



BRAZIL MISSION STATEMENT

on

the state of freedom of expression

by

ARTICLE 19

Global Campaign for Free Expression

Sao Paulo / London

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Introduction

From 7 August to 14 August, 2007, the Executive Director of ARTICLE 19 and the Coordinator of ARTICLE 19's Brazil Office undertook a fact finding and advocacy mission in Brazil in order to assess the situation of freedom of expression, including freedom of information, in the country. During the course of their mission, they met with a number of representatives of civil society, the media, journalists, and public officials, including members of parliament. Below is the summary of the findings of this mission.

ARTICLE 19 found a particularly impressive and inspiring civil society environment, with a large number of national civil society organisations and journalists working on communication rights and media issues. The vibrant environment created around their work should give way to creative and long-term proposals to promote and defend freedom of expression and information in Brazil.

In this regard, ARTICLE 19 particularly welcomes the federal government's commitment to launch a Public TV in December 2007, and we urge the government to

ensure that this commitment to public service is well reflected in the final constitutive agreement. We also appreciate their willingness to organise a National Conference on Communications through consultation with, and the participation of, civil society groups and the media, and call for the translation of this willingness into a real tool for the protection of freedom of expression, including through a Presidential Act and a budget to ensure such an important and crucial conference is well founded.

ARTICLE 19 also welcomes the practical steps taken by the Brazilian government to strengthen transparency within the ministries and at federal level, including through the Integrated System for Financial Management – SIAFI, the Transparency and e-Gov web portals.

However, and as further elaborated below, ARTICLE 19 was extremely concerned by the situation of freedom of expression in Brazil, which it judged to be serious and in need of immediate protection and action:

1. Lack of an appropriate legal framework

The legal framework for the protection of freedom of expression, including freedom of information, is at best incomplete and at worst, seriously problematic. While the right to freedom of expression and access to information is protected by article 5 of the Brazilian Constitution, the Brazilian legislative bodies have failed to translate these rights into sufficiently robust laws to safeguard them properly. The existing laws often date back to several decades ago, at the time when a non democratic regime prevailed.

The principal legislation on the operation of media outlets in Brazil are the 1967 Press Law and the 1962 Telecommunications Code.

They were both adopted during the military dictatorship and contain a number of repressive provisions typical of authoritarian regimes. Although most of these provisions have not been applied for many years, it is unacceptable that a 20-year-old democracy have been unable to revoke such authoritarian rules. Furthermore, the Telecommunications Code is technically and technologically outdated.

Both pieces of legislation have been repeatedly modified by an expressive number of subsequent laws, but were never entirely revoked, although in the case of the Telecommunications Code, two thirds of the original articles have already been revoked. The large number of sparse laws regulating specific issues in the area has created a situation of legal uncertainty, with contrasting interpretations and dubious provisions that allow for abuses against freedom of expression.

Recommendations:

These outdated laws contravene international and regional standards regarding freedom of expression. There have been many proposals and draft bills for reviewing such legislations, none of which have been brought to a successful end. As with many other issues, the legislative processes have reached a stalemate which is greatly prejudicial to the effective protection of freedom of expression.

- We urge the Government and members of Parliament to take immediate action to fill the legal vacuum and prioritise setting up an appropriate

legal framework for freedom of expression in Brazil, a legal framework that is in keeping with Brazil's international status.

- Any legislation adopted in the area should observe international standards by applying only legitimate restrictions to freedom of expression and clearly stating all such limitations in a way that human rights concerns are seriously taken into consideration, especially those on plurality, diversity, access to information, public participation and social monitoring.

2. Threats to media pluralism and diversity

A crucial international standard with regard to freedom of expression is that of pluralism and diversity of the media. The Inter-American Court has held that freedom of expression requires that “the communication media are potentially open to all without discrimination or, more precisely, that there be no individuals or groups that are excluded from access to such media¹.”

