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**Report of the Federal Council of the Brazilian Bar Association for the Review Cycle of
the Brazilian State at the 134th Session of the UN Human Rights Committee**

The Federal Council of the Brazilian Bar Association (CFOAB, in Portuguese) is the highest body representing the Brazilian Bar Association, and its objectives include the uncompromising defense of democracy and human rights.

For this reason, the Federal Council of the Brazilian Bar Association is presenting this Report as a proposal for debate and for the elaboration of the List of Questions that will be sent to the Brazilian State, in order to inform issues that portray the current human rights situation in Brazil, especially in relation to the right to freedom of expression, provided for in article 19 of the International Covenant on Civil and Political Rights.

Article 19

- 1. Everyone shall have the right to hold opinions without interference.*
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
- 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - (a) For respect of the rights or reputations of others;*



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(b) For the protection of national security or of public order (ordre public), or of public health or morals.

The freedoms of speech and of the press and the right to information are fundamental to a Democratic Rule of Law, because it is through these freedoms that the plurality and the debate of ideas are ensured, as well as the formation of a critical and political sense in the population, which are the essential elements for the concretization of democracy.

Furthermore, these freedoms are one of the pioneer human rights and ensure the realization of other human rights because of their universal, interdependent, and indivisible character.

Therefore, the protection and promotion of freedom of expression and the right to information are fundamental for promoting the free flow of information and ideas in society, and for enabling people to participate in the debate on issues of public interest, including politics, and to access a wide diversity of opinions, thereby strengthening democracy, respect for all human rights, and sustainable development.

For these reasons, the current Brazilian scenario represents an alarmingly serious situation due to the growing number of cases of violation or threat to freedom of expression and freedom of the press, justifying the extreme importance of this issue being addressed by the Committee in the monitoring cycle of the Brazilian State's compliance with its obligations under the Covenant on Civil and Political Rights.

The Annual Report 2019-2020 on Violations of Freedom of Expression of ARTICLE 19 summarizes the situation in Brazil in the following terms, "*however, the number of monitored cases overall - that is, apart from the most serious ones - exceeded the 200 violations per year mark, higher than observed in previous measurements. If we can see a slight reduction in cases of homicide, violence against communicators as a whole has not decreased. On the contrary: more and more reports show the increase in veiled*



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*violence, difficult to denounce, and the lack of state support for the protection of press professionals - which, in itself, also configures a form of violence."*¹

In addition, the Report records that there were 38 serious violations between the year 2019 and the first half of 2021, including 32 death threats, 4 assassination attempts, and 2 homicides.

According to the international organization Reporters Without Borders (RSF, in Portuguese), Brazil ranks 107th in the world press freedom ranking, the worst position since the count began in 2002. The organization's survey points out that Brazilian President Jair Bolsonaro and his political children together made 469 attacks on journalists and press outlets in 2020. The figures are part of an assessment of attacks on the press by public officials. In all, the NGO recorded 508 such actions last year.

According to the 2020 Annual Report of the Brazilian Association of Radio and Television Broadcasters, Brazil recorded 150 cases of violence to the freedoms of press and expression, being an increase of 167% compared to the year 2019, exposes, the Report that:

"Throughout 2020, professional journalism played an even more important role in preserving democracy and human rights. In a year in which accurate and certified information was fundamental, the Brazilian press had to fight disinformation. A difficult task, which continues to require permanent vigilance.

*In addition to having to reinforce the credibility of professional journalism by investigating and checking hundreds of false and denialist news stories about the safety measures imposed by COVID-19, the press faced attacks from all sides, with hate speech and accusations of causing hysteria and panic by reporting data about those infected and killed by the disease."*²

¹ Annual Report on Violations of Freedom of Expression. Article 19. Available at: [violacoes2019-20_WEB_R02_low.pdf](https://www.violacoes2019-20_WEB_R02_low.pdf) (artigo19.org)

² Annual Report 2020: Violations to Freedom of Expression. Brazilian Association of Radio and Television Broadcasters. Available at: [ABERTRELATORIOANUAL2020.pdf](https://www.abertrelatorioanual2020.pdf)

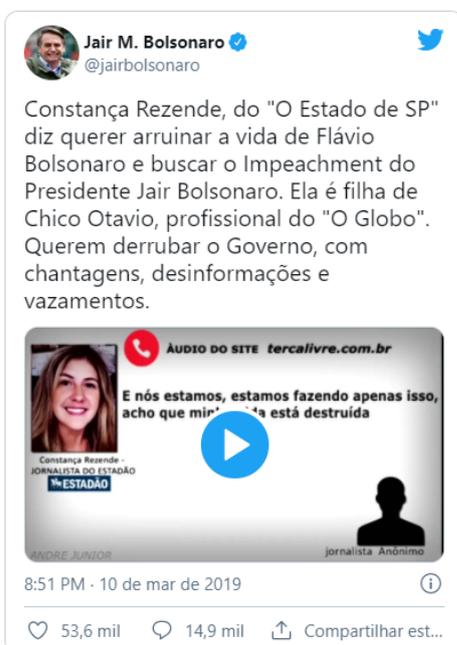


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Considering non-lethal violence to freedom of press and expression, the Report records that the press was the victim of 68 offenses, 59 assaults, 30 intimidations, 13 threats, 3 thefts/robberies, 4 attacks, 6 censorship, 2 attacks/vandalism, 3 arrests, and 1 kidnapping.

