

BRAZIL

An environment favorable to freedom of the press and expression

Executive Summary

This report shows the results for Brazil, corresponding to the August 2023 to August 2024 period. Brazil ranks 6th among the twenty-two countries surveyed, with an index of 66.55 that places it in the low-restriction group of countries for freedom of expression, a notable improvement when compared to previous reports. The best results are in Realm C: Control of Media and Journalism and in Realm A: Citizens Free to Express Themselves, while challenges persist in Realm B: Violence and Impunity against Journalists and Media, as Brazil still faces high levels of persecution and low levels of protection. The Legislative, Judicial and Executive environments present slight unfavorable influences, while an improvement compared to previous years is the highlight.

Introduction

This report delivers the results of Brazil's August 2, 2023-August 1, 2024 Chapultepec Index of Freedom of Expression and Press Index. The analyzed data reflect the influence exerted by the Executive, Legislative, and Judicial branches' institutional environments on freedom of expression and press, as well as how three key realms performed, namely: Citizens Free to Express Themselves, Violence and Impunity against Journalists and Media, and Control over the Media and Journalists. With an overall index of 66.55, Brazil ranks 6th in a list of twenty-two countries –one of the best and most remarkable performances in Latin America, which ranks above the 48.18 global average.

Brazil's institutional context continues to reflect the political transition effects following the 2022 elections, which have lessened the negative influence of the Executive environment that now is placed at a mild influence level with an index of 1.05. Unlike previous, highly hostile towards the press, periods, Luiz Inácio Lula da Silva's administration has supported a more accessible approach to freedom of expression, thereby improving Brazil's global ranking position. In addition, the stabilization of the influence from the Legislative and the Judiciary has allowed the country to keep a more journalism-friendly environment, although challenges persist regarding protection of journalists and war against impunity.

In terms of overall ranking, Brazil has improved its placement compared to previous years, rising to the 6th place with an outstanding performance in realms Citizens Free to Express Themselves and Control over The Media, reflecting a citizens' greater ability to access information and express themselves freely, as well as a decreased direct and indirect control over the media by the State. However, Violence and Impunity against the Media and Journalists remains the most critical area, with high levels of persecution and a low protection index (3.82).

Results Analysis

About the environment: influence of the Executive Branch

Brazil's Executive environment continues to show a slight unfavorable influence on freedom of expression, scoring 1.05 on a zero -to- ten scale (being zero = no influence and ten = very strong influence). This data consolidates the previous reports' observed trend, when the influence hit 1.63, and represents a significant decrease compared to high levels reported during Jair Bolsonaro's term (2019-2022). The reduction in negative influence may be attributed to the return of a more respectful approach towards freedom of the press from the administration led by President Luiz Inácio Lula da Silva, who took office in 2023.

An example of this change can be seen in what President Lula's states on Julian Assange's case, both in his declaration at the United Nations Organization (UN) (Blumer, 2023), and when Assange was released from prison in the United Kingdom, classifying the episode as a victory for democracy and freedom of the press (Manzui, 2024). Although the influence of the Executive Branch on free speech has become quite lesser, some challenges are still to be dealt with. Journalism still faces tensions, especially associated with the aftermath of the January 8th, 2023 coup attempt in Brasilia. This event, driven by supporters of former President Bolsonaro, resulted in direct attacks on journalists and media outlets, especially on social media. The government's responded by publicly condemning such attacks, thereby contributing to mitigate the Executive Branch's negative impact in this area.

Compared to other countries in the region, such as Mexico, where the Executive environment's influence scored 3.46 in 2024, Brazil stands out for having reduced direct government control over the press more effectively. However, when compared to Argentina, which scored a 3.77 Executive environment's influence, both countries seem to face similar challenges, although in Brazil the transition to a government with less aggressive approach has led to a less hostile environment towards the media.

About the environment: influence of the Legislative Branch

Brazil's Executive environment shows a slight unfavorable influence on freedom of expression, scoring 1.14 on a zero -to- ten scale (being zero = no influence and ten = very strong influence). This score reflects the trend of reducing the negative influence of the legislature has continued, since the score was 1.52 in 2022-2023. This scenario represents a remarkable improvement compared to reports from previous years –e.g., that of 2021, when the index hit 4.04, ranking as moderate. The evolution towards a milder influence may be related to a change in the legislative approach towards issues of greater protection of democratic rights and freedom of expression, especially with the decline of the hostile environment during Jair Bolsonaro's administration.