This has been recognized by international and regional bodies and courts, which have also elaborated on the several components of pluralism and diversity, such as the existence of three broadcasting systems (public, private and community), source pluralism or the existence of fully independent regulatory bodies.

Unfortunately, the current situation in Brazil is far from satisfying international standards in this area. The media landscape is concentrated in the hands of a few, in violation of the public's right to receive information on matters of public interest from a variety of sources.

This lack of pluralism is mainly due to two factors that shape the Brazilian media landscape:

- the failure of regulatory policies to support the development of independent broadcasters, in particular of non-commercial and community broadcasters; and
- a high degree of concentration of media ownership;

The federal government has committed to set up a public TV channel by the end of 2007, but there is no overall **public service broadcasting system**. Civil society groups want to make sure this TV channel will be the starting point for the creation of a true public broadcasting system in the country. In this context, international standards in the area should be highlighted, such as: (i) the creation of appropriate structures to secure independence, such as pluralistic and independent governing boards; (ii) the adoption of funding schemes that will guarantee free flow of information and ideas and the promotion of the public interests; and finally, (ii) accountability processes that make public broadcasters responsible primarily to the public, both in terms of content broadcasted and resources spent.

Public service broadcasting, as per international standards, must be protected from political or commercial interference. Independence and diversity must be respected. Content “should serve the public interest and, in particular, be balanced and impartial”².

¹ *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism*, note, para. 34.

² Model Law on Public Broadcasting Service, ARTICLE19, 20 June 2005, Introduction

As for the current state of **commercial media** in Brazil, local civil society is greatly concerned with ownership concentration, which it considers to be one of the main threats to diversity. Six private media corporations hold the Brazilian TV market, a market that negotiates more than USD 3 billion in publicity. Globo Network holds approximately half of this market, a total of USD 1590 billion. These six private TV Networks hold, in conjunction with their 138 affiliated groups, a total of 668 media outlets (TVs, radios and newspapers) and 92% of the TV audience; Globo alone holds 54% of the TV audience (in a country where 81% of the population watch TV every day, for an average of 3,5 hours per day)³.

The Inter-American Court on Human Rights has recognised that freedom of expression requires the existence of a free and pluralistic media also within the private broadcasting system:

“It is the mass media that make the exercise of freedom of expression a reality. This means that the conditions of its use must conform to the requirements of this freedom, with the result that there must be, inter alia, a plurality of means of communication, the barring of all monopolies thereof, in whatever form, and guarantees for the protection of the freedom and independence of journalists.”⁴

The *Inter-American Declaration of Principles on Freedom of Expression* also calls for measures to limit monopolies and oligopolies in its Principle 12:

“Monopolies or oligopolies in the ownership and control of the communication media must be subject to anti-trust laws, as they conspire against democracy by limiting the plurality and diversity which ensure the full exercise of people’s right to information. In no case should such laws apply exclusively to the media. The concession of radio and television broadcast frequencies should take into account democratic criteria that provide equal opportunity of access for all individuals.”

As ARTICLE 19 has pointed out in its *Submission to the Inter-American Commission on Human Rights: International Standards on the Regulation of Broadcasting*, 18 July 2007, “at least three distinct types of media-related pluralism or diversity have been identified: content, outlet and source. [...] The absence of source pluralism, reflected in the growing phenomenon of concentration of media ownership, can impact on content, as well as independence and quality, in important ways.”⁵

Recommendations

1. The government should set up a participatory and pluralistic process to define the model to be adopted for the upcoming public TV channel
2. These discussions and the creation of the first public TV channel should be the seed for the creation of a public broadcasting system which provides public

³ *Os Donos da Midia*, Forum Nacional pela Democratizacao da Comunicaçao, 2006, available at <http://www.fndc.org.br/arquivos/donosdamidia.pdf>

⁴ *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism*, Advisory Opinion OC-5/85 of 13 November 1985, Series A, No. 5, para. 34

