

XIX

ARTICLE 19

PRESS RELEASE

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Brazil: UN Human Rights Council recommends approval of access to information law

Brazil must do its utmost to ensure that Congress adopts a law on access to public information. This was one of the 15 recommendations the United Nations Human Rights Council made to Brazil on 15 April 2008, during the first session of the Universal Periodic Review (UPR). The UPR is a new mechanism through which the UN HRC reviews states' fulfillment of their human rights obligations and commitments. Brazil was one of the 16 countries reviewed during the first UPR session, in the UN headquarters in Geneva.

The lack of an access to information law in Brazil was one of the main problems highlighted by ARTICLE 19 in a submission to the UN HRC, as a contribution to the UPR process. Although access to information is guaranteed under the 1988 Constitution, its implementation is limited due to the lack of a law detailing procedures. A draft bill on access to information was presented to the National Congress in 2003, but has not been voted yet.

“ARTICLE 19 calls on the Brazilian government to take all necessary actions to swiftly implement the UN HRC recommendation. It is yet another reminder that Brazil must adopt and implement an access to information law. Failure to do so is seriously hampering the democratic process and is violating the internationally-recognized right of the public to review public policies and participate to policy making” said Dr. Agnès Callamard, ARTICLE 19's Executive Director.

The Universal Periodic Review Process is conducted by a working group composed of the 47 member states of the Human Rights Council, which evaluate information on the countries reviewed and make recommendations. The review is based on information prepared by the State concerned; a compilation prepared by the Office of the High Commissioner on Human Rights based on information about the countries; as well as information provided by NGOs, national human rights institutions, human rights defenders, academic institutions and research institutes, regional organizations, as well as civil society representatives.

During the review of Brazil's records, on 11 April 2008, the UN HRC also discussed other freedom of expression issues, including: the right to truth and the right to memory over events that occurred during the military dictatorship; the lack of plurality and concentration of media ownership; the problems regarding the attribution of licenses to community broadcasters; and aggressions and violence against media professionals.

The 15 recommendations to Brazil were:

1. Continue and intensify its efforts to reduce poverty and social inequality (Belgium);
2. Continue its commitment to resolving the issue of abuse of power and excessive use of force (Ghana);
3. While continuing its positive initiatives, invest more rigour in evaluating the outcomes of planned activities in many of these areas: prisons conditions, criminal justice system, juvenile justice system, violence and extrajudicial killings committed by state military police, torture,

- protection of human rights defenders, violence against women, indigenous communities, rural violence and land conflict, child and slave labour, impunity for those involved with human trafficking and corruption (United Kingdom);
4. Intensify efforts for the security of human rights defenders and reinforce cooperation with all stakeholders, in particular, the states and the military police (Belgium);
 5. Give a more thorough consideration to the issues of human rights violations of indigenous people, lack of public security and poor detention conditions (Republic of Korea);
 6. Take action to improve prison conditions and implement recommendations made by the Committee against Torture and by the Human Rights Committee (Germany);
 7. Make greater efforts regarding prisons systems in a number of states of the federation in order to be transformed into rehabilitation centres (Uruguay).
 8. Enhance access to justice as well as improve the judicial system (Mexico);
 9. Implement at the earliest possible moment the initiative to bring serious human rights abuses under Federal Law if it is not done yet (The Netherlands);
 10. Do its utmost to ensure that Congress adopt the law on access of citizens to public information (Peru);
 11. Continue its commitment to the programme of land reform (Ghana);
 12. Succeed with greater pace in land reform in the cast away areas by pursuing public policies targeted at improving the life of African descendants and minorities (Nigeria);
 13. While paying special tribute to the pioneering role of Brazil in developing bio fuels based on non-edible agricultural products, scale up this experience and preserve the right to food (Algeria);
 14. Encourage the establishment of a national institution compliant with the Paris Principles (Mexico);
 15. Integrate gender perspectives in the follow-up process to the UPR review (Slovenia).

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 freedom of expression.