Brazil

**Country:**
Brazil  

**Year:**
2017  

**Press Freedom Status:**
Partly Free  

**PFS Score:**
47  

**Legal Environment:**
14  

**Political Environment:**
22  

**Economic Environment:**
11  

**Key Developments in 2016:**

- João Miranda do Carmo, the editor of the news website SAD Sem Censura, was shot to death in front of his home in the state of Goiás in July. The Committee to Protect Journalists (CPJ) confirmed that the killing was directly connected with his work as a journalist.
- Brazil’s National Federation of Journalists (FENAJ) identified 161 cases of verbal and physical attacks against journalists during the year.
- In September, the government eliminated the board of trustees of the public Brazilian Communications Company (EBC), which manages Brazil’s public radio and television stations as well as a news agency; the board was intended to ensure the body’s independence. Additional changes allow for the president to appoint and dismiss its top executive.
- In the lead-up to the October municipal elections, CTRL+X, an initiative of the Brazilian Association of Investigative Journalism (ABRAJI), recorded scores of election-related lawsuits against media outlets that sought to suppress information. Courts granted such requests in some cases.
Executive Summary

Brazil remains a dangerous place to practice journalism, with harassment, intimidation, and violent attacks recorded each year, and most such attacks going unpunished. Usually, the victims of serious retaliatory violence are those who work away from the main cities, and operate without the protection and visibility provided by large mainstream news outlets. However, recent years have seen an increase in attacks and threats against journalists who have covered protests in major cities that emerged in 2013, and set in motion a political crisis that culminated in the August 2016 impeachment of President Dilma Rousseff. In 2016, FENAJ identified 161 cases of verbal and physical attacks against journalists, while ABRAJI recorded 73 instances of aggression against journalists that took place during protests, more than half of which the group said were perpetrated by police officers.

Journalists also face pressure from the courts, both via decisions that curtail their operations, and lawsuits filed against journalists by members of judicial institutions. A number of legal cases seeking to suppress media outlets’ operations were filed in the lead-up to 2016 municipal elections, with courts granting some such requests. Meanwhile, CPJ in June condemned a series of apparently coordinated lawsuits filed by members of the judiciary against five journalists at an outlet that had published articles revealing the inflated salaries of judges, magistrates, and district attorneys in the southern state of Paraná. However, in a development viewed as setting a positive precedent for the country’s access to information law, a São Paulo court in 2016 dismissed a defamation case against a blogger who, through a request under the access law, had obtained the names of companies fined by the Ministry of Labor and Social Security for keeping workers in slave-like conditions, and had published them.

Ownership of mass media continues to be highly concentrated among a few major companies, which receive a significant portion of available advertising contracts.

Legal Environment: 14 / 30 (↓1)

Brazil has strong constitutional guarantees of freedom of expression, but they are not always enforced. Journalists covering sensitive topics including crime and corruption face a real risk of violent attack, and such attacks, including murders, often go unpunished.

Politicians frequently invoke restrictive laws to silence journalists or media outlets. In the lead-up to October 2016 municipal elections, CTRL+X, an ABRAJI initiative, recorded scores of election-related lawsuits against media outlets seeking the suppression or removal of information, some of which courts granted. Under the 2015 right-of-reply law, media outlets must publish, at no cost, a reply from any person or organization who obtains a legal judgement stating that the outlet had defamed them. However, media outlets have only a matter of days to appeal to any such order. Press freedom advocates argue that the fast-paced process imposed on media outlets denies journalists and outlets the right to effectively defend themselves.

Various forms of libel and defamation remain criminalized in Brazil, although most of the numerous lawsuits that arise each year are filed under civil statutes.
Journalists can face pressure from the courts, both via decisions that curtail their operations, and lawsuits filed by members of judicial institutions. In June 2016, CPJ denounced judicial harassment against the newspaper *Gazeta do Povo* and five of its journalists. In February, the newspaper had published stories about inflated salaries for judges, magistrates, and district attorneys in the southern state of Paraná, which exceeded the ceiling provided for in the constitution. Between March and June, 46 individual, nearly identical lawsuits were filed by judicial officials against the five reporters. The newspaper disclosed that, in aggregate, by June the journalists had traveled over 3,700 miles within Paraná and had missed nearly 20 days of work to be in court.

