



BRAZIL

	2012	2013
INTERNET FREEDOM STATUS	FREE	PARTLY FREE
Obstacles to Access (0-25)	7	7
Limits on Content (0-35)	6	8
Violations of User Rights (0-40)	14	17
Total (0-100)	27	32

POPULATION: 194.3 million
INTERNET PENETRATION 2012: 50 percent
SOCIAL MEDIA/ICT APPS BLOCKED: No
POLITICAL/SOCIAL CONTENT BLOCKED: No
BLOGGERS/ICT USERS ARRESTED: Yes
PRESS FREEDOM 2013 STATUS: Partly Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- Brazil’s Electoral Law, which prohibits online media and traditional broadcasters from focusing on candidates for three months prior to an election, took center stage ahead of the October 2012 municipal elections, resulting in increased takedown notices and prosecutions of users found in violation of the law (see **LIMITS ON CONTENT**).
- High-profile cases of intermediary liability—including criminal charges against Google executives—attracted international attention in 2012 and 2013 (see **LIMITS ON CONTENT**).
- Retaliatory violence and intimidation of online journalists and bloggers increased in late 2012 and early 2013. Eduardo Carvalho, owner and editor of the *Ultima Hora News* website, was murdered in November 2012 in connection with his online work (see **VIOLATIONS OF USER RIGHTS**).
- Brazil’s cybercrime law went into effect and its reconfigured Azeredo Bill, which establishes a framework for judicial takedown notices, was approved in April 2013 (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

Brazil, which was first connected to the internet in 1990, has made significant gains in expanding internet access and mobile phone usage in recent years, offering tax incentives to the purveyors of information and communication technologies (ICTs) for continued investment in Brazilian infrastructure, and providing public access points (LAN houses) to citizens in order to facilitate internet connectivity.¹ Despite such notable progress in increasing ICT availability, particularly via mobile technologies—4G services were introduced to Brazil in late April 2013—Brazil still faces challenges in its quest to reach internet penetration rates commensurate with the country’s economic wealth.

According to the International Telecommunication Union (ITU), Brazil’s internet penetration rate falls below the average enjoyed by North American and European countries, as does the number of Brazilian households with computers. Among the primary reasons for these deficiencies are faulty infrastructure, social inequality, and poor education. In order to combat such issues, the federal government has executed several national policies over recent years, resulting in an increase in social network activity and internet-mediated civic participation.²

There is no evidence of the Brazilian government employing technical methods to filter or otherwise limit access to online content; however, it does frequently issue content removal requests to Google, Twitter, and other social media companies. Such requests increased in 2012 ahead of Brazil’s municipal elections, with approximately 235 court orders and 3 executive requests imploring Google to remove content that violated the electoral law.³ The law’s prohibition of any content that ridicules or could offend a candidate directly impacted freedom of online expression and played a pivotal role in two highly publicized cases of intermediary liability extending to Google executives. Law 9.054 prohibits online and traditional media from publishing stories about candidates for three months prior to elections. It also bans candidates from advertising on the internet for the same period of time unless they are contenders for the office of president.⁴

Additional challenges to online expression in 2012 and 2013 came from civil defamation suits, increasing violence against bloggers and online journalists, and legal action by the judiciary and government officials. The penalties for such charges extend to content removal and fines. Brazil has

¹ Robert Hobbes Zakon, “Hobbes’ Internet Timeline v8.2,” Zakon Group LLC, accessed August 11, 2010, <http://www.zakon.org/robert/internet/timeline/>; Tadao Takahashi, ed., *Sociedade da Informação no Brasil: Livro Verde* [Information Society in Brazil: Green Book] (Brasília: Ministry of Science and Technology, September 2000), <http://www.mct.gov.br/index.php/content/view/18878.html>; National Education and Research Network (RNP), “Mapa do Backbone” [Map of Backbone], accessed August 11, 2010, <http://www.rnp.br/backbone/index.php>.

² Cetic.br, Communication Technologies, pg. 236, February 15, 2013, <http://www.nic.br/english/activities/ceticbr.htm>.

³ Sarah Laskow, “Google vs. Brazil: Why Brazil Heads Google’s List of Takedown Requests,” April 29, 2013, Columbia Journalism Review, http://www.cjr.org/cloud_control/brazilian_takedown_requests.php?page=all&print=true.

⁴ <http://www.article19.org/data/files/pdfs/press/brazil-proposed-electoral-law-restricts-internet-freedom.pdf>; See also: Article 19, Press Release: Brazil: Proposed Electoral Law Restricts Internet Freedom, September 14, 2009, <http://www.article19.org/data/files/pdfs/press/brazil-proposed-electoral-law-restricts-internet-freedom.pdf>, and Gabriel Elizondo, “Brazilian Elections No Joke – Literally,” August 25 2010, AlJazeera, <http://blogs.aljazeera.com/blog/americas/brazilian-elections-no-joke-literally>.

also witnessed an ongoing trend in which private litigants and official bodies sue internet service providers (ISPs) and ask for takedown notices to be sent to blogging and social-networking platforms. As Brazil rises to the level of other leading global economies and comes closer to a networked society, issues such as cybercrime and distributed denial-of-service (DDoS) attacks, access to public information, election campaigning on the internet, and intellectual property protection are increasingly in the spotlight.

Although 2012 was witness to positive legislation regarding cybercrimes, the right to information, and open governmental action plans, frustration has surrounded Brazil's Marco Civil Bill, also known as the "Civil Rights Framework for the Internet," introduced to Congress in August 2011. Congressional vote on this policy—which aims to guarantee access to the internet, safeguard freedom of speech and communication, protect privacy and personal data, and preserve net neutrality, among other provisions—was postponed five times during 2012. As of May 2013, a vote had not yet occurred.⁵ The main barrier to passage of the Marco Civil Bill has been Brazil's telecom lobby, which objects to some of the provisions regarding net neutrality.

OBSTACLES TO ACCESS

Although development of information and communication technologies (ICTs) has increased in recent years, Brazil still lags behind many developing countries in terms of relative proportion of citizens with internet access.⁶ Widespread adoption of household internet services has been hindered by high costs, low quality, and regional infrastructural disparity. Despite these challenges, a number of government initiatives predicated on increasing national internet penetration have begun to bear fruit. The country's mobile sector is thriving, and Brazilians are increasingly turning to smartphones to connect to the internet. As of mid-2013, Brazil was home to the largest mobile phone market in Latin America.⁷

Internet penetration varies greatly among different geographical regions in Brazil due to inconsistent infrastructure; access also varies from urban to rural areas. In 2012, Brazil's aggregate penetration rate was 50 percent.⁸ The latest figures from the Brazilian Internet Steering Committee portray disparate figures in urban versus rural areas: household penetration was measured at 43 percent in urban zones, compared to 10 percent in rural areas. Internet access is also less widespread in urban areas in the Northeast (22 percent penetration) than in the Southeast (49

⁵ Murilo Roncolato, "Marco Civil é Adiado Pela Quinta Vez" [Marco Civil is Postponed for the Fifth Time] *Link* (blog), February 15, 2013, <http://blogs.estadao.com.br/link/marco-civil-e-adiado-pela-quinta-vez/>.

