

A wicker basket filled with seashells and lace on a beach. The basket is made of light brown wicker and is filled with various seashells, including white and brown ones, and a piece of white lace. The basket is placed on a sandy beach with some rocks and a blue and white striped object in the background.

ARTIGO<sup>19</sup>

MAGAZINE

NUMBER 3  
JUNE 2023

**DEFENDING**  
**freedom**  
**OF EXPRESSION:**  
**REBUILDING**





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## Introduction

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# Horizons and rebuilding

Rebuilding bonds of trust in society. Rebuilding the republican power-sharing pact. Rebuilding federal government policies and programs. Rebuilding popular participation. Rebuilding the citizen ethics of equity. Rebuilding.

In this third issue of Article 19 Magazine – *Defending Freedom of Expression: Rebuilding* –, we focus on the task that Brazil faces in 2023, both for the political forces that won the 2022 presidential election and for civil society. This country, which is cyclically devastated by a kind of authoritarian storm, has experienced in the last 30 years certain democratic stability, established founding principles in a new Constitution, and redefined its institutions and models of governance. An entire generation of activists, scientists, artists, journalists, popular communicators, human rights defenders, members of civil society organiza-

tions, justice bodies, universities, and social movements has dedicated their days to building a more egalitarian and democratic Brazil.

However, the destructive fury of the extreme right-wing sectors that have ruled in recent years has undermined historic achievements. It took a daily and intense defense of the values of democratic life and formally conquered rights for this conservative wave to lose, by the end of last year, its main space of administrative power: the Presidency of Brazil. It looked like the game had changed, but it turned out, soon after, that it hadn't. The "patriotic camps", as the occupations in front of the barracks were called, claiming for a military coup, and, mainly, the strategy of a violent invasion of the Three Powers (Executive, Judiciary, and Legislative) installations in Brasília, on January 8, 2023, showed that there is an open wound in Brazil.

The sectors that obtained abusive profits at the expense of deforestation, forced labor in conditions analogous to slavery, income inequalities, reduction of health and education services, increase in violence against women and girls, and a huge level of corruption, are still very well-organized and proposing agendas. Recently, most members of the Florianópolis City Council refused to grant the title of honorary citizen to Gilberto Gil, an extraordinary Brazilian artist. The gesture echoes the idea of continuing to attack artists as a way of destroying culture and knowledge, a strategy used by the extreme right in Brazil and in other parts of the world. **Elisa Lucinda** (p. 40), in her beautiful interview with our magazine, says that “one of the things that the arts do is portraying society itself and ensuring that we have a symbolic world”. Rebuilding respect and appreciation for culture, through laws that enable its financing, rebuilding respect for its institutions and infrastructure, and innovating and creating rules and standards of respect and protection for artists are tasks that can’t be postponed.

Understanding that the boundaries of freedom of expression expand when we envision the multiple forms of artistic expression, ARTICLE 19 has been collaborating with the Integrated Brazilian Movement for Freedom of Artistic Expression (MOBILE), by help-

ing to map, document, and denounce the aggressions and censorship that have been aimed at artists and cultural agents. This year, in addition to maintaining civic vigilance, it is time to identify responsibilities, combat impunity, and open a new – national, regional, and international – agenda of care for the arts and knowledge.

It is also important to understand the multicontinental dimension of many of the authoritarian episodes experienced during the last government, in the 2022 elections – with attacks on the electoral process and untruths about it –, in the acts of January 8, in the maintenance of hate speeches and against the democratic order. In his interview, **Pedro José Vaca Villarreal** (p. 46), Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), stresses the idea that the polarization fueled by ultraconservative and extreme right-wing forces will continue whipping the country. The extreme right tries to confuse and appropriate the concepts of freedom of expression, as if threatening ministers of the Federal Supreme Court and calling for a coup d’état were acts supported by freedom of expression. They are not. The threat to journalists is also outside the scope of freedoms, especially when such attacks come from public authorities who organize social

networks of hate. Regulating social platforms is one of the great challenges of our time, not only in Brazil, but all over the world. Finding the balance between breaking platform monopolies, curating content, and defending freedom of expression is key to change.

International rules for the protection of human rights, which exist for everyone, and the responsibilities of governments in fulfilling their duties, do not allow the persecution of journalists and the media to occur without due punishment. Impunity encourages censorship, and fear of investigating and publishing. It also encourages the maintenance of attacks, even in an environment of democratic rebuilding. Journalist **Juliana Dal Piva** (p. 54) reveals the difficulty of exercising her profession in this new context, dealing with the coverage of so many problems occurring throughout the country, in addition to the ongoing attacks on social networks and face-to-face attacks. Throughout the social fabric, we see persistent violent attitudes and widespread intolerance, typical of extreme right-wing radicalization processes, which marks a new and complex challenge that the State and civil society will have to face.

Impunity for what happened cannot be imposed. We are at risk of collaborating with the continuation of authoritari-

an and violent initiatives, which preach the maintenance of inequalities and discrimination. If we don't want to repeat the process of the absence of transitional justice that we saw when moving to democracy, it will be necessary to build a policy of memory, truth, and justice. There is much evidence that there was a deliberate intention by public office holders, in the government that was defeated, when they withheld relevant information about the Covid-19 pandemic that could have saved lives; when they stimulated illegal occupations in indigenous and *quilombola* territories in the Amazon rainforest; when they illegally expanded access to guns, including those that were restricted to the Army, which allowed the formation of private arsenals and facilitated the diversion of weapons and ammunition to organized crime; when they destroyed the infrastructure that existed to protect human rights defenders; when they spread fake news using social networks as vehicles of hatred and discrimination. NEVER AGAIN!

Defending freedom of expression implies ensuring that the conceptual frameworks of freedoms are not hijacked in favor of inequalities and prejudices. We see, however, the creation and dissemination of severe systems that judge religious expressions playing this role of defending the freedom



of thought and belief in Brazilian society, stimulating discriminatory and persecutory practices against those that are of African origin. On this subject, the theologian **Ronilso Pacheco** (p. 60) notes that there is “holy war” rhetoric, perpetrated by the hierarchies of some evangelical denominations, permeating the space of party politics, and influencing the course of public debate. Increasingly, it is necessary to demand that the State guarantee space for all beliefs, and non-beliefs, within the framework of the constitutional principle of secularity – that is to say, within the framework of the separation between Church and State –, in such a way that the political debate is not colonized by religious dogmas, whatever they may be.

The existential experience of faith and adherence to rites must be understood as an extended space of culture, which builds knowledge and generates solidarity. With that in mind, ARTICLE 19, reflecting on the future of Brazil and the task of rebuilding, brings a reading of cowrie shells on its cover. The ancient divination art combines elements that allow – to those who know how to read

them – to point at paths, perceive the different energies involved, and help decipher this complex moment. The cowrie shells on the cover of our magazine are a symbolic representation of the construction of knowledge diversity and the many paths that cross in the fight against all kinds of discrimination. We are especially thankful for *Iyálorisà Cláudia de Oyá* and *Ilé Alaketu Àse Ifá Omo Oyá*, a *terreiro* based in Guarulhos (SP), for welcoming us and supporting the production of the photographs that feature our pages.

Celebrating and honoring the resistance, ARTICLE 19 dedicates this magazine to every people, and every stage, and every *terreiro*, and every temple, and every artistic and cultural manifestation that was persecuted, discriminated, and attacked. The defense of freedom of expression takes on multiple dimensions in this new moment in Brazilian society. More complex dimensions, which cannot be solved only with laws and public policies, but which require knowledge, creativity, and action, a lot of action.

Enjoy your reading!

**Denise Dourado Dora**

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Regional Executive Officer, ARTICLE 19 Brazil and South America

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## Scenario

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# Participatory democracy and freedom of expression

*Civil society is being heard again in elaborating and implementing public policies. On the other hand, holding extremist groups accountable can also be used to criminalize democratic social movements*

The context of the 2022 elections in Brazil was marked by profound violations of human rights and by the organization of society around a common agenda: the defense of democracy. In the domain of the rights of freedom of expression, freedom of the press, and freedom to protest, there was an increase in political violence against journalists, popular communicators, and human rights defenders. “The institutions were colluding with these attacks, and even promoting them themselves. The fear of protestors and voters to wear red clothes on the streets

was a perfect example of how the right to express political opinion was shaken”, contextualizes Maria Tranjan, interim coordinator of ARTICLE 19’s Protection and Democratic Participation area. “Additionally, the attacks of Jair Messias Bolsonaro (Liberal Party), president at that time, against communicators and dissenting voices encouraged acts of violence carried out by extremists”, she reinforces.

Running for re-election, Bolsonaro used mechanisms of political and economic power to unbalance the dispute:

the government directed billions of *reais* to parliamentarians through the so-called “secret budget”, reduced taxes on fuel, expanded social benefits, such as the *Auxílio Brasil* and *Vale Gás*, and created benefits for truck drivers and taxi drivers.<sup>1</sup> Another threat was the attempt to obstruct the right to vote on election day. If, on the one hand, the Federal Supreme Court authorized mayors and companies to offer free public transport in the second round of elections,<sup>2</sup> on the other hand, there were reports of attempts to create barriers that prevented voters from voting, mainly in the North Region. The State was also an agent of these violations: the National Roads Police was uncompliant with an order from the Superior Electoral Court, blocking roads and stopping at least 610 buses that carried voters.<sup>3</sup> Operations were concentrated in the Northeast, where the opposition candidate, Luiz Inácio Lula da Silva (Workers’ Party), appeared as the winner in polls.

There was also a massive production and therefore circulation of fake news, with attacks on electronic voting ma-

chines, leaving the feeling, when the 2022 election was finished, that the extreme right had once again colonized social networks and messaging applications through its campaigns of misinformation. According to Paulo José Lara, coordinator of ARTICLE 19’s Digital Rights area, the whole structure of how digital platforms function needs to be reviewed, not only content regulation. Online search engines, social networks, and messaging apps are in the hands of profit-oriented foreign companies. According to him, there is an effort to keep the user attached to these services, allowing the exploitation of personal data and mass surveillance. Since they are structured like businesses, such online services do not meet democratic aspirations, social justice, freedom of expression, and access to information, favoring groups that have always had political power. “The extreme right just appropriated a logic that they were very familiar with”, he explains.

In the face of these attacks, however, the mobilization of civil society was a significant example of combative de-

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<sup>1</sup> <https://www.bbc.com/portuguese/brasil-63419897>

<sup>2</sup> <https://www.conjur.com.br/2022-out-19/stf-forma-maioria-manter-autorizacao-passe-livre-turno>

<sup>3</sup> <https://g1.globo.com/politica/eleicoes/2022/noticia/2022/10/30/prf-descumpre-ordem-do-tse-e-faz-pelo-menos-514-operacoes-de-fiscalizacao-contra-onibus-de-eleitores.ghtml>

mocracy. “In a context of fear, violence, and political instability, organizations from different sectors, each within its own niche, collaborated for the same goal. This is a takeaway from the Brazilian experience”, reinforces Tranjan.

### **Rescue of social and political participation**

After the victory of Luiz Inácio Lula da Silva, with the proposal of a coalition government, in November 2022, a transitional cabinet composed of 33 Working Groups (WGs) with different representatives of civil society started to be created. The goal was to gather data on the functioning of the bodies and entities that constitute the federal public administration to define the priority guidelines for each ministry. The WGs showed a logic of horizontal participation. The government acknowledged the existence of a participative civil society and was willing to listen to it, in addition to valuing the experiences of each participant – something that wasn’t seen in the last four years.