Journalists’ right to keep their sources confidential is enshrined in the constitution. In 2016 this right was tested in the courts, and ultimately upheld in at least two cases. In August, a court in Brasília issued an order compelling the release of information regarding phone calls made by Murilo Ramos, a reporter for the weekly magazine *Época*, in order to identify a source who leaked a list of Brazilian citizens suspected of having secret Swiss bank accounts. However, the decision was suspended in October by a federal court. In November, the journalist Andreza Matais’s phone confidentiality rights were suspended by a São Paulo court in order to identify the source for a series of 2012 articles in the newspaper *Folha de S. Paulo* about possible irregularities at Banco do Brasil. The decision was reversed in December.

In 2012, Brazil passed a comprehensive freedom of information law, guaranteeing public access to documents and data from the executive, legislative, and judicial branches of government at the federal, state, and municipal levels. The law also provides for access to information about private entities that receive public funding. Moreover, the law stipulates that information about human rights violations is not exempt from disclosure. In practice, however, the government does not always release requested information. Among those who have used the law in their reporting is the blogger Leonardo Sakamoto, who in 2015 published a list of companies fined by the Ministry of Labor and Social Security for keeping workers in slave-like conditions. Although Sakamoto obtained the companies’ names through the freedom of information law, one company filed a defamation lawsuit against him. The case was finally settled in 2016, when the Court of Justice of São Paulo confirmed that Sakamoto had not committed a libel crime. The decision was considered a positive precedent regarding the freedom of information law.

The operation of radio and television stations requires a concession granted by the federal government. There are numerous agencies and public departments responsible for the overall broadcasting system, including radio and television licenses and the renewal of such authorizations. Their different roles are not always clearly defined, which hurts their oversight activities.

In September, the government eliminated the board of trustees of the public EBC, which manages Brazil’s public radio and television stations as well as a news agency; the board was intended to ensure the body’s independence. Additional changes allow for the president to appoint and dismiss its top executive. In 2009, the Supreme Court cancelled a rule limiting the exercise of journalism to those who have a college degree in the field. According to the court, the regulation was not in line with the freedom of expression rights guaranteed by the Brazilian constitution.
Political Environment: 22 / 40

Many private media outlets are owned by politically connected actors who use them to promote their own interests.

Judicial censorship—in which courts bar media outlets from publishing information about prominent politicians and businesspeople, demand the removal of published material, or order journalists to pay hefty fines for disseminating information—remained common in 2016. Besides imposing sentences involving jail time and fines, judges frequently order the removal of specific content from news websites and blogs. During 2016, in Paraná State, Marcelo Auler was ordered to delete 10 articles from his blog in response to at least two separate lawsuits arguing that the articles were offensive to police officers investigating a corruption scandal. One of the decisions rendered in May amounted to censorship, forbidding him from publishing any other articles that could be considered offensive to the officers. In addition, the judge ruled without hearing Auler’s defense. In the lead-up to the October 2016 municipal elections, CTRL+X recorded hundreds of election-related lawsuits against the online disclosure of information, including 228 situations in which courts either ordered a website or blog suspended, or forced it to delete information already published. Meanwhile, the messaging service WhatsApp was temporarily blocked in May 2016 by a judge in Sergipe State; the following day, the decision was overruled by a higher court.

A wide variety of views are found in the Brazilian media landscape. However, media diversity is hampered somewhat by the difficulty of obtaining community radio licenses, though reforms since 2015 have made the process somewhat more accessible. In 2016, 48 new community radio licenses were granted, bringing the portion of Brazilian municipalities with at least one community radio station to 71 percent. Regional television stations mostly transmit content produced by broadcasters in Rio de Janeiro and São Paulo, with a small part of airtime dedicated to local productions. The trade-off is that the regional television stations receive programming with good technical quality for low cost and, in exchange, allow the national television organizations access to regional viewers and advertisement market.

