

Brazil

	2013	2014		
Internet Freedom Status	Partly Free	Free	Population:	195 million
Obstacles to Access (0-25)	7	7	Internet Penetration 2013:	52 percent
Limits on Content (0-35)	8	7	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	17	16	Political/Social Content Blocked:	No
TOTAL* (0-100)	32	30	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- In December 2013, President Dilma Rousseff issued a decree exempting certain categories of smartphone from taxation. Included were those with national content, Wi-Fi connectivity, email access, and open source code (see **Obstacles to Access**).
- In April 2014, Brazil's highly anticipated Marco Civil Bill, a so-called "Constitution for the Internet," was signed into law, ensuring privacy protection for users, net neutrality, and several other positive measures (see **Violations of User Rights**).
- In September 2013, the Superior Electoral Court authorized the use of Twitter during electoral campaigns, while amendments to Brazil's electoral law in December 2013 established additional restrictions to online publishing of electoral content, as well as fines for potential violators (see **Violations of User Rights**).
- Beginning in April 2014, cyberattacks against Brazilian government websites and infrastructure increased markedly ahead of the FIFA World Cup games (see **Violations of User Rights**).
- Social media played a key role in the June 2013 Free Fare Movement, both as a tool for mobilizing protestors (see **Limits on Content**) and as a means of documenting abuse of reporters covering the protests (see **Violations of User Rights**).

Introduction

After years of debate and revision, Brazil's highly discussed Marco Civil da Internet bill, hailed as a civil rights framework for the internet, was approved by the lower house of Congress in March 2014, without onerous requirements related to localization of data storage. The final text of the Marco Civil—which was approved by the Senate and signed into law by the president in April—also contains key provisions governing net neutrality and ensuring strong privacy protections, and further touches on regulation for intermediary liability. The Marco Civil law has received significant international attention as a new type of legislation predicated on ensuring individuals' rights as they pertain to the internet.

Brazil, which was first connected to the internet in 1990, has enacted a handful of initiatives in recent years to expand and enhance broadband and mobile phone usage. With programs ranging from tax incentives for suppliers of information and communications technology (ICT), to the installation of LAN houses (public and private internet access points) throughout the country, to the introduction of 4G services in April 2013, Brazil is making concerted efforts to facilitate continued investment in infrastructure and to increase the number of citizens with internet access. Despite its notable progress in increasing ICT availability, however, Brazil still faces challenges in its quest to reach internet penetration rates commensurate with its economic wealth.

While internet penetration rates have been increasing modestly, social media interactivity and related activism are taking center stage in Brazil. Issues that have garnered particular interest over the past year range from increasing public transportation fares to FIFA's initiatives for the 2014 World Cup (hosted in Brazil), to concerns over security, education, and public health. In some cases, such as the Free Fare Movement, online debate has catalyzed real-world protests.

Brazil still faces challenges to internet users' rights in distinct areas, such as defamation charges, violence against bloggers and journalists, and an increasing number of proceedings before domestic courts and governmental bodies. Reporters Without Borders no longer ranks Brazil as among the world's five deadliest countries for media personnel.¹ Five journalists were assassinated in 2013, representing a continuation of the previous year's trend; however, retaliatory violence against journalists and bloggers does appear to be on a decline.

Additionally, Brazil's Electoral Act—which faced criticism for broad language that posed a threat to freedom of speech—was amended in September 2013 to establish the use of Twitter as an acceptable medium in political campaigning. The Act was amended again in December 2013, however, with additional restrictions to online content concerning candidates and political parties.²

1 Reporters Without Borders, "2013 World Press Freedom Index: Dashed Hopes After Spring," *Reporters Without Borders*, December 19, 2013, <http://en.rsf.org/press-freedom-index-2013.1054.html>

2 Presidency of the Republic, Civil House for Legal Affairs, Law No. 12.891 of 2013, http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2013/Lei/L12891.htm#art3.

Obstacles to Access

According to the most recent figures from the International Telecommunication Union (ITU), despite its burgeoning economy, Brazil's internet penetration rate remains below the average for North American and European countries.³ According to the International Telecommunication Union (ITU), Brazil's internet penetration rate increased from 49 percent in 2012 to 52 percent in 2013.⁴ Almost 60 percent of Brazilian residences lack internet access; a reality resulting from various obstacles, such as high prices—a problem that extends to fixed broadband, wireless, and 3G/4G technologies—limited availability of services, and persistent social inequalities.⁵

The 2013 Web Index ranks Brazil 33rd globally in terms of internet access, freedom, openness, relevant content, and empowerment; Chile, Mexico, and Uruguay are all ranked higher regionally⁶ Internet penetration varies greatly in Brazil, with noteworthy infrastructural disparities evident between various geographical regions, as well as between urban and rural areas.

Fixed broadband technology, such as DSL and cable, accounts for 68 percent of household internet connections in Brazil.⁷ Although mobile broadband is still in the minority with 18 percent of the market, such technology now accounts for most new household broadband connections, indicating that Brazil is following global broadband growth trends. As of the third quarter of 2013, Akamai measured Brazil's average internet connection speed at 2.6 Mbps.⁸ According to figures published by the ITU, over 20 million Brazilians have fixed-broadband connections,⁹ 22 percent of which are high speed, 26 percent of which are medium speed; the remaining 52 percent are low speed.¹⁰

Public paid access centers—also known as local area network, or LAN, houses—remain the primary means of internet access for low income Brazilians in many regions, providing access to nearly 68 percent of those from the lowest economic brackets.¹¹ Although household access is becoming the

3 ITU, ICT Facts and Figures 2014, Statistics, Aggregate By Country – Percentage of Individuals Using the Internet, accessed June 10, 2014, http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx?utm_source=twitterfeed&utm_medium=twitter.co.jp.

4 ITU, ICT Facts and Figures 2014, Statistics, Aggregate By Country – Percentage of Individuals Using the Internet, accessed June 10, 2014, http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx?utm_source=twitterfeed&utm_medium=twitter.co.jp.

5 Cetic.br, Coordination for ICT strategies, “No Brasil, 60% das Casas Ainda não Yêm Internet” [In Brazil, 60 Percent of Households Still do not Have Internet], Cetic.br, July 1, 2013, <http://coeti.seplag.ce.gov.br/?m=20130701>

6 World Wide Web Foundation, 2013 Web Index, accessed February 16, 2014, <http://thewebindex.org/data/index/#sthash.BVHqk4GI.dpuf>.

7 ITU, The World in 2013: ICT Facts and Figures, p.2, *ITU*, accessed January 28, 2014, <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2013-e.pdf>.

8 Akamai, The State of the Internet: Q3 2013, *Akamai*, accessed march 5, 2014, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoi-map>.

