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## Freedom Of The Press - Brazil (2011)

**Status: Partly Free**  
**Legal Environment: 14**  
**Political Environment: 19**  
**Economic Environment: 11**  
**Total Score: 44**

Brazil has a vibrant democracy with strong constitutional guarantees of freedom of expression, but 2010 was a tumultuous year for the Brazilian press in terms of its freedom to operate. There were gains in the legislative arena in the form of a new freedom of expression bill, but setbacks in the judiciary as courts continued to issue injunctions preventing the press from reporting on several important criminal cases.

In 2010, the judicial branch was extremely active in issuing injunctions to prevent media outlets from covering numerous stories, often involving politicians. In one high-profile case, a federal court in Brasília, the capital, in 2009 censored the national newspaper *O Estado de São Paulo*; this order continued throughout 2010. The censorship order was instituted after the newspaper published reports from a federal investigation that found evidence of nepotism and corruption on the part of Fernando Sarney, son of the current Senate leader and former president José Sarney. Judge Dácio Vieira banned coverage of the investigation by the newspaper and fined it 150,000 reais (\$88,000) for each story published on the case. The order, which the newspaper is challenging as unconstitutional, is set to be heard by the Supreme Federal Tribunal in 2011.

In May, a civil court prohibited *Diario do Grande ABC* from publishing any further reports on the mismanagement of the schools in São Bernardo do Campo after Luiz Marinho, the mayor and former labor minister under former president Luiz Inácio "Lula" da Silva, complained that the newspaper was tarnishing his reputation. Additionally, court orders barring the publishing of reports in newspapers, magazines, blogs, websites, and on television increased dramatically during the weeks leading up to the presidential election that was held in October 2010. A total of 21 censorship orders were reported in these weeks as a result of lawsuits filed by politicians. Several media outlets were fined, forced to remove content, or barred from publishing stories.

The judiciary was also part of several advancements for the freedom of the press in 2010. In September, the Supreme Federal Tribunal struck down a 1997 law that prevented members of the broadcast media from mocking or making fun of politicians during election periods. The law stated that broadcasters are prohibited from utilizing "trickery, montages or other features of audio and video to degrade or ridicule a candidate, party or coalition." Violators of the law were subject to a \$60,000 fine. The court ruled that only in a state of emergency could the government legally take such measures to curtail the freedom of the press. Additionally, the national legislature has taken important steps in securing freedom of information. The Chamber of Deputies has passed a freedom of information bill that would secure for

citizens the right to information on public agencies, including budgets, salaries, staffing, and internal reports, as well as protections to whistleblowers. The bill is currently awaiting full approval from the Senate before it officially becomes law. While the law represents a huge step forward, it fails to establish an administrative oversight agency to ensure that the law is carried out effectively. It also fails to provide a definition of the public bodies that are governed by the law.

There were numerous reports of violence against journalists and other members of the media in Brazil in 2010. Journalists working in provincial areas were especially vulnerable to attack. In March, the headquarters of the newspaper *Leia O Jornal*, located in Osasco, were attacked with Molotov cocktails. The events were allegedly the work of a neighboring town's mayor, Rubens Furlan, who was displeased with the newspaper's negative accusations against his administration. The most highly publicized event of the year involved the murder of Francisco Gomes de Madeiros, the news director of local station Radio Caicó in the northern state of Rio Grande do Norte. The murderer, João Francisco dos Santos, initially confessed that he had murdered Gomes because of his reporting of a 2007 robbery charge against dos Santos, but authorities believe that he was actually hired by current prisoner Vladir Souza do Nascimento. Authorities allege that Nascimento was motivated to murder Gomes because his criminal operations from jail were being hindered by Gomes's reporting. In a positive step, prosecutors won convictions against four men charged with the 2007 murder of journalist Luiz Carlos Barbon Filho, who had released a report exposing a local child prostitution ring that led to the conviction of 10 people. He was murdered in 2007 while sitting at a bar terrace. A court in São Paulo convicted three military police officers and a businessman with murder, aggravated murder, and criminal association.

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 and cable 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. One in every five legislators on the powerful Committee on Science, Technology, Communication, and Information has business connections to radio and television stations, 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 internet represents a new frontier for the Brazilian public, with about 40.65 percent of the population accessing the internet in 2010. 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. Google alone reported that on 398 separate occasions in the first six months of 2010, Brazilian authorities ordered content be removed from the company's servers. Additionally, the initial draft of a "Civil Rights

Framework for the Internet in Brazil" is being prepared for introduction to Congress. The initial form of the bill would have greatly restricted freedom of expression on the internet, with strong libel and defamation clauses against internet providers and websites. While many of the strongest clauses of defamation were removed after severe criticism, the final form may still provide for censorship of content.