



**Committee to Protect Journalists Submission to the United Nations Universal
Periodic Review of Brazil
41st Session of the UPR,
Human Rights Council**

Committee to Protect Journalists

UN HRC: Universal Periodic Review (Fourth Cycle): Stakeholder Submission: 2022

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Brief description of CPJ:

1. The Committee to Protect Journalists is an independent, nonprofit organization that promotes press freedom worldwide. We defend the right of journalists to report the news without fear of reprisal.
2. CPJ is made up of about 40 experts around the world, with headquarters in New York City. When press freedom violations occur, CPJ mobilizes a network of correspondents who report and take action on behalf of those targeted.
3. CPJ's work is based on its research, which provides a global snapshot of obstructions to a free press worldwide. CPJ reports on violations in repressive countries, conflict zones, and established democracies alike. CPJ's research staff document hundreds of attacks on the press each year.

Summary:

4. This report was prepared for the Universal Periodic Review (UPR) of Brazil in March 2022. In this document, CPJ assesses the press freedom framework and notes the erosion of journalist safety and press freedom in Brazil.
5. Brazil accepted two recommendations about safety and physical integrity of journalists during its last UPR cycle in 2017. However, as this submission indicates, Brazil has failed to implement those recommendations, and press freedom conditions have only deteriorated since.
6. Journalists in Brazil face threats, online harassment, physical violence, and civil and criminal lawsuits, often for their coverage of sensitive issues. Public officials have increasingly utilized anti-press rhetoric and attempted to limit transparency and access to information throughout the Covid-19 pandemic.
7. Impunity in cases of journalists killed remains extremely high. Crimes against journalists are rarely investigated and perpetrators often go unpunished, fueling the cycle of violence against the press.
8. The legal system is another venue to target journalists and media outlets. Criminal defamation laws are used to harass and imprison journalists, and civil lawsuits demanding content removal and imposing gag orders raise concerns about increasing censorship.
9. In the final section, CPJ makes recommendations to the Brazilian government to improve press freedom conditions and journalist safety.

Legal framework:

10. Article 5 of the Brazilian Constitution ensures “free expression of intellectual, artistic, scientific and communication activity, regardless of censorship or license.”¹ Article 220 ensures freedom of expression and of information, expressly prohibits censorship and affirms that “no law will contain a device

¹ Constituição da República Federativa do Brasil, available at: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm

that can constitute an embarrassment to the full freedom of journalistic information.”

11. Brazil’s Right to Information Law regulates the constitutional right to access public information and defines mechanisms and procedures for these requests and deadlines for authorities to respond².
12. Brazil’s penal code defines three types of crimes against honor: slander, defamation, and injury³. According to Article 138, slander consists of attributing a “criminal offense” to another person and is punishable by six months to two years in prison and a fine. Article 139 defines defamation as the attribution to another person of a fact or action that affects that person’s reputation and is punishable by three months to one year in prison and a fine. According to Article 140, injury consists of “offending the dignity of another person,” and is punishable by one to six months in prison.
13. Article 324 of the Electoral Code establishes that the crime of slander with electoral purposes carries a sentence of six months to two years in prison and a fine.⁴ Article 325 establishes that the crime of defamation with electoral purposes carries a prison sentence of three months to a year, and a fine.
14. Law 13.834, enacted in 2019, added “slandorous denunciation” as a criminal offense under Brazil’s electoral code⁵. The law criminalizes knowingly accusing someone of a crime they did not commit, if that accusation leads to a civil or criminal investigation -- a crime already included in the penal code -- and prohibits sharing such accusations “by any means or form.” Under both codes, slanderous denunciation is punishable by two to eight years in prison and a fine.

Main submission: Press freedom violations (2017 – 2022)

15. The following submission draws from research conducted by the Committee to Protect Journalists. All CPJ publications on Brazil can be found on the organization’s website⁶.

Journalists killed and impunity

16. Since 2017, eight journalists have been killed in Brazil, all of them in smaller cities or towns outside of major cities or state capitals. CPJ has confirmed that three were targeted for their work: freelance reporter Luís Gustavo da Silva

² Lei Nº 12.527. Available at: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/l12527.htm

³ Decreto-Lei No 2.848. Available at: http://www.planalto.gov.br/ccivil_03/decreto-lei/del2848.htm

⁴ Lei Nº 4.737. Available at: http://www.planalto.gov.br/ccivil_03/leis/l4737.htm

⁵ Lei Nº 13.834, available at: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/L13834.htm