ARTICLE 19 attended the WGs meetings in the fields of Justice, Transparency, Communication, Human Rights, and Culture,<sup>4</sup> with suggestions for strengthening the National Archive (responsible for managing the country’s documentary heritage), the transparency regime, digital rights, and freedoms of the press and expression. “What emerged was a moment not only to resist Brazil’s structural inequalities, but also to rethink what we want for the future. That is, move from being a reactive democracy, which, in recent years, had to deal with daily violations of human rights by the Federal Government, to being a democracy that is also proactive and creative”, analyzes Tranjan.

In 100 days of the new government, acts that limit the right to social participation have already been reviewed, such as the creation, in 2023, of the Social Participation System (*Sistema de Participação Social*), instituted by decree no.11,407,<sup>5</sup> and the Social Participation Council (*Conselho de Participação Social*), instituted by decree

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<sup>4</sup> <https://artigo19.org/2022/12/20/artigo-19-levanta-desafios-a-liberdade-de-expressao-nos-gts-de-transicao-do-governo-lula>

<sup>5</sup> [https://www.planalto.gov.br/ccivil\\_03/\\_ato2023-2026/2023/decreto/d11407.htm](https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/d11407.htm)

no.11,406.<sup>6</sup> After a 2019 decree, Bolsonaro government extinguished or emptied 75% of national councils and committees, according to data from the Brazilian Center for Analysis and Planning (Cebap).<sup>7</sup> Committees and councils are bodies that bring together representatives of civil society to participate in discussions on public policies. “In addition to placing at the center of public policy creation the leading NGOs, social participation grants legitimacy to the process. If I know a person or entity present on the board, I can believe that public policy works and is being created for me”, explains Tranjan. The resumption of a national policy of participation also guarantees representativeness. “The murder of the black councilor Marielle Franco, in 2018,<sup>8</sup> made vulnerable populations experience an atmosphere of fear to occupy spaces of political and

social participation. When there is the participation of its representatives in the councils and in the elaboration of public policies, the presence of this body expands to the group that is represented by it”, she defends.

In the *Map of Political and Social Participation – Acts of Censorship and Restriction of Participation in Brazil*, published by ARTICLE 19 in 2022,<sup>9</sup> one of the attention points of the Bolsonaro administration was the militarization of institutional spaces. In 2020, a survey by the Federal Court of Auditors pointed out that the number of military personnel holding civilian positions increased from 2,765, in 2018, to 6,157 two years later.<sup>10</sup> “Military officers have a role in Brazilian history that represents the suppression of fundamental rights and violence, such as the persecutions,

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<sup>6</sup> [http://www.planalto.gov.br/ccivil\\_03/\\_ato2023-2026/2023/decreto/D11406.htm](http://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/D11406.htm)

<sup>7</sup> <https://g1.globo.com/jornal-nacional/noticia/2021/10/25/pesquisa-mostra-que-75percent-dos-conselhos-e-comites-nacionais-foram-extintos-ou-esvaziados-no-governo-bolsonaro.ghtml>

<sup>8</sup> <https://g1.globo.com/rj/rio-de-janeiro/noticia/2023/03/14/caso-marielle-veja-perguntas-sem-respostas-5-anos-apos-o-crime.ghtml>

<sup>9</sup> [https://artigo19.org/wp-content/blogs.dir/24/files/2022/09/MapaDaParticipacaoPoliticaSocial\\_29.9\\_DIGITAL.pdf](https://artigo19.org/wp-content/blogs.dir/24/files/2022/09/MapaDaParticipacaoPoliticaSocial_29.9_DIGITAL.pdf)

<sup>10</sup> <https://www.poder360.com.br/governo/bolsonaro-mais-que-dobrou-contingente-de-militares-no-governo-aponta-tcu>

murders and censorship of communicators and human rights defenders during the period of the civil-military dictatorship. Appointing them to civilian positions has a greater symbolic weight in a Brazil that has not discussed the role of the Army in its democracy, nor has it held accountable the military involved in these crimes”, contextualizes Tranjan.

She considers that it is impossible to break with the entire category or remove it, but there will be a need to dialogue about its activities. Rethinking the role of the Army dialogues with the subject of the militarization of the Brazilian police and its systematic violations of human rights, mainly in violence against black and peripheral populations and in the repression of the right to free expression.

### **Holding extremists accountable and the right to protest**

Even though there is no longer a president leveraging the State apparatus to convey hate speeches, the fake news dissemination networks and the fund-

ing of anti-democratic groups are still active. The post-election period was marked by the articulation of extreme right-wing groups to block roads, and, on January 8, 2023, radical extremists invaded and vandalized the Federal Supreme Court, the Planalto Palace and the National Congress.<sup>11</sup> Evaluating how the extreme right will behave in Brazil and the ways to respond to anti-democratic attacks will be another challenge. “There is a moment of reconfiguration of this nationalist, Christian, and conservative project, which is not centered on a single figure and does not end with it. This field is still being reorganized, in Brazil and in the world, and we must understand it better before thinking about forms of resistance”, analyzes Raquel da Cruz Lima, coordinator of ARTICLE 19’s Legal Reference Center.

Maria Tranjan envisions a slight drop in the attacks on journalists and communicators compared to the years of Bolsonaro in power: “When Bolsonaro made a post on social media or cursed the press during a livestreaming, we saw, right after it, attacks with similar characteristics being replicat-

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<sup>11</sup> <https://oglobo.globo.com/politica/noticia/2023/01/atos-golpistas-os-11-principais-fatos-para-entender-tudo-desde-o-8-de-janeiro.ghtml>



ed. When an authority figure is not held accountable for this behavior, impunity encourages attacks on other sectors and creates an atmosphere of fear and censorship". For Lima, the criminal accountability of groups that acted during the electoral period and in the post-electoral period will be one of the agendas for 2023. "During the elections, Electoral Justice needed to respond quickly to a hostile and violent scenario. It will now be necessary to recalibrate how institutions will respond to attacks on the democratic institution, which is done through well-established rules and parameters", she highlights.

The fear, however, is that the criminalization of anti-democratic groups will be used to intensify legislation that tries to restrain the free manifestation of democratic social movements. Tranjan explains that groups aligned with fascism appropriate forms of political action that, historically, have been used by progressive social movements, which fight for the defense of human rights and life, and subvert them. An example of that is the right to protest, which should not

require prior authorization from the institutions to occur.

The already mentioned *Map of political and social participation...* identified several legislative projects in progress in the National Congress that seek to amend or complement Law no. 13,260/2016, called "Anti-Terrorism Law". The general tendency of the proposals is the criminalization of political protests and the actions of social movements. For Tranjan, the traditional indigenous peoples and the Landless Rural Workers Movement (*Movimento dos Trabalhadores Rurais Sem Terra*, MST) would be the most affected if these proposals were approved. "We are already experiencing a moment of double standards. The same public security force in Brasília that did not prevent the attacks on the Three Powers installations violently repressed a peaceful demonstration by indigenous people at 'Uprising for the Land' camp in 2021,<sup>12</sup> based on anti-terrorist legislation. Thus, we must be careful if we want to ensure that the restriction of anti-democratic acts does not impact the right of other people to protest democratically", she warns.

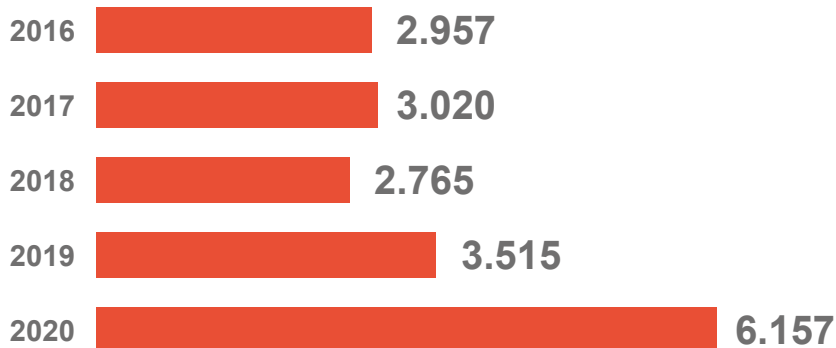
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<sup>12</sup> <https://www.poder360.com.br/brasil/manifestacao-de-indigenas-e-reprimida-com-gas-e-bomba>

### Increase of military in the Executive in 15 years

According to a study conducted by the Federal Court of Auditors, the number of military personnel in the Federal Government who took over from ministries to autarchy increased from 996, in 2005, to 6,157 in 2020. In “appointed positions” alone, there was an increase of 678% between 2005 and 2020. In Brazil, such positions are those temporarily occupied by public employees appointed by the competent authority.

### Military personnel in the government (active duty and in reserve holding civilian positions)



Sources: TCU<sup>13</sup> and Poder 360<sup>14</sup>

<sup>13</sup> <https://static.poder360.com.br/2020/07/Levantamento-do-quadro-de-militares-1.pdf>

<sup>14</sup> <https://www.poder360.com.br/governo/bolsonaro-mais-que-dobrou-contingente-de-militares-no-governo-aponta-tcu>

# Institutions and attacks on the Democratic Rule of Law

*The Three Powers, media, social movements, artists, and civil society organizations will have different roles to promote rights*

Despite the energetic response of the Federal Supreme Court to identify and punish the participants in the attacks of January 8, 2023,<sup>15</sup> and the creation of the Strategic Group to Combat Anti-democratic Acts by the Attorney General's Office to coordinate investigations along with the Supreme Court and the Federal Public Prosecution Service,<sup>16</sup> the coordinator of ARTICLE 19's Legal Reference Center, Raquel da Cruz Lima, is critical and not particularly confident about the performance of the Judiciary and other bodies in defense of the Constitution in the coming four years. "The Judiciary and other sectors have been colluding with

unacceptable anti-democratic practices in recent years, responding less than expected in a period of exceptional electoral and political violence. The Federal Supreme Court and the Federal Public Prosecution Service did not exercise their roles of resistance and constitutional protection, which should have happened", she assesses. "The Supreme Court was also confronted with freedom of expression issues and did not act to build an understanding of the place this right has in democracy", adds Lima.

With the defeat of the extreme-right project at the polls, clashes in the field

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<sup>15</sup> <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=500236&ori=1>

<sup>16</sup> <https://www.mpf.mp.br/pgr/noticias-pgr/pgr-cria-grupo-estrategico-para-atuar-na-apuracao-de-atos-antidemocraticos>

of justice are projected to intensify. “On the one hand, the Federal Government’s policies will be questioned in the Judiciary, on the other hand, this Christian ultranationalist segment must use the Judiciary to try to maintain actions to restrict freedom of expression in the academic, artistic, and journalistic spheres”, predicts Lima. “There is an ongoing attempt to censor teachers who work on issues of gender equality and identity, such as the one that occurs with Escola Sem Partido.<sup>17</sup> Another silencing strategy is the use of the Judiciary to censor and attack artists and communicators using ‘honor crimes’ as a justification. Thus, it will be necessary for the Judiciary to manifest itself as an instance that guarantees fundamental rights”, he says. The extreme right is also expected to use the freedom of expression agenda to justify free violent action. “These are sectors that do not defend freedom of expression, but the lack of responsibility for their hateful and violent behavior”, differentiates Lima.