9 ITU, ICT Facts and Figures 2014, Statistics, Aggregate By Country – Fixed Broadband_2000-2013, accessed June 10, 2014, http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx?utm_source=twitterfeed&utm_medium=twitter.co.jp

10 ITU, The World in 2013: ICT Facts and Figures, p.2, *ITU*, accessed January 28, 2014, <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2013-e.pdf>

11 Brazilian Internet Steering Committee (CGI.br), “Survey on the Use of Information and Communication Technologies in Brazil 2012,” pg. 486, *Brazilian Internet Steering Committee*, accessed February 14, 2014, <http://op.ceptro.br/cgi-bin/cetic/tic-domicilios-e-empresas-2011.pdf>.

most common means of connection for those with slightly higher incomes, LAN houses remain relevant to digital inclusion in Brazil, particularly in the country's impoverished northern regions.¹²

Internet growth has been slower than expected in Brazil, yet mobile penetration has grown significantly over the past five years, increasing by an average of 19 percent annually and reaching 134 percent by the end of 2013.¹³ As of January 2014, there were 271 million mobile phone subscriptions in Brazil, an increase of 3.5 percent from 2013. Smartphone sales increased significantly in 2013 as well, growing by 147 percent,¹⁴ a figure consistent with the country's recent expansion of mobile broadband access. As of December 2013, 103 million Brazilians had mobile broadband access, suggesting an increase of nearly 42 percent as compared to November 2012.¹⁵ Nearly 95 million users (approximately 35 percent) now have 3G service¹⁶ and over one million utilize 4G technology.¹⁷ Such advanced connections are so heavily concentrated in São Paulo that if the city itself were considered a country it would be the fifth largest market in Latin America.¹⁸

The development of mobile technologies supporting 4G services was greatly hastened by the anticipated demand leading up to and during the June to July 2014 World Cup. While national wireless networks are still small compared to other countries—as of December 2013, the National Agency of Telecommunications (ANATEL) had registered approximately 160,000 hotspots within Brazilian territory¹⁹—mobile service providers were working to increase the number in the first half of 2014 as a means of accommodating anticipated increases in 3G/4G network traffic during the World Cup.

Although the development of 4G services would appear to be a positive step in the enhancement of Brazil's technological capacity, consumer advisory entities are skeptical, contending that 4G service is expensive and is unlikely to live up to its potential until infrastructure is improved. Furthermore, 3G users will have to acquire new handsets to begin using 4G, indicating additional costs for individuals seeking to upgrade to the latest technology.²⁰

12 Brazilian Internet Steering Committee (CGI.br), "ICT Households and Enterprises 2012 - Survey on the use of Information and Communication Technologies in Brazil" pg. 386, *Brazilian Internet Steering Committee*, accessed February 14, 2014, <http://op.ceptro.br/cgi-bin/cetic/tic-domicilios-e-empresas-2011.pdf>.

13 Budde.com, "Brazil - Telecoms, Mobile, Broadband and Forecasts 2012," *Budde*, accessed February 2014, <http://www.budde.com.au/Research/Brazil-Telecoms-Mobile-Broadband-and-Forecasts.html?r=51>.

14 Teleco, "Vendas de Telephone Celular e Smartphone no Brasil" [Sales, Exports and Imports of Mobile Phones], *Teleco*, accessed February 16, 2014, <http://www.teleco.com.br/celprod.asp>.

15 Globo, "Acessos 4G Cresceram 41 Por Cento em Dezembro e Somavam 1,31 Milhoes no Final do 2013" [4G Access Grew 41 Percent in December and Reached 1.31 Million at the End of 2013], *Globo*, January 27, 2014, <http://oglobo.globo.com/economia/acessos-4g-cresceram-41-em-dezembro-somavam-131-milhoes-no-final-de-2013-11414696>.

16 Teleco, "Estatísticas de Celulares no Brasil" [Statistics on Mobile Phones in Brazil], *Teleco*, accessed February 16, 2014, <http://www.teleco.com.br/ncel.asp>.

17 Teleco, "Estatísticas de Celulares no Brasil" [Statistics on Mobile Phones in Brazil], *Teleco*, accessed February 16, 2014, <http://www.teleco.com.br/ncel.asp>.

18 Globo, "Cidade de SP e O 5 Major Mercado da America do Sul, diz Fecomercio," [City SP is the 5th Largest Market in South America, says Fecomercio], *Globo*, January 22, 2014, <http://g1.globo.com/economia/noticia/2014/01/cidade-de-sp-e-o-5-maior-mercado-da-america-do-sul-diz-fecomercio.html>.

19 Globo, "Operadoras Ampliam Pontos de Wi-Fi para Desafogar Rede 3G e 4G" [Mobile Companies Expand Wi-Fi Hotspots to Ease 3G and 4G Networks], *Globo*, January 16, 2014, <http://oglobo.globo.com/tecnologia/operadoras-ampliam-pontos-de-wi-fi-para-desafogar-rede-3g-4g-11323040#ixzz2fID0OFH>.

20 Proteste, "Brasil não Está Preparado para a Rede 4G" [Brazil is not Prepared for 4G Networks], *Proteste*, July 15, 2013, <http://www.proteste.org.br/tecnologia/celular/dica/brasil-nao-esta-preparado-para-a-rede-4g>.

Brazil's federal government initiated a number of targeted internet expansion and improvement programs in 2010. One of these initiatives, the National Broadband Plan (Plano Nacional de Banda Larga or PNBL) aims to triple broadband access by the end of 2014.²¹ According to statistics from the Brazilian Telecommunications Association, nearly 134 million internet connections were facilitated by broadband in 2013, suggesting an increase of 55 percent for that year.²² Another initiative concerns the Special Taxation Regime of the National Broadband Program (Tributação do Programa Nacional de Banda Larga, or REPNBL), a new framework establishing tax incentives for the ICT sector, which was passed in February 2013. REPNBL complements the 2010 National Broadband Plan (PNBL) and is intended to encourage investment in existing telecommunications networks in order to expand and modernize broadband and mobile internet capabilities.

New policies have also been enacted to facilitate the sale of mobile phones within the domestic market in an attempt to expand the use of portable devices with 3G/4G technology. In December 2013, President Rousseff issued Decree No. 7,981/2013, which amended a portion of REPNBL by exempting certain categories of smartphones from taxation, namely those produced with national content, Wi-Fi connectivity, email access, and open source code for developers.²³

In keeping with the country's push to modernize and expand access to ICTs, Brazil's digital information landscape remains largely unrestricted. There are no indications that Brazilian authorities are filtering messages or engaging in widespread censorship online, nor do there appear to be limits on access to online content. Brazilians freely gather and disseminate information via the internet and mobile phone technologies. They have access to a wide array of national and international news sources, blogs, social networking platforms, and citizen journalism, the latter of which has proliferated over the past year. E-commerce has also been growing in recent years, with 20 percent of online payments conducted by smartphones or tablets in 2013.²⁴ Economists expect e-commerce in Brazil to grow nearly 12 percent in 2014, reaching US\$13 billion by year's end.²⁵

Although there are no significant legal or economic barriers for companies competing in the ISP, mobile, or digital technology sectors, the Brazilian ICT market is characterized by high concentration. As of December 2013, the market share of four companies—Oi, NET, Telefonica, and GVT—corresponded to almost 90 percent of the country's broadband market.²⁶ In January 2014, the Brazilian antitrust authorities approved the merger of Oi and Portugal Telecom into CorpCo, which ranks as the leading telecommunication company in Brazil and in Portuguese-speaking countries

21 Ministry of Communications, "Um Plano Nacional para Banda Larga" [A National Plan for High Bandwidth], accessed August 30, 2013, <http://www.mc.gov.br/programa-nacional-de-banda-larga-pnbl>.