⁶ “Brazil,” Committee to Protect Journalists, <https://cpj.org/americas/brazil/>

- (killed on June 14, 2017)⁷; and radio journalists Jefferson Pureza Lopes (January 17, 2018)⁸ and Jairo Souza (June 21, 2018)⁹.
17. In the other five cases, the motive remained unconfirmed as of March 2022. The five journalists are Ueliton Bayer Brizon (killed on January 16, 2018)¹⁰; Robson Giorno (May 25, 2019)¹¹; Romário Barros, (June 18, 2019)¹²; Leonardo Pinheiro (May 13, 2020)¹³; and Givanildo Oliveira (February 7, 2022)¹⁴.
 18. Police systematically fail to investigate killings of journalists to identify those responsible and establish motives, leaving the majority of cases unsolved and unpunished. In 2021, Brazil ranked 8th on CPJ's Global Impunity Index, which calculates the number of unsolved journalist murders as a percentage of each country's population¹⁵.
 19. A 2019 report by the National Council of Public Prosecution, which analyzed cases of journalists killed between 1995-2018¹⁶, found that many remain unsolved, such as the February 2014 murder of newspaper reporter Pedro Palma¹⁷.
 20. Protracted judicial proceedings and delays in trials present additional barriers to justice. For example, the trial of the accused killers of radio journalist Valério Luiz de Oliveira, murdered in 2012, has been postponed multiple times, though prosecutors initially charged the suspects in 2013¹⁸.

Physical aggression

21. Between January 2017 and February 2022, CPJ documented numerous cases of physical violence against journalists.
22. There were at least ten shooting attacks targeting journalists, their property or outlets' headquarters:
 - 2017, São Paulo:
 - Attackers shot at political blogger Márcio Prado's car¹⁹.

⁷ "Luís Gustavo da Silva," CPJ, <https://cpj.org/data/people/luis-gustavo-da-silva/>

⁸ "Jefferson Pureza Lopes," CPJ, <https://cpj.org/data/people/jefferson-pureza-lobes/>

⁹ "Jairo Souza," CPJ, <https://cpj.org/data/people/jairo-souza/>

¹⁰ "Ueliton Bayer Brizon," CPJ, <https://cpj.org/data/people/ueliton-bayer-brizon/>

¹¹ "Robson Giorno," CPJ, <https://cpj.org/data/people/robson-giorno/>

¹² "Romário Barros," CPJ, <https://cpj.org/data/people/romario-barros/>

¹³ "Leonardo Pinheiro," CPJ, <https://cpj.org/data/people/leonardo-pinheiro/>

¹⁴ "Givanildo Olivera," CPJ, <https://cpj.org/data/people/givanildo-oliveira/>

¹⁵ "Killers of journalists still get away with murder," CPJ, 28 October 2021, <https://cpj.org/reports/2021/10/killers-of-journalists-still-get-away-with-murder/>

¹⁶ "Violência contra comunicadores no Brasil: um retrato da apuração nos últimos 20 anos," 2019, Estratégia Nacional de Justiça e Segurança Pública (Enasp), Conselho Nacional do Ministério Público (CNMP), available at: <https://www.cnmp.mp.br/portal/images/Publicacoes/documentos/2019/Violencia-contra-comunicadores-no-Brasil-VERSAO-FINAL-.pdf>

¹⁷ "Pedro Palma," CPJ, <https://cpj.org/data/people/pedro-palma/>

¹⁸ "Judge delays trial in 2012 killing of Brazilian radio journalist, citing lack of resources," 20 December 2019, CPJ, <https://cpj.org/2019/12/judge-delays-trial-in-2012-killing-of-brazilian-ra/>

¹⁹ "In Brazil, attacker fires at political blogger's car," 6 April 2017, CPJ, <https://cpj.org/2017/04/in-brazil-attacker-fires-at-political-bloggers-car/>

- Two photographers were shot at while covering a military police operation in a neighborhood notorious for a high concentration of drug sales and use²⁰.
 - 2018
 - Paraná: A gunman fired at the Jornal dos Bairros office²¹;
 - Rondônia: Radio host Hamilton Alves was shot in a drive-by attack²²;
 - Florianópolis: attackers shot at the building housing VipSocial’s editorial offices²³;
 - Ceará: Gunmen entered Radio União FM and shot commentator Sandoval Braga in the leg²⁴.
 - 2020
 - Minas Gerais: A gunman attacked radio journalist Vamberto Teixeira’s home²⁵;
 - Bahia: Radio journalist Fábio Márcio was shot²⁶.
 - 2021, Pará: Attackers shot journalist Jackson Silva²⁷.
 - 2022, Bahia: Two men fired at TV Aratu and Band reporting teams in Salvador²⁸.
- 23. CPJ also documented three cases of arson, two of which targeted the same outlet.
 - 2017, São Paulo: Political reporter Rodrigo Lima’s car was set on fire outside his office²⁹.
 - 2019, Ceará: Community radio station Aliança FM’s antenna was set on fire³⁰.
 - 2021, São Paulo: An attacker set fire to a building housing the Folha da Região offices and editor José Antônio Arantes’ home³¹.

