



**ARTIGO<sup>19</sup>**

**MAGAZINE**  
number **4**  
december **2025**

**AMPLIFYING VOICES,  
STRENGTHENING DIVERSITY,  
AND RESHAPING DEMOCRACY**





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DO POVO

GOBERNANIA  
SILI  
TRAIDO

AM  
DO  
GO



**RESHAPING  
DEMOCRACY**

# INTRODUCTION

## FREEDOM OF EXPRESSION IN DISPUTE

We are living through a critical global moment, marked by the rise of authoritarian governments and the erosion of democracy. At the same time, economic inequality is deepening: the wealth of the world's five richest men has increased 114% since 2020, while that of 60% of the global population has decreased.<sup>1</sup> Two-thirds of the world's population has less freedom of expression now than a decade ago.<sup>2</sup> Different political forces dispute the meaning of freedom of expression, and we see the instrumentalization of this right by both governments and large technology corporations.

In Latin America, the explicit support of the United States and major businesses for far-right movements has accelerated the erosion of institutions, consolidating an authoritarian capitalism that demonstrates that it does not need democracy to sustain itself, threatening individual and collective freedoms.

**OUR COMMITMENT:  
AMPLIFYING VOICES  
TO RESHAPE DEMOCRACY**

It is in this context that ARTICLE 19 Brazil and South America launches the fourth issue of its magazine, under the theme “Amplifying

voices, strengthening diversity, and reshaping democracy.” We argue that true democracy is not sustained solely by institutionality, but through social justice, popular participation, and greater diversity in public debate.

The freedom of expression we strive for aims to ensure that historically marginalized and silenced groups can make their voices heard. To achieve this, we must foster an open and pluralistic information and communication technology ecosystem, both in terms of its actors and its infrastructure. We must also ensure a safe environment for the free expression of these communities.

Defending democracy involves deepening the achievement and exercise of rights—among them, freedom of expression and access to information.

## A NEW MOMENT FOR ARTICLE 19

This edition marks a turning point in our organization's trajectory. Since September 2023, we have adopted a collegiate board, consolidated this new governance, and optimized our program areas to reflect our mission in a more contemporary way.

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1 • Data from the report “Inequality Inc. How corporate power divides our world and the need for a new era of public action,” produced by Oxfam International — <https://www.oxfam.org.br/forum-economico-de-davos/desigualdade-s-a/>

2 • Data from the *Global Expression Report 2025*, prepared by ARTICLE 19 — <https://www.globalexpressionreport.org/>



Amid the rise of authoritarian threats in the region and the still-incipient processes of institutional reconstruction, we believe it is crucial to advance

an agenda that promotes not only the preservation of freedom of expression, but also its strengthening as a tool for social transformation.

### OUR PROACTIVE AGENDA

In this publication, we deepen our understanding of these challenges and focus on proposing a proactive agenda to build the democracy we want. Our priority is to strengthen the voices of historically silenced groups, such as Black people, Indigenous people, women, LGBTQIAPN+ people, rural and urban workers, and so many other communities denied the exercise of freedom of expression.

This agenda is expressed on multiple fronts, ranging from the development of technological alternatives guided by the public interest—with greater prominence from the Global South in decision-making—to the promotion of independent journalism and community communication. It also includes confronting

violence and attempts to silence communicators, human and environmental rights defenders, and artists; protecting and promoting freedom of expression in all its dimensions, including artistic freedom, freedom of the press, the right to defend rights, and access to information; and formulating clear parameters for the protection of freedom of expression in Brazil and the region.

We prioritize collective construction and expanding the capacity for critical analysis and social mobilization around issues of freedom of expression and other essential policies, such as technology, culture, and science.

We have divided the magazine into four main sections:

**Reshaping democracy** introduces the context and theme of the magazine, including an interview with our executive board about the challenges and lessons learned so far and how they translate into the organization’s work and positions. The section also highlights the democratization of communication as a cross-cutting theme and a guiding principle for understanding many of the challenges discussed throughout the publication

**Democracy under threat** examines contemporary challenges to freedom of expression from a global perspective, drawing on data from the *Global Expression Report (GxR) 2025* and highlighting the interdependent relationship between democracy and freedom of expression. The section also analyzes the hemispheric repercussions of Donald Trump’s return to the United States presidency, marked by strategic isolationism and the intensification of authoritarian rhetoric. The role of large social media platforms appears central, focusing on recent changes to Meta’s moderation policies, the concentration

of power, business models based on algorithmic curation, and the need for regulatory responses that prioritize transparency and competition. The section includes an exclusive interview with Rose Marie Santini of NetLab/UFRJ and dedicates a segment to the situation in South America, addressing recent setbacks in neighboring countries. It concludes with an interview with María José Guembe and Paula Litvachky, directors of the Center for Legal and Social Studies (in Spanish, *Centro de Estudios Legales y Sociales*, CELS), focusing on Argentina under Javier Milei.

**Old anti-democratic tendencies** examines how historical mechanisms that restrict freedom of expression remain active and are reconfigured in the present. It begins with an analysis of the scope of Article V of the Brazilian Constitution of 1988 and how its effectiveness depends on often erratic judicial interpretations. It revisits ADPF 130 and the persistent challenges to press freedom, as well as the legal frameworks in dispute—from the Law for the Protection of the Democratic Rule of Law to crimes against honor—highlighting problems of vagueness, arbitrariness, and the risks of prior censorship. The section also addresses the recurring practice of judicial harassment as a systematic strategy of silencing, with a disproportionate impact on vulnerable groups and a chilling effect on public debate. It concludes with an interview with journalist Cristian Góes, whose remarkable case of the criminalization of a fictional text became emblematic of this form of persecution.

In the final section, **Strategies for a plural democracy**, we outline future perspectives for strengthening freedom of expression, presenting ARTICLE 19 Brazil and South America's proactive agenda and its main areas of action aimed at democratizing democracy itself. It also brings together tools for protecting the foundations of democracy, highlighting the case of Dom Phillips and Bruno Pereira and the working group of the Inter-American Commission on Human Rights (IACHR), a space created to monitor and propose protective measures for communicators and human rights defenders in Vale do Javari. It also includes the Sales Pimenta Working Group and the National Plan for the Protection of Human Rights Defenders, as well as the report *Artistic Freedom from the Perspective of International Human Rights Law* (2024). The section also addresses historical and contemporary forms of repression, international normative frameworks, and structural vulnerabilities that limit progress. We conclude with a conversation with writer Jeferson Tenório, whose novel *The Dark Side of Skin* was censored in some Brazilian states in 2021, despite being part of the Ministry of Education's National Textbook and Educational Materials Program. Tenório reflects on resistance and the role of literature and art in authoritarian contexts.

We believe that the fight for freedom of expression must be linked to the fight for other rights. This magazine is an invitation to reflection and action so that, together, we can

affirm that this issue belongs in the democratic sphere, ensuring that it effectively serves to amplify voices, strengthen rights, and build the democracy we want



# RAÍSA CETRA AND PAULO JOSÉ LARA

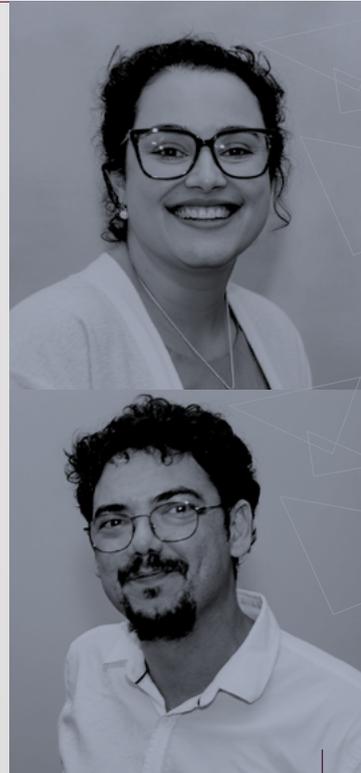
“ *Real democracy  
is not sustained solely  
by institutionality.* ”

In this interview, the executive directors of ARTICLE 19 Brazil and South America, **Paulo José Lara** and **Raísa Cetra**, reflect on the contemporary challenges of freedom of expression and the organization’s role in a scenario marked by the rise of authoritarianism and the concentration of communication

power. They discuss the need to democratize democracy itself, arguing that regulating digital platforms must go hand in hand with strengthening historically silenced voices, and they point to ways for freedom of expression to be recognized not as a threat, but as a foundation of democratic life.

**Raísa Cetra** is Co-Executive Director of ARTICLE 19 Brazil and South America and a PhD candidate in Global Health at the University of São Paulo. She holds a bachelor’s degree in international relations and completed a master’s in public policy and human Rights at the Universidad Nacional de Lanús (Argentina). Her professional career is dedicated to the defense of rights in Latin America, particularly as part of civil society on issues related to International Human Rights Law and the development of public policies that respect and promote these rights, especially in areas such as migration, democracy, and freedom of expression.

**Paulo José Lara** holds a degree in Social Sciences and a postgraduate degree in Science and Cultural Communication, both from the University of Campinas, as well as a master’s in Sociology of Culture and a PhD in Politics, both from the University of London. A member of the Latin American Network for Surveillance, Technology, and Society Studies, he is Co-Executive Director of ARTICLE 19 Brazil and South America. He has worked as a teacher in schools and universities, as a researcher and consultant for the Ministries of Communications and Culture, and as a parliamentary advisor.



**THE THEME OF THIS EDITION IS “AMPLIFYING VOICES, STRENGTHENING DIVERSITY, AND RESHAPING DEMOCRACY.” HOW DOES THIS TRANSLATE INTO THE ORGANIZATION’S WORK?**

**PAULO JOSÉ LARA:** We thought of this magazine as a way to dispute the concept of freedom of expression, which has been appropriated by antidemocratic groups to justify extremist actions and ideologies.

We want to demonstrate that many problems attributed to “excessive” freedom of expression are actually the result of restrictions that already exist today. Less freedom of expression won’t solve issues like offensive speech, attacks on institutions, racism, or LGBTphobia. More freedom of expression will allow for clearer debates, transparent political debate, and provide historically silenced voices with more space and opportunities for effective participation.

**RAÍSA CETRA:** The political debate has focused on the idea that it is necessary to restrict freedom of expression to defend democracy. Even our own democratic sphere has, to a certain

extent, positioned freedom of expression as an enemy. We are trying to forge a different path: the logic of any regulation must aim to protect freedom of expression and promote historically silenced voices, expanding their presence in public debate.

In the restructuring we implemented at the beginning of our administration, we established two major lines of action that complement each other. The first was about regulating digital markets from a protective perspective—breaking monopolies and enabling the creation of new business models and technological solutions.

The second line deals with the promotion of individuals and communities historically excluded from public debate, working closely with popular communication and confronting censorship of journalists, communicators, human rights defenders and artists.

Regulation alone is not enough: for a more plural and diverse public debate, we need other voices to be empowered, protected, with less risk and better conditions to act.

“ *When we defend democracy,  
we cannot seek to return to the previous state.  
We defend a democracy that allows diverse  
voices in a more pluralistic  
and egalitarian public debate.* ”

— Raísa Cetra

Co-Executive Director of ARTICLE 19 Brazil  
and South America

**YOU MENTION “DEMOCRATIZING DEMOCRACY ITSELF.” WHAT DOES THAT MEAN?**

**PAULO JOSÉ LARA:** After January 8, 2023, society, including the progressive camp, focused primarily on maintaining Brazil’s democratic

institutions—even if that meant giving up rights, especially freedom of expression.

We consider the preservation of democratic institutions, the democratic rule of law, and representative democracy to be fundamental. But

we have always maintained that true democracy, justice, and equality do not come automatically just because institutions are in place. They come about through participation, increased debate, and greater influence of the population in political and economic decisions.

**RAÍSA CETRA:** Our democracy has never been perfect in the field of communication—it has always been unequal, concentrated, with little space for historically silenced voices, independent journalism, popular communication, and the defense of human and environmental rights. When we defend democracy, we cannot seek to return to the previous state, much less to something worse. We defend a democracy that allows diverse voices in a more pluralistic and egalitarian public debate.

#### **WHAT'S ARTICLE 19'S POSITION IN THE FACE OF THE RISE OF AUTHORITARIAN DISCOURSES?**

**PAULO JOSÉ LARA:** We are deeply concerned about the rise not only of authoritarian discourse, but also of authoritarian actions around the world—xenophobic, totalitarian, and racist discourse that attacks sexual and gender diversity and is achieved through political and electoral victories. Even countries that once considered themselves great democracies, such as the United States, now engage in actions typical of totalitarian regimes: persecution of academics, artists, immigrants, and activists.

But eliminating these discourses doesn't necessarily eliminate authoritarian practices. Preventing ultraconservative discourse doesn't prevent these political movements from winning in public debate and elections. The reaction must be carefully considered: many respond with eagerness to curtail the exercise of freedom of expression, as if these restrictions wouldn't primarily impact vulnerable populations—precisely those who resist authoritarian governments.

**RAÍSA CETRA:** We work to differentiate the problem of the political order—marked by the rise of authoritarianism, from the spread of unprotected speech—that is, expression not covered by freedom-of-expression protections.<sup>3</sup> For us, there's a big difference when such discourse occurs within an organized, concrete movement that threatens democracy, compared to individual demonstrations.

Is the problem the discourse itself, or the political projects expressed through it? Focusing on discourse can lead us to less effective solutions. Part of the solution lies in the rules of political, electoral, and social participation. A strategic question: will we hold accountable all those who call for the return of the dictatorship and spread misinformation, or focus on the representatives, senators, and political and economic leaders who organize and finance this new order??

#### **WHAT IS THE ROLE OF DIGITAL PLATFORMS IN DEMOCRATIZATION AND HOW CAN THEY BE REGULATED?**

**PAULO JOSÉ LARA:** “Digital platforms” is a broad concept, ranging from blog publishing tools like WordPress to Instagram, for example. Both are digital content platforms, but they play extremely different roles. Applications that enable expression and public manifestation are fundamental to the democratization of communication. They are part of the collaborative nature of the internet and allow people to express themselves in ways never before seen in history.

In a second phase, there was a closure, with the appropriation of these technologies as a business model. Large social networks were created by people with libertarian backgrounds, distrustful of regulations and the state, and with an individualistic perspective. Combined with this ideological basis, the gigantic growth of these platforms resulted in economic power that

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**3 •** Unprotected speech is excluded from the guarantees of freedom of expression provided for in international treaties and refers to serious situations such as incitement to genocide, war, sexual exploitation, and others.

intertwines with political power, empowering certain positions and decisions. This process materializes in practices such as content ranking, post monetization, ad microtargeting, and the opacity of algorithms—mechanisms that shape public debate and have profound impacts on democracy.

These are technical elements that are part of the business model. We need equality of arms, but there is currently no counterbalance to the power of these platforms.

**RAÍSA CETRA:** We advocate not losing sight of the internet’s original horizon—its potential for diversity and openness. But there has been a shift toward a highly concentrated model, in which a few businessmen have achieved dominance by buying out competitors, closing down the market, and selling bundled services, leaving users with fewer and fewer options. Worse still, today we see the strategic alliance of these platform owners with the global far-right—a declared proximity to authoritarian government logic.

That’s why we’re committed to economic regulation, aimed at curbing digital monopolies and oligopolies and limiting practices like vertical concentration of services, which restrict users’ freedom of choice. Service regulation is also necessary through transparency, independent audits, and regulatory authorities capable of imposing sanctions.

But regulation isn’t enough: it’s essential to encourage the development of alternative technologies and business models. Issues such as digital sovereignty, accessibility, and interoperability require a robust set of public policies, including financing and governance, geared toward a plurality of discourses.

## **HOW DOES ARTICLE 19 INTEND TO CONTRIBUTE TO ENSURING THAT THE 2026 ELECTIONS ARE BASED ON SOLID DEMOCRATIC VALUES?**

**PAULO JOSÉ LARA:** Our work has a core focus on gender and racial political violence. Those most affected by restrictions on freedom of expression, demonstration, and protest are women, LGBTQIAPN+ people, poor people, Black people, and Indigenous people. In order to have equality of arms and a healthy democratic debate, it is necessary to protect the speech of these people, who are disproportionately targeted.

Our work also focuses on the discussion of voting technologies. The electronic voting machine and the role of the Superior Electoral Court were heavily questioned in the last elections, and we continue to monitor and provide training on this legitimate debate: what election model we want, what technologies we use, what security systems we adopt, and how to expand social participation in electoral processes.

We also monitor, in partnership with other organizations, the integrity of the democratic process: attacks on democracy and political expression, abuse of economic power, the use of digital environments by political actors, and the progress of the reform of the Electoral Code, which will have a direct impact on freedom of expression in the 2026 elections. Our goal is to help ensure that democratic forces committed to human rights have a place in the debate and are not stifled by authoritarian agendas<sup>4</sup>.

**RAÍSA CETRA:** Our main goal is to ensure that, in 2026, the far-right doesn’t monopolize the discourse on freedom of expression, as has happened in recent elections. Trump, Milei, and the Bolsonaro supporters present themselves as great defenders of freedom, and they have

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4 • In the “Democracy Under Threat” section, we provide a brief commentary on the Supreme Federal Court’s recent decision regarding Article 19 of the Brazilian Internet Rights Framework. The text is based on the technical note “Judgment on the Constitutionality of Article 19 of the Brazilian Civil Rights Framework For The Internet By The Federal Supreme Court”, submitted by ARTICLE 19 in August 2025 and available at <https://artigo19.org/2025/08/15/nota-tecnica-decisao-do-stf-sobre-o-artigo-19-do-marco-civil-da-internet/>.

won this narrative battle because, in general, the democratic field doesn't engage in it. For us, defending freedom of expression also means defending gender equality, the rights of Indigenous peoples, and the strengthening of the Black movement—and we need to make this clear.

The second issue is to build a positive agenda. In the last elections, we were on the defensive, with few proposals coming from the human rights field and almost none related to freedom of expression. We want to support candidates who strengthen the field so that we can radicalize the defense of rights.

The third goal is to build resilience in the event of a defeat for the democratic field, learning from the experiences of organizations in other countries that prepared for setbacks but were still surprised by the speed of the attacks.

**WHAT MESSAGE WOULD YOU LIKE TO SHARE ABOUT THE FUTURE OF FREEDOM OF EXPRESSION?**

**PAULO JOSÉ LARA:** Freedom of expression is a fundamental tool for achieving and securing other rights, in addition to being a right in itself. As individuals, we have feelings, desires, and anguishes

that we need to express—it's a human condition. There's also a collective dimension: we are members of groups and societies, and the achievement of rights only comes through the intense exercise of conversation, dialogue, and expression. The development of new ideas, the advancement of science, the development of technologies, and the expression of creativity also depend on a free and conducive environment for the circulation of ideas.

This human condition has always been at risk from diverse powers. Never in history have we had such a great capacity for the diversification of information and exchanges—and, at the same time, it has never been so threatened by the configuration of economic and political powers as it is today.

So, the message is: the fight for other rights must be coupled with the fight for freedom of expression, which is fundamental if we want to avoid setbacks in democratic processes and to sustain the achievement of freedoms.

**RAÍSA CETRA:** Freedom of expression is essential for us to overcome this moment of advancing authoritarianism. We must focus on more freedom, not less; on more diversity, not less. It's time to reaffirm democratic principles, even when pragmatism seems tempting.

“ *The fight for other rights must be coupled with the fight for freedom of expression.* ”

— Paulo José Lara  
Co-Executive Director  
of ARTICLE 19 Brazil and South America



# DEMOCRATIZATION OF COMMUNICATION: HISTORICAL ROOTS AND CONTEMPORARY CHALLENGES

## FREEDOM OF EXPRESSION ON THE PERIPHERY OF CAPITALISM

“As a country on the periphery of capitalism, Brazil is not the paradise of demonstrations and expression that many people believe it is,” noted Paulo José Lara, Co-executive Director of ARTICLE 19, during a panel at the Estadão Think Forum — Freedom of Expression, held in April 2025 to celebrate the 150th anniversary of the newspaper O Estado de S. Paulo, in Brasília.<sup>5</sup>

This reflection points to a fundamental reality: the meaning of freedom of expression in Brazil differs substantially from countries like the United States or Germany, due to our historical and structural particularities.

Our colonial and unequal roots perpetuate issues related to communication and information. A history of colonialism and structural discrimination, such as race, has resulted in a significant portion of the population being excluded from the means necessary to make their voices heard in society. Such inequalities deepen the asymmetry in access to communication and information in the country.

### AUTHORITARIAN LEGACY AND MEDIA CONCENTRATION

Since the Republic, Brazil has spent more time under authoritarian regimes than under democracy, which explains why the country still faces violations of freedom of expression, the free press, and free expression. Although the 1988 Constitution and international treaties ratified by Brazil offer solid principles for addressing these issues, the issue of implementing these principles requires further evaluation.

The historical concentration of power in communication, especially broadcasting, and the chronic lack of resources for diverse journalism are reflections of this past. The failure to implement Chapter 5 of the Constitution, which provides for the tripartite division between public, state, and private communication and states that “the media cannot, directly or indirectly, be the object of a monopoly or oligopoly,” has resulted in the near-absolute dominance of private companies in the sector.

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5 • The panel can be watched at <https://www.youtube.com/watch?v=9sbe5UDPyLE>

## **DIGITAL CAPITALISM AND NEW EXPROPRIATION**

In the digital age, we experience what Lara defines as “info-financial capitalism,” based on the expropriation of users’ expressions and manifestations. This expropriation is as violent as the historical erasure of popular voices, but more subtle, as it sells the illusion of access, participation, and freedom.

Hegemonic social networks are part of this system and exacerbate the problem by dominating and directing public debate through opaque algorithms and engagement-based monetization models.

Therefore, the historical roots of social inequality, colonialism, prejudice and authoritarian periods in Brazil have created a structure in which access to communication and the very capacity for expression are asymmetrical and concentrated.

*The contemporary challenge is to politicize the debate on freedom of expression and technologies, ensuring that fundamental rights and the fight for democracy and justice prevail in the public sphere.*

## **SOCIAL MEDIA OLIGOPOLY**

All this historical context influences how freedom of expression is understood and exercised in the digital age, in which technology platforms, instead of expanding access to communication, can also perpetuate or intensify these structural inequalities.

This model allows companies to gain economic and political advantages, consolidating power structures that favor pre-established alliances to the detriment of democratic plurality.

The contemporary challenge is to politicize the debate on freedom of expression and technology, ensuring that fundamental rights and the fight for democracy and justice prevail in the public sphere. We need to advocate for more freedom of expression for all, not less.

## **SUSTAINABILITY OF INDEPENDENT MEDIA: MODELS FOR PLURAL JOURNALISM**

Ensuring the sustainability of independent media outlets and promoting more pluralistic journalism in Brazil involves addressing these historical and structural challenges. The proposed models seek to combat the concentration of power and scarcity of resources, chronic problems in the Brazilian communication ecosystem. In the digital environment, platforms like Facebook, Instagram, and Google hold significant market

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6 • Raquel da Cruz Lima is a human rights lawyer and researcher with a PhD in International Law from the University of São Paulo, Brazil. She has over 15 years of experience working with civil society organizations in Brazil, focusing on the criminal justice system, gender justice, and freedom of expression. She currently leads the Legal Reference Center at ARTICLE 19 Brazil and South America, where she monitors censorship in the arts and advocates for regional standards to protect the right to artistic freedom.

shares, creating nearly insurmountable barriers for smaller initiatives.