22 Agência Brasil, "Brasil Registra 133 Milhões de Acessos à Internet Banda Larga em 2013," [Brazil Registered 133 Million Broadband Internet Access Points in 2013], accessed February 25, 2014, <http://agenciabrasil.ebc.com.br/geral/noticia/2014-01/brasil-registra-133-milhoes-de-acessos-internet-banda-larga-em-2013>.

23 Presidência da República, Decree No. 7,921, accessed February 25, 2014, http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/Decreto/D7921.htm.

24 E-Commerce Brazil, "20 Por Cento dos Pagamentos Online Foram Feitos em Smartphones e Tablets em 2013" [20 Percent of Online Payments Were Made Through Smartphones and Tablets in 2013], February 4th, 2014, <http://www.ecommercebrasil.com.br/noticias/20-dos-pagamentos-online-foram-feitos-em-smartphones-e-tablets-em-2013/>.

25 EMarketer, "Retail Ecommerce Sales in Brazil to See Double-Digit Growth This Year," *E Marketer*, January 24, 2014, <http://www.emarketer.com/Article/Retail-Ecommerce-Sales-Brazil-See-Double-Digit-Growth-This-Year/1010556>.

26 Teleco, "Seção: Banda Larga—Market Share de Banda Larga no Brasil" [Section: Broadband—Market Share of Broadband in Brazil], January 20, 2013, <http://www.teleco.com.br/blarga.asp>.

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worldwide.²⁷ Recent data regarding Brazil's mobile market indicates that four large companies—Vivo, TIM, Claro, and Oi (the latter is also among the companies with the largest percentage of the broadband market)—hold 99 percent of market share.²⁸ Such high market concentration could make it very difficult for other providers such as CBTC and Nextel to compete in the mobile sector.²⁹ Despite such concentration, Brazil's mobile industry has been booming, and appears to be the largest such market in Latin America.³⁰

Two regulatory agencies oversee Brazilian ICTs: ANATEL, viewed by some Brazilians as inefficient and relatively slow, and the Administrative Council for Economic Defense (CADE), an antitrust body that is perceived as more effective in addressing merger reviews and anticompetitive practices in telecommunications markets. While both agencies are tasked with ensuring free, fair, and independent operation of ICTs, the General Telecommunications Act (Law No. 9.472/1997) also empowers CADE to issue decisions on matters such as price setting and collusion.³¹ In May 2012, the new Brazilian Antitrust Act (Law No. 12.529 of November 30, 2011) came into force, introducing a pre-merger control regime in Brazil. Under this Act, mergers must have pre-approval by CADE before they can proceed. The Act also expands CADE's substantive enforcement power regarding cartel and unilateral business practices that affect competition as well as consumer rights and benefits.³²

The Brazilian Internet Steering Committee (CGI), a multi-stakeholder organization created in 1995, plays a substantive role in Brazilian internet governance and regulation debate, and was particularly influential in the June 2009 adoption of the "Principles for the Governance and Use of the Internet"—which include the goals of online freedom, privacy, human rights, and net neutrality.³³ In May 2013, the Committee announced its intention to expand its policymaking activities in these areas.³⁴ CGI's contributions include comprehensive and reliable annual reports on the status of internet adoption in Brazil, as well as funding for internet governance-related research and academic publications. Committee members are elected from the government, the private sector, academia, and nongovernmental organizations. The latest group of delegates was chosen in 2010 in relatively

27 Reuters, "Brazil Competition Watchdog Approves Oi, Portugal Telecom Merger," January 14, 2014, <http://www.reuters.com/article/2014/01/14/oi-portugaltelecom-cade-idUSL2N0K00HQ20140114>.

28 Teleco, "Seção: Telefonia Celular—Operadoras de Celular, Jun/10" [Section: Cellular Telephony—Cellular Operators, June 2010], accessed February 25, 2014, <http://www.teleco.com.br/mshare.asp>.

29 Teleco, "Operadores de Celulare – 2T14" [Cellular Operators – 2T14], *Teleco*, accessed February 25, 2014, <http://www.teleco.com.br/opcelular.asp>.

30 Sergio Spagnuolo, "Brazil Launches 4G Wireless Service with Few Smartphone Options," *Reuters*, April 17, 2013, <http://www.reuters.com/article/2013/04/17/brazil-telecom-smartphones-idUSL2N0D32ON20130417>.

31 Maria Cecília Andrade, Ubiratan Mattos, and Pedro C. E. Vicentini, "Reforms in Brazilian Telecommunications Regulations and their Impact on Sector Competition," in *The Antitrust Review of the Americas 2009* (London: Global Competition Review, 2009), <http://bit.ly/1fRMA0S>; See also: Teleco, "Guia de Legislação" [Regulation: Legislation Guide], accessed February 25, 2014, *Teleco*, <http://www.teleco.com.br/legis.asp>.

32 Vinicius Marques de Carvalho, "Brazil: CADE," in *The Antitrust Review of the Americas 2014* (London: Global Competition Review, 2014), <http://globalcompetitionreview.com/reviews/54/sections/184/chapters/2151/brazil-cade>.

33 CGI.br, *Principles for the Governance and Use of the Internet*, accessed February 13, 2014, <http://www.cgi.br/english/regulations/resolution2009-003.htm>.

34 For more information on the activities of the Brazilian Internet Steering Committee, see the official website of CGI.Br, <http://www.cgi.br>.

democratic and open elections.³⁵ The most recent elections, which were largely viewed to be free and fair, were concluded in early April 2014.³⁶

Limits on Content

Brazilians' use of social media tools for civic action and activism significantly expanded over the past year. In keeping with the country's push to modernize and expand access to ICTs, Brazil's digital information landscape remains largely unrestricted. There are no indications that Brazilian authorities are filtering or blocking messages online, nor do there appear to be limits on access to online content, although the country's strict electoral laws have resulted in allegations of censorship due to their impact on content critical of candidates and other public figures. While content removal requests filed before local courts and disputes related to intermediary liability continue to pose significant challenges in Brazil, affecting social media activity, social networking providers such as Google and Twitter, and video-sharing websites such as YouTube, a notice-and-takedown provision in Brazil's newly passed Marco Civil da Internet law is intended to clarify the situation.