²⁰ “Brazilian photographers shot covering police action,” 2 March 2017, CPJ, <https://cpj.org/2017/03/brazilian-photographers-shot-covering-police-actio/>

²¹ “Brazilian newspaper offices shot at by unidentified gunman,” 27 March 2018, CPJ, <https://cpj.org/2018/03/brazilian-newspaper-offices-shot-at-by-unidentifie/>

²² “Brazilian radio host shot in drive-by attack,” 24 April 2018, CPJ, <https://cpj.org/2018/04/brazilian-radio-host-shot-in-drive-by-attack/>

²³ “Offices of local news outlet shot at in southern Brazil,” 16 July 2018, CPJ, <https://cpj.org/2018/07/offices-of-local-news-outlet-shot-at-in-southern-b/>

²⁴ “Gunmen break into radio station in Brazil and shoot commentator in the leg,” 25 September 2018, CPJ, <https://cpj.org/2018/09/gunmen-break-into-radio-station-in-brazil-and-shoo/>

²⁵ “Gunman attacks Brazilian radio journalist Vamberto Teixeira’s home in Sete Lagoas,” 15 April 2020, CPJ, <https://cpj.org/2020/04/gunman-attacks-brazilian-radio-journalist-vamberto/>

²⁶ “Brazilian radio journalist Fábio Márcio survives shooting attempt,” 20 May 2020, CPJ, <https://cpj.org/2020/05/brazilian-radio-journalist-fabio-marcio-survives-s/>

²⁷ “Brazilian journalist Jackson Silva survives shooting,” 19 July 2021, CPJ, <https://cpj.org/2021/07/brazilian-journalist-jackson-silva-survives-shooting/>

²⁸ “Brazilian news crews attacked while covering death in police clash with gang,” 27 February 2022, CPJ, <https://cpj.org/2022/02/brazilian-news-crews-attacked-while-covering-death-in-police-clash-with-gang/>

²⁹ “Brazilian reporter’s car set on fire,” 14 March 2017, CPJ, <https://cpj.org/2017/03/brazilian-reporters-car-set-on-fire/>

³⁰ “Brazilian radio station antenna destroyed in arson attack,” 12 December 2019, CPJ, <https://cpj.org/2019/12/brazilian-radio-station-antenna-destroyed-in-arson/>

³¹ “Brazilian journalist’s home, newspaper office targeted in arson attack,” 23 March 2021, CPJ, <https://cpj.org/2021/03/brazilian-journalists-home-newspaper-office-targeted-in-arson-attack/>

24. Other types of violent attacks:

- 2019, Ceará: A bomb exploded at the home of radio reporter Francisco José Jorge de Sousa³².
- 2020
 - Rio de Janeiro: A man briefly held TV Globo reporter Marina Araújo hostage inside the broadcaster headquarters³³.
 - Amazonas: Several men hit journalist Alex Braga's car, and punched and threatened him³⁴.
 - Roraima: Three men kidnapped journalist Romano dos Anjos, beat him and left him on the city outskirts³⁵.
- 2022, Rio Grande do Sul: Journalist Daniel Carniel was punched and kicked in the Adesso TV office entrance³⁶.

Threats

25. Brazilian authorities' failure to address threats against journalists has had a chilling effect and permitted some threats to escalate to physical aggression. Since Brazil's 3rd UPR in 2017, CPJ has documented numerous cases of journalists threatened for covering topics including corruption, politics, crime, policing and environmental issues.

- 2018
 - Ceará: An attacker threatened and attempted to kidnap Radio Liberdade FM presenter José Ilton dos Santos³⁷.
 - Paraíba: A former city official threatened two radio hosts after they reported on corruption allegations³⁸.
 - Minas Gerais: Attackers threw fireworks at reporter Adenilson Miguel's home and left a note with a death threat³⁹.
- 2019
 - Rio de Janeiro: The Intercept Brasil's Glenn Greenwald and Leandro Demori received threatening messages after reporting on officials involved in the "Lava Jato" investigation⁴⁰.