### **Incidence and dialogue with a conservative Legislative**

The election for the National Congress in 2022 resulted in the greatest representation of black, indigenous, and trans women in the history of Brazilian institutional politics, as is the case of Daiane Santos (Brazil’s Communist Party), Erika Hilton, Sônia Guajajara and Célia Xakriabá (the three of them from Socialism and Freedom Party).<sup>18</sup> “This expresses a social urge for diversity, sending an important message to parties and parliamentarians”, analyzes Maria Tranjan.

However, the elections for the Senate and the Chamber of Deputies in 2022 followed a tendency of the last elections, which consists in electing, mostly, representatives of conservative orientation, with emphasis on names linked to Bolsonaroism. In this context, Brazil is witnessing an effort by the Executive to create a coalition government with the participation of

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<sup>17</sup> <https://www.brasildefato.com.br/2018/10/19/escola-sem-partido-professores-sofrem-agressoes-e-odio-em-salas-de-aula-de-sao-paulo>

<sup>18</sup> <https://mundonegro.inf.br/confira-mulheres-negras-e-indigenas-eleitas-no-congresso>

different political parties to ensure governability, with the aggravating factor of an ongoing economic crisis. “It will be a Congress<sup>19</sup> that will act in a complex and ambiguous way, with resistance to agendas such as human rights, racial equality, gender, support for the LGBTQIAPN+ community, and the guarantee of women’s reproductive and sexual rights being expected”, exemplifies Raquel da Cruz Lima. As Bolsonarism played an important role in promoting cultural repression, against the right to protest and the right to freedom of expression and education, it is expected that these issues will remain on the radar, including in state legislative assemblies, which need to be monitored.

The public hearings in the National Congress will play an important role in resuming the logic of social participation. ARTICLE 19’s *Map of political and social participation...* denounced a distortion in this mechanism in recent years: the deliberate use of an

emergency regime. The absence of public debates, intentionally created to accelerate the government’s priority agendas, and the social reforms approved without social participation produce distrust in institutions and dissatisfaction with democracy. Meanwhile, civil society organizations will continue to play their role in building a democratic regime and social and human rights agendas, whether being consultants or demanding from institutions.

### **Culture with a focus on freedom of artistic expression**

Jair Bolsonaro’s administration was characterized by the extinction of the Ministry of Culture (MinC), via a provisional measure, on January 2, 2019, as well as the dismantling of public policies and incentive programs, episodes of censorship, and attacks on artists and cultural institutions. “The purpose of ending the

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<sup>19</sup> <https://www.redebrasilatual.com.br/politica/camara-renova-44-dos-assentos-conservadora-politica-neoliberal-economia-diz-diap>

MinC was successful, they managed to withdraw culture as a public policy. In addition, an adverse scenario was created for the exercise of cultural activities, with the normalization of censorship”, explains Lima.

A June 2022 survey by the Integrated Brazilian Movement for Freedom of Artistic Expression (in Portuguese, *Movimento Brasileiro Integrado pela Liberdade de Expressão Artística – MOBILE*)<sup>20</sup> pointed out that, among cases of censorship, the institutional dismantling of the cultural sector and authoritarianism against culture, 71% came from the Federal Government.<sup>21</sup> Among those affected by the dismantling was the Palmares Cultural Foundation, dedicated to promoting Afro-Brazilian culture, whose management removed references to black personalities considered “aligned to the left”.<sup>22</sup> The same happened with the LGBTQIAPN+ population: in 2019,

the government suspended an incentive program that would finance TV series portraying the community.<sup>23</sup> In addition to censorship in public bodies, the attack on artists was normalized at the private level and in the Judiciary. Disgruntled people violently attacked artists or used the police to do so.

Resuming culture with a focus on freedom of artistic expression requires “recovering the artist’s relationship of trust with the audience, so that a scenario of challenging, irreverent, and provocative artistic expression can once again exist”, emphasizes Lima. “Secondly, it requires making the population aware that culture has a central role and that the exercise of artistic freedom and access to culture for the entire population are fundamental human rights and are under the light of the Federal Constitution”, she adds. With the resumption of MinC by the government, she warns of the same

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<sup>20</sup> <https://movimentomobile.org.br>

<sup>21</sup> <https://movimentomobile.org.br/mapa-da-censura>

<sup>22</sup> <https://www1.folha.uol.com.br/ilustrada/2022/03/de-censura-a-assedio-moral-lembre-gestao-de-sergio-camargo-na-palmares.shtml>

<sup>23</sup> <https://oglobo.globo.com/cultura/governo-bolsonaro-suspende-edital-com-series-lgbt-para-tvs-publicas-23891805>

risks of attacks on popular artists, now in the states and municipalities, where there are elected people aligned with a conservative, nationalist, and Christian project. The attack on artists in these locations can be manifested, for example, through police repression

or by the Judiciary. In terms of rebuilding culture in the country, there will be a need to resume the promotion of artistic productions, especially those with specific matters, such as racial and gender equality and support for the LGBTQIAPN+ community.

### Cases of censorship of artists in Brazil between 2019 and 2022 (during Bolsonaro's term)

According to a June 2022 survey by MOBILE,<sup>24</sup> most of the initiatives against culture came from the Federal Government (171 cases; 71%). Check out the division of cases among the Three Powers, which add up to 241 cases in total:



<sup>24</sup> <https://movimentomobile.org.br/mapa-da-censura>

# Transparency challenges

*Measures include improving the technological infrastructure for archiving data, affirming transparency as a commitment to human rights, disseminating official information in a simple way, and strengthening autonomy in the inspection of the Access to Information Law*

Transparency is an important instrument of control and social participation. When there is official information circulating, society can exercise its citizenship, demanding and supervising public policies. To this end, Brazil has the *Access to Information Law* (in Portuguese, *Lei de Acesso à Informação* – LAI, no. 12,527/2011), created to regulate the right to information already prevised since the Federal Constitution of 1988. It allows requesting data from municipal, state, and federal spheres, including data on expenses.

The rights to information and data transparency, however, was neglected and attacked by the last administration of the Federal Government. As

pointed out by the report *10 Years of the Access to Information Law: where we came from and where we are going*,<sup>25</sup> published by ARTICLE 19 in 2022, there was a slow response to requests for information made by the press, civil society, and citizens in general; or partial and unsatisfactory responses, in addition to denied requests. There was also the misuse of secrecy and personal data protection devices, particularly article 31 of the LAI and the General Law for the Protection of Personal Data (in Portuguese, *Lei Geral de Proteção de Dados Pessoais*, no. 13,709/2018), which regulates private data that are held by companies. The LGPD was misused by the previous administration to make the LAI impracticable.<sup>26</sup>

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<sup>25</sup> [https://artigo19.org/wp-content/blogs.dir/24/files/2022/07/A19-LAI2022-WEB\\_atualizado-em-12-07-2022.pdf](https://artigo19.org/wp-content/blogs.dir/24/files/2022/07/A19-LAI2022-WEB_atualizado-em-12-07-2022.pdf)

<sup>26</sup> <https://www.institutoclaro.org.br/cidadania/nossas-novidades/reportagens/lgpd-esta-sendo-usada-para-censurar-informacoes-publicas-alertam-especialistas>



“Bolsonarism left as a legacy a feeling that transparency is not an obligation of the State, that there is a political cost for those who practice it and that it can be harmful to public policies. The challenge will be to resume and promote the culture of transparency in the current administration”, evaluates Júlia Rocha, ARTICLE 19’s coordinator for the Access to Information and Transparency area. According to her, promoting the culture of transparency in the coming years will involve three fundamental points.

The first point is to improve the State’s technological and management infrastructure. “That is, how to safeguard in the National Archive information of the highest public interest and relevant to human rights, and how this information can be made available to the population as well”, she points out. The second measure is to increase the number of civil servants from different areas and levels who deal with the production, systematization, and dissemination of information, and to train them for this. They need to be made aware that transparency is part of the job, and a commitment to human rights will help the right to information to be seen as a good thing again. The third aspect is the need for public bodies to disseminate official information in a simple and accessible

way, which would help combat disinformation campaigns. “Much of what is invented aims to supply a lack of official information. Dismantling disinformation campaigns requires not only improving the population’s digital literacy, but also closing the gaps left by the lack of information”, she analyzes.

Strengthening the LAI would also require a central body with political autonomy to monitor and hold accountable formally the entities that are against the law. “The last few years have been marked by agencies denying a request via LAI to make it reach the Office of the Comptroller General (*Controladoria-Geral da União*, CGU), which does not have the power to punish non-compliance with the LAI. Thus, while there is no central body, it is necessary to ensure the autonomy and supervisory role of the CGU, the state and municipal comptrollers, and the Public Ministry”, explains Rocha.

Another measure pointed out by her is to encourage control bodies and civil society to make an interpretation of the LGPD that does not interfere with the LAI, as well as to create mechanisms for compliance with both laws from a standpoint of the National Data Protection Authority (*Autoridade Nacional de Proteção de Dados*, ANPD) or the CGU itself. The private

sector also has an influence on information management, which highlights the importance of strengthening the LGPD. In addition to protecting the data of all citizens, it is important that the data of requesters of information via LAI are also protected, mainly in terms of their life cycle and the purpose for which they are gathering such information.

### **Data blackout, information blocking, and local transparency**

“We experienced, in the previous administration, data being intentionally erased or attempts to hide and distort information in all ministries. No area was left unscathed”, highlights Júlia Rocha. For the coming years, it is also necessary to resume investments in federal institutions that generate reliable data and information, such as the Brazilian Institute of Geography and Statistics (*Instituto Brasileiro de Geografia e Estatística*, IBGE), the National Institute of Educational Studies and Research Anísio Teixeira (*Instituto Nacional de*

*Estudos e Pesquisas Educacionais Anísio Teixeira*, Inep) and departments such as the National Register of Health Establishments (*Cadastro Nacional de Estabelecimentos de Saúde*, Datasus). It is also expected that the outdated data will impact the promotion and execution of public policies in the first years of the new government. For Rocha, this can be minimized by using government resources for the creation of open databases, especially if they are free, easy to understand and to navigate.

The acts of censorship imposed by the Bolsonaro government are already being reviewed by the current administration, including those that blocked information on unjustifiable expenses<sup>27</sup> through corporate cards.<sup>28</sup> Rocha explains that this data must be unblocked on a case-by-case basis, by administrative acts, not by a single repeal decree, because it would pulverize positive jurisprudence in the field of transparency. Furthermore, proceeding this way would allow each censored information to be carefully analyzed by civil society.

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<sup>27</sup> <https://www.brasilefato.com.br/2023/01/12/restaurante-em-boa-vista-recebeu-r-152-mil-de-bolsonaro-e-foi-visitado-em-dia-de-motociata>

<sup>28</sup> <https://www1.folha.uol.com.br/poder/2023/01/cartao-corporativo-de-bolsonaro-mostra-gasto-de-r-47-milhoes-em-feriados-e-motociatas.shtml>

If the LAI finds obstacles at the federal level, ensuring transparency at subnational and local levels is an even more challenging agenda. Rocha points out that there is less infrastructure, human, technical, and financial resources in the municipalities for the implementation of transparency policies. It is possible, however, to promote solutions that require little investment, such as the Electronic Citizen Information System (e-SIC), a free software from CGU. Skilling civil servants for the production and management of information at the municipal level can drive other infrastructure improvements as well.