⁶ International Telecommunication Union (ITU), "Percentage of Individuals Using the Internet," 2011, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>; and "Fixed (wired) Broadband Subscriptions," http://www.itu.int/ITU-D/ict/Reporting/ShowReportFrame.aspx?ReportName=WTI/InformationTechnologyPublic&ReportFormat=HTML4.0&RP_intYear=2011&RP_intLanguageID=1&RP_bitLiveData=False.

⁷ Sergio Spagnuolo, "Brazil Launches 4G Wireless Service with Few Smartphone Options," *Reuters*, April 17, 2013, <http://www.reuters.com/article/2013/04/17/brazil-telecom-smartphones-idUSL2NOD32ON20130417>.

⁸ International Telecommunication Union (ITU), *Statistics: Percentage of Individuals Using the Internet, 2000-2012*, ITU, June 17, 2013, http://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2013/Individuals_Internet_2000-2012.xls.

percent penetration).⁹ Although the number of broadband connections is increasing as prices begin to fall, widespread adoption of high-speed household connections has been delayed by a lack of infrastructure and a market dominated by major telecommunications and cable companies.

There are no specific legal or economic restrictions related to operating ISPs, mobile, or other digital technology providers, yet the Brazilian market remains highly concentrated. As of the fourth quarter of 2012, four companies—Oi, NET, Telefonica, and GVT—accounted for roughly 90 percent of the country's broadband market.¹⁰ Fixed broadband technology, such as DSL and cable, accounts for 68 percent of household internet connections in Brazil. While mobile broadband, measured at 18 percent, is still in the minority, such technology now accounts for most new household broadband connections. In 2011, mobile broadband subscriptions exceeded dial-up connections for the first time, indicating that Brazil is following global broadband growth trends.¹¹

Public paid access centers—also known as local area network, or LAN, houses—are the primary means of internet access for low income Brazilians in many regions, providing access to nearly 68 percent of those from the lowest income brackets.¹² A report from the Brazilian Internet Steering Committee noted a 10 percent decrease in use of LAN houses for internet access between 2011 and 2012. Nonetheless, such access points remain relevant to digital inclusion in Brazil, particularly in the northernmost regions of the country, where they are the second most commonly used means of connection after households.

Six private companies dominate Brazil's mobile sector, the largest four of which—Oi, TIM, Claro, and Vivo—control over 99.8 percent of market share.¹³ Mobile penetration has grown significantly over the past five years, increasing by an average of 19 percent annually, and reaching 145 percent by the end of 2012.¹⁴ Smartphone sales also increased by 77 percent in the first half of 2012 as compared to the same period in 2011.¹⁵ Given such growth, Reuters forecasts that Brazil will become the fifth largest smartphone market in the world by the end of 2013.¹⁶

Investment in mobile technology is further increasing due to the perceived demands of the World Cup, which will be hosted by Brazil in 2014. The country's four largest mobile providers each

⁹ Brazilian Internet Steering Committee (CGI.br), "Survey on the Use of Information and Communication Technologies in Brazil 2011," pg. 436, on February, 15, 2013, <http://op.ceptro.br/cgi-bin/cetic/tic-domicilios-e-empresas-2011.pdf>.

¹⁰ Teleco, "Seção: Banda Larga—Market Share de Banda Larga no Brasil" [Section: Broadband—Market Share of Broadband in Brazil], January 20, 2013, <http://www.teleco.com.br/blarga.asp>.

¹¹ Brazilian Internet Steering Committee (CGI.br), "ICT Households and enterprises 2011 - Survey on the use of Information and Communication Technologies in Brazil" pg. 358, Accessed February 20, 2013, <http://bit.ly/Poj2ue>.

¹² Brazilian Internet Steering Committee (CGI.br), "Survey on the Use of Information and Communication Technologies in Brazil 2011," pg. 436, on February, 15, 2013, <http://op.ceptro.br/cgi-bin/cetic/tic-domicilios-e-empresas-2011.pdf>.

¹³ Teleco, "Seção: Telefonía Celular—Operadoras de Celular, Jun/10" [Section: Cellular Telephony—Cellular Operators, June 2010], Accessed February, 2013, <http://www.teleco.com.br/mshare.asp>.

¹⁴ Budde.com, "Brazil - Telecoms, Mobile, Broadband and Forecasts 2012," Budde.com, Accessed February 2013, <http://www.budde.com.au/Research/Brazil-Telecoms-Mobile-Broadband-and-Forecasts.html?r=51>.

¹⁵ Teleco, "Seção: Telefonía Celular—Estatísticas de Celulares no Brasil" [Section: Cellular Telephony—Statistics of Cellular Telephones in Brazil], February 6, 2012, <http://www.teleco.com.br/ncel.asp>; See also: Roberta Prescott, "Brazilian smartphone sales increase 77% to 6.8 million in 1H 12," September 14, 2012, <http://bit.ly/PBrRTj>.

¹⁶ Sergio Spagnuolo, "Brazil Launches 4G Wireless Service with Few Smartphone Options," *Reuters*, April 17, 2013, <http://www.reuters.com/article/2013/04/17/brazil-telecom-smartphones-idUSL2N0D32ON20130417>.

began offering 4G services in April 2013 ahead of the Confederations Cup¹⁷ and each company has signed an agreement with National Telecommunications Agency ANATEL to provide 50 percent coverage in major cities by June 2013.¹⁸ It is likely that the timing of this agreement (which required that the companies be 4G ready ahead of the Confederations Cup) was conceived in order to provide the technology ample time for adoption—as well as a trial run—before the World Cup. Despite high hopes that 4G will elevate Brazil’s technological capacity, consumer advisory board *Reclame* has advised consumers that the expensive new service is unlikely to live up to its potential until infrastructure is improved. Such a prediction is unsurprising given that 40 percent of mobile phone users are reportedly unhappy with the quality of their current 3G coverage.¹⁹

