



FEDERATIVE REPUBLIC OF BRAZIL

**UNITED NATIONS
STATE INFORMATION
AL BRA 3/2023
APRIL 2024**

BRASÍLIA

I. INTRODUCTION

Through communication AL 3/2023, the Brazilian State was notified by the United Nations (UN) about the alleged "criminalization of a Brazilian journalist and women's rights defender, Ms. Schirlei Alves."

The UN communication was signed by the Special Rapporteur on the protection of the right to freedom of opinion and expression, Irene Khan; Special Rapporteur on the situation of human rights defenders, Mary Lawlor; Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem; and Chair of the Working Group on Discrimination against Women and Girls, Dorothy Estrada Tanck.

Under the terms of that communication, the State was informed of the alleged violation of human rights, which was described by the informants as follows:

In December 2020, Ms. Alves was accused of defamation and sued by Judge ██████████ and Prosecutor ██████████. The defamation lawsuit stemmed from Ms. Alves' article, published by The Intercept Brazil, which exposed excerpts from the investigation and a trial, which took place in 2020, in the midst of a lawsuit in which a businessman was accused of raping a female influencer.

In the article, Ms. Alves reported an alleged embarrassment and sexism imposed on the influencer during the trial. Ms. Alves' investigation revealed that Judge Marcos allegedly failed to intervene appropriately when the defense attorney made suggestive comments about the influencer's profession and social media photos.

In a preliminary court ruling in December 2020, the Court ordered The Intercept and other social media outlets to rectify Ms. Alves' article after ██████████ accused her of defamation. Mrs. Alves then adjusted the article to state that ██████████ had intervened to maintain order and that ██████████ had alerted the defense attorney about his line of argument.

As a result of your article, you have been subjected to widespread harassment and have received several threats from unidentified people.

In November 2023, almost 3 years after she was charged, Ms. Alves was convicted of defamation. The 5th Criminal Court of Florianópolis sentenced the journalist to one year in prison and ordered the payment of a fine of 4000 thousand reais (approximately 81,692 dollars). Ms. Alves appealed the decision.

In light of these facts, the UN requests the Brazilian State to present the following information:

1. Please provide any additional information and/or comment(s) you may have on the abovementioned allegations.

2. Please provide information as to the legal and factual basis for the charges of defamation brought against and subsequent conviction of Ms. Schirlei Alves and whether the public interest in reporting on sexual and gender-based violence and discrimination and the conduct of public officials was taken into account.

3. Please indicate what measures have been taken to ensure that journalists covering sexual misconduct and rape cases in Brazil can operate in an enabling environment and can carry out their legitimate reporting without fear of harassment, intimidation, stigmatisation or criminalisation of any kind.

This considered, the State of Brazil hereinafter presents the Information requested by the noble representatives of the United Nations, showing that the matter at stake has been addressed internally under the premises of the due process of law and the guarantee to a free and independent journalism as an essential democratic tool and a means for assuring the maintenance of the rule of law. The Brazilian state is a fully committed to the respect and protection of the right to freedom of speech, to the protection of the noble journalistic activity and to tackle violence against women and girls.

II. INFORMATION ON THE SUPPOSED CRIMINALIZATION OF JOURNALISTS IN BRAZIL

Hereinafter, the State demonstrates that it does not criminalize journalists' activities, much less censors the freedom of the press. Quite the contrary, the Brazilian legal system not only protects freedom of expression and thought, but also expressly prohibits any and all censorship of a political, ideological and artistic nature, providing, in guarantee of such rights, effective mechanisms to protect the journalist's activity.

It should be noted that this is not a recent position of the Brazilian State: since 1953 Brazil already had a law regulating freedom of the press, in whose article 1 it is expressly read, in free translation:

Law No. 2,083, of November 12, 1953¹, Art 1 The publication and circulation of newspapers and other periodicals in the national territory is free.

¹ Available at:

https://www.planalto.gov.br/ccivil_03/leis/l2083.htm#:~:text=LEI%20N%C2%BA%202.083%2C%20DE%2

In its Federal Constitution of 1988, the Brazilian State consecrated the freedom of thought, creation, expression and information, assuring explicitly the full freedom of journalistic information in several of its provisions, as it can be seen in the following articles:

Constitution of the Federative Republic of Brazil of 1988²

Article 5 – All are equal before the law, without distinction of any kind, and to Brazilians and foreigners residing in the country are guaranteed the inviolability of the rights to life, liberty, equality, security and property, in the following terms:

...