### **Special attention to gender, race, and diversity data**

As a sign of the importance of human rights in the current government, interim coordinator of ARTICLE 19's Protection and Democratic Participation area, Maria Tranjan mentions the sanctioning of the law that created the National Candomblé Day, by President Lula, on January 6, 2023,<sup>29</sup> and the inaugural speeches by the minister of Ra-

cial Equality, Anielle Franco,<sup>30</sup> and the minister of Human Rights and Citizenship, Silvio de Almeida. In his speech, Almeida recalled the value of the existence of populations neglected by the last administration, such as homeless people, people with disabilities, the elderly, victims of hunger, domestic workers, women, LGBTQIAPN+, and black and indigenous people.

“Religious freedom is one of the components of freedom of expression, and now we have an appreciation of an Afro-Brazilian religion that suffers from religious racism and attacks by fundamentalist sectors”, analyzes Tranjan. “In all cases, there is a symbolic space allowing each citizen to express themselves, as it is in a democratic regime, without having their lives taken away by it, as Anielle Franco also highlighted”, she adds. Regarding racial and gender equality, there is still a need to rethink the production, availability, and access of data on populations in social vulnerability, such as women, indigenous peoples, *quilombolas*, LGBTQIAPN+. Furthermore, as most access to information happens online,

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<sup>29</sup> <https://exame.com/brasil/lula-sanciona-lei-que-cria-o-dia-nacional-do-candomble>

<sup>30</sup> <https://noticias.uol.com.br/politica/ultimas-noticias/2023/01/11/leia-integra-discurso-ministra-anielle-franco.htm>

many communities are not connected and face obstacles in obtaining it.

Another trend to fight against is the decline in the availability of information on sexual and reproductive rights, especially in agencies of the health system in the capitals, a fact that was identified in the ARTICLE 19 report on the 10 years of the LAI. The alignment of the previous government with conservative agendas led to the removal of materials on gender and sexual diversities. In 2019, for example, a booklet aimed at trans men was removed from the Ministry of Health website six months after it was launched.<sup>31</sup>

“The production of data on gender, race, and diversity touches many fields of public administration, but, in the first place, the State must recognize that this absence is a problem. When these populations are not seen as a priority in public administration, the entire chain of production of information about them is automatically impaired, or all data generated will only serve to maintain the *status quo*. The

government must commit to be at the forefront of the production of this data”, Júlia Rocha adds. If we want the data to provide a diagnosis of reality and to be used effectively in the production of public policies, it is crucial that the populations themselves participate in the production of this information. That is, to think about how this data will be produced, applied, and work to improve the quality of life of populations. Historically, however, it is usual that dominant groups reflect on and define the reality of marginalized groups.

In addition to data production, the field of equality will demand protection and punishment against agents who use the digital environment to attack women, black people, and the LGBTQIAPN+ community members. In May 2022, ARTICLE 19 sent a document to the United Nations with contributions to the Universal Periodic Review of the Brazilian State (UPR-Brazil).<sup>32</sup> In the document *Contribution from stakeholders*, ARTICLE 19 and other entities denounced the increase in this expedient during the pandemic,

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<sup>31</sup> <https://www1.folha.uol.com.br/cotidiano/2019/01/ministerio-da-saude-retira-do-ar-cartilha-voltada-para-saude-do-homens-trans.shtml>

<sup>32</sup> <https://intervozes.org.br/wp-content/uploads/2022/05/UPR-Brazil-PT2.pdf>

including the invasion of virtual meetings with the exhibition of shocking images and sounds, a phenomenon called ‘zoombombing’. It will also be necessary to be careful that online gender violence is not mixed with political violence, which is when public authorities use their personal social networks to attack women journalists and activists or to amplify content against them.

### **Protection for popular and independent media groups**

Associations and popular and independent media groups currently play a fundamental role in disseminating reliable informative content, as well as in counterpointing hegemonic narratives. The importance of protecting these groups, and ensuring that they do not suffer violence, affects all of Brazil, especially the Legal Amazon area, formed by the states of the North and territories of the Northeast and Midwest. In these places, the challenge of informing the population independently collides with

the monopoly of traditional networks on public information and the proximity between political agents and the media. That’s why we should think about policies and funding actions for popular media groups, which are usually made up of people who need to have other jobs to generate enough income.

In the report *Violations of Freedom of Expression and Resistances in the Amazon Region*,<sup>33</sup> published by ARTICLE 19 in 2023, popular communicators report insecurity when covering issues related to misuse of funds, management, distribution, or the absence of services and public policies; attacks on the environment and local populations; omission of the State in preventing violations, or, sometimes, the State itself acting as an agent of the violations. In the last three editions of ARTICLE 19’s *Violations of Freedom of Expression* report (2019, 2020, and 2021), the Amazon Region presented, between 2018 and 2021, 99 serious violations, 29 of which were classified as more serious, including attempts of murder.<sup>34</sup>

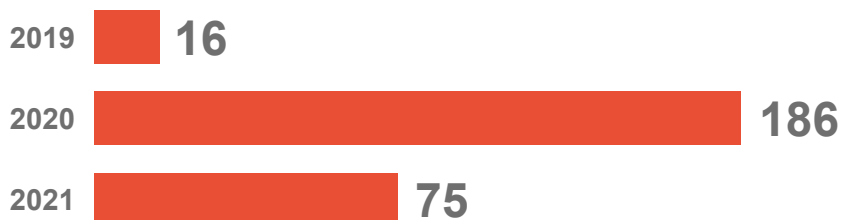
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<sup>33</sup> <https://artigo19.org/2023/02/28/violacoes-a-liberdade-de-expressao-e-resistencia-na-regiao-amazonica>

<sup>34</sup> [https://artigo19.org/wp-content/blogs.dir/24/files/2023/02/Violacoes-e-resistencia\\_AM\\_Caderno1\\_ebook\\_13-12-2022\\_final.pdf](https://artigo19.org/wp-content/blogs.dir/24/files/2023/02/Violacoes-e-resistencia_AM_Caderno1_ebook_13-12-2022_final.pdf)

## Environmental information requests

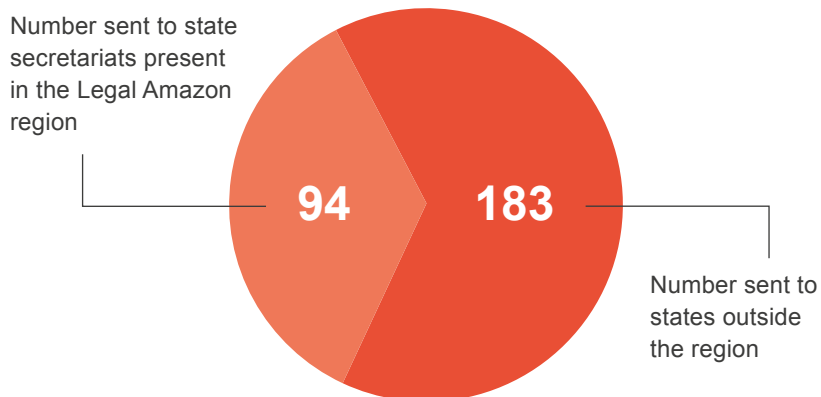
Data from the main findings on 277 requests of information to the environmental agencies of all Brazilian states (between 2019 and 2021) – Report *10 years of the Access to Information Law: where we came from and where we are going*.



## Topics on which requests were made:

<b>27</b>	traditional peoples and communities
<b>49</b>	environmental inspection
<b>65</b>	authorized deforestation
<b>67</b>	environmental regularization
<b>69</b>	forest exploitation

### Among the requests:



### Type of document requested:

<b>58</b>	special database
<b>48</b>	database
<b>171</b>	specific information or document

Source: ARTIGO 19<sup>35</sup>

<sup>35</sup> [https://artigo19.org/wp-content/blogs.dir/24/files/2022/07/A19-LAI2022-WEB\\_atualizado-em-12-07-2022.pdf](https://artigo19.org/wp-content/blogs.dir/24/files/2022/07/A19-LAI2022-WEB_atualizado-em-12-07-2022.pdf)

# Social networks: threat to democracies

*On the agenda: less oligarchic digital services ensured by legal frameworks, regulation of digital platforms and principles of public administration applied to the profiles of political agents on social media*

In the field of digital rights, Jair Bolsonaro's administration left a legacy of negligence. "First, there was an attempt to suppress any type of regulation and give total and complete freedom to the flow of information circulating on social networks. This expanded a violent, prejudiced, and conservative speech that was until then restricted to small groups", analyzes Paulo José Lara, coordinator of ARTICLE 19's Digital Rights area. This also occurred due to scarce effort in regulating digital communications and the impoverishment of the State's transparency mechanism. "Not only was there abuse of confidentiality of public information and less transparency of open data, but a disregard for the entire digital mass of the Brazilian State, which jeopardized access to information", he ponders.

It is necessary to regulate how the structures and mechanisms that support digital platforms work, which are ruled by businesses seeking for profit and favor hegemonic groups. "This logic must be changed but not only in the upper layers, such as abusive content regulation legislation, fines, and bans, as these can violate freedom of expression. The focus should be on how these companies enter the global market, how they develop software, moderate content, among others", highlights Lara.

As an alternative for regulating the platforms, Lara mentions the resumption of policies that ensure technological sovereignty to Brazil, decentralize the services of foreign conglomerates, and prepare the country, so it's competitive when new technologies



emerge, since the internet is constantly changing, and social networks and applications have a certain expiration date. He also points out the need to approve regulatory frameworks and instances along the lines of other strategic fields, as already happens with electricity, water, and communication, which would ensure digital services and procedures that are more competitive, open, and less oligarchic. We can get good inspiration from the initiatives of the European Union, the Digital Services Act (DAS) and Digital Markets Act (DMA),<sup>36</sup> standards created to regulate part of the services and the market in a digital environment. Finally, Brazil also needs to adopt measures to combat the financing of disinformation campaigns with public resources.

### **The Legislative requires monitoring**

The Legislative is where clashes over access to digital rights take

place. It is worth highlighting the bill no. 2,630/2020, known as “the fake news” bill, which includes a series of determinations related to the regulation of digital platforms and the application of public administration principles to the profiles of political agents on social media, for example. Additionally, in 2022, dozens of projects aimed at combating disinformation were moving in the National Congress.<sup>37</sup> Some of them aim to modify the Civil Rights Framework for the Internet (*Marco Civil da Internet*) on issues such as privacy, freedom of expression, and accountability of intermediaries, but many of these initiatives indicate devices that may put freedom of expression at risk. There is also a tendency in Brazil to try to criminalize information security researchers and activists who work defending human rights in the digital environment.

In the discussions of the Democratic State Law, which replaced the National Security Law in Brazil, there

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<sup>36</sup> <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>

<sup>37</sup> <https://www12.senado.leg.br/noticias/noticias/materias/2022/09/26/projetos-em-analise-no-senado-combatem-desinformacao-e-fake-news>

was an attempt to typify the crime of espionage in an online environment, but without the exception of investigations carried out by journalists and civil society. In December 2021, Brazil joined without debate the Budapest Convention on Cybercrime.<sup>38</sup> In any case, the country does not have legislation that protects the activities of the “whistleblowers”, something that would also need to be reviewed. Lara also points out the need for legal frameworks for the operation of digital television and radio stations. “We need to make progress in the field of telecommunications, check channels and concessions for churches, check if there are monopolies, and regulate regional productions as well”, he lists.

