



For immediate release – 10 February 2009

Brazil: Lula to Decriminalise Unlicensed Community Radios

In January 2009, Brazilian President Lula sent a bill to Congress which would decriminalise the operation of a community radio without a license. This is a long-standing demand by community radio associations and freedom of expression organisations in Brazil.

ARTICLE 19 has in its work repeatedly highlighted the obligation on States to promote pluralism and diversity in the media, as an aspect of the right to freedom of expression. International law recognises the important contribution that community broadcasting, along with commercial and public service broadcasters, can make to realising media pluralism. We therefore welcome this initiative.

At the same time, we note that far more needs to be done to create a proper enabling environment for public interest broadcasting in Brazil. Current Brazilian regulatory policies and practices are not conducive to the development of community broadcasting. Thousands of community radios around the country are waiting to receive a license, in part due to the lengthy and inefficient licensing process, which is not adapted to their needs or situation, and in part due to the fact that an inadequate number of licences have been allocated for community radio use. Community radios still face potential civil or administrative measures for operating without a licence, which can also have a harsh impact on them.

Data provided by the Federal Police in 2007 indicate that by August 2007, 1,800 community radios had been closed down and had their equipment confiscated, and many individuals have been criminally charged for operating 'illegal' radios. There are many accounts of intimidation and violence by police officers and other authorities relating to these closures.

ARTICLE 19 calls on the Brazilian government to undertake a comprehensive reform of the regulatory regime for broadcasting, including creating an enabling environment for community broadcasters. Urgent measures should also be taken to speed up the processing of existing licence applications.

NOTES TO EDITORS:

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.