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PRESS RELEASE

Brazil: Special Commission Passes Right to Information Bill

A draft bill on the right to information was approved by consensus by a Special Commission in the Lower House of the Brazilian Congress on Wednesday. The Special Commission had been specially organised to review and pass the bill. To become law, the bill must be passed in both the Lower House and the Senate, and then be signed by the President.

ARTICLE 19 urges Brazilian legislators to bring the bill into line with international standards, including by taking into consideration civil society recommendations, and to concentrate efforts to adopt a final text of the Brazilian Right to Information Act during 2010.

The bill, a landmark development for the right to information in Brazil, was originally prepared by the executive and sent to Congress in May 2009. A series of public hearings and consultations followed. ARTICLE 19 played a crucial role in the process, presenting a key set of recommendations, according to Deputy Mendes Ribeiro, who was responsible for collecting comments on the bill.

The Commission made a few changes to the bill during the Wednesday session, including:

- Municipalities under 10,000 people are not obliged to disclose information through the Internet, due to infrastructure limitations
- Requesters will now be informed of the status of their appeal where access to requested information is refused at the first stage
- It will now be mandatory to revise secret and ultra-secret classifications of information every four years, as well as upon request by any interested person
- The ‘public interest’ was introduced as a criterion for the classification and declassification of information, something ARTICLE 19 had demanded.

ARTICLE 19 welcomes the approval of the bill and reaffirms the importance of enacting a right to information law in Brazil in 2010. However, the bill still has some shortcomings. A key problem is that the bill fails to provide for the establishment of an independent body to consider appeals against refusals to provide access to information. The experience of other countries demonstrates that such a body is essential to the success of a right to information law.

The challenge now will be to get the full House to pass the bill, something that will not be easy in an electoral year. The Lower House, however, currently has several

priority laws before it, and the elections this year mean that the legislative agenda is shorter than usual.

NOTES TO EDITORS:

- For more information please contact: Paula Martins, Brazil Coordinator, paula@article19.org, +55 11 3057 0042.
- 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.