### **Privacy, data protection, and censorship technologies as pressure points**

The contributions of ARTICLE 19 to the Universal Periodic Review of the

Brazilian State (UPR-Brazil)<sup>39</sup> also pointed to the need for a critical adoption of facial recognition technologies in public spaces and the surveillance of biometric data. The way it’s being applied still puts the exercise of fundamental rights at risk, especially for people in vulnerable situations, women, black, poor, and transgender people.

“We still lack regulation of artificial intelligence and of what we call the Internet of Things, emerging technologies that will be relevant from the smart cities’ standpoint. They need to be tested to understand their impact on human rights, especially when they are used along with the logic of economic and political power”, highlights Lara. “Additionally, internet browsers and cell phones are surveillance machines, and we have the challenge of preventing the unrestrained exploitation of data from affecting fundamental rights”, adds the expert. Within the scope of the public sphere, measures

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<sup>38</sup> <https://www12.senado.leg.br/noticias/materias/2021/12/15/aprovada-adesao-do-brasil-a-convencao-sobre-o-crime-cibernetico>

<sup>39</sup> <https://intervozes.org.br/wp-content/uploads/2022/05/UPR-Brazil-PT2.pdf>

are still needed to adapt public services to the requirements of the LGPD on the rights of people holding data processed by the public authorities.

### **The digital divide cannot continue denying basic rights**

Brazilian structural inequalities are reflected in the right to access the Internet, which is recognized by the Civil Rights Framework for the Internet but is never respected. The digital divide blocks access to other fundamental rights, as was evident during the Covid-19 pandemic, when school and work activities and State services were mostly carried out online.

According to 2020 data from the Regional Center for Studies on the Development of the Information Society (Cetic.br), inequalities in internet access in Brazil were structural: only 30% of the population in classes D and E had used a computer at least once in their lives, against 88%

of class A. As for the type of device used, 62% of indigenous people and 60% of black people used the network exclusively via cell phone, against 48% of white people.<sup>40</sup>

In contributions to UPR-Brazil, ARTICLE 19 recommended the urgent creation of public policies for digital inclusion and universal access to the internet, prioritizing vulnerable populations. With digital services concentrated in the hands of big foreign companies, an infrastructure external to the country is currently used, making it necessary to create an infrastructure that is autonomous, sovereign, and self-managed.

Lara believes that community radio stations meet these requirements and are great experiences in Brazil and Latin America. For the future, the expert emphasizes the importance of granting concessions for them to function as internet providers. This would help to expand Internet access to areas where companies are not

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<sup>40</sup> <https://cetic.br/pt/tics/domicilios/2020/domicilios/A4>

interested in creating infrastructure because they do not see a commercial opportunity, as is the case in regions inhabited by traditional populations.

### **New perspectives on voting technologies and their roles**

The world faces discussions about the technological procedures used to give legitimacy to the electoral process. Brazil has certified and audited electronic voting machine security, but its improvement must be constant. “Our technology has proven to be safe over time, but all technological architectures can be frauded and there are technological innovations that emerge. So, what we need is a debate about improvements in voting technologies that is not superficial or used to attack democracy. This discussion must involve the Judiciary, Legislative, Executive, and the entire civil society”, says Lara.

Technologies will play an important role in the resumption of participatory

committees and councils, which bring together civil society representatives to get involved in discussions on public policies. “The production of data must be resumed by public information monitoring institutes, such as Inep and IBGE. Thus, the councils will be well-informed for decision-making. A second point is the technology itself, such as the use of satellites and remote monitoring to contextualize the situation of deforestation in the National Council for the Environment (Conama)”, he illustrates.

### **Trends to watch**

There are also emerging trends in the field of digital rights. That is the case with video games, which globally tend to create territories that the extreme right colonizes,<sup>41</sup> both in online discussion forums about games and in the game production itself, which can spread content of hatred and attacks on democratic institutions. “It

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<sup>41</sup> <https://canalmynews.com.br/brasil/gamers-ajudam-a-alimentar-maquina-de-desinformacao-diz-professor>

is a growing market, which not only mixes the technology and art production chains but impacts youth and childhood as well”, warns Lara.

The next four years will also require watching the relationship between technology and work, with a focus on

ensuring the rights of workers on digital platforms. The list includes not only people who deliver food and app drivers but also content creators, artists, and musicians who do not always get the due credits and remuneration for their work available on streaming platforms.

### Lack of internet access generates inequalities

The lack of 3G/4G internet access on cell phones was a reason why:

**39%**

of users in classes C, D, and E stopped accessing public policies

**33%**

of users stopped accessing public services

**24%**

of users stopped receiving any social benefit, such as Emergency Aid (*Auxílio Emergencial*)

Source: RPU-Brasil (2022) and Idec & Locomotiva (2021)<sup>42</sup>

<sup>42</sup> <https://intervozes.org.br/wp-content/uploads/2022/05/UPR-Brazil-PT2.pdf>



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## Interview

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*Photo: Press release*

### Elisa Lucinda

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*Actress, singer, writer, and poet*

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**Art is the most powerful  
informal education  
that we have**

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In the last administration, we had a government that despised the Ministry of Culture (MinC), demoted it to the status of secretariat, and attacked the cultural sectors. According to the Integrated Brazilian Movement for Artistic Freedom of Expression (MOBILE), of which ARTICLE 19 is a member, until June 2022, at least 241 cases of censorship, dismantling, and authoritarianism against the sector were computed during the administration of Jair Messias Bolsonaro, 90,5% of which were carried out by the Executive.<sup>43</sup> The new administration had as its first measures not only to reactivate the MinC, but also to choose as its head the singer Margareth Menezes, the first black woman to occupy the position of minister of Culture. For Elisa Lucinda, actress, writer, singer, poet, and activist for Brazilian culture, “Margareth is a symbol of *quilombagem*, when she is alone on stage, she is a *quilombo*. I see this woman’s workforce and the market she created. She is enterprising, international, black, intelligent and sings calling the nation. She is a Dandara and, symbolically, a spectacle for us”.

Lucinda was born in Cariacica (state of Espírito Santo) and graduated in Journalism, a profession she pursued until moving to Rio de Janeiro, in 1986, to become an actress. Her trajectory includes more than 36 participations in soap operas, TV series, and films. In 1994, she published her first poetry book, *The similar (Os semelhantes)*. In 2020, she received the special prize from the jury at the Gramado Film Festival for her performance in the movie *Why don't you cry? (Por que você não chora?)*, directed by Cibeles Amaral. In an interview with our magazine, she analyzes the role of the culture industry and its workers in rebuilding the country.

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<sup>43</sup> <https://movimentomobile.org.br/mapa-da-censura>

**ARTICLE 19:** *How do you analyze the impact of the Bolsonaro administration on the Brazilian culture?*

**Elisa Lucinda:** The great metaphor and synthesis of this “mismanagement” are the devastation of the Amazon and the relegation of the Ministry of Culture to a secretariat. In the second case, it left as a lesson that culture, critical thinking, science, and thinking about ourselves as a society were unimportant. Because that’s one of the things arts do: portray society and ensure a symbolic world for us. Art can photograph the couple, the devastation of forests, the prejudice, putting all of them in movies, in books, and on the screens, and this portrait shapes us as a society. Art is the most powerful informal education we have. As a legacy, this previous government also left more deaths of indigenous people, women and LGBTQIAPN+ people, illegal mining, an armed and ignorant country. The attack was accurate and left devastation.

**ARTICLE 19:** *How did the dismantling impact the artistic class directly?*

**EL:** I saw the dismantling up close. During the pandemic, art workers were unprotected and exposed to misery. Those who had some savings managed to support their musicians,

and their chamberlains, they did what they could. But those who had nothing, those who paid the rent with the money from the tickets, had to live in a relative’s house. Artists were the first to need to stop, and there was no project or funding for us. Even with the support of the Aldir Blanc Law [an aid to the cultural sector], there were actors who went into poverty, who didn’t have anything to eat. In addition, we had fascists in the Palmares Cultural Foundation, in the National Arts Foundation (Funarte) and in the Culture Secretariat itself. The then Secretary Roberto Alvim even made an explicitly Nazi demonstration. But, as for the attacks suffered by the artistic class, what they (the extreme right) did the worst for art workers, something that made me cry, was turning our audience against us. They called us lazy, they said that we “sucked on the Rouanet Law’s teats”, a legislation that the population didn’t really know well. It was surreal, and it violated the artistic class. I think there was also a lot of revanchism from the government towards the artists because we managed to be lucid enough to stand against the setbacks they tried to impose.

**ARTICLE 19:** *How do you evaluate censorship and repression by the State against artists in recent years?*

*“I think there was also a lot of revanchism from the government towards the artists because we managed to be lucid enough to stand against the setbacks they tried to impose”*

**EL:** The extreme right, although it has easily appropriated digital media, is traditional from a structural point of view. Their rites of trying to ban and censor the arts and critical thinking are the same everywhere, whether here or in Spain. This ideological censorship could be seen in the attempt to prevent the exhibition of the movie *Marighella*, claiming supposed bureaucratic issues, when it was, essentially, censorship. I've experienced two serious situations: the first was the cancellation of a lecture I would give to teachers in the south of the country. I heard that the allegation was that I was leftist and could “ideologize the public”. The second one

was during the play *Stop criticizing routine* (*Parem de falar mal da rotina*), with which I have been on tour for two decades now, and in which, at a certain point, I say a text about equality, “that there will be no peace coming from injustice, because, if a few people eat a lot and a lot of people eat little, there will be war”. A woman, disregarding the rite of the theater, stood up and shouted: “I came here to watch comedy, not politics”. Many stood up against her, but it scared me. What happens is that Bolsonaro authorized this invasive, authoritarian, dictatorial, and fascist thing, and disguised it all as freedom of expression. It is so severe that I have

***“Freedom of expression and the return of the military dictatorship do not fit in the same sentence, neither grammatically nor historically speaking”***

been fighting for theaters to have metal detectors, as well as music concerts nowadays. Censorship is back in the name of the country, God, and family.

**ARTICLE 19:** *What is the importance of culture and artistic freedom for democracy right now?*

**EL:** It's extremely important. Because we have a responsibility, especially with the new generation. I was on tour with my play in Joinville (state of Santa Catarina), and I left the hotel to look for a drugstore. I asked a 20-year-old girl for information, and she pointed me to an establishment that was on the other side, after a protest. I asked what that protest was, and she told me that they were fighting against the results of the elections, for the return of the military dictatorship, and for freedom of expression. I replied that “freedom of expression and the return of the military dictatorship do not fit in the same sentence, neither grammatically nor historically speaking”. I saw a lost girl. Indeed, the number of extreme

right-wing youth has increased. Culture, again, is going to organize things in this house, it will help to clean up the contamination that has reached fundamental concepts, such as what democracy is.

**ARTICLE 19:** *In your opinion, what should be the foundation for rebuilding democracy and freedom of artistic expression?*

**EL:** I think it is necessary to incorporate it into school content and combine these efforts with access to cultural spaces by society, whether it is cinema, theater, or museum collections. Teaching by associating the school with cultural spaces is one way. In addition, school content that is committed to historical truth is essential, because we still honor our villains, such as the *bandeirantes*, who were, most of them, slave hunters, sadists, and torturers. These men's names are still the names of our highways and cultural spots, while the 380 years of slavery are squeezed into three pages of

*“Artists must be invited to participate in this national rebuilding with a hands-on approach, and there are interesting things we can do, such as teaching theater, music, and other artistic manifestations in public schools”*

textbooks. Young people graduate without understanding black and indigenous cultures, without knowing what *Bantu* or *Yoruba* is. This historical revision needs to happen, also for the sake of sustainability. Ecology needs the knowledge of traditional peoples and their relationship with nature, as the white man's is predatory. I think that artists must be invited to participate in this national rebuilding with a hands-on approach, and there are interesting things we can do, such as teaching theater, music, and other artistic manifestations in public schools, which is a way of making our art sustainable as well.

