



Permanent Mission of Brazil to the United Nations Office in Geneva
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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Special Procedures Branch, and has the honour to refer to the communication by the Special Rapporteur on the promotion and protection of the right to freedom of expression and the Special Rapporteur for Freedom of Expression of the Inter-American Commission of Human Rights, dated 17 June.

With respect to the alleged intervention regarding the Office of the Comptroller General (CGU), the Government of Brazil presents the following comments:

- The recent institutional developments in Brazil have not had any negative impact on the country's transparency and accountability framework.
- As a result of the ministerial reform of last May 12, the CGU was renamed as the Ministry of Transparency, Monitoring and Control, as a consequence of the Government's renewed commitment to the transparency, accountability and anti-corruption agenda.
- This Ministry retained all the legal competences and prerogatives of its predecessor. There have been no changes in the functioning of this agency. All activities that were previously carried out by CGU will continue to be undertaken by the Ministry of Transparency, Monitoring and Control.
- This applies, for instance, to the legal prerogative to request information to other agencies and entities of the federal public administration, an essential element of auditing and inspection work. It also applies to the

pivotal role the Ministry plays in the implementation of the Access of Information Law.

- It is noteworthy that the majority of the staff of the Ministry of Transparency, Monitoring and Control is composed by career civil servants.

- Recent institutional developments in Brazil did not have any impact on their activities. These State institutions are performing their duties with professionalism and independence, under the rule of law, thus contributing to promoting transparency and accountability.

- Brazil reiterates its commitment to continue to strengthen its transparency and accountability framework and to promote and protect the right to access of information.

With regard to the alleged intervention in the national public broadcaster (EBC), the Government of Brazil presents the following information:

- The right to freedom of opinion and expression, as established in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and in Article 13 of the American Convention on Human Rights, constitutes an international obligation recognized by the Brazilian State in all its aspects. Hence, Brazil is firmly engaged in genuine efforts aiming at its full implementation.

- In spite of their non-binding nature, the Brazilian State acknowledges the significant importance of the documents mentioned in the allegations letter, such as Human Rights Committee's General Comment 34 on Article 19 of the ICCPR and the Report "Freedom of Expression Standards for Free and Inclusive Broadcasting", by the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, including as far as standards of operation of public broadcasting companies are concerned, like their independence, impartiality, public interest orientation and providing services free of charge.

- In this connection, the decision made by H.E. the Vice-President of the Republic, as acting President, to replace the President of Empresa Brasil de Comunicação (EBC) aims at realigning the company's operation and functioning with internationally accepted standards for the adequate development of a public press which is free, impartial, and compatible with the right to freedom of opinion and expression. It is important to underline that the decision was motivated by preliminary evidence gathered as a result of internal inquiries, which indicates a deficit in the company's finances of more than US\$ 17 million, and was based on the "ad nutum" nature of the position of President of EBC. It is also relevant to reiterate that the decision was compatible with Brazil's national legal framework and was necessary to reestablish the company's economic and financial situation, so that its adequate functioning was not jeopardized.

- Also, the decisions made by journalist Laerte Rímoli during the period he was in charge of EBC aimed at restoring to the public press a journalistic production which is impartial and turned towards the public interest. Brazil views these as fundamental values for the full respect for the right of freedom of opinion and expression as internationally protected.

- In the process of rescuing such values, it was necessary to rescind the contracts EBC had with journalists Tereza Cruvinel and Paulo Moreira Leite. Unlike what is stated in the allegations letter, there was no working relation between those two journalists and the public broadcasting company. Hence, their dismissal was materially impossible, and in fact did not happen. What did happen was the end of a contractual relationship between EBC and private broadcasting companies belonging to those two journalists, particularly because of the strong political bias applied to their editorial line, both in the work those companies performed and in the services they provided to EBC.

- The decision by Mr Rímoli to appoint career civil servants for the positions of Director of Journalism of EBC, Agência Brasil and Rádio Nacional is also in line with the values promoted by the Human Rights Council and the Inter-American Commission on Human Rights for the due observance of the right of freedom of opinion and expression in Brazil. His intention is to appoint career civil servants for 70% of the command

positions within EBC. The permanent link of those servants with the Brazilian State, which their predecessors did not have, is a further decisive step towards a journalistic production which is independent, impartial and oriented by the public interest.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 22 June 2016