As Raquel da Cruz Lima, coordinator of the Legal Reference Center at ARTICLE 19 Brazil and South America,<sup>6</sup> notes, “the sustainability crisis isn’t limited to content visibility, but also involves the concentration of the digital advertising market.” This control by a few companies compromises the circulation of resources and the economic viability of independent journalism.

More recently, the so-called “Google Zero” effect has worsened this situation.<sup>7</sup> With the incorporation of generative AI tools into search engines, Google has begun offering direct, summarized answers to users’ questions, instead of directing them to external links. This means less traffic for news websites, which lose advertising revenue and see their dependence on large platforms increase.

The combination of ad market concentration and declining direct access threatens the balance of the news ecosystem, making it even more urgent to consider alternative funding models for independent journalism.

#### **ANTITRUST STRATEGIES AND COMPETITION**

To address this reality, we advocate for the economic regulation of digital markets and the use of competition law tools to redress the concentration of economic and political power in the hands of a few companies. This approach should not be limited to social media but encompass all information markets.

Combating concentration can open the way for new initiatives and more sustainable business models for independent media outlets. Competition

regulation should be seen as a fundamental tool for democratizing access to the media.

#### **TECHNOLOGICAL INNOVATION AND TRAINING**

At the same time, it’s necessary to foster technological solutions capable of competing with large platforms. The potential exists in academic research, the creativity of civil society, and technological developments useful to specific communities and business models.

It is also necessary to train communication groups, media outlets, communication companies, startups or new technology companies that are oriented towards defending human rights to enter a possible new landscape of digital markets that are more open through antitrust regulation.

#### **UNBUNDLING OF DIGITAL SERVICES**

An important structural proposal is the unbundling of services on social networks. We argue that the company that hosts a user’s profile and data on a communication service should not necessarily be the same one that curates the content on timelines (feeds).

Through Application Programming Interfaces (APIs)—interfaces that allow integration between systems—and interoperability, other companies or initiatives could offer alternative content curation. This would reduce the power of some corporations to unduly influence public debate through opaque algorithms.

As we detailed in the publication “Taming Big Tech”,<sup>8</sup> this measure would allow new agents to develop

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**7** • Guilherme Ravache, a consultant in digital journalism projects, discusses the “Google Zero” effect in his column for *Valor Econômico*. Available at <https://valor.globo.com/opiniao/guilherme-ravache/coluna/o-efeito-google-zero-o-armagedom-dos-veiculos-de-noticias-e-a-chance-de-um-recomeco.ghtml>.

**8** • ARTICLE 19 Brazil and South America’s publication presents proposals to address the concentration of power on digital platforms. It was adapted from a global campaign launched in 2021 under the same name. Portuguese version: <https://artigo19.org/2025/04/02/domando-as-big-techs-protendendo-a-liberdade-de-expressao/>. English version: <https://www.article19.org/wp-content/uploads/2023/02/Taming-big-tech-UPDATE-Jan2023-P05.pdf>.

recommendation and moderation mechanisms, enabling users to choose how and with whom they want to access online content, ensuring greater autonomy and fostering a more plural and inclusive digital ecosystem. Furthermore, practices such as interoperability and portability also allow users greater autonomy over their data hosted on digital services.

#### FOR A MORE DEMOCRATIC ECOSYSTEM

The sustainability of professional journalism

is an essential channel for the full exercise of freedom of expression. Therefore, seeking models that guarantee resources for a more diverse and pluralistic media is not only an economic issue, but also a democratic one.

The goal is to create a more heterogeneous digital environment, where different voices can compete on more balanced terms, overcoming the historical problems that limit informational plurality in the country

*The sustainability of professional journalism is an essential channel for the full exercise of freedom of expression.*

#### STRENGTHENING COMMUNICATORS: #COMPARTILHE (SHARE) CAMPAIGN

Since 2020, we have been working on the #CompartilheInformação (*share information*) campaign, focused on strengthening communicators, activists, and human rights defenders in combating disinformation.

In 2024, we held its fifth edition, focusing on #CompartilheDemocracia (*share democracy*), for the municipal elections. Nine participants from different regions produced content on political violence, electronic voting machines, mobility on election day, and the protection of communicators in the electoral context.

The result of this production can be found in the publication #CompartilheInformação #CompartilheDemocracia (*Share Information, Share Democracy*), organized by ARTICLE 19.<sup>9</sup>

In 2025, we held its sixth edition, focusing on the socio-environmental agenda. #CompartilheJustiçaClimática (*Share Climate Justice*) campaign selected 15 proposals from collectives, groups, and popular, community, and independent media outlets that applied to produce reliable content on climate emergency and justice, socio-environmental rights, and the United Nations Climate Change Conference (COP 30).



<sup>9</sup> • Available at <https://artigo19.org/wp-content/blogs.dir/24/files/2025/01/Publicacao-CompartilheInformacao-Compartilhedemocracia.pdf>



Photo: Mídia NINJA / Flickr

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# **DEMOCRACY UNDER THREAT**

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# GLOBAL CHALLENGES TO FREEDOM OF EXPRESSION

More than two-thirds of the world's population has less freedom of expression today than a decade ago, according to the Global Expression Report 2025 (GxR), produced by ARTICLE 19 Global.<sup>10</sup> Only 35 of the 161 countries analyzed are classified as “open.”<sup>11</sup>

The report assesses 25 indicators on the conditions for exercising freedom of expression

in each society and reveals systematic setbacks, with declines in aspects such as self-censorship, harassment of communicators, and government censorship, affecting more than 5.6 billion people. Only 15 countries improved in more than two indicators, while 77 saw declines. On average, for every person who saw progress over the past 10 years, another 19 experienced declines.

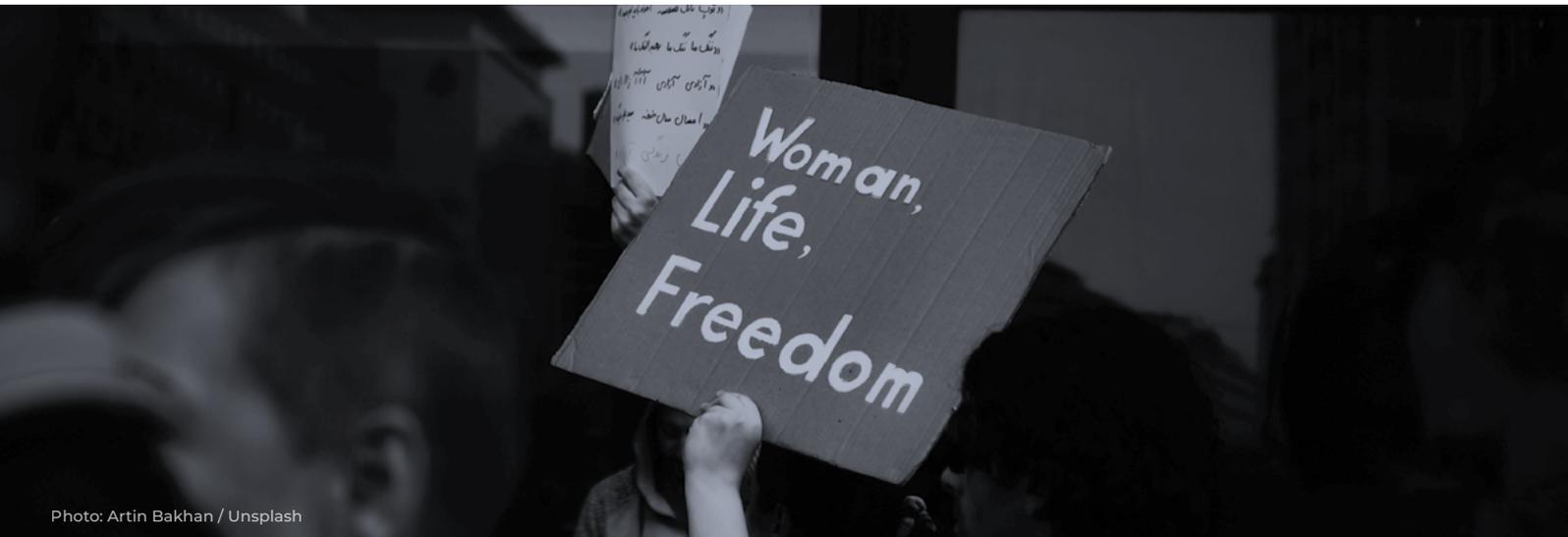


Photo: Artin Bakhan / Unsplash

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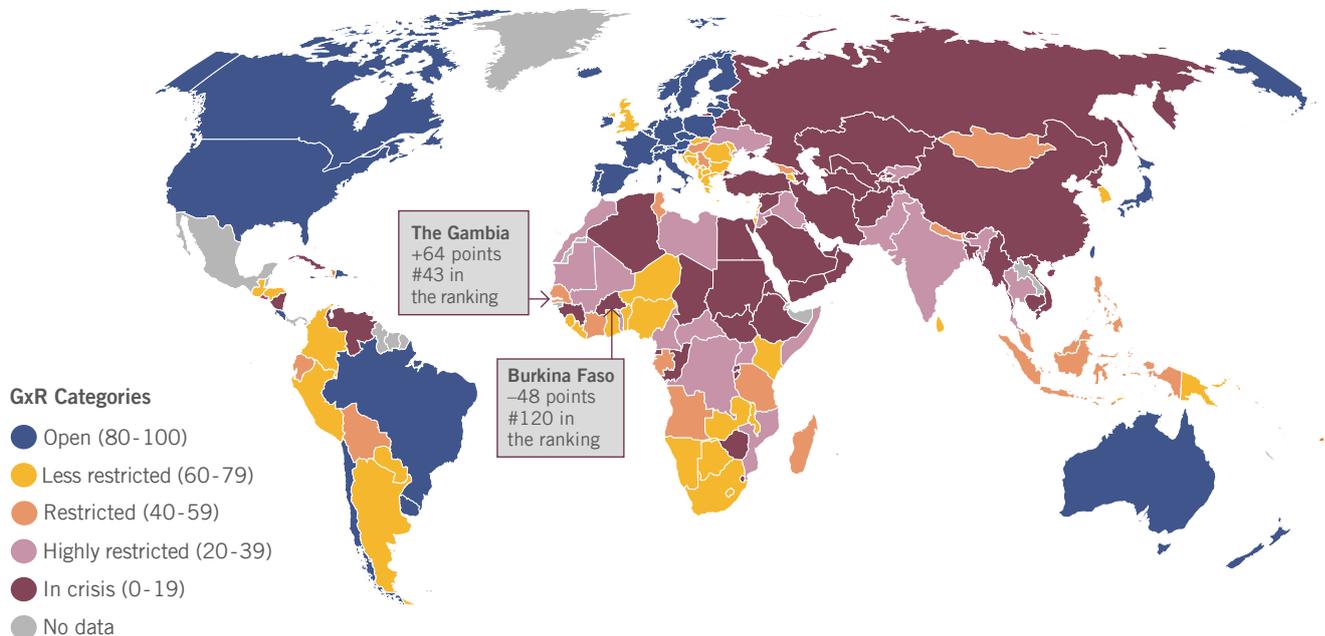
**10** • The full report can be found at <https://www.globalexpressionreport.org/>.

**11** • ARTICLE 19 Mexico and Central America has its own methodology for monitoring freedom of expression in Mexico. Therefore, the country is not included in the GxR rankings or any country-level analyses that use this metric.

# THE GLOBAL OVERVIEW IN NUMBERS

## FREEDOM OF EXPRESSION BY COUNTRY (GXR 2025)

Classification into five categories (2024) and balance of progress and setbacks (2014–2024)



Total number of countries by category



Total population by category (in billions)



Source: The Global Expression Report 2025 • Produced by ARTICLE 19  
Based on 25 indicators from the Varieties of Democracy (V-Dem) database, the GxR measures the level of freedom of expression in 161 countries, on a scale from 0 to 100. Countries are classified into five categories, according to the expression environment experienced by their populations.

### Progress and Setbacks Over the Last Decade (2014 - 2024)

-5 points was the change in the global index over the period

15% of the world's population now lives in countries classified as "open"

5,6 BILLION people experienced a deterioration in freedom of expression

**IN THE LAST YEAR (2023 - 2024),**  
4% of countries improved, while 35% regressed

### INTERDEPENDENCE BETWEEN DEMOCRACY AND FREEDOM OF EXPRESSION

Freedom of expression and democracy are intrinsically related, as shown by a comparative analysis between data from *GxR 2025* and *the Democracy Index*,<sup>12</sup> produced by the British magazine *The Economist*.

**What is the Democracy Index?** — The index assesses 166 countries across five topics: electoral process and pluralism; functioning of government; political participation; political culture; and civil liberties. Each country is classified as one of four types of regimes: "full democracies", "flawed democracies", "hybrid regimes" and "authoritarian regimes".

12 • The full report can be found at <https://www.eiu.com/n/campaigns/democracy-index-2024/>.

**Correlation in numbers** — Among the 154 countries that are covered in both reports, all full democracies (25 countries) are in the “Open” or “Less Restricted” categories of the GxR, while authoritarian regimes are concentrated in the most restrictive categories. Remarkable cases of divergence include Singapore and India, classified as “flawed democracies” in the Democracy Index but “highly restricted” in the GxR.

## CORRELATION BETWEEN DEMOCRACY AND FREEDOM OF EXPRESSION

Comparison between the GxR (2024) and the Democracy Index (2024), by regime category



Sources: Global Expression Report 2025 (ARTICLE 19; index ranging from 0 to 100, based on 25 indicators from the V-Dem dataset) and Democracy Index 2024 (Economist Intelligence Unit). Coverage: 154 countries with data available in both indices; Mexico is not ranked in the GxR.

## 16 YEARS OF SETBACKS (2008 - 2024)

Since 2008, the world has accumulated 16 consecutive years of setbacks in these indicators. The most recent data show that civil liberties suffered the worst deterioration, while political participation remained the most resilient category—albeit with occasional advances. In

2024, the global average score recorded by the Democracy Index reached its lowest level since 2006. Today, only 45% of the world’s population lives in some type of democracy, less than 7% in full democracies, while 39% live under authoritarian regimes and 15% in hybrid regimes.

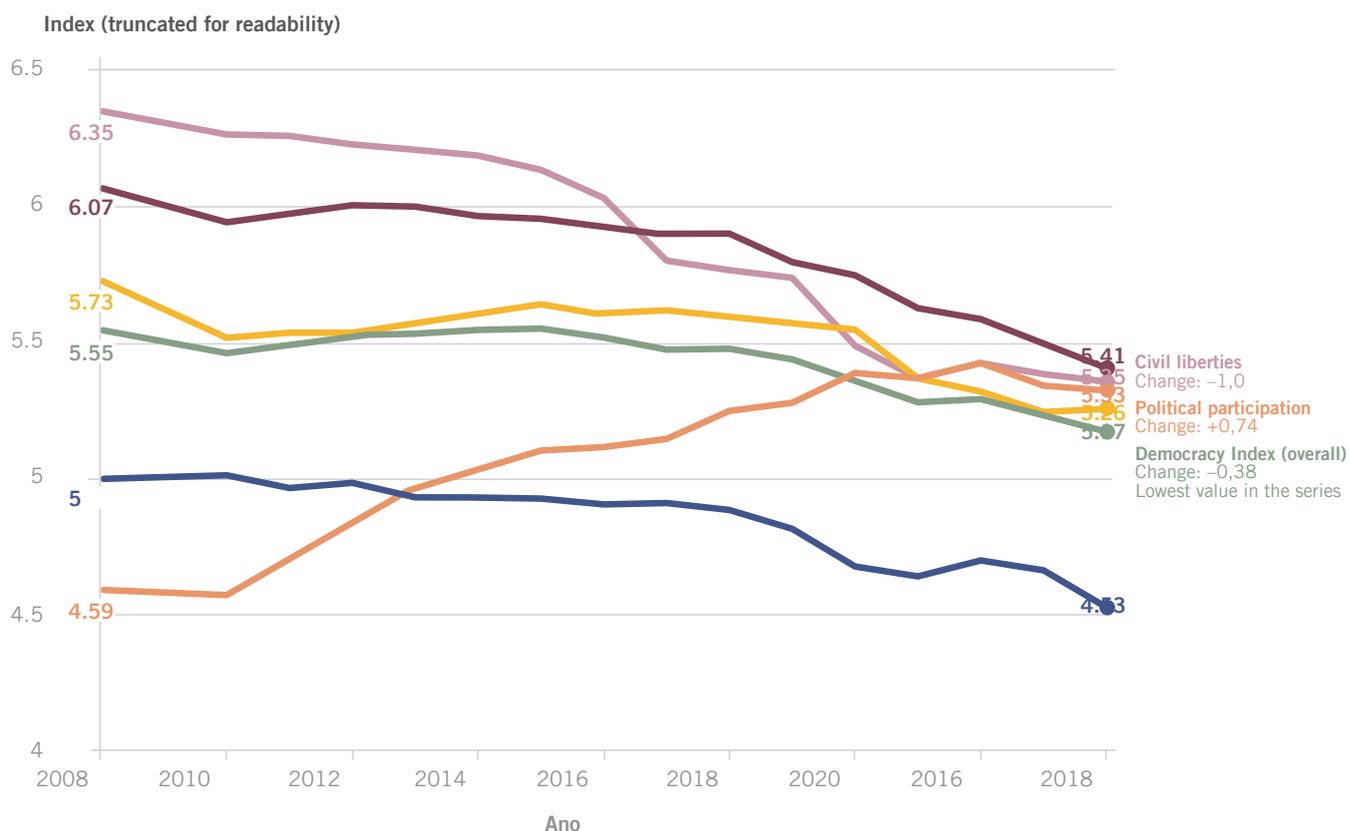
# DEMOCRACY INDEX BY TOPIC

## ANNUAL EVOLUTION OF SUB-INDICES (2008–2024)

Since 2008, this marks 16 years of decline. Civil liberties recorded the sharpest deterioration, while political participation is the only dimension with a net gain.

### Topics Assessed by the Democracy Index

- Democracy Index
- Civil liberties
- Electoral pluralism
- Democratic culture
- Functioning of government
- Political participation



Source: Economist Intelligence Unit (EIU) • Global average scores by topic from the Democracy Index (2006–2024). Scale: 0–10 (worst–best). Truncated scale (4.0–6.5) to improve readability.

### THE PARADOX OF PARTICIPATION

Although 2024 was a record-breaking election year, with more than half the global population voting, this numerical increase in voter turnout has not translated into a strengthening of democracy. On the contrary, disenchantment with institutions is growing, leading increasingly large segments of society to consider undemocratic alternatives.

“Democracy is also a concept in dispute. This dispute has been growing in recent years, and social participation is absolutely relevant to understanding how it has been taking place,” highlights Maria Tranjan, coordinator for Protection and Democratic Participation at ARTICLE 19 Brazil and South America.<sup>13</sup>

It's important to note that indicators of political participation are often limited to formal spaces, such as electoral processes and participation in councils and collegiate bodies. However, ARTICLE 19 emphasizes that democratic vitality

is also expressed in non-institutional forms, such as protests and social mobilization. "It's no use just having the space; it has to have an effect. It must somehow translate those demands into the shaping of public policies," notes Tranjan.

*“ It’s no use just having the space;  
it has to have an effect.  
It must somehow translate those demands  
into the shaping of public policies ”*

— Maria Tranjan

coordinator for Protection and Democratic Participation  
at ARTICLE 19 Brazil and South America

## DISPUTE OF NARRATIVES

"We are living in a time of dispute over the meaning of the right to freedom of expression," analyzes Maria Tranjan. "Several political forces and very different ideological poles are demanding this right—and also its contours."

This dispute manifests, for example, when far-right groups claim that their freedom of expression is being restricted because they are prevented from making discriminatory speeches, while social movements, human rights defenders, and communicators have their own freedoms curtailed, often by these same groups.

"We see owners of large companies and platforms making alliances with far-right governments and using the right to freedom of expression as a justification to maintain standards that are incompatible with the full exercise of this right by all groups," Tranjan highlights.

For ARTICLE 19, it is not enough to resist or rebuild – it is necessary to transform the structures that perpetuate the silencing of historically marginalized groups.

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**13** • Maria Tranjan holds a law degree from the Pontifical Catholic University of São Paulo (PUC-SP) and a master's degree in Anthropology from the University of São Paulo (USP). She is currently the Coordinator for Protection and Democratic Participation at ARTICLE 19 Brazil and South America, where she has worked since 2020 defending journalists, communicators, activists, and human rights defenders.





# TRUMP ADMINISTRATION AND HEMISPHERIC REPERCUSSIONS

Donald Trump's inauguration as the 47th president of the United States in January 2025 intensified a period of concrete setbacks for global democracy. The measures implemented in the first months of his second term confirm the authoritarian tendencies observed during his first administration (2017-2021).

As Amnesty International describes it, the new government is characterized by "cruelty and chaos":<sup>14</sup> suppressing dissent, undermining the rule of law, and eroding institutions essential to the protection of human rights.

## STRATEGIC ISOLATIONISM

In the realm of international politics, Trump has been making good on several of his threats: he withdrew the US from the Human Rights Council, the World Health Organization, and the Paris

Climate Agreement. He also initiated a review of UNESCO's membership and imposed sanctions on the International Criminal Court and its officials, weakening global justice mechanisms.

Anti-immigration measures and exorbitant trade tariffs are amplifying the reverberations beyond US borders, while the dismantling of American foreign assistance, with abrupt funding cuts to the United States Agency for International Development (USAID),<sup>15</sup> is having a catastrophic impact on humanitarian and human rights efforts globally.

"The US funding cuts will have a huge impact on the existence of civil society in general," analyzes Raísa Cetra, co-executive director at ARTICLE 19. "They signal human rights being removed from the global agenda, weakening the movement's capacity to regroup and confront these setbacks."

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14 • In April 2025, Amnesty International released the report "Chaos & cruelty: 10 compounding assaults on human rights – a review of President Trump's first 100 days in office." Available at <https://www.amnesty.org/en/documents/amr51/9313/2025/en/>.

15 • <https://www.poder360.com.br/poder-internacional/em-100-dias-trump-encerra-usaid-desmonta-educacao-e-enxuga-saude/>.

“ *The US funding cuts signal human rights being removed from the global agenda, weakening the movement’s capacity to regroup and confront setbacks.* ”

— Raísa Cetra

#### FROM RHETORIC TO REPRESSION

A remarkable characteristic of Trumpist rhetoric is the selective instrumentalization of the concept of freedom of expression. During the campaign, Trump proclaimed it the “most fundamental” right,<sup>16</sup> but his early days reveal a different reality.

His government implements an unprecedented repressive policy against protesters, especially university students who demonstrate support for the Palestinian cause. Foreign students face threats of detention and summary deportation. The case of Mahmoud Khalil,<sup>17</sup> a Palestinian student detained for participating in social protests at Columbia University, illustrates the gravity of the situation.

