fraud ahead of the 2022 elections, though no evidence has been found. The Defense Ministry inspected several hundred voting machines that October but found no irregularities, though its report did not explicitly declare whether potential fraud was possible.

In October 2022, the TSE gave its chief, Supreme Court justice Alexandre de Moraes, the unilateral authority to order the removal of online content that did not comply with previous TSE rulings as part of an antidisinformation effort. Bolsonaro supporters and legal experts criticized the move, fearing that it could allow for censorship. De Moraes cited the proliferation of false information and hate speech when initially proposing the move to the TSE. De Moraes also acted when the Federal Highway Police (PRF) stopped buses with voters in areas where Lula had majority support, restricting PRF inspections and denying a PT request to extend voting hours in the affected areas. The PRF's former director, Silvinei Vasques, was arrested over the affair in August 2023.

## B Political Pluralism and Participation

B1 1.00-4.00 pts 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?	4.004 4.004
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Brazil has an unfettered multiparty system marked by vigorous competition among rival parties. The electoral framework encourages the proliferation of parties, a number of which are based in a single state. Ahead of the 2022 elections, 32 parties were registered, 23 of which won seats in the Chamber of Deputies.

Some parties display little ideological consistency. Lawmakers often switch parties, rendering electoral coalitions fragile. The executive branch must assemble diverse and often ideologically incoherent coalitions to pass legislation due to the large number of parties.

Political parties operate with little transparency and under no governance rules, and often are targets of investigations into the misuse of public funds.

B2 1.00-4.00 pts 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?	4.004 4.004
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Opposition parties can compete and gain power through elections at both the federal and subnational levels. The PL and PT both received significant support in the 2022 elections. However, the Bolsonaro administration used public programs, namely the *Auxilio Brasil* (Brazil Aid) welfare program, to bolster its campaign, reducing the opposition's power to compete freely.

B3 1.00-4.00 pts 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?	2.002 4.004
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Powerful business interests undermine democratic accountability by facilitating or encouraging corruption among elected officials. Criminal groups have carried out attacks against political candidates and representatives, especially women and LGBT+ politicians. In September 2023, cabinet minister Anielle Franco requested police protection after receiving death threats; Anielle is the sister of Marielle Franco, a city councilor who was murdered in 2018.

Brazilian voters face high levels of political violence, which increased by 400 percent between 2018 and 2022 according to a survey conducted by two nongovernmental organizations (NGOs). In November 2022, Agência Pública recorded 15 murders and 23 attempted murders over that year’s election period. A study conducted by NGOs Justiça Global and Terra de Direitos recorded 247 cases of political violence in the same period. In an August 2022 survey, ahead of the legislative elections and the presidential runoff, almost 70 percent of Brazilian respondents feared threats and harassment for their political views. Militias and other criminal organizations—which may exercise significant control over campaigning and other political activity within their territories—have been blamed for a rise in violence in recent years.

The January 2023 riots in Brasília were mainly conducted by ordinary citizens, but some security officers and officials were accused of either supporting the riots, displaying inaction as they occurred, or otherwise backing former president Bolsonaro openly. President Lula accused elements of the country’s intelligence agency, police, and military of either mounting a lax response or of complicity in the riots. Federal District security chief Anderson Torres, who had been dismissed by Governor Ibaneis Rocha soon after the riots, was arrested over allegations of colluding with rioters in mid-January. In August 2023, *Folha de São Paulo* reported that PRF chief Vasques allegedly “requested votes for Bolsonaro online” during the October 2022 runoff, as his agency inspected buses carrying voters.

B4 1.00-4.00 pts0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?	3.003 4.004
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The constitution guarantees equal rights without prejudice, but some groups have greater political representation than others, and there is great unevenness in exercising de facto political rights. Afro-Brazilians and women and their interests remain underrepresented in electoral politics and in government. In the 2022 election, women won 17.8 percent of Chamber of Deputies seats, a slight improvement over the 15 percent figure achieved in 2018. Afro-Brazilian representation also improved in 2022. Two transgender federal deputies were elected in 2022. That December, Lula announced a cabinet that featured more racial and gender diversity.