**ARTICLE 19:** *Why promoting cultural diversity, including underrepresented cultures and LGBTQIAPN+, is so important?*

**EL:** Because that's about the survival of civilization. Because either we take this path of contemporaneity, or history will pass like a tractor over our heads. I'm not gay, but the fight against homophobia is mine too, because it's a fight for human dignity. I see all those young trans people being expelled from their homes. I'm sick of finding, at this point, homophobia, and racism, even on the left-wing field. I still meet the same black bodies in my leftist friends' houses: they are their waiters, nannies, and drivers, never their friends or boyfriends. It would be easier if these problems were restricted to Bolsonarism, but we must wash this dirty laundry in progressive sectors as well. That agenda must advance, because it is not possible to analyze Brazil without considering race and gender. We have a lot to do.

## Interview

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*Photo: Press release*

### **Pedro José Vaca Villareal**

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*Lawyer and Special Rapporteur for Freedom of Expression of IACHR*

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**It is time to critically  
analyze the decisions  
adopted in the past**

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The current administration of the Federal Government inherits an unfavorable terrain in terms of guarantees to the rights of freedom of expression, protesting, and of the press. From 2019 to 2022, in Brazil, the Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), an autonomous body of the Organization of American States (OAS), recorded attacks and judicialization against journalists; decisions taken by the Legislative and Judiciary Powers without dialogue with civil society; the existence of deliberate disinformation campaigns, especially during the election period; and the increase in political violence and discriminatory speeches, among other sensitive issues.

We interviewed Pedro José Vaca Villarreal, special rapporteur of the IACHR, who oversees this careful analysis. A lawyer who graduated from the National University of Colombia, he was the director of the Foundation for Freedom of the Press and was on the board of directors of the International Freedom of Expression Exchange (IFEX). “Brazil’s great challenge is to regain a deep social and institutional conviction in which checked facts are the foundation so that two different points of view can decide on their future. There is an evident rupture in society and common points of view are isolated within it, that is, there are different levels of understanding, even on the same problems. There are no common starting points, and human rights standards can be useful for that”, says Villarreal.

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**ARTICLE 19:** *How do you evaluate democratic and human rights policies in Brazil during the government of Jair Bolsonaro?*

**Pedro José Vaca Villarreal:** We can draw a parallel with what the Special Rapporteurship for Freedom of Expression recorded between 2019 and 2022. We observed serious complaints regarding the guarantee of rights, actions considered contrary to democratic values were reported, and that generated a negative impact on minorities and vulnerable groups, as well as a hostile environment for the independent press. I can say that the tension between the government and the Judiciary has worsened after decisions that did not please the government. There are also allegations of misinformation, stigmatization, harassment, and acts of violence

against media and journalists; there was a rise in polarization, and we received complaints about the increase in hate speech, limitations on artistic and cultural expressions, and barriers to accessing public information, an issue that directly affects transparency in political and governmental processes in the country. There is, however, confidence in the strength of Brazil's democratic institutions, which carry with them a solid system of checks and balances. That was proven during the term of former president Bolsonaro.

**ARTICLE 19:** In the field of freedom of expression, what will be the challenges for Brazil?

**PJVV:** Brazil will have to face challenges in terms of respect for criticism, divergences, and the multiplicity

*“There is, however, confidence in the strength of Brazil’s democratic institutions, which carry with them a solid system of checks and balances. That was proven during the term of former president Bolsonaro”*



*“It is time to critically analyze the decisions adopted in the past, investigate omissions by authorities that should have acted and possible excesses, clarify opacities, define the scope of restrictions imposed on new precedents, the scope of mechanisms created as well, and assess the impact of the eagerness or urgency to limit certain speeches”*

of opinions that can coexist in a society, opinions that will not always be favorable to the ideals promoted by the government. It is important to work on strengthening dialogue with the opposition so that the political polarization that the country is experiencing starts to process controversies through disagreements and political dialogue. It is essential that all political sectors keep an explicit distance from violence, discrimination, and exclusion.

Among other fronts, it is important to work in favor of protecting the right

to protest and to fight against impunity in attacks and crimes against the media and the journalists, because, if there is impunity, the fear of reporting increases and self-censorship sets in the newsrooms. A society with a plural and diverse media will be a better-informed society, able to make decisions with the most comprehensive information available. This media also needs judicial guarantees of protection against Strategic Actions Against Public Participation (SLAPPs) and needs to have guaranteed the exercise of its professionals.

Finally, I believe that one of the main challenges for the coming years is how to look with a critical perspective at the intense institutional dismantling of recent years, in the different Powers of the State, in issues related to freedom of expression. It is time to critically analyze the decisions adopted in the past, investigate omissions by authorities that should have acted and possible excesses, clarify opacities, define the scope of restrictions imposed on new precedents, the scope of the mechanisms created as well, and assess the impact of the eagerness or urgency to limit certain speeches. It is not an exercise that should focus only on governments or certain authorities from the past, but on all institutions holistically.

**ARTICLE 19:** *Recently, there have been attacks on the Three Powers by the extreme right in Brazil. What message do these attacks send to democratic institutions?*

**PJVV:** The Rapporteurship and the IACHR repudiate the events that took

place at the beginning of the year, which led to acts of violence against democratic institutions, violent episodes, as well as damage to journalists, not only damage to their work tools but also physical damage, as reported at the time by the Union of Professional Journalists of the Federal District. The message sent by these acts was that they ignored democratic institutions, affecting other rights, in a context that sought to generate distrust in electoral institutions after the results that gave victory to former president Bolsonaro's political opponent. In an official statement from January 23,<sup>44</sup> the IACHR defined these protests as "attacks against institutions", which represent "an attack against democracy".

**ARTICLE 19:** *Why these are not protests in favor of freedom of expression? What differentiates them from democratic protests?*

**PJVV :** It is assumed that the most diverse contents of speeches and

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<sup>44</sup> <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2023/006.asp>

demands of a protest are protected *ab initio*, but article 13 of the American Convention on Human Rights (ACHR) does not protect war propaganda or any apology for national, racial, or religious hatred that constitute incitement to violence or any other similar unlawful action against any person or group of people, for any reason, including race and ethnicity, religion, language, or national origin. Framing a speech under this assumption requires current, precise, objective, and conclusive proof that there is a manifest intention to commit crimes or to attempt against public order or national security; in addition

to a current, real, and effective possibility of achieving its objectives. More than characterizing January 8 as a manifestation of speeches protected or not by the ACHR – which requires a contextual analysis of the concrete case –, it is particularly important to understand the antecedents and roots of these events.

The protests were a consequence of the worsening deterioration of the public debate in the country. It is important to remember that January 8 was preceded by a context of profound social tensions, political violence, and questioning without evidence of the results

***“Article 13 of the American Convention on Human Rights does not protect war propaganda or any apology for national, racial, or religious hatred”***

of the 2022 presidential elections. For months, we saw protests questioning the results, including those aimed at the Army, and these protests were not answered with the transmission of clear and unequivocal messages by the high authorities of the Executive or the Army in an effort of maintaining the constitutional and institutional order in force. There is, therefore, a mix of speeches by high-ranking public officials who have not fulfilled their duty to reasonably ascertain the facts on which they base their opinions and criticisms, and to respect human rights, with expressive silences in situations when their pronouncements would be not only a legitimate power but also a duty.

The Rapporteurship already made this diagnosis last year, when we published a set of summonses to public, electoral, and party authorities in Brazil. Today, looking back, I see that during the elections and in the subsequent months there was a constant failure by political parties and some authorities to respond to these summonses. The aspirations to define responsibilities for the events

of January 8 – that is, to investigate, prosecute, and punish those responsible for the acts of violence, respecting the due process of law – must occur together with the recognition of a previously established environment.

**ARTICLE 19:** *What lessons can Brazil learn from Latin American countries to rebuild and strengthen democracy?*

**PJVV:** Unfortunately, more than the possible solutions, Latin America today shares the same problems in terms of the performance of government agents. This is not particularly a time when it is possible to easily highlight good examples of the relationship between the governments and the press or critical voices. Regarding institutional spokespersons, good examples are increasingly lacking, and this gap or deficit is an area in which it would be very valuable for the region if Brazil moved from a stigmatized government to a benchmark government in its approach to freedom of expression. In the relationship between States and citizens who protest, the region is marked more by repression than by the management of

*“This critical posture is essential for the continuity of progress in terms of freedom of expression, especially at a time when authoritarianism takes different forms, often with an apparently democratic disguise”*

protests from the perspective of dialogue. On the other hand, at the legislative level, we can point out some good examples of practices that have been bringing social participation to the spotlight. I believe Brazil is a good example that there can be legislative processes that guarantee broad public consultations if they are followed by the political will of parliament.

Civil society in the region has been building bridges and interesting dialogues, acting in an articulated way in approaching some themes and, in general, we see a good example,

especially in the case of civil society organizations, which achieve a balance between the recognition of advances and a critical posture towards government policies. This critical posture is essential for the continuity of progress in terms of freedom of expression, especially at a time when authoritarianism takes different forms, often with an apparently democratic disguise. I particularly highlight the ability to identify authoritarian positions, decisions, or policies, generalized at different levels, within governments that, in general, respond to a democratic structure.

## Interview

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*Photo: Mauro Figa/Press release*

### **Juliana Dal Piva**

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*Journalist, researcher, and columnist for UOL*

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**Civil society is still an  
aggressive environment  
for us, journalists**

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Juliana Dal Piva studied Journalism at the Federal University of Santa Catarina and has worked for most vehicles of the press in Brazil, having been a special reporter for the newspaper *O Globo* and *Época* magazine, as well as a columnist for UOL. Her experience includes covering social, political, and human rights issues, as well as founding, alongside other professionals, Agência Lupa, a specialist in fact-checking. She hosted the *podcast Jair Bolsonaro's secret life (A vida secreta de Jair)* and is the author of the book *Jair's Business: the forbidden history of the Bolsonaro Clan (Os negócios do Jair: a história proibida do clã Bolsonaro)*, the result of more than three years of investigation into the evolution of the economic and political estate of Jair Bolsonaro and his family.

Her vast experience in investigative journalism has earned her awards – and threats too. On this subject, Dal Piva explains that, whether because of disinformation campaigns or due to party polarizations, part of the violence against the press also comes from civil society.<sup>45</sup> In an interview with Artigo 19 Magazine, she analyzes the challenges for freedom of the press over the next four years and the role of journalists, communicators, and the media in rebuilding the country's democratic pacts.

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<sup>45</sup> This current reality of violence was identified by the Global Expression Report 2022. In 2021, there were 430 threats to freedom of the press, more than twice as in 2018, the year when Jair Bolsonaro was elected.  
<https://artigo19.org/2022/06/30/brasil-e-o-terceiro-pais-que-mais-perdeu-liberdade-de-expressao-nos-ultimos-dez-anos-aponta-levantamento-da-artigo19>

**ARTICLE 19:** *How do you evaluate the Bolsonaro government's relationship with the press over the last four years?*

**Juliana Dal Piva:** There has never been a real relationship or a dialogue with the press. Bolsonaro's strategy was attacking. He would leave his "cheerleaders" intentionally in the fenced area where he speaks to attack fellow journalists. In addition, he did not respond to questions, the communication secretariats did not send us answers, and he used his own profile on social media to personally attack journalists or incite violence against them, notably Patrícia Campos Mello<sup>46</sup> and Vera Magalhães.<sup>47</sup> In other words, it was an aggressive relationship.