In recent years, the Brazilian Government has initiated multiple programs to connect the population to the internet. The National Broadband Plan, for example, launched in 2010, aims to triple broadband access by 2014.²⁰ An increase in ICTs over the past few years, along with an attendant increase in the number of internet users, has also encouraged governmental agencies to improve the accessibility and quality of information available on institutional websites.²¹ In February 2012, the government announced a series of planned investments and tax incentives intended to expand various ICT and technological capabilities throughout the country. The development portion of the plan includes the expansion of the national fiber-optic cable from 11,000 to 30,000 km, the renewal of the One Laptop per Child program, and the extension of broadband technology to an additional 13 million households.²² It was also reported that tax incentives would apply to various technologies, including tablets, which would be distributed to public school teachers, presumably to increase digital literacy in classrooms. Following reports that tablets would benefit from tax incentives, sales increased by 127 percent.²³ Incentives were also extended to telecom companies in exchange for an agreement to invest \$8 billion in Brazilian ICT infrastructure by 2016.²⁴

Brazil’s digital information landscape is largely unrestricted. Brazilians freely gather information from the internet, as well as through mobile phone technology and other ICTs. They also have access to a wide array of national and international news sources, blogs, social-networking

¹⁷ Telecompaper, “Oi Launches 4G Services in Rio de Janeiro,” April 26, 2013, Telecompaper.com, <http://www.telecompaper.com/news/oi-launches-4g-service-in-rio-de-janeiro--939998>.

¹⁸ Ben Tavener, “4G Data Services Launched in Rio,” *The Rio Times*, April 26, 2013, <http://riotimesonline.com/brazil-news/rio-business/4g-services-mobile-launched-in-rio/>.

¹⁹ Angelica Mari, “We’ve Got 4G in Brazil! Oh, Wait...,” *Brazil Tech/ZDNet*, May 8, 2013, <http://zd.net/10dWeQb>.

²⁰ Ministry of Communications, “Um Plano Nacional para Banda Larga” [A national plan for high bandwidth], accessed August 30, 2012, <http://www4.planalto.gov.br/brasilconectado/pnbl>.

²¹ Marcelo Sarkis, “Access to Public Information in Brazil: What Will Change with Law No. 12.527/2011?” *FreedomInfo.org*, May, 14, 2012, <http://bit.ly/LK0P89>.

²² Roberta Prescott, “Brazil Announces Tax Breaks to Boost Economy; Positive Impacts for ICT Sector,” *RCR Wireless*, April 4, 2012, <http://bit.ly/HfWVBq>.

²³ Joe Aimonetti, “Apple gets tax incentives in Brazil to begin iPad production,” *CNET*, January 25, 2012, http://reviews.cnet.com/8301-19512_7-57366337-233/apple-gets-tax-incentives-in-brazil-to-begin-ipad-production/; See also:

(1) “Primeiros a receber tablets serão professores, anuncia MEC,” *Estadao.com.br*, February 3, 2012, <http://www.estadao.com.br/noticias/vidae,primeiros-a-receber-tablets-serao-professores-anuncia-mec,830914,0.htm> [in Portuguese] and (2) Roberta Prescott, “Hot market for tablets in Brazil,” *RCR Wireless*, January 2, 2013, <http://www.rcrwireless.com/americas/20130102/devices/hot-market-tablets-brazil/>.

²⁴ Ben Tavener, “4G Data Services Launched in Rio,” *The Rio Times*, April 26, 2013, <http://riotimesonline.com/brazil-news/rio-business/4g-services-mobile-launched-in-rio/>.

platforms, and citizen journalism, the latter of which has proliferated over the past year. In keeping with Brazil's ardent and growing internet user database, economists predict that eCommerce in Latin America's largest economy will total \$18.7 billion in 2012, representing a 21.9 percent increase from 2011.²⁵

Social media and communication apps such as Orkut, Facebook, and YouTube are freely accessible and widely used in Brazil. In December 2011, Facebook surpassed Orkut, its rival within the country, in terms of subscribers. As of June 2012, 42 million Brazilians had Facebook accounts, a number which had ballooned to nearly 67 million by February 2013, ranking Brazil as the second largest user of Facebook after the United States. As a nation, Brazil is also home to the fifth-largest contingent of Twitter users in the world; among non-English speaking countries, it has the highest percentage of users globally.²⁶

Two regulatory bodies oversee Brazilian ICTs: ANATEL, viewed by some Brazilians as inefficient, and the Administrative Council for Economic Defense (CADE), an antitrust body that is perceived to be more effective in addressing complaints. While both regulators are tasked with ensuring free, fair, and independent operation of ICTs, the General Telecommunications Law also authorizes CADE to make decisions concerning market concentration and price setting.²⁷ Despite the presence of these regulatory bodies, competition between ICTs remains uneven. The Brazilian Internet Steering Committee (CGI.br), a multi-stakeholder organization created in 1995, has played a substantive role in Brazilian internet governance and regulation debate.²⁸ The Committee's contributions include reliable and comprehensive yearly reports on the state of internet adoption in Brazil as well as funding for internet governance-related research and academic publications. Committee members are drawn from the government, the private sector, academia, and nongovernmental organizations. The latest group of representatives was chosen in 2010 in relatively democratic and open elections.²⁹

LIMITS ON CONTENT

The Brazilian government does not employ technical methods to filter or otherwise limit access to online content. Nonetheless, legal action pertaining to content removal by the judiciary and government officials, as well as highly publicized cases of intermediary liability, have emerged as possible barriers to free speech. Ahead of the October 2012 Municipal Elections, stringent enforcement of the Brazilian electoral law, which prohibits coverage of candidates in online and

²⁵ Brazilian Internet Steering Committee (CGI.br), "Survey On The Use Of Information And Communication Technologies In Brazil 2011," p. 297; See also: "More Buyers Join Brazil's Robust Ecommerce Market" <http://bit.ly/13V1sYm>.

²⁶ New Media Trend Watch, "Brazil: European Travel Commission (ETC)," New Media Trend Watch, Accessed February 2013, <http://www.newmediatrendwatch.com/markets-by-country/11-long-haul/42-brazil>.

²⁷ Maria Cecília Andrade, Ubiratan Mattos, and Pedro C. E. Vicentini, "Reforms in Brazilian Telecommunications Regulations and their Impact on Sector Competition," in *The Antitrust Review of the Americas 2009* (London: Global Competition Review, 2009), <http://bit.ly/1fRMAOS>; See also: Teleco, "Regulation: Legislation Guide," July, 28, 2010, <http://bit.ly/19NMMIw>.

²⁸ CGI.br, *Principles for the Governance and Use of the Internet*, accessed February 16, 2013, <http://www.cgi.br/english/regulations/resolution2009-003.htm>.

