Brazil

Country: Brazil
Year: 2016
Press Freedom Status: Partly Free
PFS Score: 46
Legal Environment: 13
Political Environment: 22
Economic Environment: 11

Overview

At least six reporters were murdered in 2015, making Brazil one of the most dangerous places in the world to practice journalism. Media workers are frequent targets of aggression, intimidation, and judicial censorship. Yet, even though impunity for crimes against journalists remains high, recent progress has been made in prosecuting the murders of media professionals.

Key Developments

- Violence against journalists spiked in 2016, with no fewer than six reporters killed in retaliation for their work.
- A blogger was detained for more than four months in connection with a defamation lawsuit filed by the president of one of Brazil’s premier soccer clubs.
- A federal public prosecutor requested the cancellation of the media licenses of outlets owned by politicians currently holding office in the national legislature.

Legal Environment: 13 / 30
Brazil has strong constitutional guarantees of freedom of expression, but they are not always enforced. 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.

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 2015. In March, journalist Dinarte Assunção was sentenced to 80 days in prison, converted into a fine, for a story he wrote for the news website Portal No Ar that critiqued the municipal administration of Mossoró for placing its logo on coffins it provided to families who could not afford to buy one for a deceased relative. In April, a court in the state of Piauí prohibited journalist Arimatéia Azevedo and the independent online news site Portal AZ from publishing information about the 2011 death of Fernanda Lages, a college student who was found dead at a construction site where a new public prosecutor’s office was to be built. In 2012, police concluded that Lages had committed suicide, but Azevedo had continued to report on the police investigation. In May 2015, a judge in São Paulo ordered the web magazine Consultor Jurídico to delete a story about the 393 million real ($126 million) estate left by former Justice Minister Márcio Thomaz Bastos. The latter two censorship cases were reversed by the Brazilian Supreme Court.

Bloggers have faced particularly high levels of judicial censorship. In 2015, Paulo Cezar de Andrade Prado was incarcerated for over four months in a case related to defamation allegations issued against him by Carlos Aidar, president of São Paulo Futebol Club (SPF), one of Brazil’s premier professional soccer teams. Using information obtained from a WhatsApp group that included Aidar, Prado, who has repeatedly criticized the ethical standards of SPF executives on his blog, had written that Aidar was recruiting a new coach for the club. Aidar had responded with a series of lawsuits.

Besides imposing sentences involving jail time and fines, judges frequently order the removal of specific content from news websites and blogs. Google Transparency reports show that the Brazilian government made 13 percent more requests to remove online content in the first half of 2015 than in the same period of 2014. To monitor the attempts of power brokers and politicians to use the courts to stifle unfavorable media coverage, in 2014 the Brazilian Association of Investigative Journalism (ABRAJI) created the website CTRL+X, which collects data regarding practices of judicial censorship. Funded by Google, the initiative has registered more than 1,000 cases in Brazil dating back to August 2014.

In 2012, Brazil passed a comprehensive freedom of information law, guaranteeing public access to documents 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. Among those who have used the law in their reporting is the blogger Leonardo Sakamoto. In March 2015, he 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 names of these companies through the freedom of information law, one company filed a defamation lawsuit against him. In November, the São Paulo state court closed the case, saying the information was obtained legally and that its publication was not a crime.
Political Environment: 22 / 40 (↓1)

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

Frequently, authorities threaten journalists in attempts to intimidate them into revealing their sources. Police harassment of journalists from the daily Gazeta do Povo in Paraná, in connection with a 2012 series on police misconduct, continued in 2015, and in April sparked a joint rebuke from Brazil's national federation of journalists (FENAJ), the Federation of Journalists from Latin America and Caribbean (FEPALC), and the International Federation of Journalists (FIJ). FENAJ documented 137 incidents of aggression against journalists in 2015, up from 129 the previous year.