It is noteworthy to mention president of the National Congress Rodrigo Pacheco's position on the priority of legislating against judicial harassment towards journalists and activists. This issue was a highlight during a meeting organized by the Brazilian Association of Investigative Journalism (Associação Brasileira de Jornalismo Investigativo, Abraji) and Transparency International-Brazil, together with professionals from Europe and Africa who supported Anti-SLAPP (Strategic Lawsuit Against Public Participation) laws (Drobitsch, 2024; Amado, Barreto, 2024).

The Legislative environment has continued to contribute significantly to the debate on freedom of expression and digital platform regulation. Draft Bill 2630, known as the "Fake News Bill",

remains central on the parliamentary schedule, as it proposes the creation of accountability mechanisms to fight disinformation and protect democracy. In this regard, the president of the National Congress publicly spoke out in defense of regulating digital platforms, stating that it is the parliament's duty to provide legislation that establishes clear rules for such platforms, denying that this measure represents censorship in any form (Malcher; Brito, 2024). Unlike previous reports, in which this debate was deeply divisive for the public and parliamentary opinion, the 2023-2024 report shows that the Legislative has kept a more balanced and less conflictual approach, becoming widely aligned with the Judiciary Branch's efforts to curb the spread of fake news.

Compared to other countries in the region, such as Argentina, where the Legislative environment scored 1.34, Brazil follows a similar trend of reducing parliament's negative influence on freedom of the press. This alignment between Brazil's Legislative and Judiciary strengthens both environments as democratic rights supporters, easing the tensions that previously more directly affected freedom of expression in the country.

About the environment: the influence of the Judiciary

Brazil's Judiciary environment shows a slight unfavorable influence on freedom of expression, scoring 1.11 on a zero -to- ten scale (being zero = no influence and ten = very strong influence). This data reinvigorates the trend observed in the previous report, where this branch's influence had already gone down to moderate levels, after peaking up to worrying scores in past reports, e.g., the one in 2021, when the influence hit 4.46. The stabilization of the Judiciary environment reflects its role in the balance of power and protecting democratic rights, especially during Brazil's political transition phase upon the 2022 elections.

The Supreme Federal Court (Supremo Tribunal Federal, STF) keeps playing a prominent role in combating disinformation and preserving electoral processes. In particular, the investigation into fake news and the decisions of Minister Alexandre de Moraes have been key to mitigating the spread of fake news and hate speech, although some of these measures have led to debating on the boundaries of free speech. The Supreme Court's verdict to define the conditions under which broadcasting companies can be held liable, i.e., forced to pay reparations, if they post interviews in which the interviewee attributes fake crimes to another person (STF fixa critérios..., 2023) had wide repercussions. Current Supreme Court's, Minister Luis Roberto Barroso, has been frequently outspoken in support of freedom of the press while stressing the importance of fighting disinformation (Presidente do STF..., 2023). With this approach, the balance sought by the Supreme Court between protecting democratic rights and preventing the spread of fake news without harming free speech is highlighted.

However, opposed to previous reports, which observed a more intense Judiciary branch's intervention in these issues, 2023-2024 shows a lower Judiciary environment's direct impact on restrictions on the press and freedom of expression.

When compared to countries in the region such as Argentina, which scored a 1.34 Judiciary influence, Brazil is in a similar position, showing a Judiciary environment that, although still vigilant on issues related to freedom of the press, has decreased its direct intervention in recent months. This reduction is a sign that the Brazilian Judiciary, despite its leading role in defending democratic values, has found a more subtle balance between ensuring fair elections and controlling excesses, especially in the digital field, without unduly compromising freedom of expression.

Realm Citizens Free to Express Themselves

Brazil scored 22.45 at the Citizens Free to Express Themselves realm. This score shows remarkable progress compared to previous years, as Brazil scored 7.71 in 2022-2023 and 8.1 in 2021-2022. This increase reflects a greater capacity of Brazilian citizens to access quality information and exert their right to free speech. In particular, the more stable political context upon the 2022 president's office transition has contributed to greater openness in the information flow. Compared to countries in the region such as Argentina, where the index scored at this realm was 14.5, Brazil has outperformed its neighbor, consolidating progress in providing information and freedom of expression, but still trailing nations such as Uruguay, which continues to score higher grades in this realm.

2023-2024 Information Flow sub-index peaked 7.82 on a zero to eleven scale. This score represents an improvement if compared to the 2022-2023-period's 7.71 and shows steady growth from the 2021-2022-period's 3.9. These data suggest that citizens have ever-increasing access to accurate and timely information, driven in part by legislation and regulations aimed at fighting disinformation and strengthen the independent media. Despite this progress, challenges remain, especially in regions far from urban areas. Brazil still lags behind in terms of equitable access to information, but has made solid progress over the past decade.