Investigative and critical journalists, particularly those who cover corruption and crime, face threats, harassment, obstruction, and violence, which in some cases has been deadly. While such incidents are more common in Brazil’s provincial cities and towns, recent years have seen an increase in attacks and threats against journalists who have covered street protests in major cities that emerged in 2013 and set in motion a political crisis that culminated in Rousseff’s impeachment in August 2016. In 2016, ABRAJI recorded 73 cases in which journalists were targeted during street protests. In more than half of them, the aggressors were police officers; in at least 29 out of 39 such cases, the victims reported being attacked despite having been identified as members of the press. In August 2016, a São Paulo court dismissed a lawsuit filed by photographer Sérgio Andrade da Silva, who in 2013 had been blinded in one eye after being shot by a military police officer’s rubber bullet while covering a protest in São Paulo. According to the court, da Silva was solely responsible for the incident because he chose to place himself between protesters and the police.
Usually, the victims of serious retaliatory violence are those who work away from the main cities and without the protection and visibility provided by large mainstream news outlets. Thus, most of the journalists killed in the country are bloggers or those who work in small radio stations or local newspapers. According to CPJ, one journalist was killed in 2016 in direct connection with their work. The journalist, João Miranda do Carmo, the editor of the news website SAD Sem Censura (or Santo Antônio do Descoberto Uncensored), had recently condemned a local garbage collection tax, unpaved roads, and reports that municipal employees had not been paid on time; he was gunned down in front of his house in the state of Goiás in July by individuals inside a car. Three days after the murder, Douglas Ferreira de Morais, the head of the municipal police, was arrested in connection with the killing, and Ferreira de Morais’s son was arrested the following month.

Separately, in March 2016, in Paraná State, radio host João Valdecir de Borba of Rádio Difusora AM was killed by two unidentified men inside the station’s bathroom. Five months earlier, Borba had placed, without explanation, a request with the station’s director that he stop reporting on crime, which was granted. In August, Maurício Campos Rosa, the owner of a local newspaper in the southeastern town of Santa Luiza, died after being shot five times. The motive in both killings was not known.

**Economic Environment: 11 / 30**

Brazil is South America’s largest media market, with thousands of radio stations, hundreds of television channels, and a variety of major newspapers. Ownership of mass media remains highly concentrated among a few major companies. The Grupo Globo conglomerate controls key television, cable, and satellite networks, as well as several radio stations and print outlets. Another company, Editora Abril, leads Brazil’s magazine market. The television market is largely controlled by five private companies and one public body. The EBC manages Brazil’s public radio and television stations as well as a news agency.

The federal constitution prohibits elected officials from holding media licenses while in office. However, some 40 federal senators and congress members own stakes in Brazilian radio or television stations. A lawsuit filed at the Supreme Court in 2011 challenges the constitutionality of such arrangements; the case is ongoing. Meanwhile, in 2016, federal courts ordered that radio licenses issued to three members of the Chamber of Deputies be revoked.

The strong concentration of the Brazilian media can make it difficult for new actors to find their footing in the market.

About 60 percent of the population accessed the internet in 2016.

Brazil’s advertising market is highly concentrated, with most advertising revenue found within the television sector. The federal government is a major contributor of advertising revenue, and a November 2015 report by the Brazilian group Intervozes and the German Friedrich-Ebert-Stiftung (FES) foundation estimated that 82 percent of the government’s 2013 television advertising budget went to the five largest television groups. In 2013, the Brazilian Radio and Television Association (ABERT) estimated that Brazil had 4,645 commercial radio stations, and that about a third of the advertising expenditure in the radio
sector was concentrated among 150 stations. Advertising on online outlets has increased in recent years.

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