The attacks extend to academic institutions themselves, highlighting violations of freedom of thought. Trump is going after Harvard, freezing

more than \$2 billion in grants, canceling federal contracts, and demanding lists of international students, claiming the university is “extremely anti-Semitic.”<sup>18</sup>

The crackdown also reached the streets. In addition to the measures against universities, Trump ordered the federalization of the California National Guard in June 2025 to contain protests in Los Angeles, in direct conflict with Governor Gavin Newsom . The measure, described by local officials as deliberately provocative, reinforces the escalation of repression and increases the risk of violence in the demonstrations.<sup>19</sup>

At the same time, attacks on the press are intensifying, with lawsuits against media outlets, funding cuts, and abuse of regulatory power through the Federal Communications Commission (FCC).

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16 • <https://www.article19.org/resources/usa-what-it-means-to-protect-free-expression/>.

17 • <https://www.bbc.com/portuguese/articles/c4gd95k65kro>.

18 • <https://g1.globo.com/mundo/noticia/2025/05/27/trump-x-harvard-governo-dos-eua-vai-pedir-que-agencias-federais-encerrem-contratos-com-a-universidade-diz-tv.ghtml>.

19 • <https://g1.globo.com/mundo/noticia/2025/06/08/entenda-o-envio-da-guarda-nacional-por-trump-para-conter-protestos-em-los-angeles.ghtml>.

## IMPACTS ON SOUTH AMERICA AND NECESSARY RESISTANCE

For South America, Trump’s return represents the strengthening of authoritarian movements and governments. The United States’ explicit support for leaders like Javier Milei (Argentina), Nayib Bukele (El Salvador), and figures from Bolsonaroism— as well as Jair Bolsonaro himself —could accelerate the erosion of democracy, threatening institutions, civil liberties, and human rights.<sup>20</sup>

In August 2025, the Trump administration imposed tariffs of up to 50% on Brazilian products, particularly impacting sectors such as coffee, fruit, and meat. The decision was presented as a response to “threats to national security” and alleged human rights violations, but it served primarily to defend Jair Bolsonaro and his allies. In practice, it is a political offensive that instrumentalizes the human rights agenda to protect private interests and reinforce ideological alliances.<sup>21</sup> As ARTICLE 19 has highlighted, the unilateral imposition of sanctions undermines international cooperation, intensifies inequalities, and strengthens the concentration of economic and political power.<sup>22</sup>

These moves are part of a broader strategy to attack multilateralism. Funding cuts and

unilateral sanctions weaken institutions like the Inter-American Commission on Human Rights (IACHR), the UN, and the Organization of American States (OAS), which have historically depended on US funding, paving the way for geopolitical disputes with the growing influence of authoritarian powers like China and Russia. Raquel da Cruz Lima highlights her concern about the impact on the IACHR: “The cuts already endured weaken the organization’s ability to monitor violations across the continent — precisely at a time when civil society most needs these spaces to amplify reports of abuses.”

In this context, it is urgent that South American countries and organizations build a coordinated regional agenda capable of resisting external pressure and strengthening collective mechanisms for defending democracy, freedom of expression, and human rights. Building alternatives to the communication model dominated by massive corporations and authoritarian governments, as well as protecting activism and ensuring the safe and free defense of human and environmental rights, are urgent tasks for preserving democracy in the region.

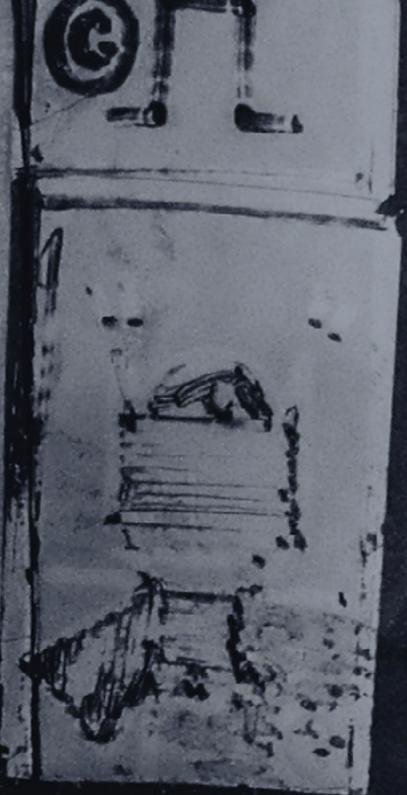
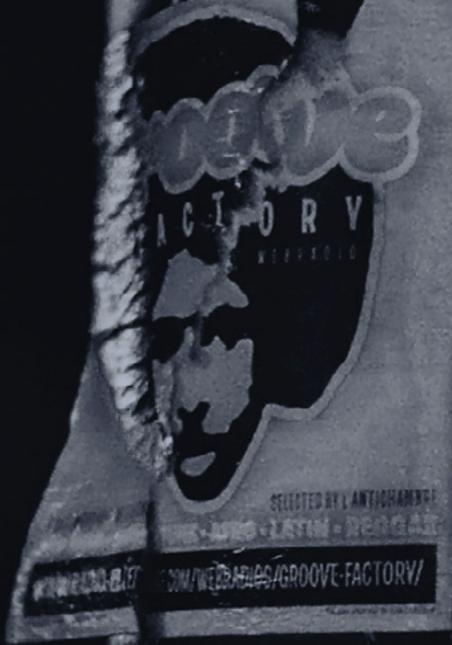
“ *The cuts [to the IACHR] weaken the organization’s ability precisely at a time when civil society most needs these spaces to amplify reports of abuses.* ”

— Raquel da Cruz Lima  
coordinator of the Legal Reference Center  
of ARTICLE 19 Brazil and South America

20 • <https://br.boell.org/pt-br/2025/02/17/o-que-um-segundo-governo-trump-significa-para-america-latina> .

21 • <https://www.bbc.com/portuguese/articles/cly6kp9g6zlo>.

22 • In August 2025, ARTICLE 19 Brazil and South America expressed its position on the issue in the article “On tariff hikes, freedom of expression and multilateralism.” Available at <https://artigo19.org/2025/08/01/sobre-tarifaco-liberdade-de-expressao-e-multilateralismo/>.



BIG DATA IS  
WATCHING YOU

# BIG TECH AND THE CRISIS OF PUBLIC DEBATE

In January 2025, Mark Zuckerberg announced significant changes to Meta's social media moderation policies, stating that the recent US elections, with Trump's victory, represented a "cultural turning point" that allowed the company to once again prioritize free expression on Facebook and Instagram.<sup>23</sup>

For ARTICLE 19, this is a strategic repositioning in alignment with the Trump administration, not a genuine defense of rights.<sup>24</sup> The episode exemplifies how the decisions made by a few companies have the power to reconfigure the spaces of global public debate.

## OFFENSIVE AGAINST REGULATION

More than an isolated corporate decision, Meta's move signals a broader offensive against any effort to control the power of Big Tech. These companies' alignment with the Trump administration is not only explained by external disputes, but above all by ongoing

antitrust litigation in the United States. Lawsuits against Google, Meta, Amazon, and Apple could result in unprecedented structural measures, such as forcing the sale of strategic assets—the spinoff of Chrome, Instagram, or WhatsApp, for example.

As Raquel da Cruz Lima highlights, "These cases pose far greater risks to companies than any regulatory debate in the Global South. In the US, bodies like the Department of Justice and the Federal Trade Commission have the power to impose structural measures that can undo part of the business. This is why the platforms are getting closer to Trump: they know that the presidency has direct influence over these processes, whether through the nomination of regulatory authorities or federal judges."

The rhetoric of "defending freedom of expression" thus serves as a façade: the core of the dispute is the preservation of highly concentrated and profitable business models.

*Big Tech's "defense of freedom of expression" serves as a façade to protect concentrated business models.*

23 • <https://www1.folha.uol.com.br/tec/2025/01/meta-elimina-checagem-e-ataca-decisoes-secretas-de-tribunais-da-america-latina.shtml> .

24 • <https://artigo19.org/2025/01/08/meta-e-a-liberdade-de-expressao-defesa-de-interesses-politicos-e-economicos-nao-de-direitos-humanos/>.

## CONCENTRATION OF POWER

Digital platforms, initially seen as spaces for the democratization of communication, have consolidated themselves as a technological oligopoly whose policies and algorithms shape the way billions of people exercise their rights of expression and access to information.

As we highlighted in the report “Taming Big Tech,”<sup>25</sup> these companies act as true gatekeepers in the digital environment, influencing everything from the circulation of information to the preservation of collective memory.

The current crisis goes beyond political and ideological tensions, rooted in economic structures that concentrate power, protected by

high barriers to entry and network effects that hinder competition, reinforcing inequalities that affect the ability to express oneself and participate in public debate.

Research from the Center for Research on Multinational Corporations (SOMO)<sup>26</sup> illustrates the scale of this concentration: between 2019 and 2025, the five largest technology companies (Alphabet, Amazon, Apple, Meta, and Microsoft) acquired at least 191 companies—one every 11 days. Only 4% of these mergers were investigated by the European Commission, and about 67% of the acquired companies had their websites shut down after the acquisition.

### EXAMPLES OF “KILLER ACQUISITIONS”

- **Amazon** – in 2020, it acquired bluDiagnostics, a startup that developed a fertility monitoring device. In 2024, it shut down the project.
- **Google** – also in 2020, acquired **StratoZone**, a cloud migration company. The service was discontinued in 2024.
- **Meta** – between 2019 and 2025, it acquired several virtual reality and augmented reality studios — among them, **Ready at Dawn**, which developed the game *Lone Echo*. Meta closed the company in 2024 after mass layoffs.

Source: Big Tech M&A Tracker, SOMO.

<sup>25</sup> • Available at <https://www.article19.org/wp-content/uploads/2023/02/Taming-big-tech-UPDATE-Jan2023-P05.pdf>.

<sup>26</sup> • <https://www.somo.nl/big-tech-acquires-a-new-company-every-11-days/>.

## BUSINESS MODEL AND ALGORITHMIC CURATION: THE HEART OF THE PROBLEM

In order to understand the scale of the problem, it's crucial to distinguish between two processes: content moderation and curation. Moderation refers to the removal or restriction of content that violates usage guidelines or current legislation. Curation goes further: it involves deciding which content will be promoted, highlighted, and shown to users, determining the frequency, order, priority, and reach of publications.

Content curation is directly linked to the business model of digital platforms, based on monetizing engagement, which drives profits through targeted advertising.

For André Boselli,<sup>27</sup> coordinator for Information and Communication Technology Ecosystems at ARTICLE 19, the main premise is that, today, the most relevant communication flows are concentrated in a few gigantic foreign

companies. “This control is exercised through content curation. Recommendation algorithms ultimately determine which discourses will be amplified and which will be silenced. This is a lot of power for a few companies, a concentration that already existed in the pre–Big Tech world. In Brazil, for example, mainstream media has always been concentrated. Today, this power is even more centralized.”

This mechanism creates a cycle in which publications that violate human rights—such as discriminatory content, incitement to violence against historically silenced groups, and attempts to manipulate public debate—end up being prioritized because they generate more interactions. Thus, the systems favor “bubbles” that isolate users with different perspectives, hindering democratic dialogue and reshaping the role of social media in public debate.

“ *The power to select voices has always been concentrated; with Big Tech, it has become even more centralized* ”

— André Boselli

coordinator for Information and Communication Technology Ecosystems at ARTIGO 19

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**27** • André Boselli is the coordinator for Information and Communication Technology Ecosystems at ARTICLE 19 Brazil and South America, where he works on projects and activities focused on digital rights, freedom of expression, the right to access information, the regulation and governance of new technologies, and digital sovereignty. He holds degrees in Journalism and Law from the University of São Paulo (USP), a master's degree in Constitutional Law also from USP, a degree in French and European Union Law from the University of Lumière Lyon II, and a postgraduate degree in Social Sciences and Documentary Film from the University of Évry (France).

## MAXIMUM INFLUENCE, MINIMUM TRANSPARENCY

Deciding which content to promote is one of the most important—and least transparent—functions of massive digital platforms. On these networks, visibility doesn't result from a spontaneous flow of interactions, but from opaque algorithms programmed to maximize engagement and profitability rather than prioritize the public interest. This logic poses a direct threat to democracy: it compromises elections, facilitates disinformation campaigns, and intensifies attacks against historically silenced groups, who already face significant barriers to participating in public debate.

A genuine debate about freedom of expression in the digital environment cannot be limited to what is removed or flagged; it must also consider what is prioritized and distributed by platforms. It is in this layer of curation—invisible to most users—where the decision about which voices will be amplified, and which will remain invisible is made.<sup>28</sup>

For Boselli, the market logic behind content curation exerts enormous influence on public debate, precisely because it defines what is amplified and what is silenced. He also highlights the opacity of these algorithms: “We don't have clarity about how they operate—not even the companies themselves fully understand the complexity of the systems they created. We only know that they are programmed to generate the highest possible level of engagement, regardless of the quality of the content. This favors simplistic materials, designed for immediate consumption—a fast-food logic.”

Based on personal data, these companies can predict what type of publication will keep each user engaged. This mechanism creates a vicious cycle: the more users consume, the more data they produce; the more data they generate, the more personalized content they receive, which further reinforces their permanence on the platform and the concentration of power of Big Tech.

## ECONOMIC REGULATION AND TRANSPARENCY AS A RESPONSE

According to international human rights standards, states have a positive obligation to guarantee the exercise of freedom of expression, including measures to prevent undue monopolization of the media. According to Raquel da Cruz Lima, although this standard was established by the Inter-American Court of Human Rights in cases involving traditional media outlets, this obligation should extend to digital markets.

She emphasizes that it is not enough for the State to adopt a stance of non-interference: “it is necessary to assume active duties to ensure pluralism, avoiding excessive concentration of the media and creating conditions for diverse voices — especially those of historically silenced groups — to have a presence in public debate <sup>29</sup>.”

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<sup>28</sup> • <https://artigo19.org/2025/01/08/meta-e-a-liberdade-de-expressao-defesa-de-interesses-politicos-e-economicos-nao-de-direitos-humanos/>.

<sup>29</sup> • During the hearing at the Attorney General's Office held in January 2025, ARTICLE 19 reinforced the urgent need for economic regulation of digital platforms as part of an agenda to strengthen democracy and aim for a fairer digital future. Available at <https://artigo19.org/2025/01/24/a-urgente-regulacao-economica-das-big-techs/>

## TRANSPARENCY AND COMPETITION

“We’ve prioritized a regulatory model that promotes platform transparency,” explains Paulo José Lara. “But radical transparency: we want to know how algorithms and rankings work; how platforms handle ad libraries and online advertising.”

For Lara, it is essential to have a regulatory model that allows for greater competition, “where we can act against the concentration of power through the tools of competition law, but which also allows for the promotion of community and independent journalism and the entry of new players into the market.”

“ *We advocate for regulation that promotes radical transparency on platforms: how algorithms, rankings, and online advertising work.* ”

— Paulo José Lara

Economic regulation, through pro-competition instruments, is essential to creating open markets that allow the free flow of information. Such regulations can impose transparency requirements and accountability mechanisms that do not exist today, creating an equal environment that favors new actors and contributes to the diversification of the digital ecosystem.

Initiatives such as the Digital Services Act (DSA) and Digital Markets Act (DMA) in Europe represent significant advances — contrary to what Zuckerberg claimed when he labeled them as laws that “institutionalize censorship.”<sup>30</sup>

### REGULATION OF PROCESSES, NOT CONTENT

The current, overly concentrated structure of platforms directly contributes to the lack of plurality in public debate. The bottleneck in content distribution means that certain voices struggle to gain visibility in the digital

space, particularly those from historically marginalized groups.

“Content-based regulation is ineffective,” Lara analyzes. “Accountability must be sought for crimes and violations committed in the context of public debate, but there are risks to freedom of expression if the choice is to focus on removing controversial content and artistic creations, opinionated and/or fictional content as a regulatory measure.”

It’s crucial that platforms’ operations be more transparent regarding their algorithms, ranking systems, and business models, rather than pre-determining which content should or shouldn’t circulate. This perspective recognizes that preserving content, even controversial content, can be crucial both for investigations by competent authorities and for building historical memory, allowing society to understand and learn from different moments and contexts.

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30 • <https://artigo19.org/2025/01/08/meta-e-a-liberdade-de-expressao-defesa-de-interesses-politicos-e-economicos-nao-de-direitos-humanos/>.

“ *Regulating based on content is ineffective: by trying to remove opinions, artistic works, or fictional texts, we run the risk of restricting freedom of expression itself.* ”

— Paulo José Lara

#### MINIMUM AGENDA FOR REGULATING BIG TECH

The publication “Taming Big Tech” details proposals for regulating Big Tech, considering the promotion and guarantee of freedom of expression, based on five key recommendations

- States must adopt measures to counteract excessive concentration in social media markets. They should introduce asymmetric regulation that imposes the unbundling between hosting and content curation on large platforms;
- Independent regulatory authorities should enforce asymmetric regulation that imposes the unbundling of services;
- Independent regulatory authorities should ensure that the unbundling rules are implemented in an effective way;
- The unbundling of services should be shaped as a form of functional separation;
- Complementary human rights-based rules must be introduced for all actors, respecting the principle of proportionality.



# SUPREME COURT’S DECISION ON ARTICLE 19 OF THE BRAZILIAN CIVIL RIGHTS FRAMEWORK FOR THE INTERNET<sup>31</sup>

The Supreme Federal Court (in Portuguese, Supremo Tribunal Federal, STF) has declared Article 19 of the Brazilian Civil Rights Framework for the Internet (*Marco Civil da Internet*) – Law 12.965/2014 – partially unconstitutional. The text stipulated that internet application providers, such as social media platforms, should be held liable only after a court order to remove content. With the decision, the rule of Article 21 – previously restricted to cases of unauthorized disclosure of intimate content featuring nudity or sexual acts – now applies to most offenses, allowing liability after extrajudicial notification, with the exception of crimes against honor.

The Supreme Federal Court’s thesis created distinct regimes: for most crimes or unlawful acts, civil liability arises after simple extrajudicial notification, while for crimes against honor (slander, insult, and defamation), it remains subject to a court order. Cases involving the replication of an “offensive act” already recognized as unlawful by a court decision may result in liability upon further notification, whether judicial or extrajudicial.

Furthermore, the text introduces the “presumption of liability” regimes for content propagated via ads, paid boosts, or through “artificial distribution networks” (such as chatbots or robots), where liability may occur without prior notification; and liability for “systemic failure,” characterized by the massive circulation of seriously illicit content, such as

crimes against democratic institutions or racism, requiring preventive measures from platforms.

There are also specific regimes for email, videoconferencing, and instant messaging (interpersonal communications) providers, which remain under Article 19; for marketplaces, which are subject to the Consumer Protection Code; and guidelines for the electoral context, subject to supplementary or exclusive regulation based on the Superior Electoral Court (*Tribunal Superior Eleitoral*). The court also imposed additional transparency and accountability obligations on providers.

While it seeks to address issues such as misinformation and hate speech, the new interpretation is concerning due to its risks and side effects. Reversing the rule of Article 19, making it an exception, could encourage preemptive removals of lawful content, generating a chilling effect on public discourse and functioning as prior censorship. This approach intensifies the concentration of power in private agents, who begin to exercise a function analogous to that of the courts without the necessary guarantees and controls.

The complexity of assessing the lawfulness of speech, which requires understanding nuances and context, is a difficult task for algorithms, which can disproportionately silence already vulnerable groups and political or socially biased expression. Furthermore, the lack of clear case law parameters in Brazil on freedom of expression

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<sup>31</sup> • See ARTICLE 19’s full technical note on Article 19 of the Brazilian Civil Rights Framework for the Internet at <https://artigo19.org/2025/08/15/nota-tecnica-decisao-do-stf-sobre-o-artigo-19-do-marco-civil-da-internet/>

and the risk of orchestrated abusive notification campaigns can lead to the suppression of legitimate speech.

We argue that tackling problems associated with social media must focus on the structural causes of the phenomenon, not just its symptoms, especially the economic logic of content curation that encourages the amplification of harmful content to maximize engagement and profit.

We suggest improving the new proposed regimes, offering differentiated treatment to social media platforms, recognizing differences in size and impact on content circulation, rather than applying the same rule to the entire ecosystem. We also recommend adopting robust transparency reports, with detailed and disaggregated data on extrajudicial notifications and moderation processes, to enable effective monitoring of the application of the thesis.

#### **ARTIFICIAL INTELLIGENCE IN THE PUBLIC INTEREST**

Concerns about the concentration of technological power are intensifying with the advancement of artificial intelligence. The evolution of large language models (LLMs) poses additional challenges for Global South countries, including linguistic issues, risks of cultural erasure, and neglect of local needs.

Given this landscape, with AI controlled by private interests, which amplifies harmful content and perpetuates discriminatory biases, the proposal for “Artificial Intelligence in the Public Interest” emerges as a necessary alternative.

ARTICLE 19 participated in the AI Action Summit in France in February 2025, reinforcing our commitment to promoting AI in the public interest that does not favor the economic concentration of large companies and that promotes more diverse and plural ecosystems.<sup>32</sup>

The organization also contributed to a resolution by the National Council of Justice (*Conselho Nacional de Justiça*, CNJ) on the use of AI in Brazil’s Judiciary, advocating for transparency on the development of artificial intelligence systems and greater participation of civil society in oversight bodies.<sup>33</sup>

AI in the public interest focused on local and regional contexts, primarily developed in the Global South, could strengthen democratic processes by promoting diversity in public debate, ensuring transparency about algorithmic decisions, and including historically marginalized voices and information.

**32** • <https://artigo19.org/2025/02/10/ai-action-summit-pela-inteligencia-artificial-de-interesse-publico/>.

**33** • <https://artigo19.org/2025/03/17/artigo-19-faz-contribuicoes-ao-cnj-sobre-uso-de-inteligencia-artificial-no-judiciario/>.

# ROSE MARIE SANTINI

“ *Conversation between people today is mediated by algorithms programmed for profit* ”

A leading professor and researcher in the study of digital dynamics, Rose Marie Santini analyzes how algorithmic curation has transformed public opinion formation and increased the concentration of power held by

large platforms. In this exclusive interview, she shares her insights on the challenges of disinformation, the risks to academic freedom, and the urgency of alternative communication models focused on the public interest.

**Rose Marie Santini** is a professor at the School of Communication at the Federal University of Rio de Janeiro (UFRJ), and the founder and director of **NetLab** (UFRJ’s laboratory for internet and social media studies). A specialist in algorithmic curation, disinformation, and computational propaganda, she coordinates national and international projects on digital manipulation and has published seminal books and articles in the field.<sup>34</sup>



*The interview has been edited for conciseness and adaptation to the print format.  
Watch the full version on our YouTube channel.*

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<sup>34</sup> • Learn more about the work of NetLab/UFRJ at <https://netlab.eco.ufrj.br/>.

**ARTIGO 19: WHAT IS YOUR WORK AT NETLAB, AND HOW DO YOU SEE IT CONTRIBUTING TO THE DEBATE ON FREEDOM OF EXPRESSION ONLINE?**

**ROSE MARIE SANTINI:** I'm a professor at the UFRJ School of Communication, where I founded NetLab in 2013. Today, we have 45 members, and I serve as the lab's director. Our mission is to produce scientifically based evidence on the digital information and communication ecosystem in Brazil, always comparing it with international contexts.