In the Free Expression sub-realm, Brazil's 2023-2024 index was 6.91 on a zero to nine scale. This score means considerable improvement compared to 3.71 in 2022-2023 and 4.3 in 2021-2022. This positive development may be associated with the Executive branch's negative influence decrease and political stability upon the 2022 elections. During the Bolsonaro government, freedom of expression underwent greater restrictions, but in the last two years there has been a constant improvement in citizens' ability to express themselves freely without fear of retaliation. One evidence that grabbed headlines was Brazil's rise by ten positions in the Reporters Without Borders ranking for freedom of the press, taking the 82nd position among 180 countries (Brum, 2024). Compared to Canada and Uruguay, which have kept higher rates of free speech, Brazil has managed to narrow the gap, although social media persecution and verbal attacks remain a persistent threat.

State Acting against Disinformation sub-realm in Brazil scored 7.73 in 2023-2024, on a zero to ten scale. This value stresses the country's efforts to fight the spread of fake news, a challenge that has escalated in recent years, especially in the 2022 electoral period. TSE's and STF's conduct has been essential in implementing harder measures to curb fake news. However, this progress has been under fire, with critics arguing that some initiatives could endanger freedom of expression. When compared to other countries, Brazil has outperformed several Latin American nations in terms of efforts against disinformation, although it still faces tension when finding balance for regulation and censorship.

Realm Violence and Impunity against Journalists and Media

Brazil scored 19.55, this meaning a moderate to strong level of violence and lack of protection on freedom of the press. This is slightly lower than values recorded in previous reports.

The change of government remains a key marker in Brazil's landscape of freedom of the press, as indicated by the report of the National Federation of Journalists (Federação Nacional dos Jornalistas, Fenaj), which reported a significant drop in attacks on journalists in 2023. 181 cases were recorded, indicating a decrease of 51.86% compared to 2022's 376 cases reported (Sem Bolsonaro..., 2024). However, it is noteworthy that 2023's total episodes is still 34.07% higher

than 2018's 135 recorded cases, before Jair Bolsonaro took office. While the current index reflects a slight improvement in violence control, especially after the political transition in 2022, the situation remains worrying. Brazil continues to face attacks on journalists, both in rallies and investigations that challenge political and economic figures.

Brazil scored 3.82 at the protection sub-realm in 2023-2024, a fair but still insufficient improvement in the face of previous years. In the 2022-2023 report, protective mechanisms were enhanced with initiatives such as the Observatorio de Combate à Violência contra Jornalistas. However, these programs have not managed to provide adequate and widespread protection yet. Compared to the 2021-2022 index, when 5.14 was recorded in Brazil in terms of protection and independence of journalism was constantly under threat, progress is timid. Attacks on journalists in rural areas and peripheral regions of the country, where resources and protections are limited, remain a vulnerability. When compared to Uruguay, Brazil keeps struggling to ensure that journalists can do their job without fear.

Sub-index State's acting on preventing persecution against journalists in Brazil peaked 9.55 in 2023-2024, a slight increase versus previous reports. Journalists are still subject to harassment, especially those who investigate corruption or criticize powerful personalities in politics and business. In the 2022-2023 period, the Executive environment's negative influence decrease had provided temporary relief. However, the present report discloses that persecution remains, showing through both in the form of online threats and in the use of judicial proceedings to intimidate the critical media.

As to impunity, Brazil recorded 2.27 in 2023-2024, which reflects a slight worsening compared to previous periods. Figures from the Committee for Press Worker Protection (Comité para la Protección de Periodistas, CPJ) strengthen this finding, as they at a worldwide level Brazil ranks 10th in impunity in press worker murders (Sinderski; Ferreira, 2023).

Brazil has made some progress. However, the sluggish response by the Judiciary and the lack of coordination between law enforcement agencies and the Judiciary branch continue to contribute to crimes against press workers not being properly punished. The low effectiveness in prosecuting the perpetrators perpetuates a climate of fear that inhibits many journalists from denouncing attacks, creating an impediment for journalists to do their job freely in the country.

Realm Control over Media and Journalists

For the 2023-2024 report, Brazil hit 24.55 in this realm, which now encompasses both control over the media and the exercise of journalism. This result represents a significant improvement compared to previous reports. For 2022-2023, the combined index was 17.57 for Control over the Media and Journalists. This progress is the result of the decrease of the State's direct interference with the media and a more open and plural environment for the press. Brazil has made faster progress compared to other countries in the region, although it still underperforms when compared to Uruguay, which have less government interference in the media and greater press independence.