**ARTICLE 19:** *During the investigations into the political and financial estate of the Bolsonaro family, were there any threats or insecurity in the exercise of your work?*

**JDP:** There was the threat by text message made by Frederick Wassef [lawyer for Jair Bolsonaro's family] shortly after the podcast about the investigation went live, in 2021.<sup>48</sup> Another time, he had told me that the violence scenario in Rio de Janeiro was dangerous and that I could be shot in the face, he said it to intimidate me. Then, attacks on social media started.

**ARTICLE 19:** *How do you see the legacy of the Bolsonaro government regarding the confidentiality of information? What will be the future challenges on this topic?*

**JDP:** They made this misinterpretation of the General Data Protection Law to restrict the Access to Information Law, these are not conflicting laws, and the Bolsonaro government used this to restrict access to public information. A positive point of the new government is to review these previous acts. This

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<sup>46</sup> In February 2020, Bolsonaro suggested that Patrícia Campos Mello, a journalist at Folha de S. Paulo, had sexually insinuated herself to get information. In a story, the journalist denounced the use of illegal messages during the presidential campaign.  
[https://www.correiobraziliense.com.br/app/noticia/politica/2020/02/18/interna\\_politica,828834/bolsonaro-sobre-reporter-da-folha-ela-queria-dar-um-furo-jornal-reage.shtml](https://www.correiobraziliense.com.br/app/noticia/politica/2020/02/18/interna_politica,828834/bolsonaro-sobre-reporter-da-folha-ela-queria-dar-um-furo-jornal-reage.shtml)

<sup>47</sup> Journalist Vera Magalhães was verbally attacked by Bolsonaro, candidate for re-election, during the first presidential debate, which took place on August 28, 2022.  
<https://www.uol.com.br/splash/noticias/2022/08/28/jornalistas-mulheres-defendem-vera-magalhaes-apos-ataque-de-bolsonaro.htm?cmpid=copiaecola>

<sup>48</sup> In a text message, Frederick Wassef would have suggested that journalists who investigated authorities in certain places of the world could suffer reprisals: "In China, you would disappear, and they would not even find your body".



interpretation was mistaken and deliberate. There was a relationship of very ill will with the press, so they wanted to deprive the journalists of all access to information they could. I hope that this trend by the Executive reverberates, because we feel the same attempt to block information in other areas and local sectors. To give you an example: it is totally possible for an agency to blur and hide an Individual Taxpayer Identification Number [in Portuguese, *Cadastro de Pessoa Física*] or personal information that may appear in a document, and then make it available for the press or civil society to consult it, you don't need to block the entire document because of that.

**ARTICLE 19:** *How does the data that was erased in the previous government impact your work as a journalist?*

**JDP:** I think we will find out the exact dimension of this problem as we go. We have a few days of the new government, and we see that data that was on the transparency portal do not match with other details. So, we are still trying to understand. It certainly had an impact, but we don't know the dimension of the impact.

**ARTICLE 19:** *On disinformation campaigns, how to stop the advance of the extreme right's domination in social networks?*

**JDP:** This debate is one of the most complex and challenging from the point of view of communication, if not the biggest. Nothing will make it go away completely. I think the process of identifying and holding accountable those who run disinformation campaigns is one point. Anyone who does this in a systematic, organized manner needs to be held accountable. And society must learn about the responsibility of sharing news, and how to check the information minimally. The penal code cannot be applied outside the internet, but inside it as well. In that sense, the anti-democratic attacks of January 8 were serious, but there had been other violence before that. I believe that the process of holding accountable people who do this is important in trying to improve that environment. Another point is to discuss the regulation of platforms, which act as if they have nothing to do with the discussion and are not part of the problem.

**ARTICLE 19:** *What will be the role of the press in rebuilding democracy?*

**JDP:** I believe that the challenge, and the role of the press, will be to cover different areas of the country, because it was devastated in different sectors: there is an economic crisis, there is the tragedy [of hunger] involving the Yanomami, the attacks

against democracy, the future of criminal matters involving members of the Bolsonaro government, among others. We will need a lot of journalists for all this!<sup>49</sup>

**ARTICLE 19:** *In the current management of the Federal Government, what will need to be rebuilt in the relationship between the Executive and Legislative Powers and the media?*

**JDP:** The way the last two governments treated the press is incompa-

rable; such a comparison would be a false symmetry. But some recent episodes show problems in the current government as well. I think the note from the Federal Government's Communication Secretariat (Secom) against the photographer Gabriela Biló, about a photo of president Lula, was bad. One can criticize the work or question the technique used, but the note goes beyond that, which is not healthy for freedom of the press and for photojournalism. But, in general, dialogues need to be rebuilt, as

*“I believe that **the challenge, and also the role of the press, will be to cover different areas of the country, because it was devastated in different sectors: there is an economic crisis, there is the tragedy involving the Yanomami, the attacks against democracy, the future of criminal issues involving members of the Bolsonaro government, among others**”*

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<sup>49</sup> <https://www1.folha.uol.com.br/cotidiano/2023/01/fome-transforma-aldeias-yanomamis-e-faz-aumentar-resgates-aereos-de-criancas-e-idosos-desnutridos.shtml>

already seen in some episodes, such as the resumption of the traditional president's breakfast with journalists. The process of covering the transition of governments was also smooth. Respect must be cultivated and there must be a separation between criticism and offense, especially not personalizing this criticism, as it happens when a president's followers come and personally attack a journalist, mentioning their character as a professional, making montages or tagging them on social media so

that a horde of people find and attack them. In the case of Gabriela, the photo<sup>50</sup> she took showed cracked glass, and they made montages from it, with the journalist in the center with a shot in the head and dripping blood. This came from admirers of president Lula, which is serious. This came from civil society, which is still an aggressive environment for us journalists. We still lack this awareness of separating criticism from offenses, the understanding that some criticism is made so that the press can improve.

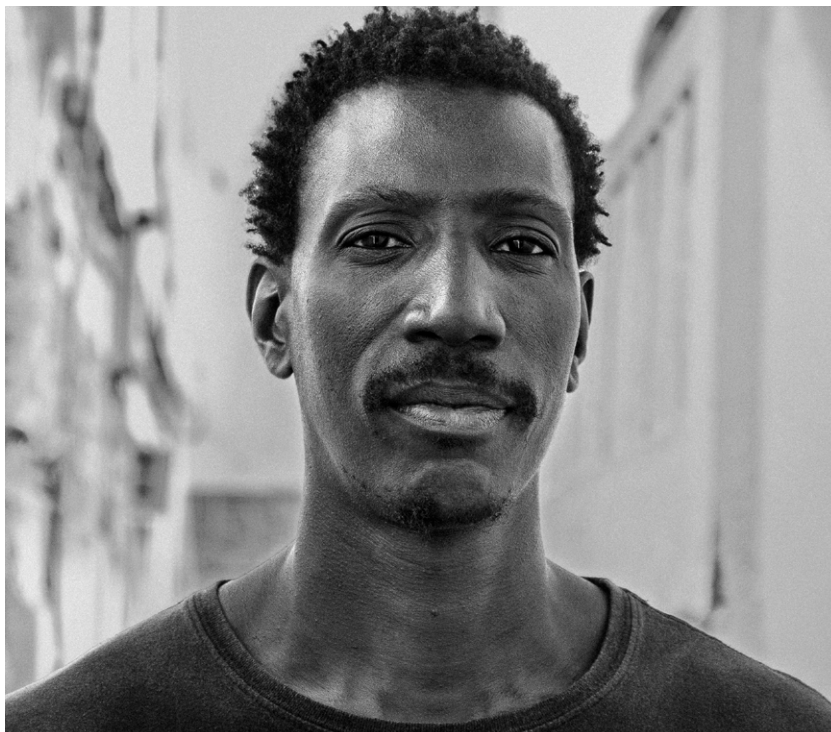
***“Respect must be cultivated and there must be a separation between criticism and offense, especially not personalizing this criticism, as it happens when a president’s followers come and personally attack a journalist, mentioning their character as a professional, making montages or tagging them on social networks so that a horde of people find and attack them”***

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<sup>50</sup> Taken by photographer Gabriela Biló, the photo published by Folha de S. Paulo on January 19, 2023, was composed using the double exposure technique and contained the image of president Lula with broken glass at heart level. In a note, the Federal Government Communications Secretariat stated: “It is regrettable that the newspaper Folha de S. Paulo has produced and amplified a non-journalistic image suggesting violence against the president of the Republic, Luiz Inácio Lula da Silva, in the context of the anti-democratic acts of January 8. It is a montage, as it does not portray any moment that happened”.

## Entrevista

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*Photo: Press release*

### Ronilso Pacheco

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*Theologian, preacher, and professor at the University of Oklahoma (US)*

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**Religion also has an instigating  
role in democracy**

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Brazil has witnessed, in recent years, at least two issues that combine religious intolerance and attacks on the rights of freedom of expression and protest. The first is the participation of religious leaders of Christian fundamentalism in anti-democratic actions, such as the one that occurred on January 8, 2023. Preachers – some of them also politicians – summoned, organized, and participated in the acts that vandalized the buildings of the Three Powers.<sup>51</sup> The second issue is the violation of freedom to express and manifest religions of African origin. According to the report by the Commission for Combating Religious Intolerance, 91% of attacks in the state of Rio de Janeiro in 2021 were aimed at them,<sup>52</sup> and in 56% of these cases, the aggressor had a connection with an evangelical church.

Theologian Ronilso Pacheco, who graduated from the Pontifical Catholic University of Rio de Janeiro (PUC-Rio) and has a master's in Religion and Society from Columbia University (US), is an attentive researcher of the violation of religious freedom in Brazil. He is currently an assistant professor at the Department of Philosophy at the University of Oklahoma (US), where he also develops research in the field of Political Philosophy, with an interest in the intersection between politics, race, religion, and the public sphere. He is also the author of the books *Occupy, resist, subvert: church and theology in times of violence, racism, and oppression* (*Ocupar, resistir, subverter: igreja e teologia em tempos de violência, racismo e opressão*) and *Black theology: the anti-racist breath of the spirit* (*Teologia negra: o sopro antirracista do espírito*). In an interview with us, Pacheco analyzes the paths that freedom of religious expression in Brazil might take after four years of having an Executive Power that was committed to the defense of fundamentalist Christian supremacy.

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<sup>51</sup> <https://apublica.org/2023/01/a-face-religiosa-do-terrorismo-pastores-articularam-caravanas-e-convocaram-ataques-em-bsb>

<sup>52</sup> <https://g1.globo.com/rj/rio-de-janeiro/noticia/2022/01/22/estudo-mostra-que-religioes-de-matrizes-africanas-foram-alvo-de-91percent-dos-ataques-no-rj-em-2021.ghtml>

**ARTICLE 19:** *What is freedom of religious expression for you?*

**Ronilso Pacheco:** I would define it as the possibility, that anyone has, to express beliefs and convictions of faith in any space or place, respecting democratic boundaries, without being coerced by it. The possibility of not having to live in a place where a specific faith is imposed as a reference or standard to be followed. If you have these two environments, you have freedom of religious expression.

