

FREEDOM OF THE PRESS



Brazil

Brazil | [Freedom of the Press 2012](#) |

Brazil has a vibrant democracy with strong constitutional guarantees of freedom of expression. A public information access law was passed in 2011; however, journalists also experienced increases in violence, harassment, and censorship during the year.

In a significant victory for press freedom, in November Brazil became the 89th country with a freedom of information law when President Dilma Rousseff signed legislation passed by the Senate in October. The law guarantees public access to documents of the executive, legislative, and judicial branches of government, at the federal, state, and municipal levels. It also provides for access to information about private entities that receive public funding. Further, the law stipulates that information about human rights violations is not exempt from disclosure. However, the law lacks an independent body to monitor enforcement. The law had not gone into effect at year's end, as government agencies were given six months to prepare for implementation.

Also in November, the Senate gave initial approval to a bill, which had already passed the House of Deputies, requiring practicing journalists to have an advanced degree. This legislation has sparked controversy, as critics contend that it would limit constitutional guarantees of free expression and free speech. Congress was moving forward with the degree requirement despite the fact that the Supreme Federal Court had defeated such a requirement in 2009. The bill was awaiting further modifications and votes in the Senate at year's end. In May, a proposed "gag law" had been introduced in Congress that would make leaking or publishing information about confidential criminal investigations or trials a crime punishable by up to four years in prison.

In 2010, the judicial branch had been extremely active in issuing injunctions to prevent media outlets from covering numerous stories, often taking the sides of politicians and businesspersons. This trend continued in 2011, with press freedom groups denouncing what was seen as movement toward the courts becoming instruments of censorship. Courts issued fines and prison sentences, blocked publication of certain names or images, and in at least one case blocked publication altogether. In February, *Jornal Povo* editor Lúcio Flávio Pinto was threatened with jail time and \$120,000 in fines if he continued to publish stories about an ongoing fraud investigation involving prominent local businessmen. In September, an injunction by a court in Rio Grande do Sul (later overturned by a higher court) prohibited news media conglomerate Grupo RBS from publishing the name or image of a city councilman accused of corruption. Also that month, a court in Belo Horizonte prevented the circulation of magazine *Viver Brasil* after the publication ran a report criticizing the local administration. In other cases, in April a judge in the state of Tocantins blocked the news site *Portal Arnaldo Filho* from publishing complaints from ex-employees of a private school in the city of Araguaína, and in August the state court in Rondônia ordered the radio station Cultura FM not to name plaintiffs in ongoing legal matters. In August, two journalists and the publisher from *Folha do Espírito Santo* newspaper were ordered to pay nearly \$170,000 for defaming a judge.

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

44

LEGAL ENVIRONMENT

13

POLITICAL ENVIRONMENT

20

ECONOMIC ENVIRONMENT

11

As the 2014 World Cup and 2016 Olympics approach, reports are emerging of reporters being censored and attacked by the army and police as they attempt to report on efforts to “pacify” Brazil’s favelas, or slums. In October, the newspaper *A Nova Democracia* and the news agency Agência da Notícias das Favelas posted a video of a favela resident being beaten by eight soldiers on their websites, and the army ordered reporters from those outlets who returned to the favela the following day to stop filming.

Three journalists were killed in Brazil in 2011, according to the Committee to Protect Journalists (CPJ), and there were numerous reports of violence against journalists and other members of the media during the year. Journalists working in provincial areas were especially vulnerable to attack. Radio and television journalist Luciano Leitão Pedrosa, known for his critical coverage of local officials and criminal gangs, was shot and killed in a restaurant in Pernambuco state in April. In June, newspaper editor and blogger Edinaldo Figueira of the newspaper *O Serrano* was shot dead in the state of Rio Grande do Norte after receiving death threats for publishing criticisms of the local government. And in November, cameraman Gelson Domingos da Silva of Bandeirantes TV was killed when he was caught in a shootout between police and suspected drug traffickers in Rio de Janeiro. Brazil was re-added to CPJ’s Impunity Index in 2011 because while five suspects were arrested in July for killing Figueira, the masterminds remain at large. No suspects have been arrested in connection with the other murders of journalists.

Beyond the killings, journalists remain exposed to a high level of criminal violence. In January, a reporter and camera operators working for RBS TV were threatened and assaulted by businessmen in the southern state of Santa Catarina. In Rio de Janeiro in March, blogger Ricardo Gama survived gunshots to the head, neck, and chest after criticizing state government officials and connecting a local businessman to drug trafficking. In October, the owner of the *Gazeta do Oeste* newspaper’s car was shot at by an unidentified individual in Paraná state. In part because of the heightened violence, in August the International News Safety Institute and the Brazilian Association of Investigative Journalism announced the opening of an office in São Paulo aimed at protecting journalists.

Brazil is South America’s largest media market, with thousands of radio stations, hundreds of television channels, and a variety of major newspapers. Control of mass media in Brazil continues to be highly concentrated among a few extremely large media companies. The Globo Organizations conglomerate enjoys a dominant position, 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. Politicians often have strong interests in media companies, especially in regional or local markets. Although prohibited by law, in 2011, 68 Congress members held a television or radio license, which could lead to potential conflicts of interest. Hundreds of politicians nationwide are either directors or partners in some 300 media companies, most of them radio and television stations, according to the independent media monitoring group Media Owners (Donos da Mídia). The media concentration has led to a lack of plurality, in part because of the difficulty in obtaining community radio licenses. According to freedom of expression group Article 19, many community broadcasters have been waiting for more than five years for a license. Further, the organization documented 326 lawsuits—154 of them criminal—against community radio stations.

The internet represents a new frontier for the Brazilian public, with about 45 percent of the population accessing the internet in 2011. Though the internet is seemingly an open forum for all to express themselves, the judiciary has grown increasingly aggressive in its attempts to regulate content. In July, a São Paulo court blocked access to the blog of journalist Paulo Cezar Prado, who has faced about 30 lawsuits over his articles. In October, blogger Noel Júnior had his home office equipment confiscated as a result of a judicial order. Bloggers are frequently forced to pay fines for their online reporting. In September, journalist and TV host Paulo Henrique Amorim of the show *Domingo Espetacular* had to pay more than \$54,000 for criticizing a lawyer on his blog. Mossoró-based freelance journalist and blogger Carlos Santos was ordered to pay roughly \$3,400 for allegedly defaming the local mayor in February. Santos

also was facing 27 other lawsuits and nine arrest orders for offending local officials. Besides court decisions, the legislature also represents a potential threat, as a proposed cybercrime law, known by critics as “AI-5 digital” in reference to a measure limiting civil rights during the military dictatorship, would limit user privacy and could restrict freedom of expression online.

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