In the Direct Control over the Media sub-realm, Brazil recorded 12.45 on a zero to fourteen scale, reflecting a significant improvement compared to previous years. The 2023-2024 decrease in direct control suggests less government pressure on the media, which has allowed journalists and media to operate with greater press freedom.

Regarding Indirect Control over the Media, Brazil hit 5.27 on a zero -to- seis scale. This figure represents a stabilization compared to the 2022-2023 index, when Brazil scored 5.6, and is a

remarkable improvement compared to the 2021-2022 report, which recorded 3.43. Indirect control has historically been linked to the government's advertising resources unequal distribution, favoring media more supportive of the ruling administration. For example, during the Bolsonaro administration, companies such as Record and SBT received greater advertising investments than TV Globo, despite the latter's large audience. In 2023-2024, this issue remains relevant, although a change is observed in terms of the volume distributed, with the allocation favoring broadcasters with larger audiences (Benício, 2023). This reflects greater transparency in resource distribution, even though the ongoing debates about possible patronage towards certain media conglomerates that continue to benefit from State advertising support.

Ultimately, in the Control over the Press Work sub-realm, Brazil's index was 6.82 on a zero to ten scale. This result is higher than that of previous years, reflecting greater freedom for journalists to do their job. For the 2021-2022 period, Control Over the Press Work was closely linked to the Executive environment, which applied devices such as lawsuits and threats to silence critics. For 2023-2024, the situation has had a stark improvement, with fewer cases of media workers censorship and judicialization. However, there is still room for progress, particularly in protecting journalists who investigate such sensitive issues as corruption and political violence.

Conclusions

The 2023-2024 report reflects significant progress in Brazil's performance in terms of freedom of expression and the press, as it recorded an overall 66.55 on a zero -to- one-hundred scale of zero to one hundred. This result consolidates an improving trend observed since 2021, when the country was beginning to emerge from a period of high restriction under the government of Jair Bolsonaro. The realms analyzed show a diverse picture, with some better-looking environments and sub-realms, while others still need work and follow-up, especially when it comes to protecting journalists and reducing indirect control over the media.

The Executive environment, which in previous reports made up for the greatest threat to freedom of the press, has shown remarkable improvement, with an unfavorable influence reduced to 1.05 on a zero -to- ten scale. This decrease, which contrasts with the high levels reported influence for 2020 (8.39) and 2021 (6.13), suggests that the political transition and Luiz Inácio Lula da Silva's win have led to a less hostile environment towards the media. However, some cases of indirect censorship and the advertising resources unequal distribution keep causing concern, which demands monitoring in future reports to ensure that these habits will not become worse subsequently.

The Legislative environment, with a slight influence of 1.14, has also shown stability compared to the previous report, where it reached 1.52. Legislative initiatives such as the Bill 2630 (Fake News Draft Bill) debate, have been dominant in the agenda and contributed to heavier content regulation on digital platforms. Although the Legislative environment has progressed in its balancing role vis-à-vis the executive, continuing to monitor disinformation regulation debates to ensure that they are not used as covert censorship devices limiting freedom of expression remains a necessity.

The Judiciary environment, scoring 1.11, remains a key player in protection of freedom of the press and the disinformation war. In particular, the STF and the TSE have been decisive in regulating digital content, especially during and after the 2022 elections. However, some critics have pointed out that certain decisions by the Judiciary may have restricted freedom of

expression excessively. This balance between sheltering democracy and safeguarding freedom of the press will continue to be a key issue for years to come.

In terms of the analyzed realms, Control Over the Media and Journalism has improved remarkably, with a 24.55 overall index, stating a decrease in the State's direct and indirect interference in the media. However, indirect control, through the distribution of advertising resources, remains an aspect to be kept in mind. On the other hand, Citizens Free to Express Themselves has also improved significantly, peaking 22.45, thereby reflecting a greater ability for citizens to access information and express themselves freely. Although challenges persist, especially in terms of rural area's equitable access to information, it looks generally positive.

Despite the improvements, Violence and Impunity Against Journalists and Media remains one of the most distressing areas as it scores 19.55. Regardless efforts to protect journalists, violence and impunity remain a constant threat. The high rate of persecution (9.55) and the relatively low level of protection (3.82) indicate that the Brazilian government still needs to strengthen measures to ensure a safer environment for media employees, especially those investigating such sensitive issues as corruption and human rights.

Summarizing, the results from this report suggest that Brazil has made progress towards consolidating an environment friendlier for freedom of the press and expression, with significant improvements in reducing State's control over the media. However, there are still critical areas that will require follow-up in the coming years, especially with regard to protecting journalists and fighting impunity. The Legislative and Judiciary environments' performance will continue to be key to maintaining the balance and ensuring that essential democratic rights remain protected in the country.

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