²⁹ CGI.Br, "CGI.br Anuncia Nomes dos Representantes Eleitos da Sociedade Civil" [CGI.br announces names of elected representatives], Accessed February 16, 2013, <http://www.nic.br/imprensa/releases/2011/rl-2011-05.htm>.

traditional media for three months prior to elections and also bans any online content which might “offend the dignity or decorum” of a candidate, added to the challenges associated with freedom of online expression.³⁰ While fears have also surfaced regarding Brazil’s international image and censorship of national issues such as poverty ahead of the 2014 World Cup and 2016 Olympic Games, social media have been used for positive citizen action in recent years, extending to advocacy for the rights of indigenous communities.

Neither federal nor state governments have sponsored systematic content filtering or online censorship, however efforts to place limits on content have occurred periodically. A Google Transparency Report shows that in 2012, Brazil issued the highest number of government requests for content removal of any country.³¹ Brazil also ranks in the top three countries in all categories related to requests for content removal on Twitter’s Transparency Report,³² with 16 court orders issued between July and December 2012.³³ Recent cases related to content removal concern defamation, nudity, and concern over Brazil’s international image. In May 2012, Facebook made the decision to remove photos of “SlutWalk,” demonstrations in which topless women advocated for women’s rights in various Brazilian cities. Facebook affirms that the censored photos constitute “nudity and pornography,”³⁴ and removal is therefore in line with company policy. Members of SlutWalk allege that Facebook’s decision constitutes censorship of civil society action and urge the company to “distinguish between pornography and protest material” when removing content.³⁵ In a separate instance, Google reportedly received requests from the Brazilian government to remove the world “favela” (slum) from its maps of the country, in order to detract attention from Brazil’s poor neighborhoods in advance of the 2014 World Cup and 2016 Olympic Games. Bloggers have been vocal in their condemnation of such censorship.³⁶

In July 2012, digital newspaper *Século Diário* received a court order to remove three articles and two editorials from its site, all of which concerned the performance of Prosecutor Marcelo Barbosa de Castro Zenkner. The judge further ruled that *Século Diário* must follow editorial recommendations stipulated by the court in future posts. This was the third time that *Século Diário* was issued a court order for the removal of content.³⁷ In November 2012, a judge prohibited media

³⁰ Sarah Laskow, “Google vs. Brazil: Why Brazil Heads Google’s List of Takedown Requests,” April 29, 2013, *Columbia Journalism Review*, http://www.cjr.org/cloud_control/brazilian_takedown_requests.php?page=all&print=true.

³¹ Google, “Transparency Report,” Google, Accessed February 15, 2013, <http://www.google.com/transparencereport/removals/government/BR/>.

³² Nick Kolakowski, “Twitter’s New Transparency Report: Governments Still Want Your Data,” *Slashdot*, January 28, 2013, <http://slashdot.org/topic/bi/twitters-new-transparency-report-governments-still-want-your-data/>; See also: (1) Twitter, Transparency Report, “Government Requests Received for User Information”, Accessed February 15, 2013, <https://transparency.twitter.com/information-requests-ttr2>; and (2) Twitter, Transparency Report, “Government Requests Received to Withhold Content”, accessed on February 15, 2013, <https://transparency.twitter.com/removal-requests-ttr2>.

³³ Twitter, Transparency Report, “Government Requests Received to Withhold Content”, accessed on February 15, 2013, <https://transparency.twitter.com/removal-requests-ttr2>.

³⁴ Raphael Tsavkko Garcia, “Brazil: Facebook Censors Photos of the ‘SlutWalk,’” *Global Voices Online*, June 2, 2012, <http://globalvoicesonline.org/2012/06/02/brazil-facebook-censor-photos-slutwalk/>.

³⁵ Raphael Tsavkko Garcia, “Brazil: SlutWalks Spread across the Country,” *Global Voices Online*, May 29, 2012, <http://globalvoicesonline.org/2012/05/29/brazil-slutwalks-photos-videos/>.

³⁶ Citizen Lab, “Latin America and the Caribbean CyberWatch,” Citizen Lab, May 3, 2013, <https://citizenlab.org/2013/05/latin-america-and-the-caribbean-cyberwatch-april-2013/>.

³⁷ Natalia Mazotte, “Knight Center Launches Timeline of Judicial Censorship in Brazil,” *Knight Center for Journalism in the Americas*, February 21, 2013, <https://knightcenter.utexas.edu/blog/00-12987-knight-center-launches-timeline-judicial->

from mentioning the name of the current vice mayor and mayor-elect of the city of Campo Mourão in articles concerning an alleged vote-buying scandal that occurred during the election. Notifications of the order were sent to a number of print and digital news sites investigating the alleged scheme, including the websites of *Tásabendo* and *Coluna do Ely*. Should any of the outlets ignore the judicial order, they will face fines of up to \$14,000.³⁸

State-initiated censorship in Brazil has primarily appeared in the context of elections, with defamation charges and the removal of content related to elected officials becoming increasingly common. This phenomenon is due in large part to an electoral law, extended to the internet in 2009, which tightly restricts the airing by opponents of content related to political candidates.³⁹ In March 2012, a ruling by the Electoral Superior Court resulted in the application of “time and place” restrictions to political speech on Twitter and other social media platforms, as well as the internet at large.⁴⁰ Although the law does not benefit any particular party, but instead seeks to maintain a civil and dignified electoral process, it has come under fire by freedom of expression advocates for its restriction of content both online and offline. Journalists and bloggers cannot presently make accusations against candidates for three months prior to elections; if they post any inflammatory content online related to a political candidate, they risk having their writing or videos removed, as well as being fined or arrested for defamation and violation of the country’s electoral law. A 2011 proposal to reform the current law would loosen pre-campaign restrictions, allowing for expanded discussion and campaigning by candidates online, so long as such political promotion is performed without intent of commercial gain.⁴¹ Thus far, two committees have approved the bill; it is currently among those items prioritized for review.⁴²

In late 2012 and early 2013, a spate of legal cases concerning intermediary liability drew worldwide attention to Brazil’s internet policies. In September 2012, a Brazilian electoral court issued arrest warrants for two senior Google Brazil executives, Edmundo Luiz Pinto Balthazar and Fabio Jose Silva Coelho, for failure to remove content prohibited under electoral law. The executives were accused of violating a vague provision that bans campaign material which “offend[s] the dignity or decorum” of a candidate.⁴³ Although the arrest of Balthazar was quickly overturned by a higher court on grounds that “Google [was] not the intellectual author of the video...and [could not] be

[censorship-brazil](#); See also: SIPIAPA, “Assembly 2012 – General Assembly, Sao Paulo, Brazil Reports,” Published January 1, 2013, <http://www.sipiapa.org/en/asamblea/brazil-35>.