## C Functioning of Government

C1 1.00-4.00 pts0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	3.003 4.004
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Widespread corruption undermines the government’s ability to make and implement policy without undue influence from private or criminal interests. During the 2010s, the functioning of government was severely hampered by a rolling political crisis due to corruption scandals.

The presence of active-duty and retired military officials in the Bolsonaro administration, along with the expansion of military missions into areas like environmental protection and the pandemic response, prompted unease about the military’s influence in politics. The Defense Ministry was additionally responsible for examining a number of voting machines during the 2022 elections. The TSE rescinded that responsibility in a September 2023 decision.

C2 1.00-4.00 pts0-4 pts

Are safeguards against official corruption strong and effective?	2.002 4.004
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Corruption and graft are endemic in Brazil, especially among elected officials. Between 2014 and 2021, an investigation known as Operation Car Wash focused on bribery, money laundering, and bid-rigging involving state oil company Petrobras and private construction companies. However, a series of investigative reports known as the Car Wash Leaks, published by the Intercept Brasil in 2019, exposed an improper relationship between Sérgio Moro—a judge who later became a Bolsonaro-era justice minister and won a Senate seat in 2022—and federal prosecutors. The Supreme Court annulled the convictions in 2021.

Criminal inquiries have targeted multiple members of Bolsonaro’s family in recent years. In August 2023, Jair Renan Bolsonaro, the former president’s youngest son, had his devices seized by police in the course of an embezzlement investigation. Also in August, the Federal Police began investigating former president Bolsonaro for allegedly selling two watches gifted to the Brazilian government by the Saudi Arabian government. Later that month, police questioned Bolsonaro over that sale and over an allegation that he brought jewelry into Brazil without paying taxes on those objects.

C3 1.00-4.00 pts0-4 pts

Does the government operate with openness and transparency? | 2.002 4.004

Brazil enacted the Freedom of Information Act (LAI) in 2012, but the government does not always release requested information, and when doing so, not always in machine-readable formats. Compliance varies among the country’s states and municipalities. In 2019, the Bolsonaro administration modified the LAI by decree, giving a larger group of officials the power to classify information as secret. The Bolsonaro administration often decreed 100 years of secrecy on information it considered sensitive. The Lula administration began rescinding those instructions in January 2023.

While in office, the Bolsonaro administration used a “secret budget,” an opaque system of financial grants that routed billions of reais through a rapporteur. Observers criticized the arrangement, which allowed lawmakers to receive added funding in exchange for backing the administration without transparency or oversight. In late 2022, the Supreme Court ruled the arrangement unconstitutional. However, some of these “secret budget” grants were still implemented under Lula in 2023, though to a lesser extent than under Bolsonaro.

## CL Civil Liberties

### D Freedom of Expression and Belief

D1 1.00-4.00 pts0-4 pts

Are there free and independent media? | 3.003 4.004

The constitution guarantees freedom of expression and the country’s media environment is vibrant. However, investigative journalists, particularly those who cover corruption and crime, face threats, harassment, obstruction, and sometimes deadly violence. The legal framework provides inadequate protection for freedom of expression. Defamation is subject to criminal penalties. Journalists who criticized former president Bolsonaro faced online and offline harassment, and outlets that carried criticism faced economic pressure from his administration.

The number of violent attacks on journalists increased by 34.2 percent between January 1 and May 15, 2023, over the same period in 2022 according to the Brazilian Association of Investigative Journalism. The NGO blamed the increase on the January 2023 riots in Brasília.

In January 2023, the federal government announced the creation of the National Observatory of Violence against Journalists, which is meant to monitor violent incidents, refer cases to the Program for the Protection of Human Rights Defenders, and perform other functions.