Brazilians freely gather and disseminate information via the internet and mobile phone technologies. They have access to a wide array of national and international news sources, blogs, social networking platforms, and citizen journalism, the latter of which has proliferated over the past year. Social networks, communication apps, and video-sharing websites such as Facebook, Twitter, and YouTube are freely accessible and widely used in Brazil. As of November 2013, over 60 million Brazilians had Facebook accounts. This figure, which represents one third of all Latin American Facebook users, has been growing at a rate of approximately 15 percent annually, placing Brazil just behind the United States and India in terms of Facebook adoption rates.³⁷ Brazil is also home to the fifth largest contingent of Twitter users in the world; among non-English speaking countries, it is tied with Spain for the highest percentage of users.³⁸

According to the Google's Transparency Report, between January and June 2013, Brazil issued 237 court orders and 84 executive requests to remove content,³⁹ the majority of which cited defamation or privacy and security concerns. There were 10 executive requests and 13 court orders for the removal of material that allegedly infringed upon electoral law. One such court order called for the removal of 107 blog posts and search results related to allegations of corruption in a public procurement process in which a candidate was criticized. Google also received court orders to remove 68 blog posts accusing a local judge of corruption and 220 blog posts that criticized a city

35 CGI.Br, "CGI.br Anuncia Nomes dos Representantes Eleitos da Sociedade Civil" [CGI.br Announces Names of Elected Representatives], accessed February 13, 2014, <http://www.nic.br/imprensa/releases/2011/ri-2011-05.htm>

36 CGI.Br, "Processo Eleitoral" [Elections Scheduled for 2014-2016], accessed February 13, 2014, <http://cgi.br/eleicao2013/cronograma.htm>; See also: Imprensa, "CGI.Br Announces Final Results of Election for Civil Society Representatives," *Imprensa*, April 22, 2014 <http://www.nic.br/imprensa/releases/2014/ri-2014-10.htm>.

37 Valor Econômico, "Até 2017, Facebook Terá 273 Milhões de Usuários na América Latina" ["By 2017, Facebook Will have 237 Million Users in Latin America"], November 21, 2013, <http://www.valor.com.br/empresas/3347216/ate-2017-facebook-tera-273-milhoes-de-usuarios-na-america-latina#ixzz2sYpXKI8V>.

38 New Media Trend Watch, "Brazil: European Travel Commission (ETC)," *New Media Trend Watch*, accessed February 2013, <http://www.newmediatrendwatch.com/markets-by-country/11-long-haul/42-brazil>.

39 Google Transparency Report, Brazil, Google, accessed February 17, 2014, <https://www.google.com/transparencyreport/removals/government/countries/>.

mayor.⁴⁰ A small portion of cases also pertain to infringement of copyright, nudity, and incitement to hate and violence. Although Brazilian requests for content removal issued to Google have been hovering at a steady level over recent years, those issued to Twitter are declining.⁴¹ With the exception of emergency situations or legal prohibitions related to a specific case, Twitter notifies users of requests for account information.

State-initiated censorship continues to be an ongoing trend in Brazil in the context of electoral disputes. Many such instances deal with defamation and result in the imposition of fines and the removal of content related to elected officials. The Electoral Act of 1997 has been under intense congressional revision, court scrutiny, and public debate, particularly because its broad terms harbor the potential to constrain freedom of expression both online and offline. The electoral law—which restricts content that could be viewed as injurious to a candidate, prohibiting such material from publication for three months prior to election day—once pertained primarily to offline materials; however, a 2009 amendment extended its application to the internet and social media platforms, placing restrictions on the online publication of materials pertaining to political candidates.⁴² Journalists and bloggers who disregard the directive are subject to fines and potentially even prison sentences, and numerous articles or posts are often implicated in removal requests issued by electoral courts for material which may infringe upon the law.

Despite the broad restrictions on content inherent in the Electoral Act, in September 2013, the Superior Electoral Court authorized the use of Twitter during electoral campaigns.⁴³ The leading opinion stated that messages exchanged between Twitter users are restricted to those who wish to receive the information; accordingly, it was decided that Twitter does *not* fall into the category of mass media (which includes radio and television). In December 2013, however, the Brazilian National Congress passed a new amendment to the Electoral Act (Law No. 9.054/97), establishing additional restrictions to online publishing of electoral content, as well as fines for potential violators.⁴⁴ Such restrictions include: liability of servers with regard to early online campaigning; unsubscribing mechanisms of electoral advertising; elevation of fines due to violations of online electoral conduct; and the criminalization of hiring people in order to perform online bashing of candidates. Given that the amendment was approved less than a year before the 2014 elections, legal controversy has surrounded the scope of its application.⁴⁵ Although the effects of these recent changes to electoral

40 Google Transparency Report, Brazil, *Google*, accessed February 17, 2014, <https://www.google.com/transparencyreport/removals/government/countries/>.

41 Twitter, Transparency Report, “Government Requests Received to Withhold Content,” *Twitter*, accessed on February 6, 2014, <https://transparency.twitter.com/removal-requests-ttr2>.

42 Superior Electoral Court, “TSE Restabelece Multa Contra Deputado Estadual por Sao Paulo por Propaganda Irregular na Internet” [TSE Re-Impose Fines Against a State Representative in Sao Paulo by Irregular Internet Campaign], November 11, 2013, <http://www.tse.jus.br/noticias-tse/2013/Novembro/tse-restabelece-multa-contra-deputado-estadual-por-sao-paulo-por-propaganda-irregular-na-internet>.

43 Agência Brasil, “TSE Libera Propaganda Eleitoral Antecipada no Twitter” [TSE releases early electioneering on Twitter], September 19, 2013, <http://memoria.ebc.com.br/agenciabrasil/noticia/2013-09-13/tse-libera-propaganda-eleitoral-antecipada-no-twitter>.

44 Gov.Br, Law No. 12.891, of 2013, http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2013/Lei/L12891.htm#art3; See also: Tudorondonia, “TRE-RO sera o Primeiro Tribunal a Analisar a Aplicabilidade da Mini Reforma Eleitoral para as Eleicoes 2014” [Rondonia’s Regional Electoral Court of Appeals Will be the First to Analyze Applicability of the Mini Electoral Reform in the 2014 Elections, *Tudorondonia*, February 4, 2014, <http://www.tudorondonia.com/noticias/tre-ro-sera-o-primeiro-tribunal-a-analisar-a-aplicabilidade-da-mini-reforma-eleitoral-para-as-eleicoes-2014-42300.shtml>.

laws remain to be seen, Brazil will likely witness the impact of new legislation beginning in late summer of 2014, as presidential elections are slated for October.

Intermediary liability has been a highly visible issue in Brazil. Social networking platforms such as Facebook and Orkut (owned by Google) have been involved in intermediary liability disputes and are the main target of civil liability claims regarding content removal and defamation. State courts have largely been divided on the issue of intermediary liability, however, with some attributing the legal burden directly to the intermediary, and others adopting notice-and-takedown approaches that impose liability only if an intermediary fails to remove content after judicial notice. In late 2013 and early 2014, however, the Brazilian Superior Court of Justice (STJ) issued several decisions on the matter. In most cases, it ruled that while ISPs are not responsible for prescreening content, they are liable for complying with court-issued notice-and-takedown requests within 24 hours.⁴⁶ Failure to fulfill this requirement can result in fines and damages.⁴⁷ Accordingly, in a September 2013 case, the STJ issued a decision imposing fines on Google for not immediately complying with an order to remove content.⁴⁸ Similar decisions have confirmed the notice-and-takedown procedure, which was likewise strengthened by the 2014 passage of the Marco Civil da Internet legislation.⁴⁹ The Marco Civil law creates a “safe harbor” for intermediaries via the official establishment of a judicial notice-and-takedown framework.⁵⁰ Due to its emphasis on clarifying previously murky legal questions concerning intermediary liability, this provision should also prevent pre-emptive censorship by parties uncertain about their legal obligations.