In recent years, we've focused our agenda on disinformation, which affects the ecosystem on multiple levels: business models, media sustainability and credibility, and trust in journalism. The growth of this disinformation industry has many impacts.

We produce scientific articles and technical reports and work extensively on scientific dissemination. Our goal is to impact public debate, improve diagnostics, and discuss solutions—whether through regulation, executive action, or the work of media companies, users, and professionals themselves.

We pursue research with social impact, engaging with civil society, government, and media companies. In academia, researchers often elegantly admire problems but aren't always able to engage with society about solutions. I believe science needs to move in this direction.

We contribute data that helps us collectively think about solutions to complex problems. We don't have all the answers, but we believe that solutions must be based on evidence and data—not just critical or theoretical analysis, which is important, but in the field of communication, we increasingly need to ground our conclusions in concrete data.

**ARTIGO 19:** How do the algorithms and advertising libraries used by large digital platforms determine and strengthen their economic power and their influence on public debate?

**ROSE MARIE SANTINI:** The formation of public opinion has changed completely. In the pre-internet world, it was shaped by the news, which then originated conversations where people formed their opinions through intersubjective relationships.

Today, with social media, this dynamic has changed. News still comes from traditional media and guides debates, but conversations are no longer direct—they are mediated by platforms and algorithms. The very social fabric that traditionally shaped opinions has become highly manipulable, curated, editable, and moderated. This was not possible before.

We have data showing that online conversations continue to revolve largely around traditional media content. However, opinion-building is now mediated by human-programmed algorithms, which determine what's relevant, what gets priority visibility, and what stays invisible.

A growing inequality of visibility emerges. Some conversations appear more, others less. There's interference at a level we never imagined in shaping public opinion, which becomes more fragmented into niches, but under the influence of these algorithms that determine what people read and which conversations they engage with.

The impact on public debate is enormous because algorithms influence the very heart of public opinion formation, which is conversation between people. Today, those who work with public opinion must engage heavily on social media, trying to navigate and sometimes fight against the algorithm.

“ *The impact of algorithms on public debate is enormous, because they influence the heart of public opinion formation, which is conversation between people—but they are programmed for profit.* ”

— Rose Marie Santini

Yet, freedom is very limited, because who programs the algorithms is the company, which programs aiming profit, not the best debate. This “Habermasian” idea, where the best argument wins—now is decided by the algorithm. It’s one of the most important variables in public debate today.

**ARTIGO 19:** One of the central points in NetLab’s discussions is the platforms’ lack of transparency regarding their moderation processes and algorithms, representing an obstacle that compromises detailed studies and threatens democracy and freedom of expression. What type of data should platforms make available to enable a proper assessment of their social impact?

**ROSE MARIE SANTINI:** There are two types of data that are essential for freedom of expression and for a minimally healthy environment on digital platforms.

First, detailed and reliable moderation data—not like what’s being done in Europe with the Digital Services Act. Researchers have already found that these datasets are irrelevant, messy, incomplete, and incompatible, making analysis virtually impossible. We need quality, compatible, comparable, complete, and real-time data.

Second, advertising data, because advertising must be public. We’re talking about the use of

algorithms and user data to influence decisions. This needs to be observable so that consumer protection laws don’t become dead letters.

Also fundamental are data on engagement, viewing, and sharing, which need to be auditable. Today, this is highly manipulable through fake accounts and bots, corrupting the entire system. The algorithm recommends what gets the most engagement, so if we can manipulate these metrics, we’re manipulating the algorithm itself.

In advertising, it’s not just about knowing what the ad was, but also who paid for it and how the targeting was defined. This targeting is crucial for protecting human rights. If they are offering a drug to someone who shouldn’t use, that’s serious.

Knowing what was the targeting (of the ads) is crucial for protecting human rights. If they are offering a drug to someone who shouldn’t use, that’s serious.

Since we don’t have this data, the market acts as if the problem doesn’t exist. This transparency is crucial—we won’t achieve effective regulation without a proper diagnosis of the problem. We intuit today, but we’ll only understand the true scale and social impact once we have the data.

**ARTIGO 19:** NetLab recently faced attacks and questioning from the far-right about its funding

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sources and methodologies, a move that seems to follow a global pattern of harassment against researchers. How do these attacks affect research work and academic freedom?

**ROSE MARIE SANTINI:** These attacks absolutely affect our research. When we were legally attacked, we had to interrupt our work to deal with legal issues.

There's a landmark case in the U.S.: the closure of Stanford's Internet Observatory, led by researcher Renée DiResta, due to lawfare.<sup>35</sup> American lawmakers filed lawsuits that forced the university to spend so much on lawyers that the laboratory couldn't sustain itself. What it gained in funding, it lost in legal defense—until one of the world's largest laboratories on the internet and disinformation was shut down.

They used this case as a reference to attack us. On one hand, I was flattered by the comparison to Stanford. But I was also desperate, because they see this as a method to be applied globally. Other researchers suffer the same; it's a strategy to silence research.

They attack the messenger because academia and journalism are the sources that expose how this ecosystem works—the platforms' business models and their social consequences.

Academic freedom is a very serious issue. We discuss freedom of expression in Brazil, but we rarely discuss academic freedom. It's theoretically guaranteed by the constitutional autonomy of universities, but we don't have critical mass, lawyers, activists, or NGOs focused on this agenda. It was something that was taken for granted.

After Trump took office, it became clear that this is not guaranteed. Freedom of expression and academic freedom must go hand in hand and be given equal importance.

They use lawfare and defund research. It's already difficult to secure research funding in Brazil, and you end up spending all your resources defending your right to do what you were hired to do. You end up paying to work.

**ARTIGO 19:** Considering a proactive agenda in defense of freedom of expression and democracy, what types of actions and public policies could strengthen independent and pluralistic communication in Brazil?

**ROSE MARIE SANTINI:** In the field of communication, globally, we always think of two models: commercial and public media. Digital platforms today are also media outlets.

Some researchers are reviving the idea of public

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35 • <https://netlab.eco.ufrj.br/post/stanford-desmancha-pesquisa-sobre-desinforma%C3%A7%C3%A3o-nas-redes-ap%C3%B3s-ataques-de-pol%C3%ADticos-conservadores>.

platforms—state-funded, free, without ads, where we could regulate and prioritize the public interest above all. The problem with commercial platforms is that they have economic interests and need to remain financially viable.

But I believe there's a third option we haven't yet tested: nonprofit media companies. These aren't commercial or public, but they can be private while truly prioritizing the public interest over profit. How would they be funded? We could consider several models: philanthropy, complementary public policies, or collaborative contributions from users themselves.

Couldn't we imagine something that is similar to the third sector—neither public nor commercial,

but private and focused on the public interest? We need solutions where the public interest is the fundamental value, without political or commercial interests overriding it.

The biggest fear in Brazil regarding public platforms is political control. Imagine a far-right government with a public platform and detailed data about our private lives. We can't put that in the hands of politicians. At the same time, the business model has serious limitations.

Endowment models could be a possibility. Platform owners who make a lot of money could fund public-interest platforms. These, acting as competitors, would create pressure and push others to behave more ethically.

*We discuss freedom of expression in Brazil, but we rarely discuss academic freedom. After Trump took office, it became clear that this is not guaranteed.*





Photo: Vladimir Fedotov / Unsplash

# SOUTH AMERICA IN THE SPOTLIGHT

## REGIONAL OVERVIEW: DEMOCRACIES UNDER ATTACK

Historically, most South American countries have experienced a pendular movement between democratic advances and authoritarian setbacks, with increasing prohibition of political debate and distrust in institutions.

In recent years, the continent has faced emblematic cases of this tension: Milei's Argentina, where the right to protest is systematically attacked; Maduro's Venezuela, which continues to silence the opposition; and Paraguay, where conservative pressure on civil society organizations is growing. In Peru, amendments to the Peruvian Agency for International Cooperation Law were approved,<sup>36</sup> including requirements for prior approval of international cooperation projects, a ban on legal counsel and defense, and the risk of censorship and arbitrary sanctions that could be used to silence dissenting voices, particularly from institutions working to promote and guarantee human rights.

Among Central American neighbors, we highlight El Salvador, with its rising authoritarian model, which serves as inspiration for leaders across the continent, and Nicaragua, where the Ortega-Murillo dictatorship is consolidating.

The Latin America and Caribbean region has fallen for the ninth consecutive year in democratic quality, according to the *Democracy Index*. Of the 12 South American countries, only Suriname and Bolivia rose in the ranking between 2023 and 2024.

In terms of freedom of expression, of the 10 countries in the continent with available data in the Global Expression Report, only four have shown improvement since 2019. Among them, Brazil stands out, having recovered 25 points over the period — which includes Jair Bolsonaro's departure from the presidency. Argentina, in turn, saw a 19 points decline compared to the previous year (–12 points relative to 2019), the largest drop among all countries analyzed.

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36 • <https://www.cidse.org/pt/2025/03/20/freedom-and-rights-of-civil-society-under-threat-in-peru/>

# FREEDOM OF EXPRESSION IN SOUTH AMERICA

Classification into five categories (2024) and GxR index change (2019 - 2024)

### GxR Categories

- Open (80 - 100)
- Less restricted (60 - 79)
- Restricted (40 - 59)
- Highly restricted (20 - 39)
- In crisis (0 - 19)
- No data

\* Arrows (AV) indicate the change in the GxR score (in points) between 2019 and 2024.



Source — GxR 2025 (ARTICLE 19; 25 V-Dem indicators). Map: 2024; arrows: change, 2019–2024. Suriname and Guyana: no data available in the GxR.

## ARGENTINA: CRIMINALIZATION OF THE RIGHT TO PROTEST AS A STATE POLICY

In Argentina, the Milei government has been implementing measures that seriously threaten freedom of expression and the right to protest—in a country, it’s worth noting, with a strong culture of protest. The country’s leading position in the continent’s expression rankings doesn’t yet reflect these changes, as the data covers the period prior to the current term.

In response to protests against economic policies that particularly affect retirees, the state has responded with violent repression and systematic criminalization. Police violence against peaceful protests has become recurrent, with improper use of force, arbitrary arrests, and criminal prosecutions.

## ESCALATION OF VIOLENCE

In March 2025, a protest resulted in 20 hospitalizations and 114 arrests, including two children.<sup>37</sup> An 87-year-old retiree woman was assaulted by a federal police officer, a photojournalist was in critical condition after being hit by a tear gas canister, and children were struck by tear gas as they left school.

In 2024, 93 people were arbitrarily detained and more than 600 were injured in demonstrations across the country. There is evidence of involvement by the State Intelligence Secretariat in the detentions, and authorities have announced lawsuits against both protesters and the judge responsible for their release.

Together with regional and international organizations, ARTICLE 19 issued a joint statement against this “escalation of state violence”, denouncing violations of international standards for protecting the right to protest.<sup>38</sup>

## DISPROPORTIONATE IMPACTS

In addition to direct repression, the government has been implementing a legal framework that systematically restricts fundamental rights. The set of measures includes Decree 780/2024, which limits access to public data; Resolution 943/23, which considers any demonstration that affects road traffic a “flagrant crime”—effectively criminalizing any protest<sup>39</sup>; and Resolution 428/24, which implements a cyber patrol protocol.

Decree 780/24, in particular, represents a serious setback in government transparency by expanding the exceptions to the Access to Public Information Law, leaving it up to officials to define what constitutes a public document. As reported by the



Photo: Ruiz Rodrigo

**37** • In a statement, the Inter-American Commission on Human Rights expressed concern about the violence recorded at the “Retirees’ Protest March”: [https://www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2025/055.asp&utm\\_content=country-arg&utm\\_term=class-mon](https://www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2025/055.asp&utm_content=country-arg&utm_term=class-mon).

**38** • The joint statement is available at <https://artigo19.org/2025/03/19/artigo-19-e-organizacoes-da-sociedade-civil-repudiam-repressao-policial-contra-manifestantes-em-protesto-na-argentina/>.

**39** • <https://www.cels.org.ar/web/2024/09/refutamos-defensa-del-gobierno-sobre-el-protocolo/>.

Center for Legal and Social Studies (in Spanish, *Centro de Estudios Legales y Sociales*, CELS), “a decree cannot limit the right of access to public information in contradiction with the law passed by Congress.”<sup>40</sup> The measure was questioned by about 70 organizations around the world.

Maria Tranjan highlights the disproportionate impacts of measures like these on historically silenced groups: “The measures restricting the

right to protest included banning children from demonstrations and criminalizing parents who brought their children. This severely impacts the right to protest of women, who are primarily responsible for childcare.”

For Tranjan, the long-term effects are also worrying: “the measures interrupt the construction of forms of political participation for future leaders, activists and human rights defenders.”

“ *Restricting protests by criminalizing fathers and mothers who bring their children brutally violates women’s right to protest.* ”  
— Maria Tranjan

**MEASURES THAT CRIMINALIZE THE RIGHT TO PROTEST IN ARGENTINA<sup>41</sup>**

**December 2023**

The Ministry of Public Security publishes the **Anti-Picketing Protocol** (Resolution 943/2023). The text defines any traffic interruption as a crime and directs immediate action by security forces.

**December 21, 2023**

The Ministry of Security issues **Resolution 947/2023**, creating the **Unified Urban Command** (later replaced by the **Unified Federal Command**, Resolution 403/2024). The structure unifies the use of forces in the application of the Anti-Picket Protocol, without adequate preparation or training.

On the same date, **Resolution 949/2023** determines that forces calculate the costs of police operations and holds individuals or entities participating in the protests responsible for these expenses.

<sup>40</sup> • The CELS’ note is available at <https://www.cels.org.ar/web/2024/09/un-decreto-no-puede-limitar-el-acceso-a-la-informacion-publica>.

<sup>41</sup> • As of the conclusion of the review for this edition, in September 2025.

### April 2024

The Ministry of Human Capital publishes **Resolution 84/2024**, which approves guidelines for the **Return-to-Work Program** and the **Social Support Program**, providing for the **suspension of social benefits** for those who participate in protests.

### July 2024

The Ministry of Security edits **Resolution 704/2024**, **expanding the use of less-lethal weapons** (such as electric shock devices and irritating agents) to all federal security forces, without stipulating clear priority or proportionality criteria.

### March 2025

**Law 27,786 (“Anti-Mafia Law”)** comes into effect, authorizing the Executive Branch, the Public Prosecutor’s Office, and security forces to establish “**special investigation zones**,” allowing **detentions for up to 30 days** in cases classified as complex. The law grants extraordinary powers and uses vague criteria to define what constitutes a “criminal organization,” which leaves room for arbitrary actions and tends to target interventions in poor neighborhoods, without addressing the financing links and institutional connivance of organized crime.

## RESISTANCE IN MOTION

Despite the worrying landscape, there are signs of resistance on the part of society, as highlighted by Maria José Guembe and Paula Litvachky, directors of CELS, interviewed in this edition.

“[Milei’s] statements in Davos comparing homosexuals to pedophiles generated a

significant reaction, and he had to backtrack. The same applies to the defunding of public universities,” says Litvachky. “The large number of people in the streets and the agenda that brought them together seem to have acted as a brake on the repression,” observes Guembe.

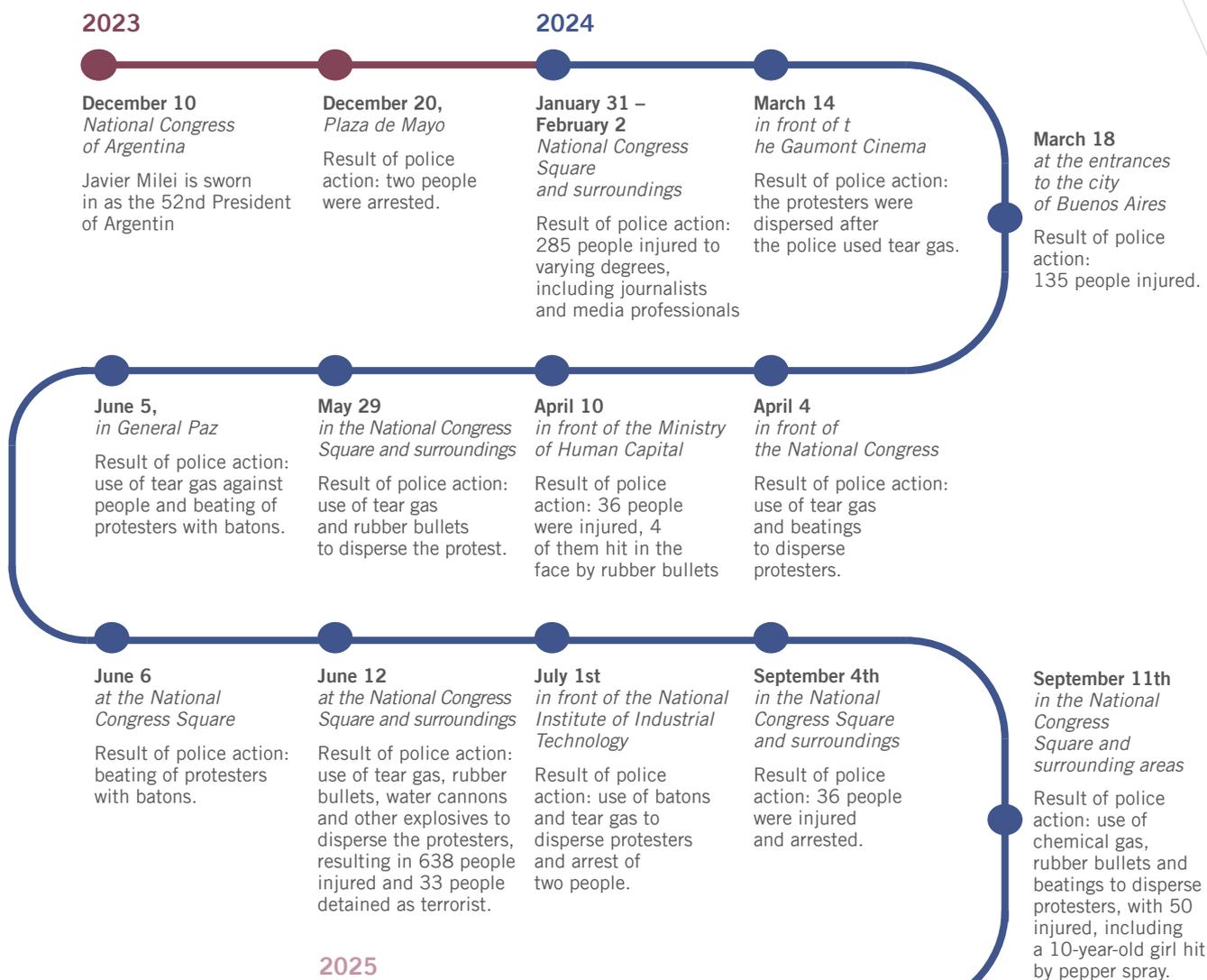
“ *[Milei’s] homophobic statements and cuts to universities generated a significant reaction on the streets and he had to backtrack.* ”

— Paula Litvachky

executive director of the Center for Legal and Social Studies (CELS), in Argentina.

# TWO YEARS OF ESCALATING REPRESSION<sup>42</sup>

Timeline of the main episodes of repression of protests since Milei took office.



## 2024 IN NUMBERS<sup>44</sup>

- 1155 people injured
- 33 people hit in their head and face by rubber bullets
- 68 people arrested
- 50 journalists and press professionals injured
- 73 people criminalized for their participation in protests

<sup>42</sup> • As of the conclusion of the review for this edition, in September 2025.

<sup>43</sup> • <https://www1.folha.uol.com.br/mundo/2025/03/operacao-policial-de-milei-desinfla-manifestacao-uma-semana-apos-ato-violento.shtml>.

<sup>44</sup> • Data from the report "A Year of Protests" (Un año de protestas,) by Amnesty International. Available at <https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2024/12/Un-a%C3%B1o-de-protestas-2024.pdf>.

# VENEZUELA: SILENCING THE OPPOSITION AND POLITICAL PERSECUTION

In Venezuela, the landscape is of increasing political persecution, with Nicolás Maduro's government arresting its opponents. For years, the country has been under a regime that systematically silences dissent and controls the circulation of information, placing it as “in crisis”—the most negative classification in the *Global Expression Report*.

André Boselli emphasizes that technology, combined with the collective efforts of the opposition, has allowed Maduro's authoritarian bias to be exposed. Even before the 2024 election, two opposition candidates had their candidacies rejected, culminating in the candidacy of Edmundo González.

The electoral system requires each electronic voting machine to issue printed minutes with a QR code, recording the number of votes per candidate and serving as audit evidence. Unlike in previous elections, these records were not released by the Electoral Authority. The opposition then

organized a massive effort to collect the printed copies distributed to party inspectors, enabling a parallel tally that demonstrated González's victory, contradicting the official result.

The QR code on the minutes also allowed the documents' authenticity to be verified. “The paradox is that the opposition was able to prove they won because Venezuelan electoral technology worked, despite all the regime's administrative and manipulation problems,” Boselli concludes.

## ELECTIONS AND ESCALATING REPRESSION

The July 2024 elections were marked by serious violations of the Barbados Agreement,<sup>45</sup> signed in October 2023, which sets out parameters to guarantee free elections. The government imposed restrictions on the registration of Venezuelans abroad, disqualified opposition leaders, and intensified surveillance, detaining human rights defenders, journalists, and activists, shutting down radio stations, canceling passports, and

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**45** • On October 17, 2023, the Venezuelan government and the opposition signed the “Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All Venezuelans” (Barbados Agreement), which established the parameters under which the country's upcoming presidential elections should be held. Among the agreed points was a commitment to guarantee free and fair elections, with international observation and equal access to the media.

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**PRESIDENTA O  
PRESIDENTE DE LA  
REPUBLICA  
BOLIVARIANA DE  
VENEZUELA**

ELECCIÓN PRESIDENCIAL 2024

País VENEZUELA

Estado DISTRICTO CAPITAL

Municipio MIS BOLIVARIANOS  
LIBERTADORES

Parroquia P.O. EL VALLE

SECCION ELECTORAL NACIONAL DE LOS  
VALLES

PRESENCIA DE LA COMISION ELECTORAL  
NACIONAL DE LOS VALLES  
EN EL MOMENTO DE LA ABERTURA DE  
LOS ENVELOPES

ACTA DE

EL PROCESO

SECCION ELECTORAL NACIONAL DE LOS  
VALLES

controlling digital space. In doing so, it sought to stifle public debate and control the narrative on election day. By controlling information, the government can, by default, control the results.

Although international observers predicted Edmundo González's victory, the official electoral body disregarded the results. Upon Maduro's inauguration in January 2025, ARTICLE 19, along with other organizations, sent a note to the Brazilian government requesting that the election results not be recognized until the results were presented and requesting protection for political asylum seekers.<sup>46</sup>

#### SYSTEMATIC ATTACKS ON COMMUNICATION

The disappearance of communicator Carlos Correa, director of the organization *Espacio Público*, in January 2025,<sup>47</sup> illustrates the escalation of authoritarianism against human rights defenders. During the parliamentary elections in May of this year, according to information from Venezuelan civil society, 14 journalists were arrested and 22 forced into exile to preserve their physical integrity and freedom—in addition to prosecutions against journalists on charges of terrorism, conspiracy, and incitement to violence. Voter turnout was only 15%, reflecting the climate of fear in Venezuelan society.

