

VIOLATIONS OF FREEDOM OF EXPRESSION

*2017 Annual
Report Brazil*



ARTICLE 19

ARTICLE 19 BRAZIL AND SOUTH AMERICA

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DISCLAIMER

This is not an exhaustive report on the status of individual cases. New information may emerge as cases develop, further reports are released, and official investigations progress

N.B.: *This is a summarized version of the Violations of freedom of expression in Brazil report. The full version can be found, in portuguese, on the violacoes.artigo19.org website.*

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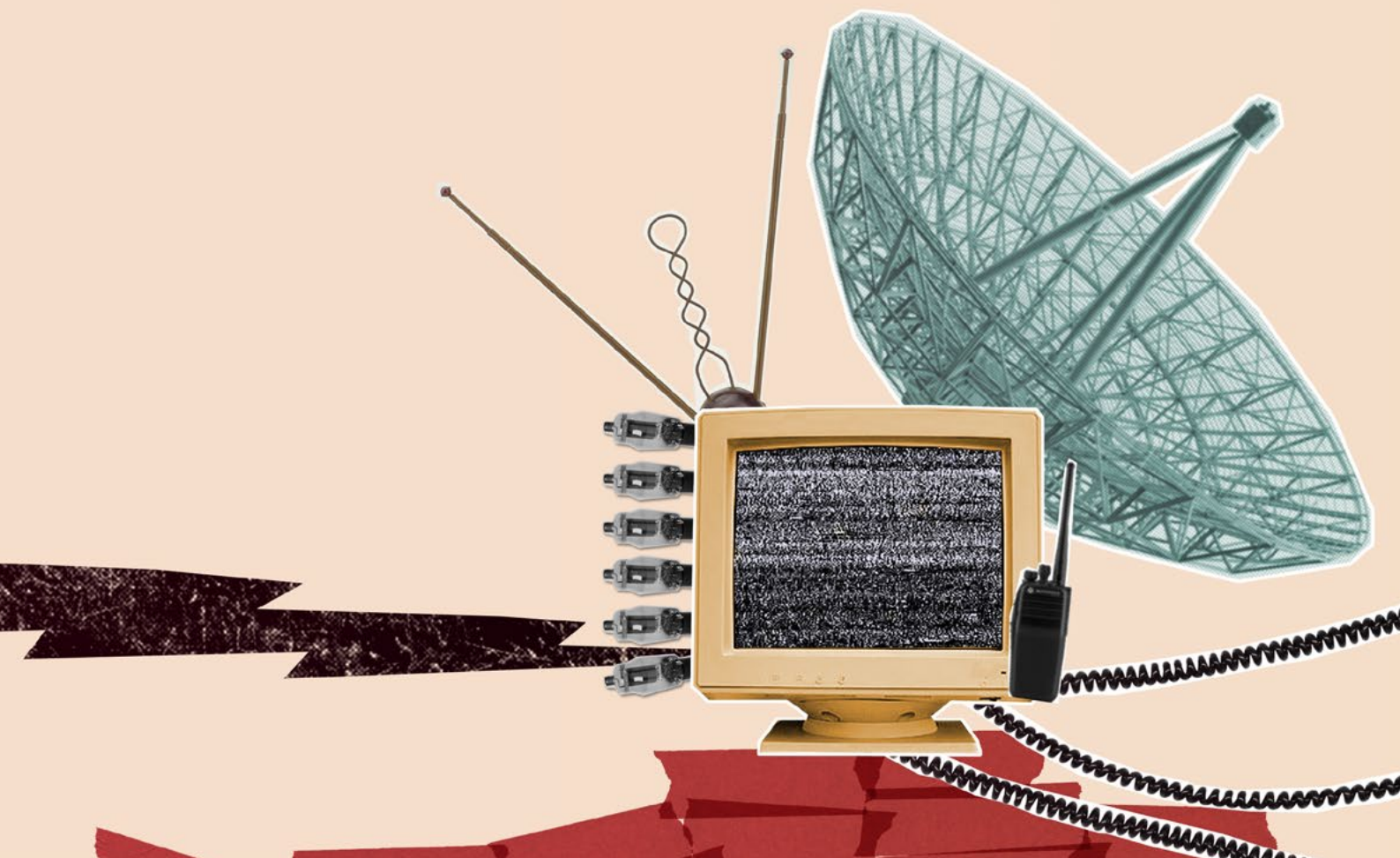
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Chapter 1

INTRODUCTION



THIS IS THE SIXTH ANNUAL ARTICLE 19 report on serious crimes against communicators in Brazil. After years of systematic monitoring of the situation, the principal trends concerning how these crimes occur have now been fully recognized.