Standards of access to public information in Brazil have evolved in recent years, particularly since the November 2011 enactment of the Access to Public Information Law (No. 12.527/2011). Among the main goals of the statute are to achieve greater transparency at the governmental level, to optimize civic participation and social action, and to allow the exposure of corrupt practices at the federal, state, and municipal levels.⁵¹ Citizens are also entitled to request governmental information via the internet. In this vein, state bodies are working to adopt online platforms for the disclosure of information relating to public administration, governmental procurements, projects, and finances. Such information must be disclosed in a user-friendly, accessible, and current manner, enabling community access free of technical barriers.⁵²

One key mechanism of the Access to Public Information Law is the Electronic Information System Service to the Citizen (e-SIC), which allows any individual or legal entity to submit a request to

46 Brazilian Superior Court of Justice (STJ), Appeals to the Superior Court No. 1407271 / SP (November 21, 2013), 1338214 / MT (November 21, 2013), 1398985 / MG (November 19, 2013), 1396417 / MG (November 7, 2013), 1406448 / RJ (October 15, 2013), 1328706 / MG (October 15, 2013), 1175675 / RS (August 9, 2013).

47 Brazilian Superior Court of Justice (STJ), Appeal to the Superior Court No. 1338214 / MT (November 21, 2013); See also: Brazilian Superior Court of Justice (STJ), Appeal to the Superior Court No. 1407271 / SP (November 21, 2013).

48 Superior Court of Justice (Superior Tribunal de Justiça), Interlocutory Appeal No. 334.496 – RS, September 12, 2013, https://ww2.stj.jus.br/revistaelectronica/ita.asp?registro=201301265630&dt_publicacao=12/09/2013.

49 Superior Court of Justice (Superior Tribunal de Justiça), Interlocutory Appeal No. 225.088 – RS, September 9, 2013, https://ww2.stj.jus.br/revistaelectronica/ita.asp?registro=201201857568&dt_publicacao=09/09/2013.

50 Diego Spinola, “Brazil Leads Efforts in Internet Governance with its Recently Enacted ‘Marco Civil da Internet.’ What’s In It for Intermediary Liability?” The Center for Internet and Society, Stanford, April 30, 2014, <http://cyberlaw.stanford.edu/blog/2014/04/brazil-leads-efforts-internet-governance-its-recently-enacted-marco-civil-da-internet>

51 Article 19, “Brazil Adopts Access to Information Law,” Article 19, November 22, 2011, <http://bit.ly/sCLNZH>.

52 United Nations Online Training Centre, “Learner’s Submission: Access to Information in Brazil” UNPAN, February 11, 2013, <http://unpanlearning.wordpress.com/tag/freedom-of-information-act/>.

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governmental bodies or entities of the Federal Executive Branch for access to public information.⁵³ As of December 2012, the Federal Government had received 55,000 requests for information, most of which were addressed to regulatory agencies and publicly held companies.⁵⁴

Brazil is also a founding member of the Open Government Partnership (OGP)—a global effort to increase government transparency, efficacy, and accountability.⁵⁵ According to a recent OGP report, to date, Brazil has secured 32 commitments by 5 governmental bodies, 18 of which have already been completed.⁵⁶ Another OGP report states that the Brazilian Open Data Portal (Portal Brasileiro de Dados Abertos) has published 82 sets of data and approximately 1,000 resources.⁵⁷ Its institutional goal is to be the main reference for public searches and access to governmental data in Brazil.⁵⁸

Social media platforms such as Facebook and Twitter are increasingly used for civic activism in Brazil. Social media has been instrumental in the launching of campaigns for better and cheaper public transportation⁵⁹ and reducing electoral campaign waste,⁶⁰ as well as for protests against the 2014 World Cup (which were fairly significant prior to the games but less impactful than expected during the actual event), and the Olympic games, to be hosted in 2016.⁶¹

Although it is unclear whether it began online, in June 2013, the Free Fare Movement (Movimento Passe Livre) utilized social media for organization and mobilization of protestors. The movement, which originally demanded free bus fares for students and workers, also called for universal access to transportation and a shift in the transportation system from private to public management.⁶² WhatsApp, Facebook, Twitter, and Instagram were widely used to convene demonstrations by internet users and to disseminate information in real-time regarding associated protests in Brazil's main capitals. Uprisings received immediate coverage by anonymous users who uploaded videos, photographs, and information to social networks.⁶³

53 Gov. Br, Acesso a Informacao – Governo Federal [Access to Information – Federal Government], accessed June 10, 2014, <http://www.acessoainformacao.gov.br/>.

54 Federal Government, "Executive Summary 2011-2012: one year after the passing of the Access to Information Bill", p. 25. http://www.acessoainformacao.gov.br/acessoainformacao.gov/publicacoes/SumarioExecutivo_1anoLAI.pdf.

55 Open Government Partnership, Mission and Goals, accessed June 12, 2014, <http://www.opengovpartnership.org/about/mission-and-goals>.

56 Open Government Partnership, "Brazil's Country Commitment to the Open Government Partnership," *Open Partnership.org* September 20, 2011, <http://www.opengovpartnership.org/countries/brazil>.

57 Open Government Partnership Brazil, "Progress Reports," 2014, p. 54 <http://www.opengovpartnership.org/country/brazil/progress-report/report>.

58 Open Government Partnership Brazil, "Progress Reports," 2014, p. 66 <http://www.opengovpartnership.org/country/brazil/progress-report/report>.

59 Jonathan Watts, "Fury and Frustration in Brazil as Fares Rise and Transport Projects Flounder," *The Guardian*, February 6, 2014, <http://www.theguardian.com/world/2014/feb/06/brazil-bus-chaos-fare-rise>.

60 The "Quem Suja Agora" Facebook page was created to monitor and denounce the refusal to collect electoral campaign waste: <https://www.facebook.com/quemsujaagora>

61 Folha de São Paulo, "Manifestacoes contra a Copa Planejam ate Apagao Durante Jogo" [Protests Against the World Cup Plan to Blackout During the Games], February 20, 2014, <http://www1.folha.uol.com.br/cotidiano/2014/02/1414901-manifestacoes-contra-a-copa-planejam-ate-apagao-durante-jogo.shtml>.

62 Daniel Guimarães, Graziela Kunsch, Mariana Toledo e Luiza Mandetta, "Rumo a Tarifa Zero," [Towards the Zero Tariff], July 5, 2013, <http://tarifazero.org/2013/07/05/rumo-a-tarifa-zero/comment-page-1/#comment-49599>.