ARTICLE 19 Brazil and South America stands in solidarity with Venezuelan civil society, which is facing this period with insecurity and resilience.<sup>48</sup>

## PARAGUAY: GROWING PRESSURE ON CIVIL SOCIETY

In Paraguay, the growing wave of conservatism led by President Santiago Peña's Colorado Party is concerning. The government has launched an offensive against civil society organizations.

In October 2024, a legislative proposal requires nonprofits to disclose detailed financial and personnel records, jeopardizing the operation of independent media.<sup>49</sup> Added to this are incidents of harassment against journalists, especially those affiliated with internationally funded outlets.

In a symptomatic episode, Senator Lizarella Valiente attacked journalists funded by international foundations and “billionaires like George Soros,” in a delegitimization tactic quite common in authoritarian regimes.<sup>50</sup>

This pattern of pressure on organized civil society threatens the diversity of voices in the Paraguayan public debate and reflects a concerning regional trend of criminalizing the work of non-governmental organizations.

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<sup>46</sup> • The full text of the note is available at <https://artigo19.org/2025/01/07/nota-crise-democratica-na-venezuela/>.

<sup>47</sup> • <https://artigo19.org/2025/01/09/organizacoes-da-sociedade-civil-pedem-posicionamento-do-governo-brasileiro-sobre-o-desaparecimento-de-carlos-correa-diretor-da-organizacao-venezuelana-espacio-publico/>.

<sup>48</sup> • The full text of the note is available at <https://artigo19.org/2025/05/28/venezuela-violacoes-do-direito-a-liberdade-de-expressao-em-contexto-eleitoral/>.

<sup>49</sup> • Open letter from Amnesty International to President Santiago Peña, expressing concern about a bill restricting the right of association in Paraguay: <https://www.amnesty.org/es/documents/amr45/8335/2024/es/>.

<sup>50</sup> • <https://latamjournalismreview.org/pt-br/articles/paraguai-avanca-com-projeto-de-lei-que-ameaca-sufocar-o-jornalismo-independente/>.

# MARÍA JOSÉ GUEMBE AND PAULA LITVACHKY

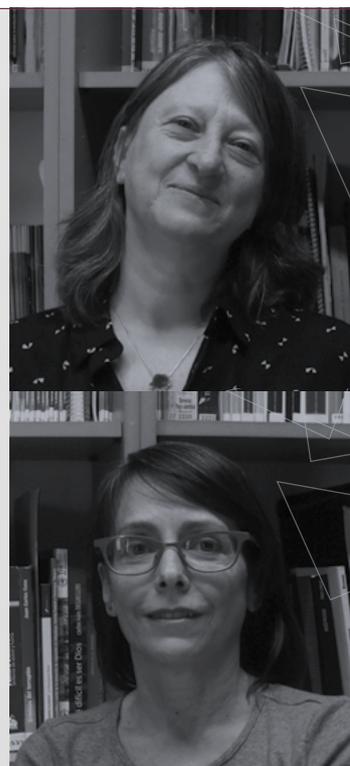
“ *There is a strategy  
to delegitimize  
the human rights agenda* ”

**María José Guembe** and **Paula Litvachky** — the president and executive director, respectively, of the Center for Legal and Social Studies (Centro de Estudios Legales y Sociales, CELS) — analyze the advance of authoritarian policies in Argentina

under Javier Milei. In this exclusive interview, they discuss attacks on freedom of expression, the impact of repression on the right to protest, the offensive against memory policies, and the challenges facing democracy in the region.

**María José Guembe** is the president of CELS. A lawyer with a master's degree in international human rights law, she specializes in transitional justice and the right to communication. She is a member of the ESMA Museum and Site of Memory (*Museo Sitio de Memoria ESMA*) team, of the Open Memory (*Memoria Abierta*) commission, and an associate researcher at Observacom, as well as an adjunct professor at the National University of Lanús. At CELS, she directed the Memory and Fight Against Impunity Program; today, she contributes to the areas of memory policy, truth and justice, freedom of expression, and the right to communication.

**Paula Litvachky** has been the executive director of CELS since 2020, where she has worked since 2004. A lawyer with a degree from the University of Buenos Aires and a PhD candidate in Human Rights at the National University of Lanús, she has a background in democratic justice, security, criminal policy, and human rights. Between 2011 and 2019, she coordinated the Justice and Security area at CELS. She is a member of Penal Reform International's Steering Committee and the author of academic and journalistic articles in the field of human rights.



*The interview has been edited for conciseness  
and adaptation to the print format.  
Watch the full version on our YouTube channel.*

**ARTIGO 19: HOW DO YOU VIEW THE POLITICAL DISPUTE SURROUNDING FUNDAMENTAL FREEDOMS IN ARGENTINA TODAY?**

**PAULA LITVACHKY:** The situation is complex. The Milei government maintains a significant support base, anchored primarily by economic results, especially the reduction of inflation. Despite high poverty and social deterioration, economic stabilization remains its main asset.

There is also support for aspects of his “culture war,” linked to the perception that the state was inefficient and that progressive culture had become distant from everyday issues. However, when the president intensifies extreme positions—as in his Davos speech insinuating that homosexuals are pedophiles—he faces significant social backlash, forcing him to back down.

Similarly, when he attempted to defund public universities, a broad mobilization demonstrated that Argentine society is not against public education. Then, reactions emerged that imposed limits on the intensification of the culture war, although support for a government that creates internal enemies and confronts social movements, workers, and human rights organizations is worrying.

**ARTIGO 19:** Social media is consolidating itself as a central space for public debate while aligning politically with the far-right. How are you reacting to this phenomenon?

**MARÍA JOSÉ GUEMBE:** We share this diagnosis. Beyond political alignment, we face a very strong concentration and commodification of communication in these spaces. These are our main spheres of digital socialization, but every interaction is commodified—personal data, opinions, absolutely everything. In Argentina, unlike Brazil, the state has practically given up the possibility of acting through regulations.

**PAULA LITVACHKY:** At the same time, it’s the space where public conversation and political debate take place. We recently debated whether to abandon X (formerly Twitter), and it became clear that leaving isn’t advantageous for organizations like ours—it would mean leaving the space empty and giving up participation in necessary discussions. The challenge lies in how to participate, what content to produce, and how to break out of our own bubble.

**MARÍA JOSÉ GUEMBE:** It’s crucial to demand transparency, especially regarding platforms’ algorithmic decisions. Otherwise, we participate in these spaces without understanding which audience we’re reaching. At the same time, it’s important for civil society to propose alternative spaces. We could develop platforms with an identity more closely linked to human rights, democracy, and the Latin American perspective. There’s still much to reflect on and transform.

“ *It’s crucial to demand transparency from platforms, especially regarding algorithmic decisions. Otherwise, we participate in these spaces without understanding the audience we’re reaching.* ”

— María José Gumbre

**ARTIGO 19:** The Milei government has resorted to the use of force to repress protesters, with measures such as Resolution 943/23 (anti-protest) and Protocol 428/24 (cyber patrol). How have you Argentinians resisted the advance of authoritarianism?

**PAULA LITVACHKY:** This is the main focus of the government's agenda. Minister Patricia Bullrich, who is leading this agenda, is one of the most important figures in the government. Initially, the argument was that it would be necessary to regulate protests that were causing chaos on the streets of Buenos Aires. However, the "anti-protest protocol" goes far beyond establishing traffic rules, substantially limiting the right to demonstrate.

With the increase in conflict, protests have become associated with an anti-terrorist or "destitutional" narrative, especially when the demonstrations criticize specific measures that the government is trying to pass in Congress.

What's worrying is not only the intensity and frequency of repression, but specially the narrative that characterizes protests as attempts at destabilization or a coup d'état. Added to this there are other strategies, such as the defunding of social movements, attacks by digital militias and trolls (including government officials), and attacks on unions and human rights organizations. The objective is clear: to disrupt social organization, using criminalization and repression as tools.

*“ The objective [of the Milei government ] is clear: to disrupt social organization, using criminalization and repression as tools. ”*

— Paula Litvachky

**ARTIGO 19:** We are very concerned about the narrative of a coup d'état that the government attributes to the protests, while also attacking memory policies. How do you address these narratives?

**PAULA LITVACHKY:** It is part of a clear government strategy to delegitimize groups associated with the human rights agenda that express disagreement with the government.

It affects unions, social movements, and spontaneous organizations with sectoral demands, resulting in repression and criminalization. It also affects human rights organizations, especially regarding memory policies. On the two anniversaries of the coup d'état (March 24th) since Milei took office, the government has adopted an

aggressive narrative against memory, truth, and justice policies, using denialist, relativist, or even directly vindicating discourses of the dictatorship.

At the same time, they are defunding all political and memorial sites, for which Argentina fought intensely and is internationally recognized. Sites under the responsibility of the national government have been severely affected, as is the case with the ESMA, which was the country's most important clandestine detention center.

**MARÍA JOSÉ GUEMBE:** There is also a pattern of preventing public activities in memory sites, under essentially bureaucratic pretexts. This, combined with the massive layoffs in the area of human rights, particularly in memory and reparation policies, is deliberately weakening a

vigorous public policy that Argentina has built over recent decades.

**PAULA LITVACHKY:** In our strategies, we have prioritized international protection systems to denounce the deterioration of the Memory, Truth, and Justice process, which continues to be internationally recognized. Our joint strategy has been to judicialize whatever is possible. Relying on the Inter-American systems and the UN allows us, at the very least, to register complaints and establish monitoring mechanisms. Some actions have had an impact, limiting certain government measures, but we need to wait and see what will happen after the next [midterm] elections.

**ARTIGO 19:** Thinking about a proactive agenda to guarantee freedom of expression, what measures do you propose for South American countries?

**PAULA LITVACHKY:** The central challenge is how to generate critical mass in the face of the hegemony of social networks and the multimillionaires who control them globally.

We participate in discussions on regulation, recognizing that, currently, states don't have the power to impose effective limits on these companies. However, it is essential to bring this discussion to the table.

Our perspective has been consistent: solutions should be as non-punitive as possible. The debate on state intervention or regulation shouldn't necessarily involve punitive or penal approaches. The question is how we articulate to devise a political and social strategy that allows for effective intervention. Without building a collective and critical mass capable of generating broad social support, it will be very difficult to move forward.

This is a necessary conversation, especially with countries whose governments are willing to advance initiatives to protect freedom of expression. The debate isn't limited to social media—it includes questions about monopolies and media concentration. Even governments ideologically aligned with these discussions often lack the political clout to intervene effectively.

We live in a world undergoing rapid transformation—both geopolitical and digital—whose new logics and hegemonies we still don't fully understand. It's a kind of interregnum [interval] from which we don't know how we'll emerge.

Currently, our priority is not to propose a specific legislative agenda, but to generate dialogue, alliances, and critical mass to deepen necessary discussions. Our priority discussion today is political and social.

“ *The question is how we articulate to devise a political and social strategy that allows us to intervene effectively. Without building a collective and critical mass capable of generating broad social support, it will be very difficult to move forward.* ”

— Paula Litvachky



Photo: Joédson Alves / Agência Brasil / Flickr

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**OLD  
ANTI-DEMOCRATIC  
TENDENCIES**

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# BETWEEN GUARANTEED RIGHTS AND HISTORICAL BARRIERS

In Brazil, freedom of expression and access to information are rights guaranteed by Article V of the 1988 Federal Constitution. However, the reach of their protection and the limits on their exercise depend on complementary legislation and judicial analyses, both in specific cases and with general repercussions.

For example, there are laws in the country that limit freedom of expression in specific situations, such as crimes against honor (slander, insult, and defamation). Section V of the article states that “the expression of thought is free, and anonymity is prohibited,” while Section X states that “the privacy, private life, honor, and image of individuals are inviolable, ensuring the right

to compensation for material or moral damages resulting from their violation.” However, its literal meaning does not determine in which situations freedom of expression can be categorized as a violation of privacy, private life, or honor.

Historically, the Brazilian judiciary has been erratic in defining these boundaries. The lack of consistent criteria for identifying protected speech and illegitimate restrictions hinders the consolidation of clear parameters. This is a challenge that predates the dilemmas posed by digital platforms and continues to influence current problems. These historical gaps remain and help explain the impasses that characterize the cases and disputes analyzed below.

## ADPF 130 AND FREEDOM OF THE PRESS: PROGRESS ACHIEVED AND PERSISTENT CHALLENGES

The repeal of the Press Law represented a milestone for freedom of expression in Brazil. Law No. 5,250 of 1967, created during the military dictatorship, gave the state broad powers to restrict journalistic activity, resulting in censorship and systematic persecution of journalists and communicators, including before the publication of content.

It wasn't until 2009 that the Supreme Federal Court declared this law unconstitutional when ruling on the Claim of Non-Compliance with a Fundamental Precept (in Portuguese, *Arguição de Descumprimento de Preceito Fundamental*, ADPF) 130.<sup>51</sup> The lawsuit was originally motivated by the case of journalist Elvira Lobato

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51 • <https://www.conjur.com.br/2009-nov-07/leia-integra-acordao-stf-derrubou-lei-imprensa/>

of Folha de S. Paulo, who, after publishing an article on the Universal Church, found herself forced to respond to more than 100 lawsuits filed in various states and districts. This is an exemplary case of judicial harassment against journalists, where the Judiciary is mobilized to intimidate and silence people who speak out in public, seeking to intimidate and cause financial and psychological distress.

The decision strengthened the protection for press freedom, but it brought with it persistent uncertainties. As Maria Tranjan analyzes, “the justices’ own positions reveal a lack of clarity as to what would replace this rule, or what this illegitimate restriction on the right to freedom of expression actually constitutes.” The lack of clear parameters continues to impact judgments that still reference the ADPF.

More than repealing an authoritarian remnant, ADPF 130 has established itself as a binding reference in decisions on the reach of freedom of expression and the press in Brazil. Its legacy lies not only in the invalidation of the old Press Law, but above all in its role as a guide for the constitutional interpretation of these fundamental rights.

#### **THE MEANING OF ADPF 130 IN THE JURISPRUDENCE OF THE SUPREME FEDERAL COURT (STF)**

The report “The meaning of ADPF 130 in the jurisprudence of STF on freedom of expression,”<sup>52</sup> the result of research carried out within the scope of the Freedom of Expression and Democracy Platforms (in Portuguese, Plataformas de Liberdade de Expressão e Democracia, PLED) of Getúlio Vargas Foundation Sao Paulo Law School (FVG Direito SP), in partnership with ARTIGO 19, provides an overview of how freedom of expression is a highly litigated right in Brazil, often rivaling other constitutional rights and duties, such as

privacy, honor, image, equality, protection of democracy and public health.

The study provides a detailed analysis of the meaning of ADPF 130 in the jurisprudence of STF on freedom of expression and the press in Brazil, including quantitative and qualitative data on non-unanimous monocratic and collegiate decisions delivered in constitutional complaints based on ADPF 130. The data detail the controversial and highly litigated nature of this right, especially in the context of the internet.

Justice Ayres Britto’s opinion, which served as the basis for the court’s ruling summary, argued for the complete unconstitutionality of the Press Law, characterizing it as a project of power conceived by the military dictatorship. He defended a self-regulatory logic for the press, proposing that freedom of expression and of the press be treated as “over-rights,” taking precedence over other rights, distinguishing “core” matters (immune to legislation) from “lateral” matters (subject to regulation). However, his abstract and imprecise formulation failed to address key points, such as the application of the right of reply or crimes against honor.

Other justices, such as Ellen Gracie and Gilmar Mendes, expressly rejected the idea of hierarchical precedence, advocating for consideration of the specific case. This lack of consensus since the original ruling has made it difficult to establish a clear and binding majority position for future cases.

The first non-unanimous complaint, heard by the plenary in 2009, demonstrated the initial divergence and restrictive interpretation of the majority. Justices such as Cezar Peluso and Gilmar Mendes understood that ADPF 130 was limited to the repeal of the Press Law, not establishing a general prohibition of prior judicial censorship or hierarchical precedence of freedom of expression.

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**52** • The full study is available at <https://artigo19.org/wp-content/blogs.dir/24/files/2025/09/Relatorio-Final-ADPF-130.-v5.-nov.23.pdf>.

Ayres Britto and Celso de Mello had a dissenting vote, arguing that it prohibited any form of prior censorship, including judicial censorship.

Divergences also manifest themselves within the Supreme Federal Court panels. The 1st panel alternates between more liberal views—represented by Justice Luís Roberto Barroso, who relaxes criteria to encompass different forms of censorship—and more restrictive and conservative stances, such as that of Alexandre de Moraes, who limits it to prior censorship. The arrival of Dias Toffoli and Marco Aurélio’s “medium vote”

did not change the dynamic, leading to varied procedural outcomes and, at times, to changes in the positions of justices in subsequent decisions on the same case. In the 2nd panel, Celso de Mello was initially an isolated “liberal” voice, later reinforced by Edson Fachin, while Gilmar Mendes maintained a more inconsistent stance.

The quantitative analysis of the monochromatic decisions confirms the centrality of the press in the disputes: 72% of the constitutional complaints analyzed (47 out of 65) were filed by journalists or social communication outlets.

*72% of the constitutional complaints analyzed by the study were filed by journalists or social communication outlets.*

For Raquel da Cruz Lima, the decision perfectly illustrates the Supreme Court’s structural difficulty in establishing clear parameters: “The only point where ADPF 130 came closest to establishing a landmark was in affirming the absolute prohibition of prior censorship. But even this understanding was not developed consistently, and the Court remains erratic in applying this principle in concrete cases.”

She also draws attention to the complete purge of the Press Law, which left important gaps,

such as the right of reply, which was left without specific regulation: “An opportunity was lost to reflect on which authoritarian mechanisms still remain and to establish more solid tools to strengthen democracy.”

In short, although there is a minimal but growing consensus that ADPF 130 not only repealed the Press Law but also prohibited prior censorship (including judicial censorship), the expansion of its protective meaning occurred in a diverse and

“ *The only point where ADPF 130 came closest to establishing a landmark was in affirming the absolute prohibition of prior censorship, but the Court remains erratic in applying this principle in concrete cases* ”

— Raquel da Cruz Lima

fragmented manner. The lack of a harmonious meaning has led to unstable and unpredictable jurisprudence on freedom of expression and the press to date.

**NEW CHALLENGES, OLD PRACTICES**

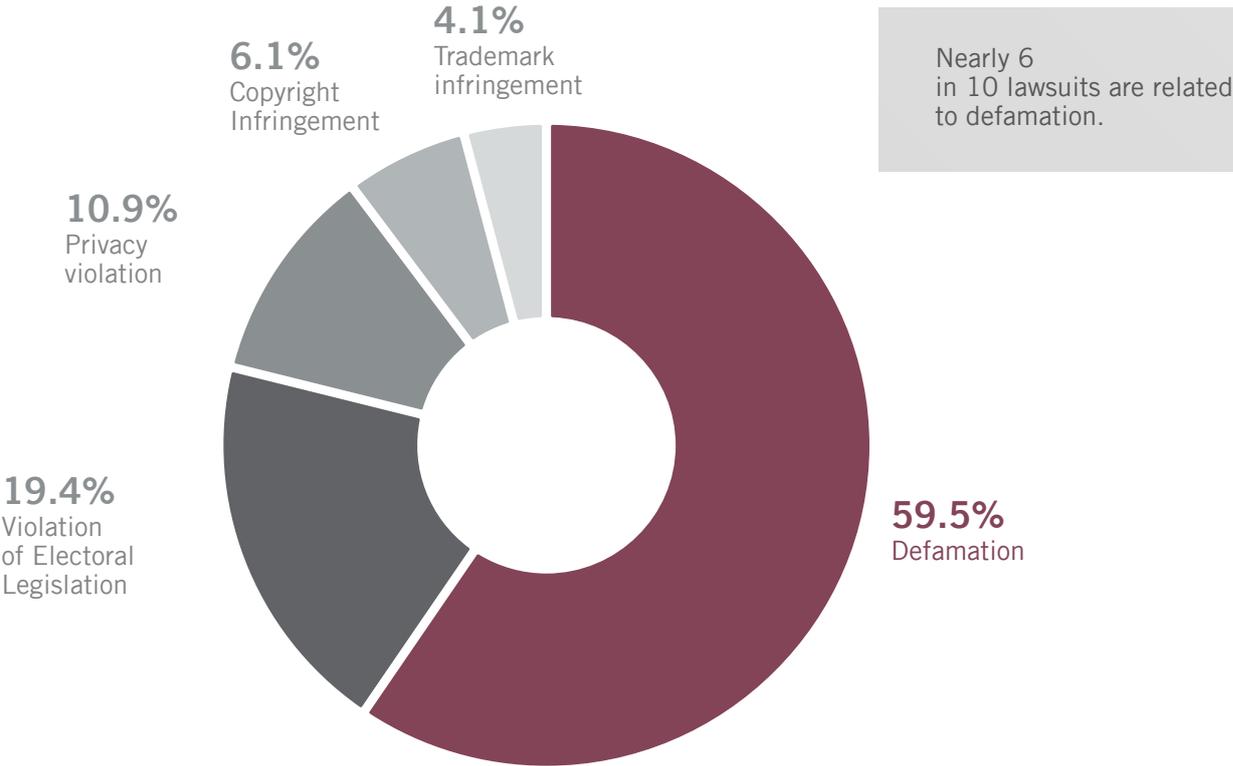
Sixteen years after ADPF 130, journalists and communicators continue to be frequent targets of lawsuits, often related to content of public interest. Although the decision revoked one of

the dictatorship’s main censorship instruments, legal mechanisms continue to be used to restrict journalistic activity, whether through formal charges or the proliferation of abusive actions.

A 2018 study by the National Council of Justice analyzed 2,373 lawsuits filed after ADPF 130 and revealed that almost 60% were related to accusations of defamation — evidence of how crimes against honor continue to function as a tool to limit freedom of expression<sup>53</sup>.

## REASONS FOR LAWSUITS AGAINST THE PRESS (POST-ADPF 130)

National Council of Justice (CNJ) survey (2018) — 2,373 cases



Source: Survey conducted by the National Council of Justice in 2018 based on 2,373 lawsuits filed after ADPF 130

53 • <https://bibliotecadigital.cnj.jus.br/jspui/handle/123456789/129>.

In recent years, an even more worrying phenomenon has gained momentum: the sophistication of legal harassment, also known as Strategic Lawsuit Against Public Participation, SLAPP.<sup>54</sup> The Judicial Harassment Monitor Against Journalists, a project of the Brazilian Association of Investigative Journalism (*Associação Brasileira de Jornalismo Investigativo*, Abraji), recorded 421 lawsuits between 2020 and 2024—one every three days. In 90% of cases, the lawsuits referred to disputes over honor, image, or private life, confirming the systematic use of the Judiciary as an instrument of intimidation.<sup>55</sup>

As Raquel da Cruz Lima notes, this situation is exacerbated by the lack of clear parameters in Brazilian jurisprudence: “The Supreme Court is not committed to adequately clarifying what freedom of expression means within the Brazilian constitutional framework. This creates a landscape of profound uncertainty, in which outcomes depend more on which justice hears the case than on established parameters. It’s a big roulette wheel of decision possibilities, both in the lower courts and within the Supreme Court itself.”