Journalists working to expose corruption and crime do so at great risk to their lives. According to the Committee to Protect Journalists (CPJ), six journalists were killed in direct connection with their work in 2015, and two others died under unclear circumstances. With this record number of deaths, Brazil tied with Iraq as the third most lethal country for journalists in 2015.

The first such death of the year occurred in March, when the Paraguayan radio journalist Gerardo Ceferino Servían was killed on the Brazilian side of the border; Servían hosted a morning news show on a radio station in Paraguay, and had been critical of the local mayor there. In separate incidents in May, two journalists were killed after being kidnapped. The blogger Evany José Metzker was found decapitated, five days after his disappearance, on the outskirts of Padre Paraíso, a town in the state of Minas Gerais, where he was reported to have been investigating the activities of local criminal groups. Less than a week later, Djalma Santos da Conceição's body turned up with signs of torture in the state of Bahia. A controversial radio journalist, Santos da Conceição was known for exposing corruption and other crimes. In August, Gleydson Carvalho, who reported on local corruption cases, was shot and killed while presenting his afternoon show on a community radio station in the state of Ceará. Authorities arrested at least seven people in connection with the killing, including a suspected shooter and a man accused of having funded the crime. Two journalists were shot and killed in November: radio journalist Israel Gonçalves Silva, who hosted a community radio show that encouraged listeners to phone in and denounce corruption and other wrongful acts committed by police and politicians; and blogger Ítalo Eduardo Diniz Barros, whose work focused on local politicians reported to be involved in scandals and other misdeeds.

Even as crimes against journalists continued to outpace justice, Brazil has made progress in prosecuting the murderers of some media professionals. In June 2015 in the state of Minas Gerais, the gunman Alessandro Neves Augusto was sentenced to 16 years in prison for the murder of journalist Rodrigo Neto. His 2013 killing is widely considered to be related to his investigation of the existence of an “extermination group” formed by local policemen who hunted down and summarily executed criminals. Two months later, Augusto was convicted of an additional crime: the assassination of freelance photographer Walgney Assis de Carvalho, who was also gunned down in 2013, after he reportedly told friends that he had information regarding Neto’s murder. For this crime,
Augusto was sentenced to 14 years and three months in jail. Augusto’s sentences will run consecutively.

However, in March, a court in Rio de Janeiro released from pretrial detention two protesters accused of setting off the explosive device that killed cameraman Santiago Ilídio Andrade as he was covering a 2014 protest in Rio de Janeiro. When arrested, the two men were originally charged with murder—a crime requires that the defendants be held in pretrial detention. In March 2015, a court downgraded the alleged crime to explosion followed by death, which carries a lesser sentence and will allow the accused to remain at home during their trial.

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. About 59 percent of the population accessed the internet in 2015. Ownership of mass media continues to be highly concentrated among a few major companies. The Grupo Globo conglomerate dominates the media landscape, controlling Brazil's principal television, cable, and satellite networks as well as several radio stations and print outlets. Another company, Editora Abril, leads Brazil's magazine market.

The federal constitution prohibits elected officials from holding media licenses while in office. Nevertheless, some 40 federal senators and congress members own stakes in Brazilian radio or television stations. In November 2015, a federal public prosecutor in São Paulo filed a motion requesting the cancellation of media licenses belonging to three deputies in the national legislature. More such lawsuits are expected to follow.

Nationwide, media diversity is hampered by the difficulty of obtaining community radio licenses. However, in 2015 the Ministry of Communications announced that it was simplifying this process by, among other things, cutting down the number of documents required of applicants from 33 to 7. The ministry also presented a plan to provide radio programming to 77 percent of Brazilian cities by issuing hundreds of new licenses for new community and educational radio stations, as well as 30 licenses for educational television stations. These initiatives did not do away with the parameter determining that only radio stations transmitting at fewer than 25 watts can qualify as “community” stations, meaning that those transmitting without a license at 25 to 100 watts will still be often forced to operate illegally.

Source URL: https://freedomhouse.org/report/freedom-press/2016/brazil