D2 1.00-4.00 pts0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	4.004 4.004
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The constitution guarantees freedom of religion, and the government generally respects this right in practice. However, Afro-Brazilian religious groups face considerable discrimination. Violence against Afro-Brazilian religious groups is frequent, especially in Rio de Janeiro’s favelas. In recent years, Afro-Brazilian temples (“terreiros”) have closed after assaults or threats from evangelical drug dealers, who claim territory and seek to repress faiths other than their own.

D3 1.00-4.00 pts0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	4.004 4.004
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Education policy was politicized under Bolsonaro, with his administration placing persistent pressure on academia and scientific organizations, especially by reducing funds for science and education and by mobilizing supporters to harass teachers and researchers. The Lula administration moved to reinstate public education and scientific research funding—including by expanding access to National Fund for Scientific and Technological Development and increasing the size of grants for academic researchers—and has refrained from placing pressure on academics.

*Score Change: The score improved from 3 to 4 because the Bolsonaro administration’s practices of monitoring and persecuting scholars for their work have not continued under President Lula.*

D4 1.00-4.00 pts0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	3.003 4.004
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People are generally able to express personal views in public without fear of institutional surveillance or retaliation. However, the 2018 and 2022 electoral periods were affected by the fear of political violence. Violent homophobic rhetoric contributes to a sense of fear among many that open discussion of LGBT+ rights and issues could be met with harassment or attack.

Social media intimidation and harassment by troll groups has proven to be a serious problem in Brazil. Bolsonaro allies, including family members, have faced investigations over their involvement in disinformation campaigns but continued to spread disinformation after Bolsonaro left office.

Public servants faced social media monitoring and risked losing their positions for criticizing the government. The Lula administration has not maintained that practice since taking office.

## **E Associational and Organizational Rights**

E1 1.00-4.00 pts0-4 pts

Is there freedom of assembly?	3.003 4.004
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While freedom of assembly is generally respected, police or other security agents sometimes use excessive force against demonstrations.

Some police personnel appeared unresponsive or friendly to pro-Bolsonaro protesters during the January 2023 riots in Brasília. Lula criticized some elements of the police and the military for their response. On the day of the riots, TSE chief de Moraes ordered the suspension of Federal District governor Rocha for 90 days over his apparent failure to manage the situation in Brasília.

E2 1.00-4.00 pts0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	3.003 4.004
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NGOs operate freely in a variety of fields. However, activists working on land rights and environmental protection issues have faced harassment, threats, and violence in recent years, along with verbal hostility from former president Bolsonaro and officials in his administration. In a September 2023 report, Global Witness noted that 34 environmental activists were killed in Brazil in 2022.

In June 2022, British journalist Dominic “Dom” Phillips and activist Bruno Araújo Pereira, who were documenting the exploitation of the Amazon rainforest, went missing in Amazonas State; their bodies were discovered that month, when a fisherman confessed to killing them and directed authorities to their remains. In July 2022, prosecutors issued charges against the fisherman, his brother, and a third man; a federal judge ordered that the three face a jury trial in an October 2023 ruling. Ruben Dario da Silva Villar, who allegedly leads an illegal fishing enterprise, was detained over his suspected involvement by January 2023. In May, police accused da Silva Villar of ordering the murders and additionally charged Jânio Freitas de Souza, a fisherman, of involvement.

E3 1.00-4.00 pts0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	3.003 4.004
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Industrial labor unions are well organized, and although they are politically connected, Brazilian unions tend to be freer from political party control than their counterparts in other Latin American countries. However, controversial labor reforms enacted in 2017 diminished the strength and role of unions in collective bargaining with businesses.

## F Rule of Law

F1 1.00-4.00 pts0-4 pts

Is there an independent judiciary?	3.003 4.004
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The judiciary, though largely independent in many parts of the country, is overburdened, inefficient, and often subject to intimidation and other external influences, especially in rural areas. Despite these shortcomings, the country’s constitution has resulted in an active judiciary that often rules in favor of citizens over the state.