*Without clear parameters,  
freedom of expression in the Supreme Court  
has become a roulette wheel of possibilities:  
everything depends on which  
justice hears the case.*



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<sup>54</sup> • <https://www.article19.org/resources/new-report-courts-responding-to-slapps/>

<sup>55</sup> • <https://assediojudicial.abraji.org.br/>

# DISPUTE OF LEGAL FRAMEWORKS AND INTERPRETATIONS

## LAW FOR THE PROTECTION OF THE DEMOCRATIC RULE OF LAW: CHALLENGES AND CONTRADICTION

Created during the military dictatorship to persecute opponents, the National Security Law (*Lei de Segurança Nacional, LSN*) was once again used intensively during the Bolsonaro administration (2019–2022), with its application increasing by 285%.<sup>56</sup> It was systematically used against journalists, artists, human rights defenders, and protesters who criticized the management of the Covid-19 pandemic or linked the then-president to the carnage resulting from the uncontrolled contagion.

In this context, and after extensive mobilization by civil society, the National Congress approved Law 14,197/2021, known as the “Law for the Protection of the Democratic Rule of Law”, repealing the LSN.

### PERSISTENT PROBLEMS IN THE NEW LAW

Despite the expectation of greater protection of fundamental rights, we’ve been warning since the

legislative process that the text re-enacted some of the crimes covered by the LSN under new guises, maintaining open criminal types and vague terms that allow for abusive interpretations.<sup>57</sup> We have also criticized the fast-track nature of the process, which prevented public participation and broad debate on such a sensitive topic.

The new law did not decriminalize conduct compatible with the exercise of freedom of expression. On the contrary, it preserved provisions used to restrict critical expression, such as crimes against honor, and lastly, increased the penalty by one-third for offenses against the honor of public officials in the performance of their duties.

More serious was the presidential veto of the provision that prevented the application of new criminal types against demonstrations — precisely the safeguard that civil society had managed to include during the process.

<sup>56</sup> • <https://www.cartacapital.com.br/politica/sob-bolsonaro-inqueritos-pela-lei-de-seguranca-nacional-crescem-285/>

<sup>57</sup> • <https://artigo19.org/2021/05/03/diferente-do-que-governo-afirma-proposta-que-institui-nova-lei-de-seguranca-nacional-contem-graves-ameacas-a-democracia/>

In January 2024, the law’s fragility became evident when the crime of attempting to abolish the democratic rule of law was used to justify arrests during protests against bus fare hikes in São Paulo. Twenty-five young people were detained in the first protest and seven in the second, including lawyers from the Brazilian Bar Association.<sup>58</sup>

Police justifications—such as the claim that young people wearing “black shirts, masks, and backpacks” constitute “black bloc” tactics—are flimsy and insufficient. For ARTICLE 19, neither clothing nor posts encouraging protests constitute an intention to abolish the democratic rule of law. These gaps in the new law, combined with the erratic jurisprudence on freedom of expression, reinforce the need for the Supreme Court to advance the protective interpretation of this right in the application of this law.

#### **JANUARY 8TH AND THE NEED FOR OBJECTIVE CRITERIA**

At the time of the anti-democratic acts of January 8, 2023, we strongly condemned the attacks on the Three Powers Square in Brasília, emphasizing that the right to protest does not protect demonstrations that are part of a coordinated movement that concretely threatens the democratic rule of law. In a public note, we

warned that calls for “military intervention” do not fall within constitutional protection.<sup>59</sup>

The episode, however, opened the door to legal interpretations that could undermine the legitimate exercise of freedom of protest. It is crucial to distinguish critical and even radical demonstrations—which are integral to democracy—from acts that pose a real risk of institutional rupture.

It is not the mere fact of entering public buildings, the use of barricades, or criticizing the Powers that justify restrictions, but rather a set of factors: the existence of an agenda expressly aimed at jeopardizing the democratic regime, the imminent threat to the functioning of the constitutional Powers, the structured financing of illegal actions and the support of public authorities, especially security forces.

As Raquel da Cruz Lima notes, “it is not the same when a few dozen people carry signs calling for military intervention and when authorities invested with power mobilize resources to carry it out — the context, the extension, and the position of the speaker are decisive in assessing the risk to democracy.”

Protecting the right to protest, therefore, requires clear and objective parameters that differentiate concrete threats from the legitimate exercise of rights.

*A small group with signs calling for military intervention and authorities using public resources to carry it out are not equivalent.*

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**58** • <https://artigo19.org/2024/02/02/artigo-19-demonstra-preocupacao-pela-prisao-de-manifestantes-em-sao-paulo-e-pela-criminalizacao-por-tentativa-de-abolicao-do-estado-democratico-de-direito/>.

**59** • The full text of the note is available at <https://artigo19.org/2023/01/08/artigo-19-defende-estado-democratico-de-direito-diante-de-ataques-golpistas-aos-tres-poderes/>.

## CRIMES AGAINST HONOR AND RISKS TO FREEDOM OF EXPRESSION

Few instruments are as effective at silencing critical voices as crimes against honor. Slander, defamation, and insult, defined in the Brazilian Penal Code since 1940, are still widely used to restrict public debate. The problem lies not only in the way they are exploited by powerful actors, but also in the very conception of what they protect: subjective honor, especially of public officials, which becomes more important than the free flow of criticism in a democracy.

In four decades of democracy, these criminal types—along with the crime of contempt—remain in force, despite the Inter-American Commission on Human Rights (IACHR)<sup>60</sup> deeming them incompatible with the American Convention on Human Rights. In a joint letter sent to the IACHR’s Office of the Special Rapporteur for Freedom of Expression, civil society organizations, including ARTICLE 19, highlighted how these provisions have become tools of silencing, especially when deployed

by public figures and powerful actors against journalists and human rights defenders.<sup>61</sup>

The case of contempt (Article 331 of the Penal Code) is particularly problematic. By providing for a prison sentence for anyone who “disrespects a public official in the performance of their duties,” the law disproportionately protects authorities who should be more subject to public scrutiny. In 2017, the Claim of Noncompliance with a Fundamental Precept (ADPF) 496 questioned its compatibility with the Constitution and the American Convention. The Supreme Federal Court, however, decided to uphold it—in a ruling criticized by experts and misaligned with inter-American jurisprudence, which considers this type of crime incompatible with freedom of expression. As Raquel da Cruz Lima observes, “the Supreme Federal Court’s decision reinforces the logic of shielding authorities, when criticism of power should be at the heart of the constitutional protection of freedom of expression.”<sup>62</sup>

“ *The Supreme Court’s decision reinforces the logic of shielding authorities, when criticism of power should be at the heart of protecting freedom of expression.* ”

— Raquel da Cruz Lima

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**60** • The full text of the document from the IACHR Special Rapporteurship for Freedom of Expression on “Laws on Contempt and Criminal Defamation” is available at: <https://www.oas.org/pt/cidh/expressao/showarticle.asp?artID=533&IID=4>.

**61** • The full letter is available at [https://artigo19.org/wp-content/blogs.dir/24/files/2025/02/Carta-Conjunta-\\_Visita-da-Relatoria-de-Liberdade-de-Expressao-ao-Brasil-1.pdf](https://artigo19.org/wp-content/blogs.dir/24/files/2025/02/Carta-Conjunta-_Visita-da-Relatoria-de-Liberdade-de-Expressao-ao-Brasil-1.pdf).

**62** • <https://artigo19.org/2017/05/25/para-membros-do-mundo-juridico-desacato-representa-ameaca-a-liberdade-de-expressao/>.

## VAGUENESS AND ARBITRARINESS OF LAWS PROTECTING HONOR

In practice, the problem deepens in the way these provisions are worded. The definitions of slander, defamation, and insult allow for flexible and subjective interpretations, which can easily be used in an abusing way to restrict legitimate criticism. By protecting not only objective reputations but also individual feelings, the legislation leaves room for excessively flexible liability.

The lack of clear parameters for determining civil damages and the arbitrary nature of the amounts awarded can produce the same

restrictive effects as criminal sanctions. For journalists, criminal sanctions can even include the suspension of their right to practice their profession, transforming civil or criminal liability into a perverse mechanism of censorship and professional control.

This situation reveals the urgency of a comprehensive review. Maintaining vague and open-ended criminal provisions regarding honor continues to pose a serious risk to freedom of expression and public debate in Brazil.

### CRIMES AGAINST HONOR AND CONTEMPT IN THE BRAZILIAN PENAL CODE

- **Slander (Art. 138, CP)**

Falsely imputing to someone a fact defined as a crime, affecting their objective honor.  
*Penalty:* 6 months to 2 years, or fine; with aggravating factors in public places.

- **Defamation (Art. 139, CP)**

Attributing an offensive fact to someone's reputation (which does not constitute a crime), even if true.  
*Penalty:* 3 months to 1 year, or fine; exception for public officials.

- **Insult (Art. 140, CP)**

Offending someone's dignity or decorum — subjective honor.  
*Penalty:* 1 to 6 months, or fine; aggravated if there is violence or discriminatory elements.

- **Contempt (Art. 331, CP)**

Offending a public servant in the exercise of their duties, protecting their "functional prestige".  
*Penalty:* imprisonment of 6 months to 2 years, or fine.

# LIMITS ON FREEDOM OF EXPRESSION AS OPPOSED TO OTHER RIGHTS

A significant ruling on the future of freedom of expression in Brazil is currently underway in the Supreme Federal Court. Extraordinary Appeal (in Portuguese, *Recurso Extraordinário*, RE) 662,055, which gave rise to Theme 837 of general repercussion, aims to redefine the parameters for exercising this fundamental right in comparison with others of similar legal standing. The decision will have a direct impact on numerous cases currently suspended.

The case stems from the Animal Hope Project's (*Projeto Esperança Animal*, PEA) lawsuit against the organizers of the Barretos Rodeo Festival. The animal protection organization launched a boycott campaign against the event's sponsors, denouncing animal cruelty— including electric shocks and other methods to force behaviors deemed “savage.”<sup>63</sup>

The São Paulo State Court of Justice (*Tribunal de Justiça de São Paulo*, TJ-SP) ruled that the accusations were “generalized” and unproven, and ordered Animal Hope Project to refrain from publishing new content on the topic without granting the organizers the right of reply. The ruling also prohibited mention of the sponsors and ordered the organization to pay compensation for moral damages to the festival organizers.

## CONCERNS ABOUT THE TRIAL

Although the specific case involves specific conflicts over the limits of freedom of expression, topic 837 was formulated excessively broadly. This generates the risk that the Supreme Federal Court will establish a general thesis without promoting due debate, creating imprecise parameters that could impose undue restrictions on this fundamental right.

The concern is even greater because numerous cases remain suspended awaiting this decision— from lawsuits against journalists and media outlets to cases involving social movements and human rights defenders. A poorly formulated thesis can, therefore, have restrictive effects on the entire democratic ecosystem of the circulation of ideas.

## ARTICLE 19'S INTERVENTION: INTER-AMERICAN STANDARDS AND THE TRIPARTITE TEST

In September 2024, in an oral argument before the Supreme Federal Court, Raquel da Cruz Lima presented a perspective anchored in international human rights standards. We advocate for the application of the “tripartite test,” widely recognized in international jurisprudence: any restriction on freedom of expression must be

*Restrictions on freedom of expression must pass the “tripartite test”: be provided for by law, pursue a legitimate objective, and be necessary in a democratic society, respecting criteria of suitability and proportionality.*

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63 • <https://www.migalhas.com.br/quentes/415559/stf-analisa-liberdade-de-expressao-de-ong-contra-festa-do-peao>.

provided for by law, pursue a legitimate objective permitted by international law, and be necessary in a democratic society, meeting the criteria of suitability and proportionality.<sup>64</sup>

According to Lima, “if it is true that honor is protected by international human rights treaties, it is also necessary to emphasize that the interpretation of this right by international bodies indicates that honor protects the right of the human person and not the abstract guarantee of religious feelings, symbols or institutions.”

The coordinator also highlighted the specificity of the Inter-American System, which gives unique prominence to freedom of expression. The American Convention on Human Rights is unique in providing for the express and absolute

prohibition of prior censorship, in addition to protecting against indirect mechanisms of restriction. This landmark reinforces the need for the Supreme Federal Court to adopt clear parameters consistent with the international commitments made by Brazil.

#### WHAT'S AT STAKE

Before discussing limits, it is essential to state what is being protected. As Raquel da Cruz Lima concluded in her argument, “as important as establishing clear criteria for restricting freedom of expression is to state its meaning in a democratic society.” In a democratic regime, this right must safeguard the ability to defend ideas and promote positive and fair transformations in society.

“ *As important as establishing clear criteria for restricting freedom of expression is stating what its meaning is in a democratic society* ”  
— Raquel da Cruz Lima

The ruling on Topic 837 is an opportunity for the Supreme Federal Court to reaffirm Brazil’s commitment to inter-American standards for the protection of freedom of expression, ensuring that civil society organizations, journalists, human rights defenders, and citizens in general can continue to play their fundamental role in public debate.

The decision must balance the protection of rights such as honor and image with the need to preserve a robust democratic environment in which legitimate criticism, reports of irregularities, and campaigns for social change can flourish without the risk of disproportionate legal retaliation.

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64 • The full oral argument is available at <https://www.instagram.com/reel/DAG5b36PZ2d/>.

# JUDICIAL HARASSMENT: A SYSTEMATIC STRATEGY OF SILENCING

Judicial harassment is defined as the abusive use of judicial measures with intimidating effects against those exercising the right to freedom of expression, in a disproportionate reaction to lawful expressions on matters of public interest. The practice leverages unfounded lawsuits and abusive procedural tactics, which exploit the disparity of power between the parties, seeking to silence critical voices.

According to the Judicial Harassment Monitor of the Brazilian Association of Investigative Journalism (*Associação Brasileira de Jornalismo Investigativo, Abraji*), this effect manifests itself in strategies such as the choice of complex and onerous procedural procedures, claims for disproportionate amounts of compensation, repetitive litigation in different jurisdictions, threats of imprisonment, or even lawsuits filed by very powerful individuals and entities. The goal is not necessarily to win the lawsuits, but to impose such high financial, psychological, and professional costs that they ultimately make the victim's work unviable. Its impact is measured not only by the cases that reach the courts, but also by the chilling effect,<sup>65</sup> which can result in self-censorship. The mere possibility of criminalization leads many communicators, academics, and activists to avoid sensitive topics.

While frequently directed against journalists, judicial harassment also affects human rights defenders, students, and artists. The case of

Professor Mônica Brito, from Altamira, in the State of Pará, illustrates this. A longtime activist in the Black women's movement and a defender of human rights, Brito was sued for moral damages after speaking out against a racist act at the Federal University of Pará (*Universidade Federal do Pará, UFPA*). The lawsuit, worth R\$40,000 (over USD7,000), sought to silence not only the professor but also the social movements that mobilized against racism. ARTICLE 19 denounced the intimidating nature of the action, which constitutes a violation of the right to freedom of expression and the right to protest.<sup>66</sup>

Cases like those of Mônica Brito and journalist Ramyria Santiago, from the State of Maranhão<sup>67</sup>—who faced dozens of lawsuits for her work on a local blog in the city of Codó—demonstrate that judicial harassment doesn't depend on convictions to fulfill its purpose. Even when unfounded, these lawsuits already have devastating effects: they undermine trust, drain resources, compromise professional performance, and send a clear message to other critical voices about the risks of exposing abuses and reporting violations.

## MASSIVE HARASSMENT AND REACTION FROM THE PUBLIC PROSECUTOR'S OFFICE

Journalist and writer João Paulo Cuenca faced 144 lawsuits in 18 Brazilian states over a Twitter post criticizing the Universal Church of the Kingdom

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65 • <https://artigo19.org/2023/05/03/dia-mundial-da-liberdade-de-imprensa-assedio-judicial-e-silenciamento-de-comunicadores-e-jornalistas-no-brasil/>.

66 • The full text of the note of support is available at <https://artigo19.org/2023/01/24/liberdade-de-expressao-nao-e-crime-nota-de-apoio-a-professora-monica-brito/>.

67 • An article by Allan de Abreu in Piauí Magazine details the case of Ramyria Santiago: <https://piaui.folha.uol.com.br/materia/como-funciona-o-assedio-judicial-contra-jornalistas-no-brasil/>.

of God. The damage claims totaled R\$3.3 million (approximately USD600,000), resulting in the loss of his position as a correspondent at Deutsche Welle, in addition to numerous death threats.<sup>68</sup>

In February 2025, the Federal Public Prosecutor's Office filed a lawsuit against Universal Church for damages to the justice system and freedom of expression, requesting R\$5 million in collective moral damages for projects combating violence against journalists. According to the Federal Public Prosecutor's Office, the church orchestrated the legal response by mobilizing pastors to file lawsuits with virtually identical petitions across the country.

This pattern of coordinated multiplication of lawsuits had already been identified in other incidents, such as the case of journalist Elvira Lobato in 2008, when more than one hundred lawsuits were filed following an article on the Universal Church. At the time, this incident was one of the factors that led to the filing of ADPF 130, a lawsuit that culminated in the repeal of the Press Law.

#### **INSTRUMENTALIZATION OF SPECIAL COURTS**

Small claims courts (civil and criminal) were created to provide quick responses to less complex disputes, with simplified procedures, short deadlines, and no upfront costs. They differ from regular courts precisely because of their agility and low cost—which, in theory, would facilitate access to the judiciary.

However, these characteristics have been abusively used in the context of judicial harassment. In the Civil Small Claims Courts (*Juizados Especiais Cíveis, JECs*), the ability to file lawsuits at low cost and in different jurisdictions favors the dispersal of cases against journalists, teachers, activists, or media outlets. In practice, this creates a

disproportionate burden, since mounting defenses in dozens of different cities is unfeasible. As Raquel da Cruz Lima highlighted, “the mere fact of not being able to attend is enough to lose the case, which shows how easily these instruments have been appropriated for harassment.”

In Criminal Small Claims Courts (*Juizados Especiais Criminais, JECRIMs*), the problem has a different dynamic. Many crimes against honor are handled in these courts, where the logic of quick solutions, such as plea bargains or conditional suspension of proceedings, prevails. The result is that the merits of the accusation are rarely discussed, as those prosecuted prefer to accept light sanctions to close the case. This ultimately prevents the Judiciary from ruling on the legitimacy of public demonstrations. This was the case, for instance, of the SlutWalk in Guarulhos, in the State of São Paulo, in 2013, when women were charged with “obscene acts” for showing their breasts while protesting against rape culture. Most activists accepted plea bargains, and only one pursued the case, being sentenced to a fine despite technical opinions from ARTICLE 19 and feminist organizations defending nudity as a legitimate form of protest.

Thus, structures designed to expand access to justice paradoxically end up becoming tools of silencing. The abusive use of Civil Small Claims Courts highlights the need for clear parameters to prevent the agility of these procedures from being converted into instruments of intimidation against the legitimate exercise of freedom of expression.

#### **DISPROPORTIONATE IMPACT ON VULNERABLE GROUPS**

We also observe the systematic use of the Judiciary to silence women, especially when they discuss women's rights, sexual and reproductive rights, and episodes of gender-based violence. The case of journalist Schirlei Alves, criminally convicted

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68 • <https://www.jota.info/justica/mpf-processa-igreja-universal-por-assedio-judicial-contra-escriptor-joao-paulo-cuenca>.

for reporting on the Judiciary’s misogyny in the Mariana Ferrer case, exemplifies this tendency.<sup>69</sup>

Schirlei faces six lawsuits filed by the judge, prosecutor, and lawyer involved in the original case. Paradoxically, her reporting was instrumental in the passage of Federal Law No. 14,425/2021, known as the Mariana Ferrer Law, which protects victims of sexual crimes during trials.

Another notable episode involved the case of an 11-year-old girl who was raped in the State of Santa Catarina, whose right to a legal abortion was systematically violated by abusive court decisions. After widespread coverage of reports published by Portal Catarinas and The Intercept Brasil,<sup>70</sup> the procedure was finally granted, but the political backlash was immediate: a

state representative organized the creation of a Parliamentary Commission of Inquiry on Abortion (in Portuguese, *CPI do Aborto*) to investigate not only the family and health professionals involved, but also the journalists responsible for the coverage.

The Judiciary’s mobilization to restrict expression isn’t limited to cases involving women communicators, but also impacts gender-related issues—such as violence against women, sexual violence, sexual rights, and reproductive rights. In 2022, faced with escalating violations, civil society organizations filed a complaint with the IACHR against the Parliamentary Commission on Abortion, citing its intimidating nature and incompatibility with international standards for the protection of freedom of expression.<sup>71</sup>

#### **OTHER RECENT CASES<sup>72</sup>**

##### **Elias Aredes Junior**

Sentenced to 8 months in prison in January 2025 for sports reporting involving the former president of football club Ponte Preta<sup>73</sup>

##### **Rosane de Oliveira**

In May 2025, she was ordered to pay R\$600,000 for disclosing the salaries of judges of the Court of Justice of the State of Rio Grande do Sul<sup>74</sup>

##### **Rubens Valente**

Ordered to pay R\$319,000 to Minister Gilmar Mendes for his representation in an investigative book. The case was taken to the IACHR and is still under review.<sup>75</sup>

69 • <https://artigo19.org/2023/11/17/condenacao-criminal-da-jornalista-que-cobriu-caso-mariana-ferrer-e-ultrajante/>.

70 • <https://www.intercept.com.br/2022/06/20/video-juiza-sc-menina-11-anos-estupro-aborto/>.

71 • <https://catarinas.info/organizacaoes-acionam-a-comissao-interamericana-de-direitos-humanos-contra-a-cpi-do-aborto/>.

72 • As of the conclusion of the review for this edition, in September 2025.

73 • <https://sjsp.org.br/sjsp-solidariza-se-com-o-jornalista-elias-aredes-jr-e-manifesta-veemente-repudio-a-sua-absurda-condenacao-judicial-que-afronta-a-constituicao/>.

74 • <https://www1.folha.uol.com.br/poder/2025/05/juiza-condena-jornal-e-colunista-que-divulgaram-remuneracao-de-desembargadora.shtml>.

75 • <https://www1.folha.uol.com.br/poder/2022/05/stf-contraria-precedente-ao-determinar-indenizacao-de-jornalista-a-gilmar-mendes.shtml>

# CRISTIAN GÓES CASE: CRIMINALIZATION OF FICTIONAL TEXT AS A PARADIGM OF JUDICIAL HARASSMENT

The case of journalist Cristian Góes, from the State of Sergipe, illustrates how the legislation on crimes against honor can be used as a tool for silencing. In May 2012, Góes published on his blog a story entitled “I, the colonel in me” (original title in Portuguese: *Eu, o coronel em mim*).<sup>76</sup> The fictional text, written in the first person, addressed practices of *coronelismo*<sup>77</sup> still prevalent in Northeastern Brazil politics—without mentioning names, dates, places, or specific positions.

Even so, Judge Edson Ulisses, then vice president of the Sergipe Court of Justice and brother-in-law of the state governor, understood that the expression “gunman of the law” (in Portuguese, “jagunço<sup>78</sup> das leis”) used by Góes referred to him. Therefore, he filed criminal and civil lawsuits against the journalist for insult and moral damages.

As Maria Tranjan recalls, the case is emblematic when it comes to talking about violations of freedom of expression in Brazil because “Cristian was prosecuted for a fictional text; he wasn’t writing an article, an investigative document, disclosing names, facts, mentioning the people to whom he was allegedly attributing certain behaviors.”