Each year, data on crimes against communicators in Brazil show attacks on the most vulnerable victims: journalists working for small media outlets, radio broadcasters and bloggers. The more violent regions for these crimes continue to be the Northeast and Southeast, (especially the states of Ceará, Maranhão and Minas Gerais); and the motivations behind the crimes: accusations against powerful individuals of wrongdoing at local level. Suspected perpetrators of these crimes are agents of the State, especially politicians and police officers. None of these findings are new and, unfortunately, we can predict that these trends will be found in our monitoring report next year.

For many years, there have been a significant number of organizations, representative entities and unions drawing attention to the high rates of violence against communicators in our country and producing systematized information on the occurrence of these cases.

Civil society's constant calls for this violence against communicators in Brazil to be confronted is being echoed by media outlets that are increasingly drawing attention to cases of journalists being killed throughout the country.

Such a complex problem obviously has no simple solution and the process of confronting it is lengthy and requires a set of measures that, together and over a long period of time, can significantly reduce the extent of violence against communicators. However, we continue to live in a context in which not even the most basic immediate measures are implemented. And the responsibility for this falls to the authorities of the State who, even when recognize the problem, refuse to face up to it.

Every year, more communicators are killed, suffer attacks on their lives or are threatened. Every year, the cases of communicators who have been killed or threatened are being forgotten by authorities that are responsible for investigating them and uncovering answers. Every year, as a result of these crimes and the lack of response to them, the space for the flow of information on issues of public interest is becoming more restricted and more hostile. Every year, more communicators are forced into censoring themselves for fear of being the victims of new crimes.

This scenario of hostility and attacks on communicators performs a very clear role: to prevent the exercising of freedom of expression and the right to information. This becomes more severe in a communication environment such as Brazil, noted for its enormous "news desert", in which more than one third of the population lives in towns without a local printed or online newspaper.

This report provides data and analysis to help shed light on the complexity of the problem and its most vulnerable points. Understanding the problem, however, does not solve it. To resolve it, the different actors with the power and responsibility to do so need to have this information to confront the reality of crimes against free expression which afflict Brazilian society.

Chapter 2

GENERAL OVERVIEW OF

SERIOUS VIOLATIONS

AGAINST COMMUNICATORS

IN BRAZIL



A CONSOLIDATED SCENARIO OF VIOLENCE

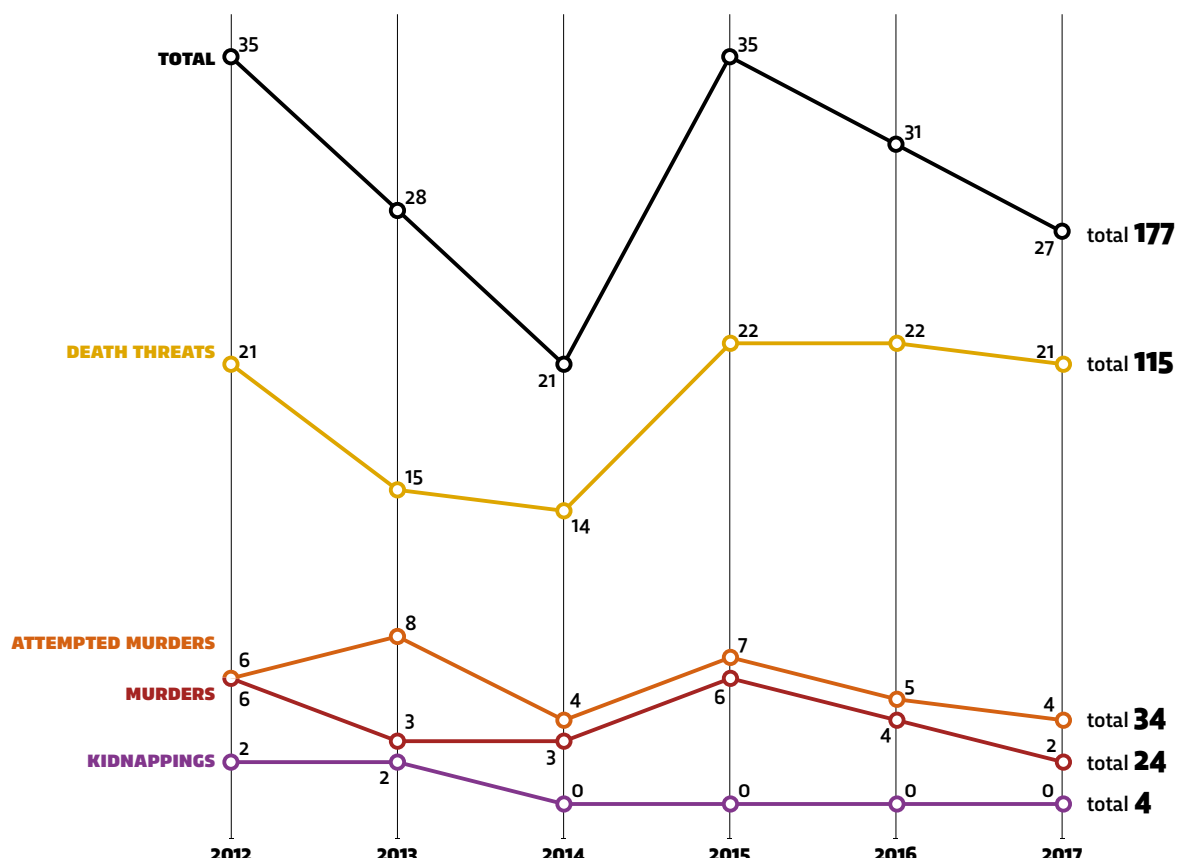
This is the sixth year that ARTICLE 19 has undertaken monitoring and investigating crimes against the freedom of expression of communicators in Brazil. During this time, there have been 177 recorded cases of serious crimes against communicators. There have been 24 murders, 34 attempted murders, 115 cases of death threats, and four kidnappings..