³² "Brazilian journalist's home attacked with home-made bomb," 2 July 2019, CPJ, <https://cpj.org/2019/07/brazilian-journalists-home-attacked-with-home-made/>

³³ "Knife-wielding man briefly holds TV Globo reporter hostage in Brazil," 11 June 2020, CPJ, <https://cpj.org/2020/06/knife-wielding-man-briefly-holds-tv-globo-reporter-hostage-in-brazil/>

³⁴ "Journalist Alex Braga attacked, threatened in Brazil," 30 July 2020, CPJ, <https://cpj.org/2020/07/journalist-alex-braga-attacked-threatened-in-brazil/>

³⁵ "Journalist Romano dos Anjos kidnapped and assaulted in Brazil," 29 October 2020, CPJ, <https://cpj.org/2020/10/journalist-romano-dos-anjos-kidnapped-and-assaulted-in-brazil/>

³⁶ "Brazilian journalist Daniel Carniel punched, kicked in Adesso TV office entrance," 19 January 2022, CPJ, <https://cpj.org/2022/01/brazilian-journalist-daniel-carniel-punched-kicked-in-adesso-tv-office-entrance/>

³⁷ "Radio host in northeastern Brazil subject to series of threats," 25 May 2018, CPJ, <https://cpj.org/2018/05/radio-host-in-northeastern-brazil-subject-to-serie/>

³⁸ "Ex-politician threatens two Brazilian radio reporters," 11 April 2018, CPJ, <https://cpj.org/2018/04/ex-politician-threatens-two-brazilian-radio-report/>

³⁹ "Reporter threatened, home attacked in southern Brazil," 17 August 2018, CPJ, <https://cpj.org/2018/08/reporter-threatened-home-attacked-in-southern-braz/>

⁴⁰ "Glenn Greenwald, Intercept Brasil staff threatened after publishing corruption investigation," 18 June 2019, CPJ, <https://cpj.org/2019/06/glenn-greenwald-intercept-brasil-staff-threatened/>

- Pará: Folha do Progresso reporter Adecio Piran was threatened after reporting on fires in the Amazon rainforest⁴¹.
 - 2020, São Paulo: Rádio Nova Brasil host Marco Antônio Ferreira received threatening messages during coverage of municipal elections and after reporting on violations of Covid-19 restrictions. The next month, his car was set on fire⁴².
 - 2021, Roraima: TV Norte Boa Vista host Diego Santos received an envelope with a threatening message and two bullets⁴³.
26. While the decision to include journalists in the federal Program of Protection of Human Rights Defenders⁴⁴ in 2018 was an important step toward addressing journalist safety, the program has not been effective in reducing violence and threats. According to a 2021 report from local human rights organizations⁴⁵, the Program lacks adequate staffing and resources, is poorly structured, and its protective measures are insufficient and implemented too slowly — issues that predated the incorporation of journalists into the Program and which have continued to deteriorate in recent years.

Digital attacks and online harassment

27. Journalists and outlets have been targeted with online harassment campaigns, doxing, and distributed denial-of-service (DDoS) attacks. Women journalists and outlets covering human rights, environmental issues, politics and women's rights are the main targets of such attacks.
28. In 2018 and 2020, following her reporting on WhatsApp messaging campaigns in the 2018 elections, *Folha de S. Paulo* journalist Patrícia Campos Mello was targeted with massive online harassment campaigns⁴⁶.
29. In September 2019, various Twitter accounts shared personal details of two AzMina reporters, and the outlet's website was briefly knocked offline following publication of an article on legal provisions and safe methods for obtaining an abortion⁴⁷.

⁴¹ "Brazilian journalist Adecio Piran threatened after reporting on fires in Amazon," 30 August 2019, CPJ, <https://cpj.org/2019/08/brazilian-journalist-adeccio-piran-threatened-after/>

⁴² "Brazilian radio journalist Marco Antônio Ferreira threatened, car burned," 23 December 2020, CPJ, <https://cpj.org/2020/12/brazilian-radio-journalist-marco-antonio-ferreira-threatened-car-burned/>

⁴³ "Brazilian journalist Diego Santos receives envelope with threat and bullets," 8 April 2021, CPJ, <https://cpj.org/2021/04/brazilian-journalist-diego-santos-receives-envelope-with-threat-and-bullets/>

⁴⁴ "Dispõe sobre a regulamentação do Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores sociais e Ambientalistas no âmbito do Ministério dos Direitos Humanos," published 4 September 2018, Portaria Nº 300, Diário Oficial da União; Edição 171, Seção 1, Página: 50-51. Available at: https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/39528373/do1-2018-09-04-portaria-n-300-de-3-de-setembro-de-2018-39528265

⁴⁵ "Começo do fim? O pior momento do Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas." December 2021, Terra de Direitos and Justiça Global. Available at: <http://www.global.org.br/wp-content/uploads/2021/12/comeco-do-fim-3.pdf>