The Supreme Court serves as an autonomous counterweight to the executive. Tensions between the court and the executive were high during the 2022 election, with Bolsonaro frequently issuing threats against the court. The court remained independent, issuing several decisions against Bolsonaro. In September 2023, the Supreme Court issued the first conviction related to the January riots, convicting a man of charges including attempting a coup and handing that defendant a 17-year prison sentence.

In June 2023, the TSE barred Bolsonaro from office until 2030, saying that he abused his power when telling foreign ambassadors that the country's electronic voting system was untrustworthy in 2022.

F2 1.00-4.00 pts0-4 pts

Does due process prevail in civil and criminal matters? | 2.002 4.004

The judiciary generally upholds the right to a fair trial. However, federal, state, and appellate courts are severely backlogged. Access to justice varies greatly due to income inequality, and the state struggles to provide legal counsel for defendants and prisoners who are unable to afford an attorney. Under a 2017 law, members of the armed forces and military police accused of certain serious crimes against civilians can be tried in military, rather than civilian, courts. In the vast majority of homicides committed by police, there is no due process.

F3 1.00-4.00 pts0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? | 1.001 4.004

Brazil had a homicide rate of 18.1 per 100,000 inhabitants in 2023, with some 39,033 homicides being recorded. That rate was slightly lower than the 2022 figure of 19 homicides per 100,000 inhabitants.

The police force remains mired in corruption, and serious police abuses, including extrajudicial killings, continued in 2023. Police officers are rarely prosecuted for abuses, and those charged are almost never convicted. The Brazilian Public Security Forum (FBSP) counted 6,429 deaths caused by police in 2022 in a report released in July 2023. A majority of the victims whose race was known were Black. Police in the states of Amapá, Bahia, and Rio de Janeiro had the highest lethality rates in the country. Over several days in late July and early August 2023, 45 people were killed in crossfire incidents in Bahia, São Paulo, and Rio de Janeiro states. In September, police killed a man suspected of killing two police officers in the state of Pernambuco; five relatives of the suspect were also killed in unclear circumstances.

Organized criminal activity contributes to insecurity in parts of Brazil. Several criminal groups fought for control of territory and clashed with police in the state of Bahia in 2023. The Armed Conflict Location and Event Data Project reported 1,670 fatalities related to those clashes between January and November.

Conditions in overcrowded prisons are life-threatening, characterized by disease, inadequate food, and deadly gang-related violence. Violence is more likely to affect poor, Black prisoners.

Indigenous people are at physical risk. In its July 2023 report, the Indigenous Missionary Council (CIMI) counted 416 incidents of violence against Indigenous people in 2022, including 180 murders. The CIMI noted that anti-Indigenous violence occurred more frequently under former president Bolsonaro than under his two immediate predecessors, Dilma Rousseff and Michel Temer.

F4 1.00-4.00 pts0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? | 2.002 4.004

While Brazilian society is largely tolerant, some populations are not able to fully exercise their human rights in practice.

Just over half of the population identifies as Black or of mixed race. Afro-Brazilians suffer from high rates of poverty and illiteracy, and almost 80 percent of Brazilians living in extreme poverty



are Black or mixed race. Victims of violence in Brazil are predominantly young, Black, and poor: According to the July 2023 FBSP report, 76.9 percent of murder victims in 2022 were Black. The FBSP also counted 1,437 femicides in 2022, a 6.1 percent increase from 2021; 61.1 percent of femicide victims were Black.

In 2019, despite intense pressure from some religious and political leaders, the Supreme Court ruled LGBT+ people are protected under a criminal law that prohibits discrimination on the basis of “race, color, ethnicity, religion, and national origin.” However, Brazil has one of the world’s highest levels of anti-LGBT+ violence. According to a May 2023 report by Grupo Gay da Bahia, an LGBT+ advocacy organization, 228 LGBT+ people were killed in 2022 because of homophobic violence, while another 30 died by suicide.