There have remained a number of trends that were also observed in the previous reports published by ARTICLE 19: agents of the State, especially politicians, continue to be the leading alleged perpetrators of crimes; the crimes mostly take

place in small towns, especially in the Northeast region; and few investigations into the cases result in criminal cases being filed. In addition to these trends that are reinforced every year, the data shows an increase in violence against certain specific profiles of communicators, with a proportional increase of crimes against bloggers and radio broadcasters

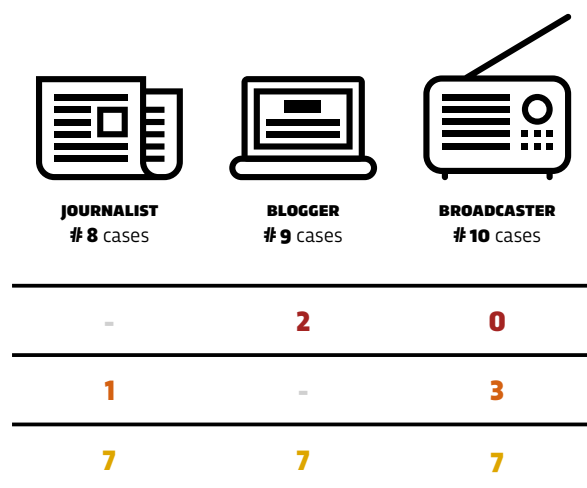
Recognition of these trends, which are being increasingly evident each year, is fundamental to demonstrating that these crimes are not random or incidental. They are part of a systematic process of silencing throughout the country.

SERIOUS CRIMES AGAINST COMMUNICATORS IN BRAZIL



THE PATTERN OF SERIOUS VIOLATIONS IN 2017

Despite numerous cases of crimes against communicators having been identified, this report presents only those occurrences considered to be of a more serious nature, or in other words, those that represent attempts on lives - murders, attempted murders and murder threats. Kidnappings and torture are also included, but we have not identified any such incidents as having taken place in 2017. As such, in 2017, 27 serious crimes were recorded, including two cases of murder, four attempted murders and 21 cases of murder threats. Even though the 27 crimes that we found represent a slight drop compared to the last two years, it is not possible to confirm that a situation of stable improvement exists. The figure remains high and close to the annual average, with Brazil continuing to be one of the world's most dangerous countries for the free exercise of communication and freedom of expression.



Murders
Attempted murders
Death threats

WHO ARE THE VICTIMS OF THE CRIMES?

It is important to mention that ARTICLE 19 defines communicators as those who provide communication and exercise freedom of expression as a regular activity, even though it may not be done formally. This position above all, aims to recognize that the performance of communication is a human right that goes beyond certification in professional categories.