⁴⁶ "Brazilian journalist Patrícia Campos Mello faces online harassment campaign," 12 February 2020, CPJ, <https://cpj.org/2020/02/brazilian-journalist-patricia-campos-mello-faces-o/>

⁴⁷ "Brazilian outlet AzMina faces criminal complaints, online harassment over abortion article," 25 September 2019, CPJ, <https://cpj.org/2019/09/brazilian-outlet-azmina-faces-criminal-complaints/>

30. In 2020, accounts shared personal information about journalist Vera Magalhães and photographer Gabriela Biló on Twitter⁴⁸.
31. Between 2018 and 2021, several sports journalists in Minas Gerais suffered harassment and had personal information shared on social media in retaliation for their work, according to the state journalists' union⁴⁹.
32. Women journalists covering sports have documented systematic harassment and sexualized physical abuse while reporting; in response, 2018 saw the launch of a campaign demanding respect for women sports reporters⁵⁰.
33. In January 2021, investigative reporting and human rights organization Repórter Brasil experienced a DDoS attack⁵¹. In April, Portal Catarinas, a outlet specializing in gender, feminism, and human rights, was targeted with a similar attack⁵².

Law enforcement and judicial harassment

34. Photojournalists, especially those covering demonstrations, often experience harassment from law enforcement. In 2017, São Paulo state police arrested two photojournalists who were photographing a burning barricade and accused them of starting the fire⁵³. In 2020, military police detained freelance photojournalist Rodrigo Zaim for five hours while he was covering protests in São Paulo⁵⁴.
35. The legal system is another venue for censorship and intimidation. Journalists and outlets face criminal complaints, police investigations, and civil and criminal lawsuits aimed at removing content, blocking publication of reports, and silencing investigative reporters.
 - 2017: A judge ordered national newspapers Folha de S.Paulo and O Globo to remove stories from their websites about a hacker convicted of attempting to blackmail then First Lady Marcela Temer⁵⁵.

⁴⁸ "Abraji repudia exposição de dados pessoais de fotógrafa de jornal," 4 June 2020, Abraji, <https://www.abraji.org.br/noticias/abraji-repudia-exposicao-de-dados-pessoais-de-fotografa-de-jornal>

⁴⁹ "Jornalistas esportivos sofrem ataques virtuais crescentes de torcedores," 25 January 2021, Sindicato dos Jornalistas Profissionais de Minas Gerais, <http://www.sjpmg.org.br/2021/01/jornalistas-esportivos-sofrem-ataques-virtuais-crescentes-de-torcedores>

⁵⁰ "Brazil's 'Let her do her job' campaign demands respect for female sports reporters," 18 April 2018, Andrew Downie, CPJ, <https://cpj.org/2018/04/brazils-let-her-do-her-job-campaign-demands-respec/>

⁵¹ "Investigative outlet Repórter Brasil targeted with cyberattacks, threats, attempted break-in," 13 January 2021, CPJ, <https://cpj.org/2021/01/investigative-outlet-reporter-brasil-targeted-with-cyberattacks-threats-attempted-break-in/>

⁵² "Brazilian media outlet that covers women's rights targeted with DDoS attack," 22 April 2021, CPJ, <https://cpj.org/2021/04/brazilian-media-outlet-that-covers-womens-rights-targeted-with-ddos-attack/>

⁵³ "Two photographers arrested for photographing Brazil protest," 24 April 2017, CPJ, <https://cpj.org/2017/04/two-photographers-arrested-for-photographing-brazi/>

⁵⁴ "Police beat, detain journalists covering protests in São Paulo," 10 January 2020, CPJ, <https://cpj.org/2020/01/police-beat-detain-journalists-covering-protests-i/>

⁵⁵ "O Globo and Folha de S.Paulo ordered to remove reports about Brazil's First Lady," 15 February 2017, CPJ, <https://cpj.org/2017/02/o-globo-and-folha-de-spaulo-ordered-to-remove-repo/>