⁵ *Submission to the Inter-American Commission on Human Rights: International Standards on the Regulation of Broadcasting*, ARTICLE19, 18 July 2007, p. 6

interest content and is operated according to the principles of diversity and independence

3. Solutions to the issue of concentration of media ownership should be addressed by the government, including by: the adoption and effective application of clear and fair rules on concentration of ownership which preserve and protect the public interest in broadcasting; and the use of diversity as a criterion for new broadcasting licenses, as well as, in very serious cases, to the renewal of licenses.
4. Public, private and community systems should be mutually complementary and should all ensure the free flow of ideas and opinions coming from different groups and regions, representing the richness of diversity observed within Brazilian society

3. Community Broadcasting Under Duress

Democracy demands that the state create an environment in which different types of broadcasters – including public service, commercial and community broadcasters - can flourish. Unfortunately, this is not the case in Brazil where thousands of community broadcasters are still waiting to be attributed a license, as part of a lengthy, ineffective and punitive process.

ARTICLE 19 recognises the right of the state to regulate access to the airwaves and frequencies. However, the process established to obtain community broadcasting licenses is clearly not in keeping with international best practices on the issue.

Some of the problems investigated by ARTICLE 19 include:

- It takes on average 3,5 years before a filed application for licensing is actually approved, when it is approved. Some community radios associations have been waiting for almost 10 years for a habilitation process to be set up in their municipalities.
- By April 2006, in the state of Sao Paulo, 250 radios had received a definitive authorization to operate out of a total of 2,568 applications. In the city of Sao Paulo, where habilitation opened in December 2006, there are currently no community radios operating with a license. 193 radios initially registered to participate in the licensing process once the habilitation was opened. At the time of the ARTICLE 19 mission, 117 were still engaged in the process and waiting for their licenses.
- There is currently only one frequency attributed to community broadcasting sector, although there is a study underway to possibly expand this to one additional frequency. The specific legislation that regulates community radios in Brazil has allocated only one frequency, throughout the territory, for their operation. It also establishes a maximum power of 25 watts and broadcasting coverage of one kilometer of distance; in addition, it requires a minimum distance of four kilometers between each community radios. Together, these factors greatly limit the number of licenses attributed to the community broadcasting sector.
- As a consequence of the use of geographical criteria to determine the granting of licenses, conflicts emerge during the legalization process: a large number of community radios compete with each others to obtain a license for the same broadcasting area, in an unhealthy and ineffective fashion.

- According to the federal police figures, 1,800 community radios have been closed since the beginning of the year, and their equipment confiscated. Civil society and lawyers have argued that it is not a crime to operate without a license, and in a recent ground breaking ruling, a judge has indeed agreed that operating a community radio without a license does not amount to a criminal act, although it may constitute civil irregularity.
- According to community broadcasters and civil society, the federal authorities, including the police, and ANATEL (the telecommunication company), have rarely, if ever, attended the Sao Paulo meetings meant to address the issue of licensing since the end of 2006
- There is allegedly an increasing number of radios operated by evangelical churches and local politicians, probably as a result of the policy vacuum and the never ending process imposed on community broadcasting.

ARTICLE 19 documented the case of a community radio serving the needs of the population of the Jabaquara area. Its equipment was seized in April 2007, even though the radio was not operating at the time, and its equipment was not connected. (There was no electricity available either). The radio had already been closed down in March 2005 for operating without a license and its equipment confiscated (and never returned as of now). Following this first closure, the broadcasters decided to initiate the habilitation process and stop broadcasting.

A crucial voice, serving the needs of a population already impoverished and vulnerable, has therefore been shut down for two years.