**ARTICLE 19:** *What would be the boundaries of this freedom so that hate speech against marginalized religions is not perpetuated?*

**RP:** There is the attitude of certain leaders and their followers [to produce hate speech] with regards to other religions, but, above all, I would highlight how the State manages the coexistence of these religions. I think that the first step to prevent freedom of religious expression from becoming a threat to other beliefs, weakening them, and not encouraging hatred and intolerance is to reaffirm the importance of the secular State, to keep it as the main caretaker of religious coexistence. A State that does not take sides with a particular religious position and strictly respects the place of expression and manifestation, the culture and historical reality of all religions, so that they can coexist in

*“Freedom of religious expression is the possibility, that anyone has, to express beliefs and convictions of faith in any space or place, respecting democratic boundaries, without being coerced by it. The possibility of not having to live in a place where a specific faith is imposed as a reference or standard to be followed”*

***“It will be a task for evangelicals who value diversity, democracy, and human rights to erase this legacy, this feeling that being evangelical means being conservative, an almost automatic association”***

harmony. In a way that, if one of them, based on the attitude of its members and leaders, threatens the existence, puts at risk, violates, or makes other beliefs vulnerable, the State can intervene to say that, in those spaces, territories and societies, all beliefs must be respected. Of course, it is difficult to inhibit any excess at any time: for example, neighbors who profess different religions may have animosities, be offended, disrespect each other and be intolerant of the other’s religion. But we can’t admit that the State takes sides with a certain religion. Every time a religion is threatened and made vulnerable, the State must act.

**ARTICLE 19:** *What is the legacy of Bolsonarism regarding religious freedoms?*

**RP:** The most visible thing – I don’t know if it’s exactly a legacy, but what

was seen over four years – was the defense of Christian supremacy, the superiority of a conservative, ultra-fundamentalist type of Christianity, aligned with the Executive’s ideological ethics. It was such a massive presence that churches in the evangelical spectrum ended up leaving with their reputation and public impression damaged by how the Bolsonaro government used them in the conservative field. It will be a task for evangelicals who value diversity, democracy, and human rights to erase this legacy, this feeling that being evangelical means being conservative, an almost automatic association.

**ARTICLE 19:** *What will be the other challenges for the coming years?*

**RP:** These will be challenges that, basically, already existed and that may have been made worse by the

Bolsonaro government. First, to establish a new kind of dialogue and approach with the churches to understand the complexity and diversity of this field, in order not to encourage more evangelical perspectives from the big leaders and media names. There is the challenge of preserving and valuing, once again, religions of African origin, looking at them closely so that they have the guarantees of their expression and freedom, these being the ones that suffered the most in terms of persecution and violence. A third point is to sew harmonious co-existence [between religions] from the State. I think it must be more incisive, not just ensuring that religions have a guaranteed space to exist and manifest in an official manner but showing that the government acknowledges the importance of religion in the public

sphere and that religion also has an instigating role in democracy. Religions are important for democracy.

**ARTICLE 19:** *How to recompose this narrative of equality between religions in the public sphere?*

**RP:** Certainly, dialogue is the key for that. Dialogue between the Powers, but also between religious leaders committed to democracy, human rights and diversity, and respect for plurality. The emphasis and encouragement of inter-religious dialogue, and the recognition of the role religions play in the public sphere – which is not a separate field, but a fundamental part of the formation and strengthening of society – imply the strengthening of a pact for the contribution that religions can give to a democratic society.

***“Dialogue is the key. Dialogue between the Powers, but also between religious leaders committed to democracy, human rights and diversity, and respect for plurality”***



*“There is this process of radicalization of Christian religious fundamentalism, which has deepened, and which includes Catholics as well. It will be a challenge to de-radicalize church members”*

**ARTICLE 19:** *Will religious fundamentalism persist in the Legislative?*

**RP:** It will. And it will be a huge challenge. Even if it does not find an echo in the Executive, it does not mean that it will weaken or retreat; on the contrary, it can reassert itself. There is this process of radicalization of Christian religious fundamentalism, which has deepened, and which includes Catholics as well. It will be a challenge to de-radicalize church members, it must be closely monitored so that churches do not become a kind of incubator for radicalization, fundamentalism, for the creation of moral panic and persecution. A fundamentalism that is better articulated in parliament and that, however small it may be in terms of totality, has strength in the construction of narratives and speeches that are endorsed even by those who are not part of this specific Christian field. Thus, we must watch the articulations that can be built.

**ARTICLE 19:** *How can religious fundamentalism in the Legislative impact the rights to freedom of expression and religious manifestation?*

**RP:** It will look like what Dilma Rousseff’s government experienced when creating the National Human Rights Plan: lies and attacks during election debate times; the attempt to consolidate in it the so-called “gay cure”, for example. I think the “evangelical caucus” [*bancada evangélica*], as it’s called in Brazil] will continue with its internal divisions but with convergence in some of the agendas. It is important for the Executive to rethink the strength that this caucus gives to itself as a representative of most evangelicals. To dialogue more with evangelicals, who have their many stories, diversities, and presence in the peripheric places, and to look less at what this group tries to determine.



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## Perspectives

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### ESSAY

# Strategies for a new role as an international protagonist

The current moment, with the third term of Luiz Inácio Lula da Silva as president of Brazil, is marked, in the field of foreign policy, by the combination of new and persistent factors. Persistent factors are those that remain unaltered – at least stable – since Lula took office for the first time, in 2003. New factors are all those that represent a radical or, at least, relevant change in the comparison with 20 years back. The perspectives for Brazil's international role as a protagonist in the current government will depend on the ability to balance between what is unaltered and what is new.

Although Brazil has seen its international importance decrease over the four years of former president Jair Bolsonaro's administration, the facts

remain unchanged: Brazil's dimension, weight, and relevance in the international scenario. The country continues to be a strong economy. Acknowledging this perennial aspect now includes, however, new situations: 1. fortunately, in the last 20 years, international interest and concern with the environment and native peoples have grown; 2. the Covid-19 pandemic has expanded poverty and deepened inequality globally; 3. democratic consensuses are under attack; 4. and the exercise of freedom of expression is challenged by new technologies.

Today's Brazil offers the world not only soybeans and iron ore, as it did before, but also its indispensable role in tackling climate change. This additional

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element was already present, but not with the same strength from the point of view of the narrative, the reputation, and the international actions. The environmental scandals carried out by Bolsonaro, especially in the Amazon, highlighted this issue and gave Lula the chance to renew commitments that, in his first two terms, did not seem to be as visible as they are now.

The environment is an example of a combination of persistent factors and new scenarios. The same happens regarding democracy, a field in which Brazil has come to figure, alongside the United States, as one of the world's greatest examples of how harmful the actions of a nationalist extreme right that shamelessly organizes itself can be. The traumatic experiences with

Donald Trump and Jair Bolsonaro – two populist, violent, and authoritarian leaders, with little appreciation for democracy and controlling institutions – made most of the world look at Brazil. The country was seen as an example of how a democracy can deteriorate if it succumbs to harassment by extremist populist leaders. The episode gives Lula even greater legitimacy to defend these democratic principles in the international sphere.

Faced with democratic influxes, freedom of expression began to be used as an excuse for the dissemination of hate speech and for the legitimization of violence. The victorious experience of Brazilian society during the 2022 elections, facing disinformation and political violence, as well as positioning the

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debate on the legitimate limits to freedom of expression, places Brazil as an important reference for the international defense of democracy in other regions. Aware of this, the Lula government has announced that Brazil wants to lead the global fight against misinformation and fake news.

Another matter dear to the government, and which is renewed, is the global fight against hunger. Global food security is revamped by the socioeconomic effects of the pandemic. Brazil has already been an international example in this agenda and, if it manages to implement effective actions internally to combat the return of extreme poverty, it will gain authority to reassume Lula's prestige as a global leader in this issue.

"Environment", "democracy and freedom of expression", and "the fight against hunger" are three examples of fields in which perennial factors ap-

pear coated with new elements. But that's not all. Something similar can be said about international security, a field where the old Cold War dispute appears under a new varnish with Russia against Europe and the US in the war in Ukraine. The scenario is no longer immobilized by communism versus capitalism polarization as in the post-war. Today's China – a global economic power, inserted in the market economy – is not the same as the newly post-rural period of the 1960s. Vladimir Putin's Russia is not the pre-1991 Soviet empire. In these cases, the elements are new, but we can still notice the echoes of old, persistent disputes. While a new bipolar global order is being established with China and the US, which are vying for influence on different continents, Brazil can stand out by advocating for a multipolar world that ensures the role of the global south and the rebuilding of spaces for regional integration in Latin America.

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Latin America is not the same in 2023 as in 2003, either. Bolivarianism co-exists with new democratic lefts, like the one that came to power in Chile with Gabriel Boric, in Colombia with Gustavo Petro, and like the one that claims, everywhere, greater emphasis on issues of human rights, gender, and race, making claims that were previously taken by class concerns even more complex. Left-wing leaders who hesitate about respecting democracy are no longer tolerated as uncritically or indulgently as they once were.

For Brazil, it's clear that the prevalence of human rights in international relations, the defense of peace and multilateralism, the reform of international instances of representation of countries and other mantras are back in force, after the years under Bolsonaro. This could be a compass that points to a known north. The question is how to manage to set that course in a sea of facts that has changed so much in 20 years, forcing Brazil to update the nautical charts with which it navigates its foreign policy.

### ***Paulo Abrão***

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*Senior advisor at ARTICLE 19, director of the Washington Brazil Office and visiting professor at Brown University (US)*

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# EXPRESSION AGENDA 2023

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ARTICLE 19's various initiatives seek to strengthen the process of rebuilding social relations and public policies in the country. Among our actions, three fronts stand out in 2023: **reimagining**, **protecting**, and **informing**.

## 1

### REIMAGINING

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#### Reimagining democracy through technology

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To use technology to strengthen democracy, there must be transparency in decision-making and voting processes, requiring virtual environments that enable the right to expression as well, without hate speech and persecution. Our priorities are ensuring digital freedom and responsibility through research, debate, and advocacy; innovating in revising electoral rules and systems and in the creation of mechanisms for social participation; discussing the monopoly of platforms and social networks that compromise democratic processes.



## 2 PROTECTING

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### **Protecting protesters, artists, journalists, and communicators**

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We will dedicate our efforts to building new State mechanisms that provide effective protection to social manifestations, in addition to integrating civil society networks to support threatened artists, journalists, and communicators. Supporting individuals, associations, social movements, and media outlets in matters of digital and physical security, as well as situations of political violence, is still essential for us – particularly when these acts are enhanced by discrimination based on race, gender, and other diversities.

## 3 INFORMING

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### **Informing for transparency**

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The right to information has been under constant attack in recent years. ARTICLE 19 monitors the reduction of spaces of transparency, the establishment of illegal and undue confidentiality, and the increase of technologies for espionage and privacy invasion. On our agenda, we highlight the cooperation with partner entities for the ratification of the Escazú Agreement – expanding environmental democracy – and the promotion of the discussion on memory and truth policies, as well as the construction and maintenance of collections, museums, and mechanisms for access to information in favor of transparency.



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A red geometric graphic consisting of two overlapping triangles, one pointing left and one pointing right, creating a central horizontal gap.

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