Tranjan emphasizes that this is not only a violation of freedom of expression, but also a

violation of artistic freedom. The text “built a bridge between this abuse of judicial power and the way the colonels behaved at certain moments in Brazil’s history,” connecting with historical processes that remain relevant today.

## DISPROPORTIONATE CONVICTIONS AND PROCEDURAL IRREGULARITIES

Góes was sentenced in both civil and criminal courts: seven months and 16 days in prison (converted to community service) and ordered to pay R\$66,000 (approximately USD12,000) in damages, including attorney’s fees. The case “goes under all levels of jurisdiction, and it is understood that this fictional text, which didn’t mention any names, is subject to conviction for crimes against honor,” notes Tranjan.

The proceedings were also marked by irregularities that compromised its impartiality. After the judge in charge was removed, the natural replacement was replaced without justification. The judge who took over the case took only three days to deliver the conviction.

## IMPACTS ON PROFESSIONAL AND PERSONAL LIFE

The convictions profoundly affected Góes’s life. The journalist began to live under restrictions on his schedule and movement, altering his daily routine. The amount of compensation

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<sup>76</sup> • <https://artigo19.org/2014/12/02/condenado-a-pagar-30-mil-reais-por-uma-cronica-ficcional/>.

<sup>77</sup> • Coronel is a rural political boss during the predominantly agrarian phase of Brazilian history (c. 1870–1940); coronelismo is the phenomenon of local and regional political rule by one or more coronéis.

<sup>78</sup> • “Jagunço” is a slang and historical term with a negative connotation, referring to a gunman hired to protect influential figures, especially the “coronéis.”

made it impossible for him to practice his profession in the following years. To serve his criminal sentence, Góes had to suspend his PhD in communication at the Federal University of Minas Gerais (*Universidade Federal de Minas Gerais, UFMG*).

Ultimately, he found independent journalism as a way to rebuild his professional career, and today he dedicates himself to the Manguê Journalism agency. This experience served as a key element in our proposal for reparations to the IACHR.<sup>79</sup>

#### **SELF-PROTECTION OF THE JUDICIARY SYSTEM**

The case reveals a worrying pattern, demonstrating “how the Judiciary, at various levels of jurisdiction, has been self-protecting,” as Tranjan analyzes. More than a direct attack on the Judiciary as an institution, the conviction stemmed from the sensitivity of a specific authority who felt criticized and satirized, activating the available legal mechanisms. Tranjan also emphasizes that this reflects a broader phenomenon: “in several cases of judicial harassment, as a rule those involving criticism of judges, prosecutors, and people related to judicial activity, conviction is almost always certain.”

*The case reveals a pattern of self-protection in the Judiciary: in cases involving criticism of judges and prosecutors, conviction is almost always certain.*

#### **OUR WORK: MULTIPLE REPORTING FRONTS**

From the beginning, we’ve followed the case through various fronts. In 2014, we produced the short documentary “I, the colonel in me” (*Eu, o coronel em mim*), which tells the journalist’s story and highlights other similar cases.<sup>80</sup>

In 2015, we, together with the Intervenções coletivas, filed a petition with the IACHR alleging a violation of Article 13 of the American Convention on Human Rights. The agency formally admitted the case in 2023, opening the possibility of condemning the Brazilian state.<sup>81</sup>

Among the requested reparations is the creation of a fund dedicated to independent media. The denouement of the case at the IACHR could set an important precedent for the protection of freedom of expression in Brazil, reinforcing the need to adapt national legislation to international human rights standards. A favorable decision could also strengthen the independent media ecosystem, sending a clear message to the justice system about the limits of criminalizing expression.

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**79** • <https://artigo19.org/2024/06/28/caso-cristian-goes-artigo-19-e-intervencoes-pedem-reparacao-a-midias-independentes-em-orgao-internacional/>.

**80** • Available at <https://vimeo.com/109712063>.

**81** • <https://artigo19.org/2024/03/22/brasil-pode-se-condenado-por-orgao-internacional-por-ter-violado-liberdade-de-expressao-de-jornalista/>.

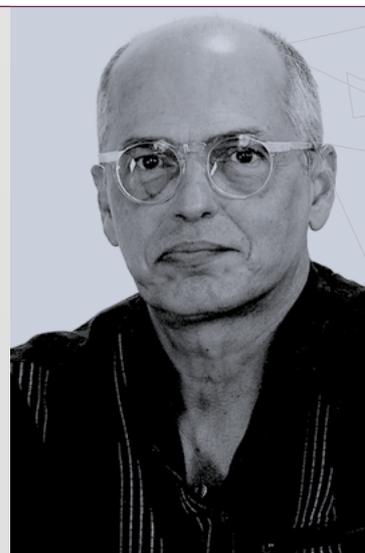
# CRISTIAN GÓES

“ *It is impossible to imagine human rights without freedom of expression.* ”

this exclusive interview, Cristian Góes recalls the experience of facing a lawsuit that became a symbol of harassment against journalists. In the conversation, he reflects on the personal and collective impacts of the conviction, the

functioning of the judiciary in the face of criticism, the effects on journalistic practice, and the creation of Manguê Jornalismo, a collective that advocates for editorial independence and radical transparency.

**José Cristian Góes** is a journalist and writer with a PhD in Communication and Sociability from Federal University of Minas Gerais (UFMG) and a master's in communication from Federal University of Sergipe (UFS). He has worked as a reporter, editor, and communications manager for media outlets and public agencies in Sergipe, as well as an advisor to unions and social movements. He is a reporter and editor-in-chief of **Manguê Jornalismo**, an independent collective based in Aracaju, and a communications analyst at the Federal Attorney General's Office. He is the author of books such as *The Invisible Community* (2021), *Who Are We in the Bread Line?* (2021), and *Journalism and the Experience of the Invisible* (2022).



*The interview has been edited for conciseness and adaptation to the print format. Watch the full version on our YouTube channel.*

**ARTIGO 19: YOUR STORY ADDRESSED POWER RELATIONS AND AUTHORITARIANISM IN BRAZILIAN SOCIETY. IRONICALLY, YOU ENDED UP EXPERIENCING IN PRACTICE WHAT YOU DENOUNCED IN THE TEXT. HOW DO YOU ANALYZE THIS RELATIONSHIP?**

**CRISTIAN GÓES:** The story emerged after participating in an event about *coronelismo* in the Northeast. I decided to write a fictional reflection on my blog, placing myself in the position of a *coronel* facing modernity. I chose not to name anyone—it was a completely open text, without mentioning Sergipe, names, or specific events.

The text caused discomfort because, at the time, the governor had appointed his brother-in-law as

a judge, a decision that the population didn't take well. Since I had been working in critical journalism for years, they interpreted that I was talking about the governor, that the gunman of the law was his brother-in-law. This interpretation reached both of them, who filed the lawsuit.

The most painful part wasn't the conviction, but the journey of the trial, which revealed the very system I criticized. I felt, on my back, in my pocket, in my family, the concrete effects of this system that organizes itself to avoid being questioned.

I've faced about eight lawsuits as a journalist and have never been convicted. It was precisely when I wrote a fictional story, without specifying names or facts, that I ended up being convicted.

*The most painful part wasn't the conviction, but the journey of the trial, which revealed the very system I criticized. I felt, on my back, in my pocket, in my family, the concrete effects of this system that organizes itself to avoid being questioned.*

**ARTIGO 19:** In addition to judicial harassment, the case was processed by all courts, always with unfavorable decisions. How do you assess the Brazilian judiciary's performance in cases involving criticism of its own members?

**CRISTIAN GÓES:** I have many reservations about the Brazilian Judiciary. It's a branch of government that hasn't fully democratized, maintaining what a Peruvian thinker calls "lines of coloniality." The Executive and Legislative branches are subject to electoral processes and public scrutiny. The Judiciary isn't. It maintains caste structures and doesn't adequately understand freedom of expression.

In the Court of Justice, the ones who judge are the peers of the one who filed the lawsuit. A recently appointed judge, who is not from Aracaju, wrote a report defending my acquittal, calling the case "the most absurd of absurdities" and "a stain on the Sergipe judiciary." He was outvoted by two judges.

The Supreme Federal Court ruled the case as "of minor relevance," upholding the lower court rulings. In Brasília, the Attorney General's Office issued an opinion declaring the conviction absurd, but Justice Fux disregarded this opinion.

The personal repercussions were devastating. I was pursuing my PhD in the State of Minas

Gerais, but I had to return to complete eight months of general services at a public health center. My daughter, who had been accepted into law school in Minas Gerais, also had to come back [to Sergipe] with me. My young son asked, “Dad, are you going to be arrested? Are they going to let you be arrested?”

If the consequences were only personal, I would endure them. The problem is that the repercussions are collective, affecting the entire society. These are the most worrying.

**ARTIGO 19:** In his ruling, the judge stated that the conviction was intended to “educate the aggressor” and serve as an example. What impact does this type of decision have on the work of Brazilian journalists, especially those working in independent media?

**CRISTIAN GÓES:** This type of decision has a violent impact initially, causing shock. Several colleagues in Sergipe told me they backed away from assignments to cover the Judiciary after my conviction. There’s a significant impact among journalists, who begin to avoid certain stories. They think, “If Cristian was convicted for a fictional story, what about an investigative report on the Judiciary.”

But just as achieving freedom of expression isn’t a trophy, the victory of censorship isn’t permanent either. More than ten years went by, and we’re back reporting on the judiciary, exposing tremendously high salaries and other issues.

We created the Manguê Jornalismo collective two years ago, and one of our first reports exposed the judicial caste in Sergipe. We weren’t sued because we used data from the Brazilian Transparency Portal.

So, I repeat: this trial was important to keep the discussion about the ongoing fight for freedom of expression alive. There is no minimally democratic society that doesn’t make efforts for freedom of expression—and, consequently, doesn’t face censorship and control.

**ARTIGO 19:** You had to suspend your PhD and pay significant compensation. After 13 years, how did you recover professionally, and what did the creation of Manguê Jornalismo mean?

**CRISTIAN GÓES:** Actually, I didn’t do anything specific to recover, because the conviction wasn’t the worst part—the trial was. The hearings, the testimonies, the bailiff arriving at my house—this procedural ritual is, in itself, a form of conviction.

But this case never even left a scratch on my career as a journalist. On the contrary, it encouraged me to reaffirm my identity as a journalist. We’re not born journalists; we become them. I took that experience as an opportunity to turn what could have been detrimental into a source of strength.

One of the results was the creation of Manguê Jornalismo. I was already condemned by the time I finished my PhD, and although I could have gone into academia, I felt my place was elsewhere. I decided to bring together journalists in Sergipe: the unemployed, the underemployed, the discouraged.

We knew we couldn’t replicate the local journalism model—funded entirely by the government and private companies. In my opinion, it’s impossible to do true journalism under these conditions.

Manguê was founded on a three-pronged foundation that we fight tooth and nail to maintain. First: radical editorial independence—we receive no advertising, government, or corporate funding. Second: our agenda is centered on human rights. Third: radical transparency—we have publicized everything: methods, accountability, identified authors, everything.

We voluntarily submit to a reader’s council that meets every three months to critically evaluate our activities. We understand that journalism is a place for relationships. For us, journalism doesn’t begin with questions, as they say on TV Globo. It begins with listening. Only those who listen better are able to do good journalism.

*For us [at Mangue], journalism doesn't begin with questions, as they say on TV Globo. It begins with listening. Only those who listen better are able to do good journalism.*

**ARTIGO 19:** With a proactive agenda in mind, what measures do you consider essential to guarantee freedom of expression in Brazil, especially for journalists who cover sensitive topics?

**CRISTIAN GÓES:** This is a complex answer for such a diverse Brazil. The perception of journalistic activity based on freedom of expression in Sergipe can be quite different from that in São Paulo or Brasília. The closer the power relations in newsrooms, the more perverse they are for freedom of expression.

I have some fundamental ideas. First, change the legislation—which isn't a guarantee of full exercise, but at least a tool for revendicating. In clear cases of judicial harassment, where judges and prosecutors file lawsuits not only to penalize the journalist, but to collectively signal that “you can't talk about these people”—I propose a procedure that guarantees greater impartiality in state courts.

To confront judicial harassment, I see no other way than collective mobilization. It's essential to strengthen local, national, and international organizations that defend freedom of expression, such as journalists' unions—which often don't discuss freedom of expression as they should. It's unacceptable to imagine human rights without communication and freedom of expression.

Universities are also crucial—it's sad to see students graduate with journalism degrees without a proper understanding of freedom of expression processes.

I have a mantra: our crisis in journalism occurs because we've nearly cut the threads that connect journalism to communication. If we realized how central the issue of communication is to journalism, perhaps freedom of expression would have a different meaning for us.

*The crisis in journalism occurs because we've nearly cut the threads that connect journalism to communication. If we realized how central this connection is, perhaps freedom of expression would have a different meaning.*

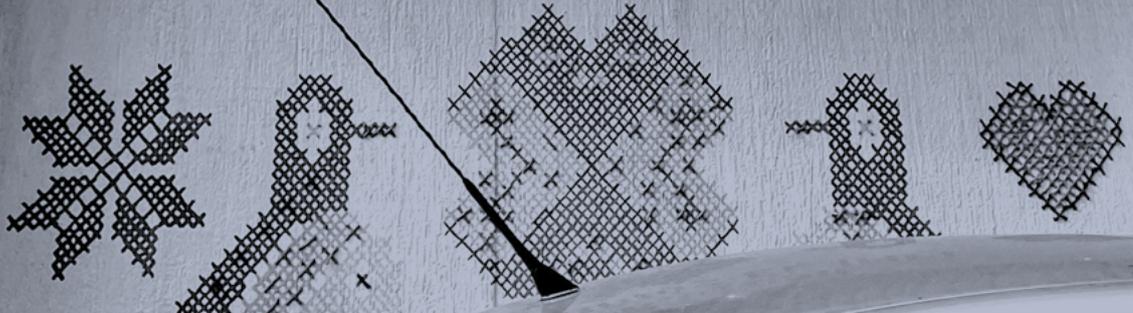


LA RABIA ESTA NUESTRO  
A LUZ DEL MAÑANA

Industria Agua  
Ebsaone  
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**STRATEGIES  
FOR A PLURAL  
DEMOCRACY**

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# FUTURE PERSPECTIVES: HOW TO STRENGTHEN FREEDOM OF EXPRESSION

ARTICLE 19 Brazil and South America observes with concern the global rise in authoritarian speech and actions. Our response does not involve restricting freedom of expression, as this tends to negatively impact already vulnerable populations. On the contrary: greater freedom of expression enables clearer debates and gives space to historically marginalized voices.

The organization's work is organized around four strategic axes to strengthen freedom of expression and reshape democracy:

## **1 • UNDERSTAND AND TRANSFORM COMMUNICATION AND INFORMATION TECHNOLOGIES IN ALLIANCE WITH OTHER DIMENSIONS OF BRAZILIAN SOCIETY**

Consider groups that have historically lacked access to information production and have been silenced. We seek plurality and diversity in cultural production with an informative bias, scientific and technological development, using digital technologies to enhance their reach and guiding the development of public policies that foster this transformation.

## **2 • INCREASE PUBLIC ENGAGEMENT AND INTEREST IN THE FIELD OF TECHNOLOGY AND DEMOCRATIZE THE ONLINE SPACE BEYOND REGULATION**

Invest in public policies in order to expand the development of open-source solutions, ensuring greater transparency and public control. It is crucial to recognize the initial potential of platforms to amplify voices, looking critically at the current concentrated model and its alliance with authoritarian forces. We need economic regulation to break monopolies that base their profits on algorithms and predatory data extraction. This includes promoting alternative models, public funding for independent initiatives, and digital sovereignty policies aligned with the evolution of the global information network.

## **3 • EXPAND THE PROTECTION AND PROMOTION OF THE ACTIONS OF HUMAN RIGHTS DEFENDERS, ARTISTS, AND COMMUNICATORS**

Consider the context of violations of freedom of expression as a potential threat to populations that have historically been economically, ethnically, and socially vulnerable, and to strengthen practices and policies of protection

and technological appropriation as strategies for protecting and promoting these groups.

#### **4 • CHALLENGE THE POLITICAL MEANING OF FREEDOM OF EXPRESSION**

Reclaim the right to freedom of expression agenda for the democratic camp, avoiding its appropriation by the far-right. Defending freedom

## **RESHAPING DEMOCRACY**

We believe that democracy is not guaranteed solely by maintaining institutions, but by the participation and greater influence of the population in political and economic decisions.

The freedom of expression we defend is one that allows historically marginalized groups to be heard and to participate more in public debate. Reshaping democracy means advancing, achieving, and expanding rights. The guarantee of rights is not permanent and requires constant maintenance.

of expression means defending values such as gender equality, the rights of Indigenous peoples, and collaborating with the Black movement. We support models of territorialized and community-based communication as a way to combat disinformation. Furthermore, we advocate for documenting and exposing the censorship that invariably affects these populations, ranging from artistic freedom to journalism.

Freedom of expression is a fundamental tool for achieving many other rights. Our fight for it must be intrinsically linked to the fight for other rights to avoid setbacks.

The perspective for next steps involves confronting the concentrated power of platforms, promoting the democratization of infrastructure and technological knowledge, ensuring clear legal frameworks, protecting vulnerable voices, and integrating freedom of expression into a broad agenda of democratic development and human rights.



# TOOLS FOR PROTECTING DEMOCRACY

## PROTECTION OF HUMAN RIGHTS DEFENDERS: A NATIONAL PLAN IN DISPUTE

For nearly 20 years, Brazil has had the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (*Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas*, PPDDH), a public policy aimed at assisting people who suffer threats and violence due to their work. In 2018, the policy's target audience expanded to include communicators and environmental defenders.

Despite its relevance, several weaknesses have been identified by civil society over the years: its existence only by decree, which facilitates dismantling under federal management; the lack of unified protocols between federal and state teams; and protective measures considered limited, which often end up hindering the very expression and possibility of demonstration by those defended.

Faced with these limitations, organizations intensified pressure for structural improvements in protection policy. In 2021, the Federal Regional Court of the 4th Region (TRF-4) tried a

Public Civil Action (*Ação Civil Pública*, ACP), filed by the Federal Public Prosecutor's Office with the collaboration of civil society organizations with *amici curiae* status, as ARTICLE 19 itself.

In this action, the petitioners sought to condemn the Brazilian State to prepare a National Protection Plan, which would serve as an instrument to respond to and organize the gaps identified in the execution of the public policy of protection of rights defenders and communicators, as well as to ensure parity between civil society and the State in the construction and implementation of protection policies, including in the preparation of the plan itself.<sup>82</sup>

In 2022, also following a strong mobilization of civil society, the Inter-American Court of Human Rights ruled on the case *Sales Pimenta v. Brazil*, in which it defined, among other measures, the need for the Brazilian State to promote greater institutionalization of national protection policies, as well as the development of a protection plan to support this process.<sup>83</sup>

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**82** • TRF-4 orders the Federal Government to develop a National Plan for the Protection of Human Rights Defenders. Available at [https://www.trf4.jus.br/trf4/controlador.php?acao=noticia\\_visualizar&id\\_noticia=15831](https://www.trf4.jus.br/trf4/controlador.php?acao=noticia_visualizar&id_noticia=15831).

**83** • The full judgment is available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_454\\_por.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_454_por.pdf).

As a result of these two important decisions and the work of civil society in pressuring the new federal administration for their implementation, the Sales Pimenta Technical Working Group (*Grupo de Trabalho Técnico*, GTT) was created, with equal composition, including ARTIGO 19 as one of its members representing civil society, which concentrated efforts on developing a national plan to overcome the historical fragilities identified.

After a year of monthly meetings and negotiations between the State and civil society, the National Plan for the Protection of Human Rights Defenders (*Plano Nacional de Proteção a*

*Defensoras e Defensores de Direitos Humanos*, PNPDD) was presented in December 2024, developed by GTT Sales Pimenta.

The creation of the PNPDD saw unprecedented social participation, including 50 listening sessions held throughout the country and four thematic public hearings. This process represents the culmination of over 20 years of civil society's fight to guarantee protection for defenders, communicators, and environmentalists. The pluralistic approach ensured that the proposal reflected the real needs of those working on the front lines of rights promotion.

### THREE AXES OF INTEGRAL PROTECTION

The plan presented by the GTT is organized into three complementary axes that address different dimensions of the protection of human rights defenders.

- **Axis I – State Protection**

focuses on creating and strengthening institutional mechanisms. Its priorities include strengthening the state's duty of comprehensive protection, expanding response and monitoring capacity, and ensuring the financial sustainability of the national policy. It also includes specific measures for rural communities, Indigenous peoples, *quilombolas*,<sup>84</sup> and traditional communities, as well as mechanisms for urban contexts and conflict zones.

- **Axis II – Popular Protection**

recognizes collective protection practices through the strengthening of independent civil society organizations and networks. It seeks to support the autonomous incidence of movements that work in protection, encourage popular education on human rights, and recognize the role of defenders.

- **Axis III – Access to Rights and Combating Impunity**

focuses on investigation and accountability as means of promoting justice. It prioritizes due diligence in investigations and trials, comprehensive legal assistance, and coordination between the justice and public security systems.

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<sup>84</sup> • Quilombolas are the current inhabitants of Black rural communities made by the descendants of African slaves.

## CHALLENGES AND PROPOSALS

We identified some fundamental challenges to the success of the process: the inter-institutionality of protection policies, the existence of sufficient budget, and the possibilities of institutionalization in the context of legislative setbacks.

These difficulties were presented to Mary Lawlor, the UN Special Rapporteur on Human Rights Defenders, during her visit to Brazil in April 2024. In her recommendations, the rapporteur highlighted that the working group would need to have an adequate budget to be able to carry out what it was tasked with doing, and should have the genuine participation of all relevant ministries.

As the main representative of civil society in the GTT, we advocate for specific priorities,

such as specific protocols for communicators, understanding the particularities of their landscape of lack of protection; attention to intersectionality, focusing on gender, race, sexuality, and territory; collective protection, currently not fully covered by existing policies; and standards for the operation of programs in conjunction with other state and international entities.

We also prioritize understanding the threats that arise from forms of expression, including the criminalization of protesters, the use of honor crimes, digital violence, judicial harassment, and other attempts of silencing. We must develop protection strategies that ensure the continuity of forms of expression, not their interruption as the only alternative.

*We advocate for specific protocols for communicators, collective protection, and attention to intersectionality—addressing threats such as judicial harassment, digital violence, and the criminalization of protesters.*

## EXPERIENCE EVALUATION

In September 2024, we systematized our experience at the Sales Pimenta Working Group in the publication “Opportunities and Challenges in Developing the National Plan for the Protection of Human Rights Defenders and Communications Professionals in Brazil.”<sup>85</sup> The analysis provides a detailed assessment of the proposal’s development process, highlighting

identified potentials and limitations. However, at that time, the process was still ongoing.