³⁸ Natalia Mazotte, “Judge in Brazil Blocks Media from Mentioning Mayor-Elect in Alleged Vote-Buying Scandal,” Knight Center for Journalism in the Americas, November 29, 2012, <https://knightcenter.utexas.edu/blog/00-12222-judge-brazil-blocks-media-mentioning-mayor-elect-alleged-vote-buying-scandal>.

³⁹ Agência de Notícias da Justiça Eleitoral, “TSE Mantém Multa por Propaganda Eleitoral Antecipada em Blog a Favor de Dilma” [TSE Keeps Fine for Electioneering in Anticipation of Favor from Dilma], March 17, 2011, <http://agencia.tse.gov.br/sadAdmAgencia/noticiaSearch.do?acao=get&id=1363510>; See also: Agência de Notícias da Justiça Eleitoral, “TSE Aplica Multa a PSDB-MG por Propaganda Eleitoral Antecipada em Favor de José Serra,” [TSE Applies Fine to PSDB-MG for early Advertising in Favor of Jose Serra], November 16, 2010, <http://agencia.tse.gov.br/sadAdmAgencia/noticiaSearch.do?acao=get&id=1345485>.

⁴⁰ Tribunal Superior Eleitoral [Electoral Superior Court], “Candidatos só Podem Utilizar Twitter em Campanha Eleitoral a Partir de 6 de Julho” [Candidates can only Use Twitter for Electoral Campaign Starting July 6th], March 2012, <http://bit.ly/zG9zEp>.

⁴¹ Rachel Librelon, “Proposta regula pré-campanha e propaganda eleitoral na internet,” Agência Câmara de Notícias, May 13, 2011, <http://bit.ly/jsm8mq> [in Portuguese].

⁴² <http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=491421>

⁴³ The Guardian staff and agencies, “Google Executive in Brazil Detained after Failure to Remove YouTube Video,” *The Guardian*, September 26, 2012, <http://www.guardian.co.uk/technology/2012/sep/27/google-brazil-remove-youtube-video>.

punished for its propagation,⁴⁴ the case was later reinstated, bringing Balthazar back into the realm of the judiciary. Google finally blocked access to the controversial video in late September 2012 under pressure from Brazilian courts.⁴⁵ In March 2013, Balthazar was denied habeas corpus relief (a writ or legal action requiring that a prisoner be taken before a judge in order to determine whether his detention is lawful⁴⁶) and the Brazilian Superior Electoral Court upheld the criminal charges filed against him for failing to comply with an electoral court order.⁴⁷ Google maintains that as a platform it is not responsible for content published by users. Accordingly, the company announced that it would comply with only 35 of the 316 Brazilian court orders it received from July to December 2012 requesting the removal of content in violation of the country's electoral law. In the remaining 281 cases, Google said that it would "exercise its right of appeal...on the basis that content is protected by freedom of expression under the Brazilian Constitution."⁴⁸ As of May 2013, criminal cases against both Coelho and Balthazar were still pending in Brazil.

Social media platforms such as Facebook and Orkut have also been subject to intermediary liability issues and are the main target of civil liability claims regarding content removal and defamation. In response to an electoral court order in December 2011, Google removed four Orkut profiles with content that violated Brazil's electoral law.⁴⁹ State courts in Brazil are still largely divided on the issue of intermediary liability, however. Some attribute the legal burden to crowdsourcing websites and social networks; others have adopted a notice-and-takedown approach that imposes liability only if the intermediary fails to remove content after judicial notice. A Brazilian judge issued a court order to YouTube for the removal of an anti-Islam video which sparked worldwide controversy and was blamed for instigating outbursts of violence in multiple countries.⁵⁰ Citing fear of incitement to violence, Judge Gilson Delgado Miranda gave Google YouTube ten days to remove the trailer for the movie from its website.⁵¹ Nationwide legislation pertaining to takedown processes has been under debate in Brazil since the Marco Civil Bill, which includes a provision for the establishment of a judicial notice-and-takedown framework, began gaining media attention in 2009.

The Marco Civil Bill is intended to serve as a "Constitution for the Internet," guaranteeing freedom of expression, net neutrality, and the right to privacy.⁵² Although previously lauded by Brazilian

⁴⁴ The Guardian staff and agencies, "Google Executive in Brazil Detained after Failure to Remove YouTube Video," *The Guardian*, September 26, 2012, <http://www.guardian.co.uk/technology/2012/sep/27/google-brazil-remove-youtube-video>.

⁴⁵ Reporters Without Borders, "Content Removal: Call for Quick Adoption of Internet Law Amid Continuing Harassment of Technical Intermediaries," October 2, 2012, Reporters Without Borders online, <http://bit.ly/SAkmbI>.

⁴⁶ Cornell University Law School, *Legal Information Institute*, Cornell University, Accessed September 20, 2013, http://www.law.cornell.edu/wex/habeas_corpus.

⁴⁷ Paulo Sa Elias, "Contempt of Court," Paulo Sa Elias, March 21, 2013, <http://www.direitodainformatica.com.br/?p=1420>.

⁴⁸ Google Transparency Report, Brazil, Google, Accessed September 27, 2013, <http://bit.ly/QIAiCO>.

⁴⁹ Brad Haynes, "Google Executive in Brazil Faces Arrest over Elections Law," Reuters, Sep 25, 2012,

<http://www.reuters.com/article/2012/09/26/net-us-google-brazil-election-idUSBRE88O18B20120926>.

⁵⁰ Reuters, "Brazil Court Ordered YouTube to Remove Anti-Islam Film," Reuters Brazil, September 26, 2012, <http://www.reuters.com/article/2012/09/26/us-protests-brazil-idUSBRE88P05A20120926>.

⁵¹ Sorcha Pollack, "Google Executive Arrested as Brazil Bans Anti-Muslim Film," *Time, Newsfeed* (blog), September 27, 2012, <http://newsfeed.time.com/2012/09/27/google-executive-arrested-as-brazil-bans-anti-muslim-film/>; See also: Jenny Barchfield and Juliana Barbassa, "Fabio Jose Silva Coelho, Google Exec, Detained by Brazil Police over Refusal to Pull YouTube Clips Criticizing Politicians," *Huffington Post*, September 26, 2012, <http://huff.to/OrE52s>.