- 2019: Supreme Court Judge Alexandre de Moraes ordered online magazine Crusoé to take down a report mentioning the court’s president⁵⁶.
 - From June–November 2020, a Piauí state court placed journalist Arimateia Azevedo and outlet Portal AZ under a gag order, prohibiting Portal AZ from publishing anything “offensive” about the police unit conducting an investigation into the journalist⁵⁷. During that time, Azevedo was detained multiple times and held under house arrest.
 - 2020: A judge in Santa Catarina ordered websites The Intercept Brasil and ND+ and freelance journalist Schirlei Alves to “rectify” reporting on a rape trial, instructing them to add specific wording to their reporting⁵⁸.
 - 2021: Courts in Rio Grande do Sul blocked RBS reporting on corruption allegations involving a local mayor⁵⁹. The report was published in January 2022, after Brazil’s Supreme Court overturned the previous decisions.
36. The increase in civil suits seeking to remove published content is deeply concerning. In 2020, Abraji identified more than 200 lawsuits brought by local officials requesting removal of content⁶⁰.
37. Court-imposed gag orders and secret judicial proceedings have occasionally prevented outlets from reporting on the very investigations and processes carried out against them.
38. CPJ has found that criminal slander and defamation laws remain an instrument to pressure journalists⁶¹. Authorities at all levels, from state police to government ministers, have opened criminal investigations and filed criminal complaints against journalists and media outlets, including:
- 2019: Damares Alves, Brazil’s minister for women, family, and human rights, filed a complaint with the São Paulo Public Prosecutor’s Office against online magazine AzMina after it published an article about access to safe abortion methods⁶².
 - 2020
 - Alleging a violation of the National Security Law, then Minister of Justice André Mendonça requested federal law enforcement

⁵⁶ “Brazilian court orders online magazine Crusoé to remove article about judge,” 16 April 2019, CPJ, <https://cpj.org/2019/04/brazilian-court-orders-online-magazine-crusoe-to-r/>

⁵⁷ “Brazilian journalist Arimateia Azevedo held for 5 months under house arrest, gag order,” 17 December 2020, CPJ, <https://cpj.org/2020/12/brazilian-journalist-arimateia-azevedo-held-for-5-months-under-house-arrest-gag-order/>

⁵⁸ “Brazilian court orders The Intercept Brasil, ND+ to modify coverage of court case,” 23 December 2020, CPJ, <https://cpj.org/2020/12/brazilian-court-orders-the-intercept-brasil-nd-to-modify-coverage-of-court-case>

⁵⁹ “Brazil mayor endangers journalist Giovani Grizotti by publicizing picture in video,” 26 January 2022, CPJ, <https://cpj.org/2022/01/brazil-mayor-endangers-journalist-giovani-grizotti-by-publicizing-picture-in-video/>

⁶⁰ “Mais de 400 candidatos às eleições municipais pediram retirada de conteúdo,” 16 October 2020, Pedro Teixeira and Karen Yui Sagawa, Abraji, <https://www.abraji.org.br/noticias/mais-de-400-candidatos-as-eleicoes-municipais-pediram-retirada-de-conteudo>

⁶¹ “In Brazil, outdated defamation laws and costly court cases used to pressure critics,” 6 April 2017, Andrew Downie, CPJ, <https://cpj.org/2017/04/in-brazil-outdated-defamation-laws-and-costly-cour/>

⁶² “Brazilian outlet AzMina faces criminal complaints, online harassment over abortion article,” 25 September 2019, CPJ, <https://cpj.org/2019/09/brazilian-outlet-azmina-faces-criminal-complaints/>

agencies investigate journalist Helio Schwartsman over a column he wrote⁶³. Mendonça also requested an investigation into cartoonist Renato Aroeira for publishing a cartoon and journalist Ricardo Noblat for reposting it on Twitter.

- Civil police in São Paulo state opened a criminal inquiry into Diário de Ribeirão Pires editor Rafael Ventura following a complaint from a local official⁶⁴.
 - 2021: Rio de Janeiro Civil Police opened a criminal slander investigation into The Intercept Brasil executive editor Leandro Demori after he reported on police killings⁶⁵.
 - 2022: The Minas Gerais state Attorney General filed a criminal slander and defamation complaint against *UOL* journalist Thiago Herdy⁶⁶.
39. In August 2019, a Rondônia court sentenced two journalists to four months in prison and a fine for defamation⁶⁷.
40. In 2018, sports blogger Paulo Cezar Andrade Prado served one month and 23 days in prison in São Paulo state following a defamation conviction. In September 2021, Prado was arrested again after being sentenced to five months in prison in another defamation case⁶⁸.

Covid-19 and press freedom

41. The Brazilian government's response to the Covid-19 pandemic created additional challenges for the press⁶⁹.
42. In March 2020, President Jair Bolsonaro signed Provisional Measure 928⁷⁰, which suspended deadlines for public entities to respond to freedom of information requests, and forbade appeals of denied requests.