After negotiations were completed and the final version of the plan developed by the group was submitted to the Executive Secretariat of the Ministry of Human Rights in December 2024, it was decided that the document should be published as

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<sup>85</sup> • Available at <https://artigo19.org/2024/09/04/artigo-19-publica-analise-sobre-plano-nacional-de-protecao-a-pessoas-defensoras-de-direitos-humanos-e-comunicadoras/>.

a presidential decree by April 2025. However, it didn't occur. Delays in publication and alternative format proposals were some of the challenges faced by civil society, which continues to pressure the government not only for the publication of the plan but also for its proper implementation.

Having nationwide policies aimed at protecting these groups is crucial not only to ensure that activists can carry out their work, but is also essential to the fight against authoritarianism and for the democracy we want to build.

#### **DOM AND BRUNO CASE AND IACHR WORKING GROUP**

The murders of British journalist Dom Phillips and Brazilian indigenous activist Bruno Pereira in June 2022, in Vale do Javari, in the State of Amazonas, represent the most serious form of attack on freedom of expression. Both were conducting interviews and gathering information from indigenous peoples to denounce human rights violations and environmental degradation in the region. The crime marked a turning point in the fight for the protection of human rights defenders in Brazil. Together with other civil society organizations, ARTICLE 19 immediately filed a precautionary measure with the Inter-American Commission on Human Rights, which was swiftly approved.

What began as an emergency response to a serious crime has transformed into an unprecedented initiative: the Joint Working Group on the Implementation of the Precautionary Measure (MC-449-22), created in August 2023. For the first time in Brazil, a specific mechanism was established to implement an IACHR decision based on coordinated action between national and international bodies.

The initial precautionary measure was filed during the search for Dom and Bruno, along with the Vladimir Herzog Institute, Reporters Without Borders, the Brazilian Association of Investigative Journalism (Abraji), the Association of Digital Journalism (Ajour), Tornavoz, and the Washington Brazil Office. The scope was later expanded to include 11 members of the Union of Indigenous Peoples of the Javari Valley (Univaja) who were facing threats for their work on the case.

The working group represents an innovative effort to comply with international resolutions, notable for allowing civil society to have an active voice in proposing measures and priorities related to the protection of beneficiaries. It is comprised of eight agencies and ministries, including the Ministry of Foreign Affairs, the Ministry of Human Rights and Citizenship, the National Council of Justice, the Ministry of Indigenous Peoples, and the Ministry of Justice and Public Security.

In August 2025,<sup>86</sup> three years after the murders, the Inter-American Commission on Human Rights was in the region of Atalaia do Norte, where the crimes occurred, to listen to the population and reinforce the protection of the leaders of the Univaja, who are working on the investigations, reinforcing the importance of the working group.

**86** • Source: <https://www.cnnbrasil.com.br/nacional/norte/am/caso-bruno-e-dom-comissao-monitora-regiao-do-crime-no-amazonas/>.



Photo: Aline Fidelix

## ARTISTIC FREEDOM

Art has a unique power to provoke society to rethink itself, promoting complex debates and becoming a powerful language for the protection of human and environmental rights.

The publication *Artistic Freedom from the Perspective of International Human Rights Law*,<sup>87</sup> which we launched in 2024, recognizes artistic and cultural freedom as one of the fundamental pillars of free, equitable and plural societies, being an essential foundation for human diversity and dignity.

Artistic and cultural manifestations are ways of protecting and promoting human rights, playing a fundamental role in making the rights of vulnerable communities visible, denouncing rights violations in authoritarian societies, and creating spaces for dialogue and conflict resolution.

In doing so, they catalyze social and political change, raise awareness of injustices, and inspire the progressive advancement of rights.

### **CENSORSHIP AS A RESPONSE TO THE POWER OF CONTESTING**

Precisely because of its contesting role, artistic freedom is one of the prime targets for attacks and censorship, especially in contexts of rising conservatism and authoritarianism. Silencing mechanisms take various forms: from legal and administrative restrictions to direct violence, smear campaigns, and new forms of censorship, such as the dismantling of cultural institutions or algorithmic censorship on digital platforms.



Our analysis shows that the defense of art as a pillar of democracy gains special importance in contexts of the emergence of authoritarian forces. Therefore, the report addresses the need to map existing guarantees and gaps in the protection of artists and cultural agents. The publication provides international parameters and fosters greater legal debate on the topic in Latin America.

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87 • Available at [https://artigo19.org/wp-content/blogs.dir/24/files/2024/10/digital\\_ingles\\_expressaoartistica.pdf](https://artigo19.org/wp-content/blogs.dir/24/files/2024/10/digital_ingles_expressaoartistica.pdf).

## **HISTORICAL AND CONTEMPORARY FORMS OF REPRESSION**

The forms of repression against the artistic community are diverse, manifesting in physical attacks, arbitrary detentions and threats, as well as judicial censorship, smear campaigns and disinformation strategies.

In recent years, we have also identified new forms of censorship that present themselves more formally, through administrative and bureaucratic obstacles—a phenomenon we call “authoritarian infra-legalism.” These are practices that, while disguised as legality, function as mechanisms of control and intimidation, such as issuing decrees to distort laws, arbitrarily rejecting accounts, imposing abusive contractual clauses, blocking access to resources and infrastructure, and deliberately strangling budgetary resources allocated to culture.

## **STRUCTURAL VULNERABILITIES**

Oppression also manifests through limited access to economic, social, and cultural rights. The difficulty in securing the right to work makes artists vulnerable. Artistic practice is stigmatized in many parts of Latin America.

A significant challenge is overcoming self-censorship, especially for women, who face systematic silencing in patriarchal contexts. Women are underrepresented in cultural industries and face structural disadvantages in accessing resources and opportunities.

The implementation of artistic freedom standards must also encompass the broad diversity of artists, including street, digital, performance artists etc., breaking down stigmas and stereotypes that limit expression. Artists’ rights are intrinsically linked to the rights of their communities, considering the intersectionality of race, ethnicity, social class, gender identity, and sexual orientation.

## **PROTECTION GAPS**

One of the points identified in the report is the lack of a common language between artists and the legal community, which limits the activation of international and national mechanisms for the protection of human rights. It is necessary to intensify advocacy with these systems to dynamize the artistic freedom agenda and highlight gaps in protection.

Civil society organizations that protect human rights defenders tend not to include artists in their programs, although initiatives such as relocation resources and emergency visas could benefit threatened artists.

The UN Special Rapporteur on cultural rights has highlighted that artists, like journalists and defenders, are at particular risk due to the public nature of their work. Latin America is at high risk, with 52% of the globally documented murders of artists occurring in the region, particularly in Colombia, Mexico, and Brazil.

## **LIMITED ADVANCES**

The international protection of artistic freedom has seen progress since 1948, being recognized in universal and regional human rights systems and supported by cultural rights and freedom of expression. Parameters and concepts for its protection have been developed by treaty bodies and special rapporteurs. However, there is still a limited body of cases reviewed by regional courts and a scarcity of data and mechanisms for monitoring violations, especially in Latin America.

Raquel da Cruz Lima recalls that, in the more than 40 years of the Inter-American Court of Human Rights’ existence, only one case has addressed artistic censorship—the ban on the screening of the film *The Last Temptation of Christ* in Chile—and even then, without establishing specific parameters for artistic freedom. She believes

“it is regrettable that the issue has never been directly addressed by the Court, which has ended up discussing prior censorship in general terms, without considering the specific aspects of artistic creation.”

In this context of gaps, the Inter-American Court’s recent Advisory Opinion on the climate emergency and human rights (OC-32/25)

brought significant progress: for the first time, the Court mentioned the right to culture as a substantive dimension affected by climate change and recognized that States have the duty to protect it.<sup>88</sup> Although the focus was on cultural heritage, this represents an important step forward for the more solid integration of art, culture, and freedom of expression into Inter-American jurisprudence.

#### **ACTION IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS IN MANAUS**

In May 2024, ARTICLE 19 participated in the public hearings of the Inter-American Court of Human Rights in Manaus, in the state of Amazonas, as part of the process that resulted in Advisory Opinion OC-32/25. Our goal was to reinforce the role of art in resisting climate change and defend freedom of expression as an essential condition for public debate on alternatives to the climate crisis, especially in the Amazon territories.

Freedom of expression as resistance manifests in multiple forms—printed content, verbal content, and artistic expression. To highlight this power, we carried out an artistic initiative in partnership with Coletivo Tinta Preta and Coletivo Hip Hop Pai D’Égua, bringing the art of Amazonian women to public spaces in Manaus.

This incidence effort was echoed in the outcome of the case: in its final opinion, the Inter-American Court recognized that States have specific duties to protect the right to culture in the context of the climate emergency. This achievement directly aligns with the “Women Free to Express Themselves: Art for the Amazon” (*Mulheres Livres para se Expressar: a arte pela Amazônia*) campaign, reaffirming the importance of cultural and artistic expression in building fair and democratic responses to the climate crisis.



88 • <https://artigo19.org/2025/07/16/corte-idh-emite-parecer-sobre-emergencia-climatica-e-direitos-humanos/>.

### **13 RECOMMENDATIONS TO STRENGTHEN ARTISTIC FREEDOM**

Protecting artistic freedom is an essential part of a nation's democratic health. Collaboratively constructed cultural policies must guarantee not only the safety of artists and cultural agents,

but also diversity and free access to art as a right of the entire community. Here are 13 recommendations in this regard:

- 1** • Strengthen and expand the regulatory frameworks that govern the protection of artistic freedom, in harmony with international human rights standards;
- 2** • Guarantee the right of artists to express their own beliefs, political opinions and worldviews;
- 3** • Foster an enabling environment that encourages individuals and social groups to create, produce, disseminate and distribute their own cultural expressions;
- 4** • Promote the legislative changes necessary to harmonize the regulations that restrict the artistic community and the exercise of artistic expression with the provisions of Article 13 of the ACHR;
- 5** • Ensure that any forms of violence against artists or cultural agents are investigated promptly, impartially and effectively, in accordance with the parameters established by international human rights law;
- 6** • Do not criminalize artistic expressions;
- 7** • Develop and implement public policies to combat the stigmatization of artistic activity and discrimination against artists and cultural agents from vulnerable groups;
- 8** • Adopt and implement regulations to ensure that artistic freedom on digital platforms is guided by international human rights law standards;
- 9** • Adopt public policies aimed at the broad protection, promotion, financing and promotion of cultural diversity and the free circulation of ideas, including support for the artistic community and sectors linked to art and culture;
- 10** • Facilitate participation in cultural life and access to the arts, promoting opportunities for artists to gather for performances and public exhibitions freely;
- 11** • Develop and implement public policies to protect and improve the working conditions of artists and cultural agents;
- 12** • Strengthen institutions and organizations in the arts and culture sector, promoting conditions so that they can act independently and transparently;
- 13** • Expand monitoring and documentation of restrictions on artistic freedom and the cultural sector, as well as human rights violations of artists and cultural agents.

# JEFERSON TENÓRIO

“ *Art exists to disagree  
with life as it is* ”

Writer **Jeferson Tenório**, author of *The Dark Side of the Skin* (original title: “*O avesso da pele*”) discusses the effects of censorship and the silent boycott that have affected his work, which has been nationally recognized and persecuted for addressing structural racism and police

violence. In the interview, he analyzes how the rise of the far-right and digital punitiveness create new forms of silencing, reflects on the role of education and art in democracy, and points to literature as a space for collective reconstruction in times of crisis.

**Jeferson Tenório** (Rio de Janeiro, 1977) is a writer and holds a PhD in Literary Theory from the Pontifical Catholic University of Rio Grande do Sul (PUC-RS). Based in Porto Alegre, he made his literary debut with *O beijo na parede* (*The Kiss on the Wall*, 2013), named Book of the Year by the Rio Grande do Sul Writers' Association. He is also the author of *O avesso da pele* (*The Dark Side of the Skin*, 2020) — winner of the Jabuti Prize and published in several countries — and *Estela sem Deus* (2022). His work explores themes such as structural racism, violence, and inequality, and has been adapted for the stage and translated into English and Spanish. In 2020, he served as patron of the Porto Alegre Book Fair and is currently a columnist for the newspaper *Zero Hora* and the *UOL* portal.



*The interview has been edited for conciseness  
and adaptation to the print format.  
Watch the full version on our YouTube channel.*

**ARTIGO 19: YOUR WORK *THE DARK SIDE OF THE SKIN* WAS INCLUDED IN THE MINISTRY OF EDUCATION'S NATIONAL TEXTBOOK AND EDUCATIONAL MATERIALS PROGRAM AND REACHED SCHOOLS, BUT WAS CENSORED IN SOME STATES ON GROUNDS OF INAPPROPRIATE CONTENT.<sup>89</sup> YOU'VE BEEN FLAGGING THAT THE REAL ISSUE LIES IN THE APPROACH TO STRUCTURAL RACISM, DUE TO THE DISCUSSIONS OF POLICE VIOLENCE AND THE PRECARIOUSNESS OF EDUCATION THAT ARE PRESENT IN THE BOOK. HOW DOES THIS CONTEMPORARY CENSORSHIP RELATE TO WHAT YOU CALL TWO MAJOR UNRESOLVED ISSUES IN BRAZIL: BLACK SLAVERY AND THE DICTATORSHIP?**

**JEFERSON TENÓRIO:** *The Dark Side of the Skin* is perhaps one of the most emblematic cases of book censorship in Brazil in recent years. Brazilian books have been censored for decades; this is nothing new. What happened this time was the power of social media, which fueled the discussion and also censorship in other states.

There's the political factor and the co-optation of certain works as targets. The far-right uses this tactic of finding a major enemy, and *The Dark Side of the Skin* was that enemy this

time, precisely to capture votes. It has to do with structural racism and criticism of police violence. It's a combination of elements.

But it's not exactly censorship as people imagine—the institutionalized removal of books from schools, libraries, and bookstores. What happened was a spectacularization of the censorship attempt. The book is removed, but for legal reasons it becomes impossible for it to remain censored, so it returns. It's a more pyrotechnic move.

On the other hand, we have something more serious: the silent boycott. When you portray a book as a major enemy, causing problems in schools, you discourage teachers from using it. A school decides not to use a certain book because it knows it will cause problems. This effect is more powerful than simply removing the book from circulation.

It's a veiled and more effective form of censorship. Fascism takes hold in a society not when the State is fascist, but when your neighbor is fascist, when you have this constant surveillance of your colleague, your friend, your relatives. It's no longer the state that's surveilling you, but the people closest to you.

“ *Fascism takes hold in a society not when the State is fascist, but when your neighbor is fascist, when you have this permanent surveillance of your colleague, your friend, your relatives.* ”

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<sup>89</sup> • In August 2025, Tenório's Instagram account, which had around 80,000 followers, was banned by Meta for allegedly violating the platform's guidelines. In a public statement, his defense described the action as censorship and a serious violation of freedom of expression and the right to communication. Source: <https://www1.folha.uol.com.br/ilustrada/2025/08/jeferson-tenorio-de-o-avesso-da-pele-e-banido-do-instagram-e-acusa-censura.shtml>.

**ARTIGO 19:** The case went beyond the public education sector and became violent, with threats to your safety on at least two occasions: during a lecture you were supposed to give at a school in Salvador and when you wrote a column in Zero Hora about educator Paulo Freire.<sup>90</sup> Do you believe that, beyond artistic censorship, these episodes were marked by structural racism?

**JEFERSON TENÓRIO:** Structural racism is the foundation that sustains these attempts and threats. There's also the element of growing far-right in Brazil, which seeks to criminalize knowledge, intellectuals, and thinkers, such as the idea of a nonpartisan school.

At that particular moment, before Bolsonaro's election, when I wrote the column, there was a sense of a witch hunt, of a real threat. There was even a list made by the far-right of intellectuals and journalists who should be combated. It was a dangerous moment, of a resurgence of a fascist far-right that cannot coexist with difference.

But of course, all of this is rooted in structural racism. Other writers and journalists have written about Paulo Freire, criticized Bolsonaro, and haven't received death threats. Now, Black writers, Black women—the more vulnerable object in which I place myself—are much more likely to suffer this type of retaliation than other types of people.

**ARTIGO 19:** In your public statements, you have been saying that there is focus shift operation when people criticize your book for its swear words or sex scenes, when the real objective is to silence the debate on racism. You also mention that these attacks are not isolated, but are connected to a global trend of setbacks, marked by the rise of conservatism, which needs to be openly combated. In your experience as a persecuted writer, what new forms of censorship and silencing do you identify in Brazil today, and how do they differ from traditional forms of censorship?

**JEFERSON TENÓRIO:** There are several types of censorship. If we want to be more pedagogical, we can talk about right-wing and left-wing censorship. It's not just the far-right that censors a book because it doesn't align with their ideology. You also have left-wing censorship, which is political correctness.

This sanitization of art and literature is also dangerous. It moves from censorship to cancel culture, which is already an unfolding of censorship. I see us heading toward something we may never be able to reverse: the issue of freedom of expression.

Freedom of expression is viewed distortedly by the right and exaggeratedly by the left. You have a complete distortion of what freedom of expression means. When we talk about art and literature, art is not committed to any ideology. Art exists to disagree with life as it is. That's why it causes fear, because it's something you can't tame.

“ *Art is not committed to any ideology. Art exists to disagree with life as it is. That's why it causes fear. It's something you can't tame.* ”

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<sup>90</sup> • <https://www.brasildefato.com.br/2021/03/19/jeferson-tenorio-recebe-ameacas-por-escrever-sobre-paulo-freire-e-lula/>

We're heading toward a dangerous process of no longer being able to consider the creative act as something genuine. It's difficult to create today without thinking about these possibilities of censorship and cancellation. We're in an era of complete wakefulness, and this obviously affects creation.

**ARTIGO 19:** There's surveillance, monitoring, control, and an urge to silence expressions that don't align with a given ideology. This appears in conservative circles, but also in the progressive camp, and sparks punitiveness based on the fight against controversial arguments. Does this pose a risk of self-censorship or a chilling effect on artistic creation?

**JEFERSON TENÓRIO:** Yes, because the first self-censorship begins in the family. When you become an artist, you'll draw on family elements. Your first self-censorship is: "Can I do this? What will my family think?"

Family is the first place of restriction of existence, which will tell you "no," and try to make your body more docile. The artist is driven by the desire to experience the deepest part of their existence.

Nowadays, this has gone too far. It's no longer family that imposes surveillance. It's social media, this large family where no one has contact, but a sense of intimacy seems to be established. I have followers who meet me on the street and treat me like family.

This large family creates a false intimacy and puts us on guard: "If I post a certain scene, will I be canceled?" This strongly affects the creative act.

What I've been doing is separating my public person from my private person and isolating this public person from my introspective life, so I don't get contaminated. Literature isn't in the service of anything; it's in the service of itself. The moment I give direction, the moment I try to colonize the aesthetic effect, the art is over.

“ *Literature isn't in the service of anything; it is in the service of itself. The moment I give direction, the moment I try to colonize the aesthetic effect, the art is over.* ”

**ARTIGO 19:** You've argued that schools and literature are essential spaces for discussing sensitive topics like racism, violence, and sexuality. How can artistic freedom contribute to the deepening of democracy, especially when it comes to making the experiences of historically marginalized groups visible?

**JEFERSON TENÓRIO:** Despite School, with a capital S, with all its historical and structural problems, it is still the place, the last barrier

before the arrival of barbarism. The last frontier is the school. If the school is failing, it's because society is failing. If we have violence within the school, it's because violence is entrenched in society.

School is this microcosm that emulates life, trains students to be citizens, but at the same time, it's life already happening. School's role is to form citizens, not mere consumers—consumers of ideas and products, which is all capitalism

craves. Capitalism doesn't want to form citizens; it wants to form uncritical consumers.

Then we have the clashes, because art doesn't fit into the schooling of life, it doesn't fit into the schooling that institutions want; it goes beyond that. That's why it causes controversy. Even if you create a well-thought-out pedagogical project, it won't fit into what parents want.

Parents want their children to be educated, but art teaches rebellion, teaches us to disagree with our own parents. That's where these clashes arise. And it will always be this way—as long as art exists, we will have this kind of clash in society.

**ARTIGO 19:** How has your personal experience with censorship and threats shaped your view on the role of Black writers in deepening democracy? And what paths do you see for the future of freedom of expression in Brazil?

**JEFERSON TENÓRIO:** First, I had to understand myself as a writer, as someone capable of producing fiction. Then, I had to understand that my experience, my family, and the people around me could also work as fiction. It took me years to recognize beauty and art in my experiences.

Then came racial awareness and the realization that there was a responsibility. This responsibility involves portraying complex, contradictory, and profound characters that go beyond color, race, and gender. Because then, yes, I would be democratizing literature.

The moment I think only of the Black audience, when I write for Black people, I'm not contributing to democracy. I'm putting these people in a ghetto, in a separate place. And that's what I don't want.

All my characters pursue this intellectual ideal, this pursuit of knowledge. That's what I'm saying to Black people: you can read Hamlet, Don Quixote, listen to Beethoven, go to an Umbanda temple, read African authors. You have the right to everything.

And I'm saying to white people: look, black people don't need to talk only about their color, only about racism. They have the right to anything, they have the right to exist.

**ARTIGO 19:** The state of Rio Grande do Sul recently faced one of the greatest climate catastrophes in its history, with devastating floods that profoundly affected its cultural and artistic life. How do you see the impact of these floods on local artistic creation, both in terms of the material aspects of artists' lives and the transformative role that literature can play in the context of the climate emergency?

**JEFERSON TENÓRIO:** I find it very difficult to write about a tragedy that just happened. I still have trouble setting any story during the pandemic, and it's been five years. I don't know if I'll ever write about it.

In Rio Grande do Sul, we have environmental racism. We need to understand who the most affected people were, which communities suffered the most. The Black experience in some places is an open-air prison, and the bars are skin color.

One of the hardest-hit areas of the catastrophe was Canoas, an extremely poor metropolitan area. Even today, on the way to the airport, you can still see debris from the flood. In other neighborhoods in the Vale dos Sinos as well, in the peripheral areas.

Those who can afford it leave and go to a safe place. The people who lost everything already had little. If there's an artistic interpretation of the flood, it would have to be from this perspective, focusing on those who suffered in a forceful manner. There are regions that will never be the same again.

But you still need to spend time grieving, processing, to be able to write. To decant the experience.

**ARTIGO 19:** What do you believe is the role of literature and art in this moment of material and subjective reconstruction of a traumatized community?

**JEFERSON TENÓRIO:** I used to believe that literature couldn't save people from anything. I've said in interviews that this was nonsense.

But when talking to readers, in a way, literature does save, because it says something important and precise to people. Sometimes it's something unspeakable, something the person themselves can't quite put into words about what art has brought to them.

Seeing artistic production addressing such delicate issues is a way for people to rebuild their life – not in the sense of self-help, but of subjective rebuilding, of evaluating one's own life, one's own community.

Literature only exists when it is collective. Although reading seems like a solitary act, it only complements itself in others. I only truly read when I share it with others. It's a social duty to share what you read. It's a collective reconstruction through art.

**ARTIGO 19:** And a form of documenting as well?

**JEFERSON TENÓRIO:** It's also a form of documenting. Every time you capture something aesthetically, you manage to make that moment timeless. Unfortunately, other tragedies will come, and we must learn from those that have already happened.

“ *Although reading seems like a solitary act, [literature] only complements itself in others. It's a social duty to share what you read. It's a collective reconstruction through art.* ”



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AND RESHAPING DEMOCRACY







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