In 2017, by working from this broader perspective, we identified a relatively balanced distribution across the profiles of communicators who suffered crimes. Radio broadcasters accounted for 37% of the victims and bloggers 33%, with the remaining 30% relating to journalists.

In many towns where there are no newspapers, bloggers and radio broadcasters end up filling this information gap. The serious crimes they suffer, therefore, consist of both threats to the freedom of expression and to the lives of these individuals, as well as the possibility of a complete silencing of local media.

WHERE THE CRIMES TAKE PLACE

Once again the Northeast region leads the field in incidents of serious crimes, taking responsibility for more than half (56%) of the cases identified in 2017. Following this region, we have, respectively, the Southeast (22%), Center West (15%) and South (4%).

Within these states, Ceará was notable in 2017 for having the highest number of registered cases, with seven in total. It overtook São Paulo, which recorded five cases, just as it had done the previous year.

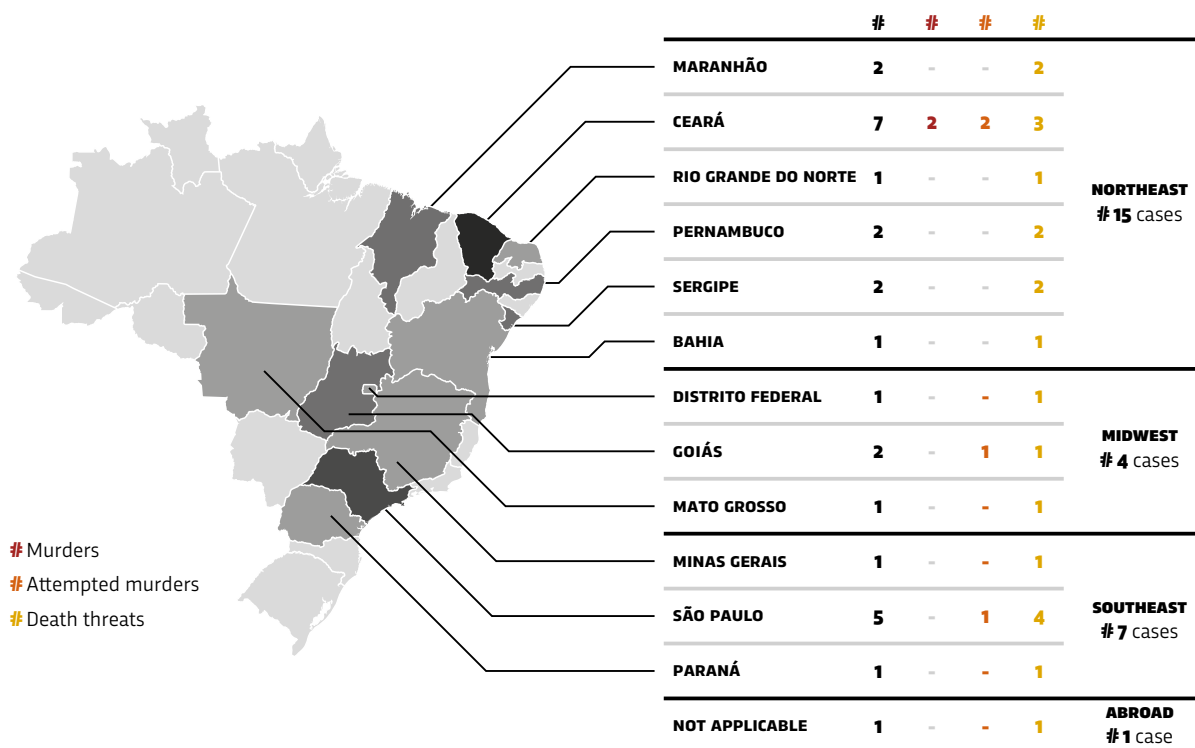
Another pattern that can once again be recognized is the presence of small towns (those with fewer than 100,000 inhabitants) as the principal locations in which the crimes take place. Such towns recorded 69% of the crimes. Medium-sized towns, with between 100 and 500 thousand inhabitants, were the settings for 23% of the cases. Meanwhile, 8% of the incidents discovered took place in large cities with more than 500,000 inhabitants.

The continuation of these patterns confirms trends that we have observed in Brazil for a number of years. In order to help understand

the consolidation of these trends, it is useful to compare them with another large-scale study of the communication scenario in Brazil, the 'Atlas da Notícia' ('News Atlas'), conducted by Projor (Institute for the Development of Journalism) and VoltDataLab*. In the first year of its publication, 2017, the study's extensive mapping sought to identify the number of printed and online newspapers that exist in Brazil as a whole. The data found allowed a vast desert of news in the country to be identified.