Many Indigenous communities—who comprise about 1 percent of the population—suffer from poverty and lack adequate sanitation and education services. The Indigenous population faces considerable discrimination, and their lands were subject to increased pressure under Bolsonaro, encouraged by his rhetoric and support for easing environmental laws. The National Indian Foundation, a government agency for Indigenous affairs, was weakened during the Bolsonaro administration.

## G Personal Autonomy and Individual Rights

G1 1.00-4.00 pts0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	3.003 4.004
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Brazilians enjoy freedom to travel within and outside of the country, and to make decisions about their places of residence and employment, though access to high-quality education across all levels remains a challenge.

Gang violence, militias, and police violence in some parts of the country, especially favelas, have impeded free movement and access to education. According to a report by Fogo Cruzado, which that tracks gun violence in certain areas of Brazil, there were 673 shootings in the Rio de Janeiro metropolitan area in the first five months of 2023; 460 occurred near schools, prompting lower attendance and school closures. Movement within the state of Bahia and especially in the state capital of Salvador was affected by organized criminal groups that engaged in violent clashes with each other and with police during the year.

*Score Change: The score declined from 4 to 3 because violent crime persistently hampers movement within the country.*

G2 1.00-4.00 pts0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	3.003 4.004
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While property rights are generally enforced, laws granting Indigenous populations exclusive use of certain lands are not always upheld, sometimes leading to violent conflicts. The Pastoral Land Commission registered 973 conflicts in the first half of 2023, an 8 percent increase over the first half of 2022. However, the number of killings was reduced, with 14 killings recorded in the first half of 2023 compared to the 29 counted over the same period in 2022. In its July 2023 report, which covered the events of 2022, CIMI counted 309 cases of land invasion, illegal exploitation, or property damage against Indigenous people.

Requirements for starting new businesses are often onerous, but authorities have taken steps to ease the process. Corruption and organized crime can pose obstacles to private business activity.

G3 1.00-4.00 pts0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	3.003 4.004
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The government generally does not restrict social freedoms. Same-sex marriage became legal in 2013. Gender-based violence remains widespread, though legislation has been introduced to combat it. A 2006 law sought to address high rates of impunity for domestic violence. Law 14.188 amended the penal code to criminalize simple bodily harm due to gender and criminalize psychological violence against women.

Abortion is legal only in the case of rape, a threat to the mother's life, or a rare and usually fatal brain deformity in the fetus. However, women and young girls are denied their legal right to abortion due to discretionary acts from the bureaucracy and judicial system. The sale of misoprostol, a drug that induce an abortion, is illegal in Brazil, though the drug is reportedly sold on the black market. As many as one million Brazilians seek abortions through clandestine means annually, including by traveling abroad. In September 2023, outgoing Supreme Court president Rosa Weber voted to decriminalize abortions carried out in the first 12 weeks of a pregnancy. Her successor, Luís Roberto Barroso, delayed a vote from the rest of the court, saying it should be held in person and not virtually; no decision on the legal status of abortion was made by year's end.

G4 1.00-4.00 pts0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	2.002 4.004
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Slavery-like working conditions pose a significant problem in rural and urban zones. A 2012 constitutional amendment allows the government to confiscate all property of landholders found to be using slave labor. The federal government maintains a list of employers who subject workers to slavery-like conditions and made a major update to that list in October 2023.

State spending to address inequality was obstructed when a 20-year budgetary spending cap was enacted in 2016, though the Bolsonaro administration increased aid payments for part of 2022. In December 2023, the Brazilian Institute of Geography and Statistics reported that 31.6 percent of the population lived in poverty in 2022, an improvement over the 36.7 percent poverty rate recorded in 2021. In some states, including Alagoas, Amazonas, and Maranhão, over half of the population lives below the poverty line according to a survey published in May 2023 by the Jones dos Santos Neves Institute.