“The community radios talk about things that matter to the communities. We render services and inform people. We talk about the forthcoming flood and warn people, because flood here kill people and destroy things. We talk about garbage collection. We talk about who just died and when can one go pay one’s respects. We run programs for the elderly. City Hall used us the most to pass on information to the public. The Federal Police came to the radio to talk about the disarmament program...”⁶”

Since their closure, three evangelical churches-operated radios have been created in their 1 km area. These three radios are operating without a license and with very little power.

The government appears to be washing its hands of the crisis situation it has in many ways created through setting up a cumbersome process. The large number of applications – far too large for the existing number of frequencies attributed to community broadcasting – needs proper review and handling at federal and governmental level and through discussions with municipalities, community broadcasters and associations. The problem is not going to go away and immediate commitment to speed up the process is urgently needed.

“We feel trapped and betrayed... We are doing important work, why don’t we have incentives? Why has the digital issue been solved so quickly and not our problem?”⁷”

⁶ Interview, community broadcaster

⁷ Interview, community broadcaster

The unwillingness and/or inability of the Brazilian Congress and government to address satisfactorily the situation is particularly absurd in view of Brazil purported commitment to tackle social injustice and in view of the President personal stand in the international arena. Community radios play an essential developmental role, recognized everywhere, including internationally.

Recommendations

At the heart of the Community Broadcasting quagmire is the lengthy process put in place, the insufficient number of frequencies attributed to community broadcasters, and the far from perfect decision-making process about the allocation of frequencies. In view of this, ARTICLE 19 recommends:

1. Speed up the habilitation process, including by increasing the number of people working on the issue
2. Extend the habilitation process to municipalities currently not included
3. Strengthen the dialogue with community radios and with their associations, including by participating regularly to meetings set up to review the system in place and address problems
4. Apply international and regional law and standards and evolving state practice (as reflected, *inter alia*, in national laws and judgments of national courts) regarding frequencies allocation, such as:
 - 4.1. A process should be put in place to develop a frequency plan for those frequencies allocated to broadcasting (broadcasting frequencies), in order to promote their optimal use as a means of ensuring diversity. The process should be open and participatory, and should be overseen by a body that is protected against political and commercial interference. The frequency plan, once adopted, should be published and widely disseminated.
 - 4.2. The frequency plan should ensure that the broadcasting frequencies are shared equitably and in the public interest among the three tiers of broadcasting (public, commercial and community), the two types of broadcasters (radio and television) and broadcasters of different geographic reach (national, regional and local).
 - 4.3. A frequency plan may provide that certain frequencies should be reserved for future use for specific categories of broadcasters in order to ensure diversity and equitable access to frequencies over time.

4. Civil and criminal defamation

ARTICLE 19 is also particularly concerned with the high number of civil defamation cases that are currently under way in the country and with the nature of these cases. Some particularly concerning features of defamation in Brazil include the following:

- **Very high number of cases:** Lawyers and journalists estimate that there is currently one civil law suit per journalist working for the 5 major communication groups in the country (Globo, Abril, Estado and Editora Tres). If proven correct, this figure will constitute a world record.
- **High level of indemnifications:** In 2003, the average indemnification was around 20,000 Reais (or about 10,000 USD). In 2007, the figure had jumped to 80,000 Reais or around 40,000 USD. (In comparison, the average monthly salary of a Brazilian journalist is 1,500 Reais). While

large media outlets may be able to defend themselves, this is not the case for smaller ones and for individual journalists.

- **Corruption and Public officials:** A number of civil defamation cases brought to ARTICLE 19's attention related to investigation into corruption, issues of clear public interest and involved public officials and judges - those very same people who should demonstrate a far higher tolerance for media scrutiny.
- **Injunction and provisional decisions amounting to prior censorship:** A significant number of provisional decisions taken by lower level judges amounts to censorship, including prior censorship in situations where the information has not yet been published.
- **Original decisions revoked by Supreme Court:** While journalists and media associations recognize that lack of proper training may result in bad reporting, they point out that the majority of civil defamation cases amount to abuse of power. This position seems to be confirmed by the rate of revocation at higher level. According to lawyers monitoring defamation cases closely, the Supreme Court revokes 80% of the decisions taken by the low level courts. This very high percentage indicates a clear pattern of judicial wrongdoings, which may be attributed to insufficient legal knowledge on freedom of expression and/or to high level of local pressures placed on judges. Furthermore, by the time a case reaches the Supreme Court level, much damage to freedom of expression has already been done as it may take up to ten years for the Supreme Court to revoke a decision on appeal.