63 Hannah Waldram, "Brazil Protests Continue as Story Develops Over Social Media", *The Guardian*, June 21, 2013, <http://www.theguardian.com/world/2013/jun/21/brazil-protest-social-media>

Violations of User Rights

Brazil made noteworthy progress in establishing a foundation for internet user rights with the passage of Marco Civil da Internet, a so-called constitution for the internet (Bill No. 2.126/11), which was signed into law in April 2014.⁶⁴ The groundbreaking legislation establishes the rights to freedom of speech, communication, and expression online, offers detailed privacy protections pertaining to personal data, guarantees net neutrality and functionality, and promises to uphold the participatory nature of the internet.⁶⁵ As the first overarching internet legislation of its kind, it is expected to serve as a model for other nations as they navigate this dynamic—and pervasive—new frontier.

The Brazilian Federal Constitution forbids anonymity but protects freedom of speech, including cultural and religious expression. Specific statutes and regulations also ensure freedom of the press.⁶⁶ Cybercrime initiatives, cross-border cyberattacks, surveillance, and court rulings related to the internet made headlines in 2013 and 2014 for their impact on regulation of computer intrusion, brand infringement, discriminatory content, and governmental espionage. Brazil also continued to see instances of local officials bringing defamation suits against bloggers and online journalists. One blogger faced a prison sentence for a fictional story he posted online, although his sentence was converted to community service.

In recent years, various legislative initiatives have directly affected freedom of expression rights. The Azeredo Bill (Lei Azeredo, Law #12.735/2012), which pertains to regulation of online content, was approved in April 2013 after major changes to its original, highly controversial proposal. In its final form, the Azeredo Law establishes the creation of specialized teams and sectors structured by the judicial police to combat cybercrimes and to take down racist content (other defamatory content is not directly covered by the bill). Takedowns require judicial notice, but can be issued before police investigations have begun.⁶⁷ Another initiative still under consideration in the Senate since 2008 (Bill 494/08) aims to impose a series of obligations on ISPs, websites, and blogs to ensure cooperation with the police in pedophilia investigations.⁶⁸

Several recent court cases concerning defamation may pose threats to freedom of expression online. In 2012, blogger Ricardo Antunes was sued and arrested in the state of Pernambuco, under accusations of charging BRL 2 million (approximately US\$880,000) in order to refrain from publishing a corruption story about a businessman on his blog, *Leitura Crítica* (Critical Reading). He was granted a writ of habeas corpus and released in March 2013. While there has not yet been a judicial

64 Brazilian House of Representatives, Draft Laws and Other Propositions, accessed February 14, 2014, <http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=517255>.

65 Presidency of the Republic of Brazil, Civil House, Legal Affairs Subsection, Text of Law No. 12.965 (in print only), Government of Brazil, April 23, 2014.

66 An English translation of the Constitution is available at: <http://www.v-brazil.com/government/laws/constitution.html>.

67 Rafaella Torres, "Aprovação de Leis sobre Crimes Cibernéticos" [Approval of Cybercrime Laws], A2K Brazil (blog) January 17, 2013, <http://www.a2kbrasil.org.br/wordpress/2013/01/aprovacao-de-leis-sobre-crimes-ciberneticos/>.

68 Website of the Brazilian Senate, *PLS Senate Bill #494/2008*, submitted for review March 24, 2013, http://www.senado.gov.br/atividade/materia/detalhes.asp?p_cod_mate=88862.

decision, he has been prevented from commenting on the case on his webpage.⁶⁹

In another, more highly publicized case, defamation charges were filed against journalist and blogger José Cristian Góes in December 2012 for a fictional story about the confession of a corrupt colonel that he posted on his blog *Infonet*. The charges, which were both civil and criminal, were initiated by high court judge Edson Ulisses, who claimed that both he and his brother were subject to defamation in the story. It is worth noting that while the story in question mocks political corruption in Brazil, it does not name or describe any particular person.⁷⁰ In July 2013, the author was sentenced to seven months and sixteen days in prison. The sentence has since been converted to community service. Góes plans to appeal the ruling.⁷¹

In October 2013, São Paulo appeals court judge Miguel Ferrari Júnior ordered the removal of information regarding slave labor accusations against Pinuscam, a wood supplier, posted online by media organization *Repórter Brasil*. The materials published by *Repórter Brasil* concerned a 2012 inspection in which the Department of Labor Justice rescued 15 workers who had been subject to slave-like conditions. The judge ordered the removal of the content posted online and banned the outlet from publishing anything further related to the case, as such posts could tarnish Pinuscam's image. Given that the court order essentially prohibited investigative journalism, the judge later reconsidered its decision, allowing news about Pinuscam to be posted on *Repórter Brasil's* website.⁷²

As previously mentioned, several legal provisions, including Article 57-D of the recently amended Electoral Act, place restrictions on anonymity. Real-name registration is required in order to purchase mobile phones or open private internet connections, although the use of pseudonyms in discussion forums is common. Despite the potential for such user registries to be employed to punish users for critical online speech, as of June 2014 there were no reports of such actions, nor were there reports of government efforts to track netizens participating in discussions critical of the government.

Further restrictions on anonymity have been urged by lawmakers in regard to public access points such as LAN houses, with the suggestion that internet communications be recorded in order to prevent cybercrimes. Such surveillance, lawmakers say, would also allow LAN houses to avoid liability for wrongful acts committed by users. Legislation of this kind already exists in São Paulo⁷³ and Rio de Janeiro.⁷⁴ A bill regarding "Centers of Digital Inclusion," which includes mandatory

69 Associação Brasileira de Jornalismo Investigativo (Abraji), "Posição da Abraji em relação ao caso do blogueiro Ricardo Antunes, do Recife (PE)," [Abraji's Stance with Regard to the Case of Blogger Ricardo Antunes, from Recife (PE)], October 29, 2013, http://www.abraji.org.br/?id=90&id_noticia=2657; See also: Observatorio General, "Jornalista Ricardo Atunes Censurado e Preso Desafia a Injustica e fala ao Observatorio Geral" [Censored and Imprisoned Journalist Ricardo Antunes Challenges Injustice and Speaks to Observatorio Geral], October 10, 2013, <http://observatoriogeral.com/2013/10/10/jornalista-ricardo-antunes-censurado-e-presos-desafia-a-injustica-e-fala-ao-observatorio-geral/>.