Of the 5,570 towns mapped, the Atlas established that 1,125 of them have at least one printed or online newspaper. However, more than 4,500 municipalities do not, with there supposedly being no local printed or online vehicle. These towns form the so-called "news desert", that covers around 35% of the country's population. Furthermore, even among those that have their own vehicles, 416 of them – of a total population of around 15 million – have just one printed or online newspaper.

By crossing the data concerning the crimes collected by ARTICLE 19 with those of the Atlas da Notícia, it can be seen that **around half the crimes against the lives of communicators in 2017 took place precisely in this 'news desert'.**



* The study report, its methodology and data can be found, in Portuguese, at <https://www.atlas.jor.br/>

WHO COMMITTED THE CRIMES?

An attempt against the life of a communicator due to his or her professional activities has one clear objective: to silence them. And this is an enduring form of violence, due to the scenario of intimidation and fear that it produces. It is in these conditions that the perpetrators manage to silence and prevent the free circulation of information. On top of this, they can also bring feelings of helplessness among the victims and a general distrust of the authorities responsible for investigating the cases. .

It is especially worrying that agents of the State are alleged behind the majority of the situations we have identified, since the responsibility for the investigation of these crimes falls to the State itself. In 2017, public agents and politicians were allegedly responsible as executors or masterminds in 70% of the cases.

The publication of accusations against local authorities on wrongdoings continues to be the main reason for the crimes being committed, this being the case in 67% of the crimes we recorded in 2017.

In the same year, 26% of the cases were related to criticism or the expression of opinions and 7% were due to journalistic investigations.

As some of the communicators (most notably the radio broadcasters) with whom we spoke told us, there are some programs that are designed to provide a voice for the people to speak freely on the air, allowing them to make criticisms and complaints about the public administration. Radio broadcasts of this type have the potential to provoke local powers who often react by committing crimes in an attempt to interrupt this free flow of information and opinions. Situations like this illustrate that it is not just the voices of the communicators themselves that bother those in power. It concerns an opposition to the basic right to freedom of expression, which turns the communicators who amplify this right into targets.



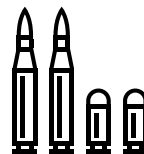
POLITICIANS
17 cases

- 4 13



PUBLIC OFFICIALS
3 cases

- - 3



ORGANIZED CRIME
2 cases

2 - -



BUSINESSMAN
1 case

- - 1



NOT APPLICABLE TO ANY SPECIFIC PROFILE
3 cases

- - 3



NOT POSSIBLE TO INVESTIGATE
1 case

- - 1

- # Murders
- # Attempted murders
- # Death threats

LIST OF COMMUNICATORS WHO WERE THE VICTIMS OF SERIOUS CRIMES IN BRAZIL IN 2017

MURDERS

VICTIM	PROFILE	DATE	TOWN/STATE	REASON
Luís Gustavo da Silva	Blogger	14.06.2017	Aquiraz / CE	Accusation of criminal activities
Francisco José Rodrigues (Franzé)	Blogger	11.08.2016	Morada Nova / CE	Accusation of criminal activities

ATTEMPTED MURDERS

VICTIM	PROFILE	DATE	TOWN/STATE	REASON
Assis Matos	Broadcasters	29.10.2017	Chorozinho / CE	Accusations against the local government authority
Cleibo Santos	Broadcasters	30.10.2017	Chorozinho / CE	Accusations against the local government authority
Ricardo Nogueira	Broadcasters	09.12.2017	Três Ranchos / GO	Accusations against the local government authority
Gabriel Binho	Journalist	28.12.2017	Embu das Artes / SP	Accusations against the local government authority