The high number of civil defamation cases and their cost significantly limit the free flow of information and ideas. Indeed, many journalists interviewed have admitted that self-censorship has become the "*biggest disease*" in Brazil news room, as a way of preventing the costly legal processes.

The media plays a central role in furthering the public's right to know, in providing a forum for public debate on matters of public concern, and in acting as a 'public watchdog' to help promote government accountability.

Under international human rights law, the right to freedom of expression may be subject to restrictions, including for the protection of the reputation of others. However, these laws and their use have to meet strict tests which do not seem to be met, such as:

- The existence and use of defamation laws cannot be justified if their purpose or effect is to prevent legitimate criticism of officials or the exposure of official wrongdoing or corruption.
- The overusing goal of providing a remedy for defamatory statements should be to redress the harm done to the reputation of the plaintiff, not to punish those responsible for the dissemination of the statement.
- Pecuniary awards should never be disproportionate to the harm done and should take into account non pecuniary remedies, such as replies, a specific programme, etc.
- Injunctions should never be applied prior to publication as a form of prior restraint. Only in highly exceptional cases can further publication be prohibited by court order and under very specific conditions.

Recommendations

1. The Government should train lower level judges on defamation and issue clear guidelines regarding civil defamation
2. Non pecuniary remedies should be prioritized. Fines should be awarded only where non pecuniary remedies are insufficient to address the harm caused by defamatory statements. The level of compensation should be subject to a fixed ceiling which should only be applied to the most serious cases.
3. Finally, ARTICLE 19 strongly encourages the Media to develop and establish, within their respective media outlets or throughout the media sector, effective and meaningful **self-regulatory** system and procedures, such as: professional trainings, reporting standards, an ombudsman, complaints mechanisms, an ethical committee, etc. Again, this recommendation is in keeping with the practices followed by media outlets in many parts of the world. Throughout its mission, ARTICLE 19 was struck by the break in trust between the Brazilian “Media” on one hand, civil society and the public at large on the other. The Brazilian Media seems to suffer from a lack of credibility and overall suspicion over its intentions. ARTICLE 19 hopes that some kind of reconciliation process between the Brazilian Media and the Brazilian civil society and the public can be initiated, through the auspices of media and journalist associations and individuals and civil society organisations.

5. Violence against journalists

Interviews with media workers pointed out that violence against journalists is still very present in Brazil, but its exact extent and characterization may be under-explored. Violence may include killings, physical aggression, and threats. In addition, the real possibility of judicial attacks may amount to mental, psychological and economic violence.

Journalists and civil society representatives met by ARTICLE 19 stressed the particularly difficult situation of journalists and media workers working for small media outlets in the northern areas of the country and in Bahia, particularly vulnerable to direct acts of violence and threats. Those working for regional and national media outlets, most of which are based in state capitals, while not immune to threats or attacks, are somehow less at risk or physical aggressions, although lawsuits always remain a possibility. In general, interviews also indicated that direct threats are more common against the press and radio broadcasters, rather than television. .

Different methodologies used to monitor cases of violations to freedom of press by different local actors make it difficult to fully assess the extent of the acts of violence, their number and type. People and associations seeking to monitor the situation pointed out that the small number of professionals involved, and the fact that many cases of violence occur in very distant regions, may result in under-estimating the full extent of the problem and abuses.