In particular, we highlight the increase in violence against women journalists, especially practiced by the Federal Government, in which we point to some episodes as examples.

On March 10, 2019, President Bolsonaro released on his Twitter account a misrepresented account of a conversation by journalist Constança Resende of the newspaper *O Estado de S. Paulo* with an unidentified person stating that they wanted to bring down the government with blackmail, disinformation and leaks by performing a misinterpretation of released audios.³



³ Available at: [Bolsonaro divulga relato deturpado de conversa de jornalista - 10/03/2019 - Poder - Folha \(uol.com.br\)](https://www.folha.uol.com.br/poder/2019/03/bolsonaro-divulga-relato-deturpado-de-conversa-de-jornalista-10-03-2019/)



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On May 16, 2019, President Bolsonaro attacked journalist Marina Dias of the newspaper *Folha de São Paulo* after a question about spending contingency stating:

*"Did you learn at Folha de S.Paulo? First, you, from Folha de S.Paulo, have to go back to a good college and do good journalism. That is what Folha has to do, and not hire just anyone to be a journalist, to sow discord and ask bullshit and publish disgusting things. That's what you guys at Folha have to do."*⁴

On June 07, 2019, the President disrespects journalist Sylvia Colombo of *Folha de São Paulo* when asked about the delivery of credentials to a woman appointed as Venezuela's ambassador stating, "I am a person of dialogue, you can be sure of that. So much so that I am declaring here that I am in love with you."⁵

On July 19, 2019, during a coffee with foreign journalists at the Planalto Palace, the president allegedly told untruths when asked about the cancellation of journalist Miriam Leitão's participation in the 13th Book Fair of Jaraguá do Sul, stating that the journalist was arrested when she was going to the Araguaia Guerrilla to try to impose a dictatorship in Brazil and that the journalist would have lied about having been tortured in the Brazilian Military Dictatorship. In the face of this episode, *TV Globo*, the broadcasting company where the journalist works, repudiated the attacks suffered by the journalist in a statement broadcasted in the news *Jornal Nacional* of July 19, 2019.

The next day, on July 20, 2019, Bolsonaro, when asked about derogatory statements about the Northeast region of Brazil, attacked journalist Isadora Peron of the newspaper *Valor Econômico*, responding "for God's sake. If I call you ugly now, the world is over. All the women will be against me."⁶

⁴ Available at: [Folha não tem que contratar 'qualquer uma', diz Bolsonaro a repórter do jornal - 16/05/2019 - Cotidiano - Folha \(uol.com.br\)](https://www.folha.com.br/16/05/2019-cotidiano-folha-uol-com-br/).

⁵ Available at: [Oito jornalistas mulheres atacadas por Bolsonaro desde o início do governo - Quicando - UOL](https://www.uol.com.br/08/06/2019-oito-jornalistas-mulheres-atacadas-por-bolsonaro-desde-o-inicio-do-governo-quicando-uol/).

⁶ Available at: [ARTIGO 19 repudia ataques às jornalistas Miriam Leitão e Isadora Peron – ARTIGO19](https://www.artigo19.org.br/2019/07/20/artigo-19-repudia-ataques-às-jornalistas-miriam-leitão-e-isadora-peron-artigo19/)



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On January 16, 2020, the President, when asked about the book *Tormenta* by Thays Oyama, replies "this is the book of this Japanese woman, who I don't know what she is doing here in Brazil, who is against the government" and adds "back in Japan she would starve to death with journalism, writing books. It is worth mentioning that Thays is Brazilian, born in the state of São Paulo, granddaughter of Japanese."⁷

On February 18, 2020, Bolsonaro insulted with a sexual innuendo the journalist Patrícia Campos Mello of Folha de São Paulo by stating that the journalist "wanted to give a scoop at any price against me.", as you can see in the video below:



In relation to this episode, the international organization 'International Women's Media Foundation' repudiated in a statement the occurrence, affirming the organization's executive director, Elisa Lees Muñoz, that she was "deeply worried" about the journalist and asked the Brazilian authorities to "immediately cease the attacks."⁸

⁷ Available at: [Bolsonaro revolta comunidade japonesa no Brasil após fala racista \(catracalivre.com.br\)](https://catracalivre.com.br/bolsonaro-revolta-comunidade-japonesa-no-brasil-apos-fala-racista).

⁸ Available at: [Ataque de Bolsonaro a repórter é 'tentativa de calar mulheres e prejudicar imprensa', diz organização internacional - BBC News Brasil](https://www.bbc.com/news/brasil-55888888).