⁵² Carolina Rossini, "The Brazilian Congress Needs to Pass Marco Civil for Brazilians – and the World," Infojustice online, May 22, 2013, <http://infojustice.org/archives/29726>.

civil society, last-minute changes—including a provision that excludes copyright claims—threaten the bill’s original promise, leaving users and ISPs in a climate of legal uncertainty.⁵³ Activists warn that recent changes could pave the way for the removal of allegedly copyrighted content without a judicial order. Copyright owners could then sue intermediaries for alleged content infringement by users, a precedent that could force ISPs to police users themselves. The final language used in the new exclusionary paragraph of the Marco Civil Bill may also threaten legal certainty surrounding safe harbors for ISPs.⁵⁴ Despite deep concern about these changes, House Representative Alessandro Molon is optimistic that the Marco Civil Bill will come to vote in the Chamber of Deputies and be signed into law by the end of 2013.⁵⁵

Over the past few years, Brazil has made several important developments regarding access to public information. The Access to Information initiative, signed into law in November 2011, went into effect in early 2012 and promises to increase transparency and enhance opportunities for civic participation, social action, and the exposure of corruption.⁵⁶ The enactment of the Access to Information Act affords citizens the ability to request governmental information via the internet, while also requiring that state bodies utilize the internet for the disclosure of information about public administration, projects, and finances, all of which must be presented in an easily accessible and understandable manner and kept up to date.⁵⁷ Brazil is also a founding member of the Open Government Partnership—a global effort to increase government transparency, efficacy, and accountability.⁵⁸ Brazil’s Action Plan for Open Government includes the adoption of measures that will allow the country to (1) continue making headway in public transparency, (2) strengthen access to information, (3) manage public funds, (4) promote integrity in the public and private sectors, (5) foster citizen participation, and (6) deliver public services.⁵⁹ According to a recent OGP report, to date, Brazil has secured 32 commitments by 5 governmental bodies, 18 of which have already been completed.⁶⁰

Social media is increasingly being used for civic activism in Brazil, with campaigns regarding indigenous rights,⁶¹ sanitation and water,⁶² and the need for reducing electoral campaign waste,⁶³

⁵³ Carolina Rossini, “New Version of Marco Civil Threatens Freedom of Expression in Brazil,” Electronic Frontier Foundation, November 9, 2012, <https://www.eff.org/deeplinks/2012/11/brazilian-internet-bill-threatens-freedom-expression>; See also: Rodrigo Borges Carneiro, “Internet Bill should Not Fail to Include the Respect for Intellectual Property as a Principle,” *Entertainment Law Brazil* (blog) April 11th, 2013, <http://entertainmentlawbrazil.com.br/2013/04/11/internet-bill-should-not-fail-to-include-the-respect-for-intellectual-property-as-a-principle/#more-1049>.

⁵⁴ Carolina Rossini, “New Version of Marco Civil Threatens Freedom of Expression in Brazil,” Electronic Frontier Foundation, November 9, 2012, <https://www.eff.org/deeplinks/2012/11/brazilian-internet-bill-threatens-freedom-expression>.

⁵⁵ Index on Censorship, “Threats to Online Free Speech are a Civil Society Defeat,” March 27, 2013, <http://bit.ly/16XBC5A>.

⁵⁶ Article 19, “Brazil Adopts Access to Information Law,” Article 19, November 22, 2011, <http://bit.ly/sCLNZH>.

⁵⁷ United Nations Online Training Centre, “Learner’s Submission: Access to Information in Brazil” UNPAN, February 11, 2013, <http://unpanlearning.wordpress.com/tag/freedom-of-information-act/>.

⁵⁸ <http://bit.ly/16laayQ>.

⁵⁹ Open Government Partnership, “Brazil’s Country Commitment to the Open Government Partnership,” Open Partnership.org September 20, 2011, <http://www.opengovpartnership.org/countries/brazil>.

⁶⁰ Open Government Partnership, “Brazil’s Country Commitment to the Open Government Partnership,” Open Partnership.org September 20, 2011, <http://www.opengovpartnership.org/countries/brazil>.

⁶¹ Sara Moreira, “From Indigenous Protest to Online Preaching, Portuguese Language Countries in 2012,” Global Voices online, December 31, 2012, <http://bit.ly/VTLUKH>.

⁶² Sara Moreira, “Brazil: Rio de Janeiro Demands Better Sanitation,” Global Voices online, November 12, 2012, <http://globalvoicesonline.org/2012/11/12/brazil-sanitation-rio-de-janeiro/>.

popping up on Twitter and Facebook as people in all regions of the country call the government to action. In late 2012, the Guarani-Kaiowá, an indigenous community in Mato Grosso do Sul threatened with eviction from ancestral lands, found support on Facebook and other social media platforms. In late October and early November, a wave of protests occurred in six Brazilian cities, as well as in overseas locales as far flung as Germany, Portugal, and the United States. Although it is difficult to ascertain the impact of the protests, given that the Guarani-Kaiowá also sent a letter to legislators announcing an intention to fight to the death for their land, a federal judge decided to suspend their eviction.⁶⁴ Various campaigns for environmental rights have also been started on Twitter, Facebook, and other online forums, with online petitions being used to pressure the Secretary of State for the Environment to clean up pollution and prevent future sewage spills on local beaches.⁶⁵

VIOLATIONS OF USER RIGHTS

The Brazilian constitution forbids anonymity but protects freedom of speech, including cultural and religious expression. Specific laws also establish freedom of the press.⁶⁶ Various cybercrime initiatives and court rulings made headlines in 2013 for their impact on regulation of computer intrusion, brand infringement, and discriminatory content. Although the internet is generally viewed as a freer atmosphere than traditional media, in 2012, 40 percent of the threats received by journalists and bloggers were related to content posted on personal blogs, websites, and social networks. This phenomenon emphasizes the multivariate challenges to freedom of expression on the internet, which concern not only legislation but also physical safety.⁶⁷

An increase in retaliatory violence against journalists and bloggers in late 2012, which appears to bear a clear link to content they posted online, negatively impacts freedom of expression and has the potential to encourage self-censorship. According to Reporters Without Borders, Brazil is now one of the world's five deadliest countries for media personnel.⁶⁸ In 2012 and 2013, Brazil was also witness to instances of local officials bringing defamation suits against bloggers and online journalists. One blogger faced a prison sentence for a fictional story he posted online.

In recent years, various legislative initiatives have directly affected freedom of expression rights. The Azeredo Bill (Lei Azeredo, Law #12.735/2012), which pertains to regulation of content online, was approved in April 2013 after major changes to its original, highly controversial

⁶³ The "Quem Suja Agora" Facebook page was created to monitor and denounce the refusal to collect electoral campaign waste: <https://www.facebook.com/quemsujaagora>.

⁶⁴ Sara Moreira, "From Indigenous Protests to Online Preaching, Portuguese Language Countries in 2012," Global Voices Online, November 28, 2012, <http://globalvoicesonline.org/2012/11/28/worldwide-protests-for-brazils-indigenous-guarani-kaiowa/>; See also: *Huffington Post*, "Guarani-Kaiowa Land Dispute: Brazil Judge Suspends Eviction of Indians," *Huffington Post*, October 31, 2012, http://www.huffingtonpost.com/2012/10/31/guarani-kaiowa-eviction_n_2051454.html.