The total number of attacks to freedom of expression in the country in 2006 reported by the different organizations monitoring Brazilian cases vary from 8 (National Association of Newspapers - ANJ) to 68 (National Federation of Journalists – FENAJ). While ANJ did not report any murders in 2006, FENAJ reported 4.

In general, cases of violence against journalists relate to the publication or broadcasting of the results of investigations on corruption or other irregular behavior by public authorities. The organized crime, corrupt politicians and police officers were indicated as the main perpetrators.

A journalist interviewed by ARTICLE 19 affirmed that the number of threats and actual cases of violence against journalists in the country may not be much larger because their work is restricted “from within” by editors and media owners. Controversial articles and programs are barred from publication or broadcasting by a type of “self-censorship”. This self-censorship is caused both by fear and conflicting interests.

Recommendations:

1. All cases of violence against media professionals should be duly investigated and those responsible held accountable
2. Witness protection programs for journalists, and whistleblowers reporting on violence, corruption, or other forms abuse of power should be strengthened
3. Civil society organizations, union of journalists and association of newspapers and others should review their respective coverage and approach together, with the view of identifying the possible gaps (such as regional coverage, type of media workers covered, follow up to individuals cases, advocacy for redress, etc.) and developing mechanisms to endure existing gaps are addressed. Journalist associations and similar should encourage journalists and media workers to report all instances of repression and threats so that a more accurate assessment of the situation in Brazil could be traced. Whenever an association is not able to work on a case because of its mandate or definition, it should nevertheless pass on cases to other actors, better able to review the situation. This approach is the norm amongst many human rights organizations in a large number of countries and internationally.
4. Media outlets should publicize the findings of the journalists’ union, the union of newspapers, and other associations regarding repression and attacks against journalists.

6. The promises of access to information yet to be held...

Access to information is guaranteed under the 1988 Constitution, but its implementation is limited due to the lack of regulations detailing procedures and applicable deadlines.

Despite efforts by some members of the parliament, a federal law on access to information has yet to be passed, while other laws are in existence that seriously undermines the constitutionally-recognised right of the Brazilian people to access information.

Law 11.111 / 2005, for example, offers a very weak safeguard of the right. It regulates criteria and classification on the confidentiality of documents, but fails to detail how the protection of access should take place. In a good access to information system, whether or not a document is classified is irrelevant to the question whether the public may have access to it. Instead, public bodies should make a case-by-case assessment whether granting a request will result in harm to a legitimate interest (the 'harm test'), and whether this harm is greater than the public interest (the 'public interest test'). Classification schemes are only relevant to the internal functioning of public bodies (for

example, a civil servant may need permission from a senior official to disclose information which has been marked as very sensitive). Under the current legal framework, the provisions of Law 11.111 may result in unjustified limitations to freedom of information.

Parliamentarian Reginaldo Lopes presented a draft bill on access to information to Camara dos Deputados in 2003. Although it could be improved, such draft bill observes the main principles on access to information and is in general in accordance with international standards in the area.

The draft bill has been with the plenary of the Camara since 2004. But it has yet to be reviewed and voted on. This is another example of legislative stalemate, which is eating at the heart of the consolidation of the Brazilian democracy.

Mr. Lopes' draft bill includes a clear statement on the right of access to information; expressly applies to multiple forms of media; provides for the use of a fee scale set in advance and costs limited to the processing of the info; sets forth provisions on processing information requests in a timely manner; provides that denied requests must be accompanied by an explanation; and, finally, guarantees the opportunity to appeal denials. Improvements in this draft bill could include the creation of an independent oversight body, proved to be a useful tool for guaranteeing effective implementation of an access to information law in countries that already adopted legislation on the topic.

Initiatives by the government, such as the e-gov program and the Portal da Transparencia, demonstrate initial steps to address the right of access, and are welcomed. But their impact is limited especially by the heavy reliance on technology and the internet, which are not accessible to a large number of Brazilians.