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On February 27 and March 18, 2020, the President attacked journalist Vera Magalhães of the newspaper *O Estado de S. Paulo* in interviews and in a Facebook live broadcast disqualifying the journalist and accusing her of publishing fake news.⁹

On April 26, 2021, during an interview, the President called journalist Driele Veiga from TV Aratu an idiot after a question asked by the journalist stating, "you don't have anything to ask, do you? Stop being an idiot, girl!"¹⁰

On June 2, 2021, Bolsonaro offended CNN journalist Daniela Lima by stating that "she is a quadruped" yet concluded that "not coincidentally she [Daniela] was an elector in the past of another of the same gender [referring to former President Dilma Rousseff]." The journalist was attacked over a maliciously edited line by supporters of the president.¹¹

On June 21, 2021, the President told the reporter Laurene Santos to shut up, complained about CNN Brazil, and made attacks on *TV Globo*.¹² See video below:



⁹ Available at: [Bolsonaro volta a atacar Vera Magalhães - ISTOÉ Independente \(istoe.com.br\)](https://www.istoé.com.br/bolsonaro-volta-a-atacar-vera-magalhaes)

¹⁰ Available at: [Bolsonaro chama jornalista de 'idiota' durante visita à Bahia | Bahia | G1 \(globo.com\)](https://g1.globo.com/bahia/noticia/2021/04/26/bolsonaro-chama-jornalista-de-idiota-durante-visita-a-bahia.g1.html)

¹¹ Available at: [Bolsonaro xinga jornalista de quadrúpede \(uol.com.br\)](https://www.uol.com.br/brasil/imprensa/2021/06/02/bolsonaro-xinga-jornalista-de-quadrupede.shtml)

¹² Available at: [Bolsonaro se irrita, manda repórter calar a boca e ataca Globo e CNN \(uol.com.br\)](https://www.uol.com.br/brasil/imprensa/2021/06/21/bolsonaro-se-irrita-manda-reporter-calar-a-boca-e-ataca-globo-e-cnn.shtml)



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On June 25, 2021, the President insulted journalists by getting worked up when asked about the Covaxin vaccine, showing impatience, particularly with questions coming from women. "Where do you have vaccine [in February]? Answer me! Where does it have vaccine on the shelf to be sold? Stop asking stupid questions, for God's sake, be born again!" said the president when answering a question asked by a CNN journalist, and added "ridiculous, where are you employed? Let's ask an intelligent question, people," ending with "go back to college, no, go back to elementary school."

Considering the current situation of freedom of expression, the President of CFOAB, Felipe Santa Cruz in a virtual event held with the theme "The Erosion of Freedom of Expression in Brazil" stated that:

"The word and freedom are under attack in Brazil. This fundamental right, obtained with so much struggle, is under threat. The constant intimidation of press professionals, especially women journalists; the threat to those who think differently or are political opponents of the government; the criminal persecution, by the State, of indigenous leaders and social movement activists; and the censorship of scientists light a red signal to Brazilians," said Santa Cruz in the opening of the event. "This is a space for denunciation, but also for commitment. We will not allow the arbitrary to supplant freedom, that darkness prevents the arrival of light, that obscurantism blocks our paths", added the president of the Brazilian Bar Association."¹³

The Inter-American Commission on Human Rights (IACHR) prepared a Report on the Human Rights Situation in Brazil in 2021, in which it dedicated an item to violence against journalists and communicators in which we quote the following excerpts, highlighting the increase in virtual violence:

"The IACHR has observed an expressive growth in the number of acts of violence and threats against journalists in Brazil, particularly since the political polarization that has been

¹³ Available at: ["A palavra e a liberdade estão sob ataque no Brasil", diz Santa Cruz \(oab.org.br\)](https://www.oab.org.br/portal/pt-br/assuntos/defesa-da-imprensa/2021/06/25-ordem-dos-advogados-do-brasil-conselho-federal-afirma-que-a-liberdade-de-expressao-esta-sob-ataque-no-brasil)



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observed in the country. In the last 5 years, the Commission has registered the murder of at least 11 journalists in Brazil for reasons supposedly related to their journalistic activity, in addition to dozens of other aggressions. In 2018 alone, 4 cases of communicator deaths were registered.

[...] Similarly, the new dynamics of communication and information that have emerged from social networks have also potentiated the growth of attacks and threats against journalists and communicators.”¹⁴

In summary, we observe an increase in the violation of freedom of speech and of the press and the right to information in recent years, a situation further aggravated by the growth in the use of digital media in the commission of violations and by the Covid-19 pandemic, for which reason we suggest the following questions to be asked of the Brazilian State:

- Which measures will the Brazilian State adopt to contain the increase in violations of freedom of speech, of the press, and of the right to information;
- Which actions and public policies does the Brazilian State have in place to inform and promote the freedoms of speech, of the press, and of the right to information;
- Which measures will the Brazilian State adopt to protect journalists, especially women, from attacks in the exercise of their profession;
- Which measures will the Brazilian state adopt to guarantee the freedom of the press and prevent censorship.

¹⁴ The Human Rights Situation in Brazil. Inter-American Commission in Brazil. Available at: [*Brasil2021-pt.pdf \(oas.org\)](#).



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Finally, the Federal Council of the Brazilian Bar Association is available for further clarifications on the subject.

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