⁶⁵ Sara Moreira, "Brazil: Rio de Janeiro Demands Better Sanitation," Global Voices Online, November 12, 2012, <http://globalvoicesonline.org/2012/11/12/brazil-sanitation-rio-de-janeiro/>.

⁶⁶ An English translation of the Constitution is available here: <http://www.v-brazil.com/government/laws/constitution.html>.

⁶⁷ UN Refugee Agency, "Brazil: Serious crimes against free expression in 2012", Article 19, UNHCR, March 14, 2013 <http://www.unhcr.org/refworld/docid/51499abf2.html>.

⁶⁸ Reporters Without Borders, "Brazil," Reporters Without Borders, July 3, 2013, http://en.rsf.org/report-brazil_169.html.

proposal. By the time it was approved, only 6 of the law's initial 22 articles remained. These items establish the creation of specialized teams and sectors structured by the judicial police to combat cybercrimes and to take down racist content (other defamatory content is not directly covered by the bill). Takedowns require judicial notice, but can be issued before police investigations have begun.⁶⁹ Another initiative currently under consideration in the Senate, Bill 494/08, aims to impose a series of obligations on ISPs, websites, and blogs to ensure cooperation with the police in pedophilia investigations.⁷⁰

Two recent court decisions have made headlines in regard to their potential to influence the scope of freedom of expression on the internet. In September 2010, popular newspaper Folha de São Paulo won an injunction against satirical blog Falha de São Paulo on grounds that the name and layout of the blog were too similar to that of the newspaper and constituted brand infringement. The domain Falhadespaulo.com.br was subsequently frozen. In a countersuit in early 2013 in which the blog owners fought back against the newspaper, a Brazilian court upheld the ruling, permanently disabling the satirical site.⁷¹ Critics allege that such rulings set a dangerous precedent for censorship and interfere with diversity of online content while proponents applauded the court for upholding brand integrity and intellectual property standards.⁷²

In two separate cases in 2012, legal proceedings were brought against bloggers for alleged defamation. In the first case, blogger Afrânio Soares was sued by Ipu city council president Carmen Pinto. If he is found guilty, Soares may be charged with fines of more than \$ 12,000.⁷³ In the second case, defamation charges were filed against journalist and blogger José Cristian Góes in December 2012 for a fictional story he posted on his blog *Infonet*. The charges, which were both civil and criminal, were initiated by high court judge Edson Ulisses, who claimed that both he and his brother were defamed in the story, which mocks political corruption in Brazil but does not name or describe any particular person.⁷⁴ In early July 2013, Góes was sentenced to 7 months and 16 days in prison. The sentence has since been commuted to community service. Góes plans to appeal the ruling.⁷⁵

⁶⁹ Rafaella Torres, "Aprovação de Leis sobre Crimes Cibernéticos" [Approval of Cybercrime Laws], *A2K Brazil* (blog) January 17, 2013, <http://www.a2kbrasil.org.br/wordpress/2013/01/aprovacao-de-leis-sobre-crimes-ciberneticos/>.

⁷⁰ Website of the Brazilian Senate, *PLS Senate Bill #494/2008*, submitted for review March 24, 2013, http://www.senado.gov.br/atividade/materia/detalhes.asp?p_cod_mate=88862.

⁷¹ Raphael Tsavkko Garcia, "Cries of Censorship as Brazilian Satire Blog Ordered Shut Down," *Global Voices Online*, March 22, 2013, <http://globalvoicesonline.org/2013/03/22/cries-of-censorship-as-brazilian-satire-blog-ordered-shut-down/>.

⁷² Katrina Kaiser, "Sorry We're Not Sorry: An Interview with Lino Bocchini of Falha de Sao Paulo," *Electronic Frontiers Foundation*, May 25, 2012, <https://www.eff.org/deeplinks/2012/05/sorry-were-not-sorry-interview-lino-bocchini-falha-de-s-paulo>; See also: Raphael Tsavkko Garcia, "Blog Countersues over Web Domain," *Global Voices Online*, May 7, 2012, <http://globalvoicesonline.org/2012/05/07/brazil-blog-falha-countersues-folha-sao-paulo-web-domain/>.

⁷³ Blog do Kleber Teixeira, "Vereadora entra com Processo contra Bloguiero" [Counselor Enters Blogger Trial], *Blog do Kleber Teixeira* (blog), July 15, 2012, <http://www.blogdogleberteteixeira.com/2012/07/vereadora-entra-com-processo-contr.html>.

⁷⁴ Isabela Fraga, "Brazilian Prosecutor Files Criminal Charges Against Journalist for Writing Fictional Blog Post," *Knight Center for Journalism in the Americas*, February 15, 2013, <https://knightcenter.utexas.edu/blog/00-12953-brazilian-prosecutor-files-criminal-charges-against-journalist-writing-fictional-blog->; See also: Reporters Without Borders, "Journalist gets 'Judicially Insane' Jail Term for Fictional Short Story," July 8, 2013, <http://bit.ly/12SU1Pr>.

⁷⁵ Rafael Spuldar, "Brazilian Writer Convicted for Fictional Story," *Index on Censorship*, July 15, 2013, <http://www.indexoncensorship.org/2013/07/brazilian-writer-convicted-for-fictional-story/>.

As mentioned above, several legal provisions, including Article 57-D of the recently revised electoral law, place restrictions on anonymity. Users are generally required to register with their real names before purchasing mobile phones or opening a private internet connection, though the use of pseudonyms in discussion forums is common. Despite the potential for registries to be employed to punish users for critical online speech, as of May 2013, there were no reports of such actions, nor were there reports of government efforts to track netizens participating in discussions critical of the government or particular social or political groups.