⁶³ "Brazilian Minister of Justice calls for criminal investigations of 2 journalists, cartoonist," 16 July 2020, CPJ, <https://cpj.org/2020/07/brazilian-minister-of-justice-calls-for-criminal-investigations-of-2-journalists-cartoonist/>

⁶⁴ "Brazilian police open criminal investigation into journalist Rafael Ventura for slander and defamation," 26 June 2020, CPJ, <https://cpj.org/2020/06/brazilian-police-open-criminal-investigation-into-journalist-rafael-ventura-for-slander-and-defamation/>

⁶⁵ "Police investigate The Intercept Brasil editor Leandro Demori over reporting on police killings," 21 June 2021, CPJ, <https://cpj.org/2021/06/police-investigate-the-intercept-brasil-editor-leandro-demori-over-reporting-on-police-killings/>

⁶⁶ "Attorney general in Brazil files criminal defamation complaint against journalist Thiago Herdy," 23 February 2022, CPJ, <https://cpj.org/2022/02/attorney-general-in-brazil-files-criminal-defamation-complaint-against-journalist-thiago-herdy/>

⁶⁷ "Brazilian electoral court sentences 2 journalists to suspended jail time for defamation," 2 December 2019, CPJ, <https://cpj.org/2019/12/brazilian-electoral-court-sentences-2-journalists/>

⁶⁸ "Paulo Cezar de Andrade Prado (Paulinho)," CPJ, <https://cpj.org/data/people/paulo-cezar-de-andrade-prado-paulinho/>

⁶⁹ "In five Latin American countries, COVID-19 responses restrict press freedom, CPJ, TrustLaw find," 30 June 2021, CPJ, <https://cpj.org/2021/06/in-five-latin-american-countries-covid-19-responses-restrict-press-freedom-cpj-trustlaw-find/>

⁷⁰ "Brazil restricts access to government information amid COVID-19 emergency," 26 March 2020, CPJ, <https://cpj.org/2020/03/brazil-restricts-access-to-government-information/>

43. In 2020, Rio de Janeiro Mayor Marcelo Crivella's office used public funds to pay municipal employees to obstruct journalists at hospitals and block news crews from covering the pandemic⁷¹.
44. Brazilian organizations have raised concerns about access to reliable data⁷², including in a January 2022 letter highlighting the Health Ministry's failure to publish data on vaccinations and the pandemic⁷³, and denouncing what they called a "data blackout." Brazil's Health Minister has also limited media participation in several press conferences⁷⁴.
45. Journalists covering the pandemic have been harassed and assaulted. In November 2020, several people threatened two NSC TV employees reporting on lockdown measures in Florianópolis⁷⁵.

Anti-press rhetoric, harassment and access denied by authorities

46. Authorities and public officials have denied access to journalists and frequently utilized anti-press rhetoric to insult, threaten, and discredit reporters and media outlets.
47. Throughout his 2018 campaign and as president, Jair Bolsonaro has systematically attempted to undermine individual journalists and the press in general, contributing to an environment that condones attacks against journalists⁷⁶.
48. There is a gender element to this rhetoric, as President Bolsonaro has responded especially aggressively to questions from women⁷⁷. The president and his son, Congressman Eduardo Bolsonaro, made offensive comments about journalist Patrícia Campos Mello that contributed to the harassment campaign targeting her in 2020. Campos Mello later successfully sued both for moral damages⁷⁸.

⁷¹ "Report: Rio de Janeiro mayor's office paid employees to harass journalists covering pandemic," 1 September 2020, CPJ, <https://cpj.org/2020/09/report-rio-de-janeiro-mayors-office-paid-employees-to-harass-journalists-covering-pandemic/>

⁷² "Organizações denunciam falta de transparência sobre vacinação," 4 March 2021, Abraji, <https://www.abraji.org.br/noticias/organizacoes-da-sociedade-civil-denunciam-falta-de-transparencia-publica-sobre-a-vacinacao>

⁷³ "Fórum de Direito de Acesso a Informações Públicas exige providências contra apagão de dados do Ministério da Saúde," 11 January 2022, Abraji, <https://www.abraji.org.br/noticias/forum-de-direito-de-acesso-a-informacoes-publicas-exige-providencias-contr-a-apagao-de-dados-do-ministerio-da-saude>

⁷⁴ "Ministro da Saúde veta reportariado em "coletivas" sem aviso prévio," 1 February 2022, Pedro Teixeira, Abraji, <https://www.abraji.org.br/noticias/ministro-da-saude-veta-reportariado-em-coletivas-sem-aviso-previo>

⁷⁵ "Brazilian journalists threatened, assaulted while covering pandemic lockdown," 4 November 2020, CPJ, <https://cpj.org/2020/11/brazilian-journalists-threatened-assaulted-while-covering-pandemic-lockdown/>

⁷⁶ "Bolsonaro is making Brazilian journalists' jobs more difficult," 21 March 2019, Andrew Downie, CPJ, <https://cpj.org/2019/03/bolsonaro-is-making-brazilian-journalists-jobs-mor/>