DEATH THREATS

VICTIM	PROFILE	DATE	TOWN/STATE	REASON
Geraldo Macedo	Broadcaster	12.01.2017	Simão Dias / SE	Criticism of the state's politicians
Yago Sales	Journalist	31.01.2017	Aparecida de Goiânia / GO	Accusations of exploitation and violence in a supposed rehabilitation clinic
Rodrigo Lima	Jornalista	03.03.2017	São José do Rio Preto / SP	Accusations of crimes by the public authorities
Márcio Prado (Peninha)	Blogger	31.03.2017	Rio Grande da Serra / SP	Accusations of crimes by the public authorities
Thiago Quirino	Blogger	31.03.2017	Rio Grande da Serra / SP	Accusations of crimes by the public authorities
Hélio Soares	Broadcaster	12.05.2017	Varjota / CE	Criticism of local politicians
Reginaldo Oliveira	Broadcaster	12.05.2017	Varjota / CE	Criticism of local politicians
Cláudio André dos Santos	Broadcaster and Blogger	21.06.2017	Bom Conselho / PE	Criticism of local politicians
Marco Silva	Blogger	19.07.2017	Codó / MA	Accusations against a local politician
Glácio Dória	Radialista	26.07.2017	Bom Conselho / PE	Criticism of local politicians
Andreia Marques	Broadcaster	04.08.2017	Varginha / MG	Investigation of issues concerning garbage

VICTIM	PROFILE	DATE	TOWN/STATE	REASON
Maurílio Trindade	Journalist	20.09.2017	Juara / MT	Denúncias contra políticos do estado
Fernando Oliveira (Fefito)	Journalist	29.09.2017	São Paulo / SP	Homophobic threats based on his cultural coverage
James Cimino	Journalist	1.10.2017	N/A	Expression of opinions on an art exhibition
Udenilson Batista do Carmo	Blogger	08.11.2017	Itiúba / BA	Accusations against politicians and businesspersons
Anselmo Tavares	Broadcaster	Jan / 2017	Frei Paulo / SE	Accusations against the municipal public administration
Carlos Barroso	Blogger	Fev / 2017	Esperantinópolis / MA	Investigation into loan sharking
Netto Xavier	Blogger	Mar / 2017	Guamaré / RN	Accusations of electoral irregularities
Odir Ribeiro	Blogger	Abr / 2017	Brasília / DF	Accusations of corruption involving a local politician
Juliet Manfrim	Journalist	Set / 2017	Cascavel / PR	Accusations of irregularities involving a government official
Raimundo Estrela	Broadcaster	Nov / 2017	Morada Nova / CE	Accusations of irregularities committed by local politicians

Chapter 3

IMPUNITY:

WHAT HAPPENS

FOLLOWING THE CRIMES



Data from monitoring and investigating the crimes against freedom of expression in Brazil over the past several years has increasingly shown that the State's lack of response to these crimes has had severely detrimental impacts. The most obvious consequence of these crimes going uninvestigated and the failure of authorities to assume responsibility to investigate has been to encourage those responsible to continue committing these types of crimes.

Perpetrators of crimes who are not held accountable very often go on to repeat attacks, and even commit more severe violations. **It is enough to note that in 70% of the cases from 2017, the victims had already experienced previous threats or attacks.** In other cases, impunity creates an environment that encourages others to consider this strategy to be a possible course of action.

Less obvious, but just as detrimental, is the effect that impunity has on victims and, consequently, to the communication and information flows in the country. On the one hand, victims become reluctant to continue covering issues or to make accusations against certain powerful individuals. On the other hand, other communicators who find themselves in the same context as the victims see the crimes that their colleagues have suffered – especially the more serious ones being analyzed here – as broad messages to them all and also start **censoring themselves.**

One of the effects of self-censorship is, obviously, the tendency for certain subjects to receive less coverage. When placing this process together with the “news desert” that covers a large portion of the towns in the country, it becomes obvious that self-censorship interrupts the flow of information on certain issues in these regions.

In addition to its effect on the flow of communication and information in many regions, impunity also creates a greater lack of confidence in the ability of the State to provide an adequate response to the situation at local level. In many cases, communicators decide not to go to the authorities when they are victims of these crimes, through fear that the police authorities are involved in the attacks (or have compromising relations with those who are behind them), or feelings, that are often grounded, that absolutely nothing will be done in response, given the complete lack of commitment to resolving this type of crime..

It can therefore be seen that the lack of resolution of these cases leads not only to an intensification of the crimes, but also to a higher degree of self-censorship among communicators and a drop in the number of reports being filed to the State about the occurrence of the crimes, thus making it even more difficult to confront the problem – something that should, but is too rarely, done.