70 Isabela Fraga, "Brazilian Prosecutor Files Criminal Charges Against Journalist for Writing Fictional Blog Post," Knight Center for Journalism in the Americas, February 15, 2013, <https://knightcenter.utexas.edu/blog/00-12953-brazilian-prosecutor-files-criminal-charges-against-journalist-writing-fictional-blog->; See also: Reporters Without Borders, "Journalist gets 'Judicially Insane' Jail Term for Fictional Short Story," July 8, 2013, <http://bit.ly/12SU1Pr>

71 Rafael Spuldar, "Brazilian Writer Convicted for Fictional Story," Index on Censorship, July 15, 2013, <http://www.indexoncensorship.org/2013/07/brazilian-writer-convicted-for-fictional-story/>

72 Folha de São Paulo, "Justice Reconsiders its Decision after Prohibiting Website of Associating Wood Supplier with Slave Labor", October 3, 2013, <http://www1.folha.uol.com.br/poder/2013/10/1351436-justica-volta-atras-apos-proibir-site-de-associar-madeireira-a-trabalho-escravo.shtml>.

73 São Paulo State Law No. 12.228/2006: <http://governo-sp.jusbrasil.com.br/legislacao/133832/lei-12228-06>

74 Rio de Janeiro Municipal Decree No. 36.207/2012: http://smaonline.rio.rj.gov.br/legis_consulta/42990Dec%2036207_2012.pdf

registration of LAN users, is currently under study by the Senate where it has been approved by several commissions and is now awaiting a final vote in plenary session.⁷⁵ If finalized, the statute will regulate LAN houses as “multi-purpose entities of special interest for digital inclusion,” requiring them to register all users and to keep a directory of individual identification. The bill does not define how long such data must be kept, nor does it specify procedures for data requests.

While there is no evidence of extralegal surveillance online, government efforts to collect user data have increased significantly in recent years. With a total 1,085 data requests sent to Google between July and December 2013 and 44 such requests sent to Twitter, Brazil is ranked by both companies as third worldwide in number of requests for user data, following the United States and Japan.⁷⁶ Brazil also claims third place (following Turkey and the United States) in Google’s ranking of countries issuing requests for content removal.⁷⁷

Threats, intimidation, and violence against online journalists and bloggers have continued in recent years. In late April 2012, Décio Sá, a longtime political journalist and blogger who wrote for the newspaper *O Estado do Maranhão* and ran a blog by the name of *Blog do Décio*, was shot to death while sitting in a bar. Police suspect that he was targeted for his reporting. Sá was killed two months after the murder of Mario Randolph Marques Lopes, a combative blogger who ran a local news website in Barra do Piraí, a town about 90 miles northwest of Rio de Janeiro.⁷⁸ Defendants in the Décio Sá case—currently pending—have yet to face trial by jury.⁷⁹

Both cases are emblematic of a common plight for provincial journalists in Brazil. Since they are not linked to major urban media outlets, these journalists lack visibility and the support of colleagues on a national level. Under such circumstances, authorities feel little pressure to solve attacks on the provincial press. Unsolved attacks on journalists may also dissuade provincial reporters from investigating crime and corruption in their regions, resulting in pockets of self-censorship throughout the country.⁸⁰

In May 2013, federal policemen seized Ruy Sposati’s computer and sound recording equipment without a warrant while he was documenting the forced removal of an indigenous population in the state of Mato Grosso do Sul from land the government had decided to repurpose for development.⁸¹ Sposati, who worked as a journalist for the Indigenous Missionary Council (Conselho Indigenista

75 Federal Senate of Brazil, Portal Atividade Legislativa, *Projeto de Lei da Camara, No 28 de 2011* [Camara Bill, No. 28/2011; former Bill 4361/2004], http://www.senado.gov.br/atividade/materia/detalhes.asp?p_cod_mate=100025.

76 Google, “Transparency Report - Brazil: Summary of Requests,” *Google*, accessed February 25, 2014, <https://www.google.com/transparencyreport/userdatarequests/BR/>

77 Google, “Transparency Report,” *Google*, accessed February 17, 2013, <https://www.google.com/transparencyreport/removals/government/countries/>.

78 Committee to Protect Journalists, “Décio Sá,” April 23, 2012, CPJ online, <http://cpj.org/killed/2012/decio-sa.php>.

79 Marco Aurelio D’eca, “Piauí: Ministério Público ve Apenas Bolinha, Jhonata e Elker Veloso Como Assassinos de Fabio Brasil” [Piauí: Ministério Público ve Just Polka Dot, and Jhonata Elker Veloso How Killers Fabio Brazil], Marco Aurelio D’eca (blog), July 25, 2014, <http://www.marcoareliodeca.com.br/category/decio-sa/>

80 John Otis, “Bloggers Targeted as Murders Spike in Brazil,” CPJ, February, 14, 2013. <http://cpj.org/2013/02/attacks-on-the-press-deadly-trend-in-brazil.php>.

81 Associação Brasileira de Imprensa, “PF Apreende Material de Jornalista Sem Justificativa Legal,” [“Federal Police Seize Journalist’s Equipment Without Legal Grounds”], May 5, 2013, <http://www.abi.org.br/pf-apreende-equipamentos-de-reporter-sem-justificativa-legal/>

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Missionário), has often spoken out against violence targeting journalists, specifically those covering sensitive topics.⁸²

Brazilian journalists and photographers frequently faced intimidation during the June 2013 Free Fare Movement protests, especially by police officers. Social media proved crucial in reporting such abuse.⁸³ Journalist Fernando Mellis, who was covering the street demonstrations for the *Portal R7* website, was attacked by police officers with clubs in São Paulo. Reporter Leandro Machado, of *Jornal Folha de Sao Paulo*, and photographer Leandro Moraes, of the news site *UOL*, were brought into custody for supposedly “disrupting police operations” during the protests, despite having identified themselves as journalists.⁸⁴ Reporter Giuliana Valloni of *Jornal Folha de Sao Paulo* and photographer Sérgio Andrade da Silva of *Futura Press* were each shot in the eye with rubber bullets while reporting.⁸⁵ Tear gas and stun grenades were also used to constrain protesters, reporters, and passersby in São Paulo, Rio de Janeiro, Belo Horizonte and Fortaleza.⁸⁶ Many other attendees were taken into custody.

In August 2013, two unidentified gunmen shot at the house of journalist Ângelo Rigon, known in the state of Paraná for publishing accusations against local politicians on his personal blog. Despite five shots having hit the house, no one was injured. Ângelo constantly receives death threats, however.⁸⁷ In February 2014, attorney Joel Caetano da Silva Filho Neto attacked Ribeiro Souza, a journalist at the radio station Paiaia FM, and his 15-year-old son in their home. Both were punched and kicked, and their lives were threatened. According to Souza, he had uncovered a malpractice scheme being led by Neto that targeted retirees in the city.⁸⁸ In April 2014, reporter Bruno Amorim, who was working for *O Globo* newspaper in Rio de Janeiro, was beaten and arrested. Bruno was covering the eviction of residents from a private building in a slum in the northern part of the city and was accused by the police of disrupting their work and throwing rocks at policemen. No charges were made against him and he was released on the same day.⁸⁹

In April 2013, a Brazilian cybercrime law commonly referred to as “Lei Carolina Dieckman” came into force. The law’s adopted nickname comes from actress Carolina Dieckman due to the fact that the legislation took center stage after nude photos of her were distributed online in early 2012.⁹⁰ The law

82 Raphael Tsavvko Garcia, “Brazil’s Indigenous Fight Back Against State Development,” Global Voices Online, May 24, 2013, <http://globalvoicesonline.org/2013/05/24/brazils-indigenous-fight-back-against-state-development/>

83 Luciana Lima; Pablo Ortellado; Marcelo Pomar. “Vinte Centavos A Luta Contra o Aumento,” Veneta, 2013 [20 Cents: The Fight Against the Increase]; See also: Andrés Monroy-Hernández; Emma Spiro, “How Brazilian Protesters are Using Twitter”, *The Guardian*, July 4, 2013, <http://www.theguardian.com/news/datablog/2013/jul/04/brazilian-protesters-twitter-microsoft>.