*IV - the **manifestation of thought is free**, and anonymity is prohibited;*

V - the right of reply is ensured, proportional to the grievance, in addition to compensation for material, moral or image damage;

...

X – the intimacy, privacy, honor and image of persons are inviolable, and the right to compensation for material or moral damage resulting from their violation is assured;

*XIII – the **exercise of any work, trade or profession is free**, provided that the professional qualifications established by law are met;*

*XIV - **access to information is ensured to all and the confidentiality of the source is safeguarded**, when necessary for professional practice;*

*Art. 220. The **manifestation of thought, creation, expression and information, in any form, process or vehicle, shall not be subject to any restriction**, subject to the provisions of this Constitution.*

*§ 1 No law shall contain a provision that may constitute an obstacle to the **full freedom of journalistic information** in any media outlet, subject to the provisions of article 5, IV, V, X, XIII and XIV.*

§ 2 Any and all censorship of a political, ideological and artistic nature is prohibited.

§ 3 It is within the competence of federal laws to:

[012%20DE%20NOVEMBRO%20DE%201953.&text=Regula%20a%20Liberdade%20de%20Imprensa.&text=Art%201%C2%BA%20%C3%89%20livre%20a,de%20jornais%20e%20outros%20peri%C3%B3dicos.](https://www.planalto.gov.br/ccivil_03/constituicao/ConstituicaoCompilado.htm)

² See: https://www.planalto.gov.br/ccivil_03/constituicao/ConstituicaoCompilado.htm

I - regulate public amusements and spectacles, and it is the responsibility of the Government to inform about their nature, the age groups to which they are not recommended, places and times in which their presentation proves to be inappropriate;

II – establish the legal means that guarantee the person and the family the possibility of defending themselves from radio and television programs or programs that contravene the provisions of article 221, as well as from the advertising of products, practices and services that may be harmful to health and the environment.

§ 4 The commercial advertising of tobacco, alcoholic beverages, pesticides, medicines and therapies shall be subject to legal restrictions, under the terms of item II of the preceding paragraph, and shall contain, whenever necessary, a warning about the harms resulting from its use.

§ 5 The media may not, directly or indirectly, be the object of a monopoly or oligopoly.

§ 6 The publication of a printed means of communication does not depend on a license from an authority. [our emphasis]

The legal and constitutional provisions are not empty. They are accompanied by mechanisms and institutions aimed at assuring the journalist's freedom of thought and activity in Brazil.

In 2023, as measures to assure the freedom of speech and the respective journalist activity, **the Ministry of Justice and Public Security launched a reporting channel for journalists and communicators**. It is an exclusive channel for reporting violence against journalists and communicators in the exercise of their profession.

The reports are received by the Observatory of Violence against Journalists and Social Communicators, which is coordinated by the National Secretariat of Justice (Senajus/MJSP)³ and has among its members the Ministry of Women and the Secretariat of Social Communication of the Presidency of the Republic. The ordinance appointing the 38 representative entities of the Observatory has already been signed. The goal of the channel is to have a single national database for complaints. The Ministry of Justice has professionals with expertise to carry out the preliminary analysis and forward them to the correct location. The reporting channel can be accessed on the Ministry's website. The

³ See: <https://www.gov.br/mj/pt-br/assuntos/noticias/mjsp-lanca-canal-de-denuncias-do-observatorio-da-violencia-contrajornalistas-e-comunicadores-1#:~:text=De%20acordo%20com%20o%20Relat%C3%B3rio,dos%20levantamentos%20feitos%20pela%20Entidade.>

registrations can be carried out by both professionals and civil society. Social participation is important, as this is a mechanism that will allow the monitoring of acts of violence, the investigation and the suggestion of the adoption of public policies. The objective is to contribute to the Observatory so that freedom of expression and a safe environment for the exercise of journalism and communication can be guaranteed. The channel of the National Observatory on Violence against Journalists and Communicators can be accessed through the Ministry of Justice⁴ official website.