Extralegal surveillance of internet activities by the government is not believed to be widespread, although efforts to collect user data have increased in recent years. In 2012, the Brazilian government submitted more user data requests to Google than all other Latin American nations combined. Although there is no public count, most of these requests are believed to be warrants or court orders likely related to ongoing investigations or lawsuits. In the case of Twitter, most user information requests were tied to criminal investigations. With the exceptions of an emergency situation or a legal prohibition related to a specific case, Twitter notifies users of requests for account information. With a total of 2,777 information requests sent to Google in 2012, and 34 sent to Twitter, Brazil is ranked by both companies as third worldwide in number of requests, following the United States and Japan.⁷⁶

Some lawmakers have pushed for legal provisions requiring the recording of internet communications from public access points such as LAN houses in order to prevent crime. Such surveillance, lawmakers say, would also allow LAN houses to avoid liability for acts committed by users. Legislation of this kind already exists in São Paulo and Rio de Janeiro. A federal measure pertaining to compulsory registration of LAN users was approved by the House of Representatives in 2011 and is currently in the Senate, where it has been approved by three commissions and now awaits a final report.⁷⁷ If finalized, the legislation would regulate LAN houses as “multi-purpose entities of special interest for digital inclusion,” requiring them to register all users.⁷⁸

In a disturbing trend, threats, intimidation, and violence against online journalists and bloggers have been increasing in recent years. In February 2012, Mario Randolph Marques Lopes, editor-in-chief of news website *Vassouras na Net*, was kidnapped and murdered. Marques, who often reported on police corruption and violence, had previously survived a 2011 assassination attempt that left him in a coma for three days.⁷⁹ In late April 2012, Décio Sá, a longtime political journalist and blogger who wrote for the newspaper *O Estado do Maranhão* and ran a blog by the name of *Blog do Décio*, was

⁷⁶ Zach Miners, “Twitter Transparency Report Shows Government Data Requests on the Rise,” Good Gear Guide, PC World Australia, January 28, 2013, <http://bit.ly/TNX6Pc>; See also: Google, “Transparency Report - Brazil : Summary of Requests,” Accessed February, 2013, <https://www.google.com/transparencyreport/userdatarequests/BR/>.

⁷⁷ Federal Senate of Brazil, Portal Atividade Legislativa, *Projeto de Lei da Camara, No 28 de 2011* [Camara Bill, No. 28/2011], http://www.senado.gov.br/atividade/materia/detalhes.asp?p_cod_mate=100025.

⁷⁸ Draft Legislation no. 4361/2004, proposed by representative Vieira Reis, accessed February 7, 2012, <http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=268907>.

⁷⁹ Committee to Protect Journalists, “Mario Randolph Marques Lopes,” February 9, 2012, CPJ online, <http://cpj.org/killed/2012/mario-randolfo-marques-lobes.php>.

shot to death while sitting in a bar. Police suspect that Sá, who is survived by a pregnant wife and eight year old daughter, was targeted for his reporting.⁸⁰

In July 2012, journalist Andre Caramante began receiving threats from Adriano Lopes Lucinda Telhada, a former military police commander and a candidate in the October 2012 municipal elections. The threats began after Caramante wrote a column that was critical of Telhada for newspaper *Folha de Sao Paulo*. Telhada quickly turned to Facebook to vent his anger, where he posted inflammatory messages that surpassed defamation and amounted to incitement of hatred, according to a press release from Reporters Without Borders. Telhada, who later won the municipal election and is now a councilman in Sao Paulo, denies having posted such material online.⁸¹

In November 2012, Eduardo Carvalho, owner and editor of the *Ultima Hora News* website, was murdered as he returned to his home in Campo Grande. Carvalho, a former military police officer who often wrote about local corruption, had already survived one earlier attack on his life. Prior to his murder, Carvalho had received so many death threats that he always carried a gun and often wore a bullet proof vest.⁸² In December 2012, the home of Antonio Fabiano Portilho Coene, owner of the *Portal i9* website, was attacked by unidentified gunmen who threw a Molotov cocktail into the courtyard and fired shots on the house. Before leaving, the assailants placed a hammer outside the house with a message warning that Portilho would be beaten to death and referencing the murder of fellow corruption reporter Eduardo Carvalho. No injuries were sustained by Portilho or his family.⁸³

Cyberattacks are a significant problem in Brazil, with targets ranging from online banking sites to energy plants.⁸⁴ In early 2012, the hacker group Anonymous made a significant impact by launching distributed denial-of-service (DDos) attacks against the websites of three of Brazil's largest banks,⁸⁵ including Banco de Brasil, the largest in the country. An increasing amount instructional material for hackers is also produced in Brazil, including information on how to conduct illegal mobile phone wiretaps or hack passwords.⁸⁶

In April 2013, a Brazilian cybercrime law commonly referred to as “Lei Dieckman” came into force. The law’s adopted moniker comes from actress Carolina Dieckman due to the fact that the

⁸⁰ Committee to Protect Journalists, “Décio Sá,” April 23, 2012, CPJ online, <http://cpj.org/killed/2012/decio-sa.php>.

⁸¹ Danilo Thomaz, “‘Nunca o Ameacei,’ Diz Telhada Sobre Jornalista” [I Never Threatened Him, Says Telhada of Journalist], *Epoca online*, October 8, 2012, <http://glo.bo/PQykWO>; “Online Hate Messages: Newspaper Reporter Targeted on Former Police Chief’s Facebook Page,” Reporters Without Borders, July 20, 2012, <http://bit.ly/PiB7r6>.

⁸² Committee to Protect Journalists, “Brazilian Journalist Killed in Campo Grande,” CPJ online, November 26, 2012, <http://cpj.org/2012/11/brazilian-journalist-killed-in-campo-grande.php#more>.

⁸³ Reporters Without Borders, “News Website Owner’s Home Attacked in Brazil,” IFEX, December 4, 2012, http://www.ifex.org/brazil/2012/12/04/brasil_actu_update_port/.

⁸⁴ Dmitry Bestuzhev, “Brazil: A Country Rich in Banking Trojans,” *Securelist*, October 16, 2009, http://www.securelist.com/en/analysis/204792084/Brazil_a_country_rich_in_banking_Trojans.

⁸⁵ Kenneth Rapoza, “Hacker Group ‘Anonymous’ Gun For Brazil Banks; Itau Internet Banking Briefly Shut Down,” *Forbes*, February 8, 2012, <http://onforb.es/xtiC5w>.

⁸⁶ For examples of tools for “do-it-yourself wiretapping,” see: (1) Itecdiffusion.com: http://www.itecdiffusion.com/PT/escuta_telemovel.html; (2) Apostila Hacker [Hacker Toolkit]: <http://www.apostilahacker.com.br/>.

legislation took center stage after nude photos of her were distributed online in early 2012.⁸⁷ The law criminalizes breaches of digital privacy such as computer intrusion, the “installation of vulnerabilities,” and editing, obtaining or deleting information—including credit card numbers—without authorization. The distribution, sale, production, or offer of programs or devices meant to facilitate the aforementioned actions or to interrupt ICT services are also categorized as crimes. Associated punishments vary from fines to up to five years imprisonment.

⁸⁷ The News Desk, “After 13 Years, Brazil Approves Two Cybercrime Laws at Once,” *Linha Defensiva*, <http://www.linhadefensiva.com/2012/11/after-13-years-brazil-approves-two-cybercrime-laws-at-once/>.