84 Associação Brasileira de Imprensa, “PM Agride Jornalista que Cobria Protestos em SP” [Police Officers Attack Journalist Covering Demonstrations in SP], June 12, 2013, <http://www.abi.org.br/policia-militar-agride-jornalista-que-cobria-protestos-em-sao-paulo/>.

85 Rafael Spuldar, “Brazilian Police Target Protesters – and Journalists”, Index on Censorship, June 17, 2013, <http://www.indexoncensorship.org/2013/06/brazilian-police-target-protesters-and-journalists/>.

86 CNN, “Brazilian Protests Surge Again After Bus Fare Victory,” June 21, 2013, <http://edition.cnn.com/2013/06/20/world/americas/brazil-protests/>.

87 Associação Brasileira de Imprensa, “Casa de Jornalista é Alvo de Disparos no Paraná,” [Journalist’s House is Targeted at Shooting in Paraná], August 12, 2013, <http://www.abi.org.br/casa-de-jornalista-e-alvo-de-disparos-no-parana/>.

88 Associação Brasileira de Imprensa, “Jornalista e Filho Agredidos Dentro de Casa, no Interior da Bahia,” [Journalist and Son Attacked at Home, in Bahia’s Countryside], February 4, 2014, <http://www.abi.org.br/jornalista-e-filho-agredidos-dentro-de-casa/>.

89 Brazilian Press Association, “ABI repudiates police violence against journalist”, <http://www.abi.org.br/abi-repudia-violencia-policia-contra-jornalista/>

90 The News Desk, “After 13 Years, Brazil Approves Two Cybercrime Laws at Once,” *Linha Defensiva*, November 7, 2012, <http://www.linhadefensiva.com/2012/11/after-13-years-brazil-approves-two-cybercrime-laws-at-once/>.

criminalizes breaches of digital privacy such as computer intrusion, the “installation of vulnerabilities,” and editing, obtaining, or deleting information—including credit card numbers—without authorization. The distribution, sale, production, or offer of programs or devices meant to facilitate the aforementioned actions or to interrupt ICT services are also categorized as crimes. Associated punishments vary from fines to up to five years imprisonment.

Cyberattacks have also been raising concerns in Brazil, with targets ranging from online banking websites to governmental agencies and energy plants. As of mid-2013, the country was listed among 10 nations most targeted by cyberattacks.⁹¹ Although there were 208 distributed denial-of-service (DDoS) attacks in the first quarter of 2013 (as compared to 200 during the same time period in 2012) the attacks targeted only 154 companies, meaning that many of those affected were hit more than once. Of these, 35 percent were large corporations, 32 percent were retail stores, 22 percent were media or entertainment outlets, 7 percent were IT companies, and 4 percent were governmental agencies. Cyberattacks affecting Brazil’s banking sector have been on the rise in recent years, and Brazil is now ranked among the top three target countries for such attacks, along with the United States and Japan.⁹² In the first three quarters of 2013, the country had the second largest malware detection system for online banking, second in scope only to the United States.⁹³

In early 2014, the hacker group Anonymous announced that official websites linked to the FIFA World Cup Games in Brazil would be targeted by future cyberattacks.⁹⁴ The Brazilian chapter of Anonymous followed through on its threats, boasting on Facebook and Twitter about website defacements and DDoS attacks compromising government servers, and providing a running tally listing the number of attacks it had perpetrated against FIFA.⁹⁵ While the Anonymous attacks were preceded by public warnings, the threat of cyberattacks from other countries was not publicly forseen.

While experts agree that in general, too little attention has been given to cybersecurity and related investments in telecommunications infrastructure in Brazil,⁹⁶ Brazilian authorities seem to have accurately assessed the threat level surrounding the World Cup. A handful of companies, including Italian digital firm Tiger Security, were hired specifically to identify and fend off threats from domestic and international actors during the June to July 2014 games. Tiger CEO Emanuele Gentili noted that cyberattacks predicated on damaging Brazilian infrastructure spiked in late April 2014, “with an exponential growth to almost 2,000 daily targets.”⁹⁷ The cyber assault—which grew to include DDoS attacks against government websites, as well as leaks of sensitive information from Rio

91 IT WEB, „Brazil is the 8th largest source of cyber attacks,” IT Web, June, 23, 2013, <http://itweb.com.br/111836/brasil-fica-entre-os-tres-maiores-alvos-de-ataques-bancarios/>

92 Trend Micro, “Cashing in on Digital Information: An Onslaught of Online Banking Malware and Ransomware,” Trend Labs SM 2013 Annual Security Roundup, accessed February 25, 2014, <http://www.trendmicro.com/cloud-content/us/pdfs/security-intelligence/reports/rpt-cashing-in-on-digital-information.pdf>.

93 IT WEB, „Brazil is the 8th largest source of cyber attacks,” IT Web, June, 23, 2013, <http://itweb.com.br/111836/brasil-fica-entre-os-tres-maiores-alvos-de-ataques-bancarios/>.

94 BBC, “World Cup Threat from Web Activists,” BBC, February 26, 2014, <http://www.bbc.com/news/technology-26357374>

95 Kate Vinton, Hacktivist Group Anonymous Targets World Cup, *Forbes*, June 18, 2014, <http://www.forbes.com/sites/katevinton/2014/06/18/hacktivist-group-anonymous-targets-world-cup/>.

96 Globo, „Governo Destina Baixo Orçamento para a Segurança Cibernética,” *Globo*, July 27, 2013, <http://g1.globo.com/jornal-da-globo/noticia/2013/07/governo-destina-baixo-orcamento-para-seguranca-cibernetica.html>.

97 Federico Guerrini, “Brazil’s World Cup of Cyber Attacks: From Street Fighting to Online Protest,” *Forbes*, June 17, 2014, <http://www.forbes.com/sites/federicoguerrini/2014/06/17/brazils-world-cup-of-cyber-attacks-from-street-fighting-to-online-protest/>

de Janeiro's military police—appeared to be coming primarily from outside Brazil, namely from India, Turkey, Europe, Mexico, and the United States.⁹⁸

98 Federico Guerrini, "Brazil's World Cup of Cyber Attacks: From Street Fighting to Online Protest," *Forbes*, June 17, 2014, <http://www.forbes.com/sites/federicoguerrini/2014/06/17/brazils-world-cup-of-cyber-attacks-from-street-fighting-to-online-protest/>