PROGRESS OF THE CASES	NUMBER. OF CASES	
Victim does not go to the authorities	4	15%
Investigation has not moved forward	6	22%
Police inquiry under way	5	19%
Investigation concluded	1	4%
Investigation has led to a criminal prosecution	4	15%
Case shelved	2	7%
Not possible to investigate	2	7%
Not applicable	3	11%

Chapter 4

CONCLUSIONS



The crimes against communicators in 2017, even though slightly fewer in number compared to the previous year, are close to the annual average of recent years and demonstrate an extremely high level of violence, especially compared to the rest of the world. They follow the same pattern of the last few years, not only in quantity, but also in terms of the main characteristics of the cases.

The fact that these trends are reconfirmed every year raises the question: what needs to happen for the Brazilian State to take concrete measures to confront this problem?

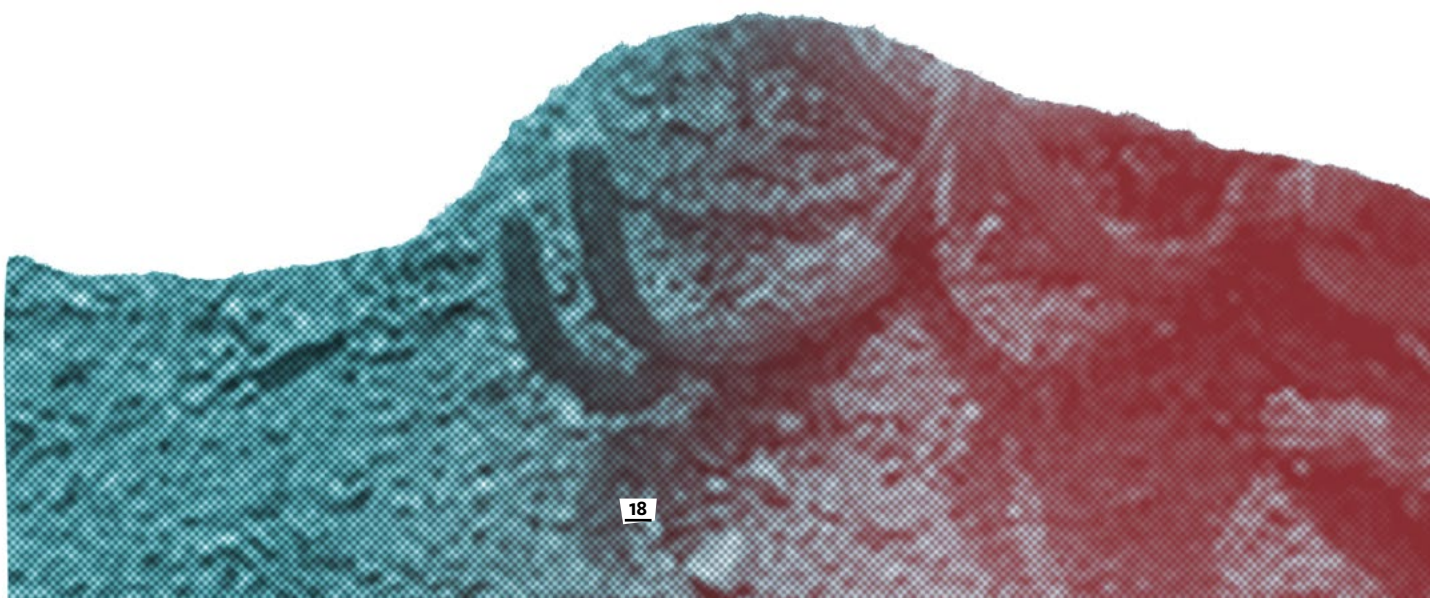
Over the years we have noted the proportional rise in the number of crimes against radio broadcasters and bloggers, to the point that, in 2017, these profiles were attacked more than journalists and reporters who had traditionally been the worst hit victims.

Within this context, it is worth stressing that in the two cases of murder recorded in 2017, the victims were bloggers, confirming this type of communicator as the biggest victim of murder since 2012, with around 40% of the fatalities from across the period as a whole. Considering that bloggers generally work alone, with no institutional support from more structured vehicles, this greater vulnerability to the crimes is understandable. Moreover, within the context of the “news desert” that covers a good part of

the country, it falls to the bloggers to concentrate their communication in these areas, meaning that attacks on these individuals interrupt the flow of information there, thus derailing the exercise of freedom of expression and the right to information.