We also recognize and welcome the development of the budget control system SIAFI, which can greatly facilitate budget monitoring, allowing for greater legislative scrutiny on the execution of public policies and on corruption. However, the system can only be accessed through passwords that have been made available to MPs only, and some high level civil servants.

In such a context, we salute MP Augusto Carvalho's initiative to facilitate access to SIAFI by non-governmental actors: Mr. Carvalho has passed on his personal password to access SIAFI and set up the web-portal Contas Abertas where complex financial data are analysed by Contas Abertas' economists, and key information regarding public spending posted on a daily basis. In addition, Contas Albertas has created a new software to allow greater access to, and understanding of, SI-API data.

Recommendations:

1. The government, Parliament and civil society groups should work jointly to speed up the legislative process to approve an access to information law in the near future. Such legislation should observe international standards on access to information legislation:
 - Maximum disclosure: presumption that all information held by public bodies should be subject to disclosure and that this presumption may be overcome only in very limited circumstances

- Obligation to Publish: public bodies should be under an obligation to publish key information
 - Promotion of Open Government: public bodies must actively promote transparency
 - Limited Scope of Exceptions: exceptions should be clearly and narrowly drawn and subject to strict “harm” and “public interest” tests
 - Process to Facilitate Access: requests for information should be processed rapidly and fairly and an independent review of any refusals should be available
 - Costs: individuals should not be deterred from making requests for information by excessive costs
 - Open Meetings: meetings of public bodies should be open to the public
 - Disclosure takes Precedence: laws which are inconsistent with the principle of maximum disclosure should be amended or repealed
 - Protection for Whistleblowers: individuals who release information on wrongdoing – whistleblowers – must be protected
2. Many of these principles can and should be applied to existing legal provisions on access to information in non-specific laws and to freedom of information legislation at the state and local levels
 3. The culture of secrecy within public bodies should start to be tackled immediately through freedom of information training to public officials and the adoption of internal codes on access and openness, including by simplifying internal proceedings
 4. The federal-level government and state level authorities should disseminate existing legal provisions on access to information and promote its use.
 5. ARTICLE 19 also invites social movements and civil society organisations interested in strengthening their communities’ access to information to use all possible mechanisms, including those in non-specific legislation, such as on environmental issues, make and increase information requests in municipalities and/or states that already count an access to information law. Civil society groups should make use of judicial measures whenever information requests are denied and judges should be trained to review such requests in a manner that the guarantee for freedom of information enshrined in the Brazilian Constitution and international human rights law are fully respected.

ANNEX ONE

About ARTICLE 19

ARTICLE 19 is a human rights organization with a mandate focusing on freedom of expression. Established in 1987, the organization takes its name from article 19 of the Universal Declaration of Human Rights, which states that: *"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information through any media and regardless of frontiers."*

ARTICLE 19 takes its legitimacy from its expertise and use of international and regional human rights standards as these relate to freedom of expression. We apply these impartially and independently to the situations and countries where we work.

Freedom of expression and access to information constitute fundamental human rights, central to individual freedoms. Freedom of expression is an empowerment or cornerstone right, in that it enables other rights to be protected and exercised. It allows people to demand the right to health, to a clean environment and to effective implementation of poverty reduction strategies. It makes electoral democracy meaningful and builds public trust in administration.

Access to information strengthens mechanisms to hold governments accountable for their promises, obligations and actions. It not only increases the knowledge base and participation within a society but can also secure external checks on state accountability, and thus prevent corruption that thrives on secrecy and closed environments. As such, access to information plays a critical role in tackling the underlying causes of poverty.

ARTICLE 19 established a presence in Brazil in 2006, as part of its progressive regionalisation process. The newly opened office has carried out a project on access to information that aims at raising general awareness on freedom of information and disseminating the debate on the instrumentality of such right among civil society groups, especially those working on poverty reduction and development. For information on the activities carried out under this project, please click: [[LINK to the yellow folder available on-line](#)].