⁷⁷ "Abraji repudia ataques de Bolsonaro a mulheres jornalistas," 26 June 2021, Abraji, <https://www.abraji.org.br/noticias/abraji-repudia-ataques-de-bolsonaro-a-mulheres-jornalistas>

⁷⁸ "Brazilian journalist Patrícia Campos Mello sued President Bolsonaro's son for moral damages – and won," 2 March 2021, Renata Neder, CPJ, <https://cpj.org/2021/03/brazilian-journalist-patricia-campos-mello-sued-president-bolsonaros-son-for-moral-damages-and-won/>

49. In a 2019 video, Bolsonaro threatened to revoke Globo's broadcasting license and accused media outlets of trying to undermine his government⁷⁹.
50. Other authorities, including ministers and members of Congress, have followed the president's lead and engaged in similar anti-press behavior⁸⁰.
51. In 2021, President Bolsonaro's personal lawyer Frederick Wassef sent a threatening text message to *UOL* journalist Juliana Dal Piva after she reported on alleged corruption involving the president's family⁸¹.
52. In 2019, Rio de Janeiro city officials blocked journalists from three Grupo Globo outlets from covering a press conference by the health minister and Rio's mayor⁸².
53. In 2020, several outlets suspended coverage from outside the presidential palace, citing security concerns⁸³.
54. Public officials have used videos to harass journalists, including a video by Rio de Janeiro Military Police insulting journalist Rafael Soares in December 2020⁸⁴, and one by municipal officials in Rio Grande do Sul claiming to reveal identifying information about investigative reporter Giovani Grizotti in January 2022⁸⁵.

Recommendations to the government of Brazil

55. Ensure prompt, thorough investigations into killings of journalists and that all perpetrators, including masterminds, face justice in a timely manner.
56. Investigate threats and attacks against journalists in a timely, effective manner.
57. Establish an effective mechanism to protect at-risk journalists that is tailored to address the needs of journalists, with necessary budget and staffing allocations for its full implementation.
58. Stop utilizing criminal slander and defamation charges to prosecute journalists and media outlets, and refrain from using civil cases to impose punitive measures that restrict press freedom, including gag orders and content removal.

⁷⁹ "Brazilian President Bolsonaro threatens to revoke Globo's broadcasting license," 30 October 2019, CPJ, <https://cpj.org/2019/10/brazilian-president-bolsonaro-threatens-to-revoke/>

⁸⁰ "Bolsonaro is making Brazilian journalists' jobs more difficult," 21 March 2019, Andrew Downie, CPJ, <https://cpj.org/2019/03/bolsonaro-is-making-brazilian-journalists-jobs-mor/>

⁸¹ "Brazilian president's lawyer sends threatening message to UOL journalist Juliana Dal Piva," 13 July 2021, CPJ, <https://cpj.org/2021/07/brazilian-presidents-lawyer-sends-threatening-message-to-uol-journalist-juliana-dal-piva/>

⁸² "Rio mayor's office bars Globo journalists from press conference," 13 December 2019, CPJ, <https://cpj.org/2019/12/rio-mayors-office-bars-globo-journalists-from-pres/>

⁸³ "Veículos de imprensa suspendem cobertura presidencial na porta do Alvorada," 26 May 2020, Abraji, <https://abraji.org.br/noticias/veiculos-de-imprensa-suspendem-cobertura-presidencial-na-porta-do-alvorada>

⁸⁴ "Rio de Janeiro Military Police publish video criticizing, insulting journalist Rafael Soares," 9 December 2020, CPJ, <https://cpj.org/2020/12/rio-de-janeiro-military-police-publish-video-criticizing-insulting-journalist-rafael-soares/>

⁸⁵ "Brazil mayor endangers journalist Giovani Grizotti by publicizing picture in video," 26 January 2022, CPJ, <https://cpj.org/2022/01/brazil-mayor-endangers-journalist-giovani-grizotti-by-publicizing-picture-in-video/>

59. Undertake necessary reforms to Brazil's penal code to exclude Articles 138-140, decriminalizing slander, defamation and injury ("crimes against honor").
60. Ensure that any new legislation approved is in line with Article 5 of Brazil's Constitution and with its obligations under international human rights instruments.
61. Ensure a safe environment for journalists, refraining from speech that undermines the free press or encourages violence against journalists, and instead acknowledging the importance of independent media for democracy and human rights.

Annex 1: Relevant recommendations from the 3rd Cycle (2017) – 27th Session

136.114 Take all necessary measures to ensure the physical integrity of journalists and human rights defenders, including an explicit and published decision on instituting a federal investigation and prosecution in all cases involving violence against human rights defenders (Netherlands).

136.120 Take all necessary measures to guarantee the safety of human rights defenders and journalists as they carry out their tasks (France).