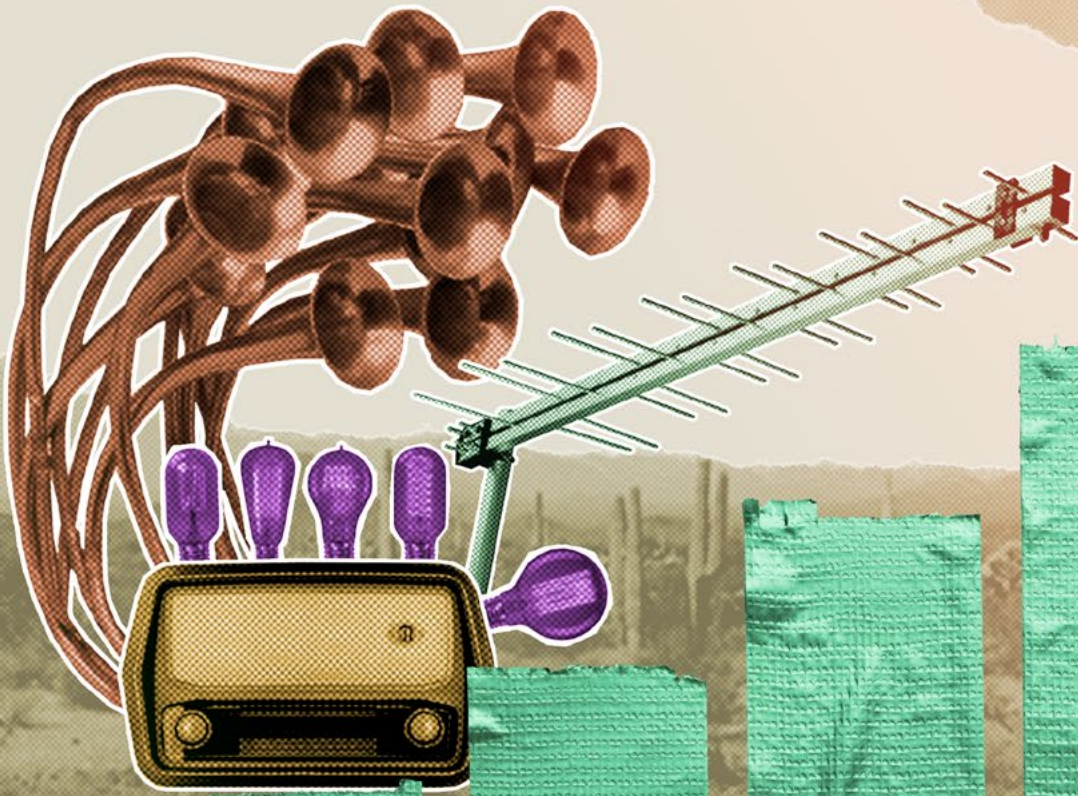
In the wider sense, the crossing of data with that from the “Atlas da Notícia” and the understanding that the majority of Brazilian towns lie in a “news desert” is essential for the crimes to be analyzed and confronted as effectively as possible. Without a strong local media, the few communicators who do exist in these towns are at the mercy of the power – and the violence – of those who do not wish to be accused or criticized. Therefore, the communication produced in these towns faces greater difficulty in breaking down the barrier of the media concentration in the country and extending itself regionally or nationally. The failure to do so means that these locally reported issues remain invisible to the wider public and, therefore, those working with communication in this context are weakened.

Understanding trends and particularities such as these within this scenario of violence is fundamental for the development of effective measures for each type of communicator in each type of context. The information exists but political will is essential to address it.



Chapter 5

METHODOLOGY



ARTICLE 19 defines the violation of the right to freedom of expression as any action from governmental or non-governmental players that directly or indirectly interferes in the free flow of ideas, opinions or information. The State's omission regarding these actions is also considered a violation of freedom of expression.

According to Article 19 of the UN Universal Declaration of Human Rights (1948), freedom of expression is the right that everyone has to “hold their own opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The report on serious violations of freedom of expression of communicators refers to the cases where the human right of free expression was strongly violated with intent to put the life of the victim at risk, through the crimes of murder, attempted murder and death threats.

To generate the data, the first step is to monitor the cases, by searching violations daily in the media throughout the country and mapping them, as well as contacting communicators and local organizations.

After the data gathering stage, a more thorough investigation of the violations considered to be serious is carried out, by contacting the victim or their family, workmates, unions or representative associations and the local authorities responsible for following up on the case. After these different actors are interviewed, if it is clear that there is a causal relationship between the exercise of freedom of expression and the violation suffered by the victim, said violation is included in the report.

Therefore, it is possible that cases with significant exposure in the media are not included in the report, if the causal relationship was not clearly established in the interviews.





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