It should be noted that the **Plenary of the Federal Supreme Court (STF) declared that the old Press Law (Law No. 5250/67) is incompatible with the current constitutional order** (Federal Constitution of 1988), voting for the Non-Compliance of this ancient law, dated 1967, with a Fundamental Precept (ADPF) 130⁵. This led to its repeal. The law, issued previously to the current Constitution (dated 1988) was signed by former President Castelo Branco months after the granting of the 1967 Constitution, when the hardening of the military regime began. This law allowed journalists and media outlets to be detained or fined if they published something that offended what was called "morals and good customs." The penalty could be increased if the content defamed or slandered an authority, such as the President of the Republic.

The repeal of this Law demonstrates the complete support of Brazil to the noble journalism profession and its complete opposition to the censorship of either this activity or to the freedom of press, expression, information or thought in general.

In addition, several other initiatives have been adopted by Brazil in defense of press freedom, ensuring the practical implementation of this right and protecting journalists in their noble role.

⁴ See: <https://www.gov.br/mj/pt-br/canais-de-denuncias/jornalistas-e-comunicadores>

⁵ See: <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=107402&ori=1>

For instance, the National Observatory on Violence against Journalists⁶ was created and Ministry of Justice and Public Security started dialogues with the journalistic class to defend freedom of the press⁷.

III. INTERNAL LEGAL PROCEDURES AND RESPECTIVE LEGAL AND FACTUAL BASIS

III.1. DEFAMATION LAWSUIT AGAINST MS. SCHIRLEI ALVES

The lawsuits against the journalist SCHIRLEI ALVES were processed before the 5th Criminal Court of Florianópolis under numbers 5041519-20.2021.8.24.0023 and 5002530-59.2021.8.24.0082. These are Criminal Complaints imputing the crimes of defamation and slander, provided for in articles 139, 140 and 141 of the Brazilian Criminal Code⁸.

In September 2023, court rulings were issued in both cases.

In case n. 5041519-20.2021.8.24.0023/SC, it was decided that the exercise of freedom of expression cannot exceed the victim's right to honor due to the dissemination of false news or out of the context information. In addition, the court concluded that "*there was a clear intention to attribute to the plaintiff the use or creation of a non-existent legal form, that is, the use of the expression "culpable rape", and the consequences of the report were disastrous and reached the main public throughout Brazil, with the plaintiff being called or what is worse, to be known, as the prosecutor who invented 'culpable rape'.*"

Under this understanding, the 5th Criminal Court of Florianópolis sentenced journalist Schirlei Alves, altogether, to one year in open prison and to pay R\$ 400,000 in damages, due to the content of reports by the Intercept *Brasil website* on the trial of a rape accusation against [REDACTED], in the following terms (free translation) – Annex I:

⁶ See: <https://latamjournalismreview.org/pt-br/articles/governo-brasileiro-atende-a-demanda-de-organizacoes-de-defesa-da-liberdade-de-imprensa-e-cria-observatorio-nacional-da-violencia-contra-jornalistas/> and <https://www.gov.br/mj/pt-br/assuntos/noticias/observatorio-da-violencia-contra-jornalistas-e-comunicadores-sociais-fecha-novas-parcerias-e-sera-composto-por-representantes-de-15-entidades-da-sociedade-civil>

⁷ See: <https://www.gov.br/mj/pt-br/assuntos/noticias/mj-sp-abre-dialogo-com-a-classe-jornalistica-para-defender-liberdade-de-imprensa>

⁸ See: https://www.planalto.gov.br/ccivil_03/decreto-lei/del2848compilado.htm

In view of the foregoing, I GRANT IN PART the request made in the criminal complaint to: a) ABSOLVE the plaintiff SCHIRLEI ALEXANDRE ALVES of the accusatory imputation regarding the offense provided for in article 140, caput, of the Penal Code, based on article 386, item III, of the Code of Criminal Procedure. b) ORDER the plaintiff SCHIRLEI ALEXANDRE ALVES, already qualified, to pay R\$ 200,000.00 (two hundred thousand reais) as the minimum amount for the reparation of damages in accordance with article 387, IV of the CPP, as well as to pay the costs and expenses of the proceeding.

In Case 5002530-59.2021.8.24.0082/SC, Ms. Shirlei was also charged with defamation and slander, pursuant articles 139, 140 and 141 of the Brazilian Criminal Code. Similarly to the previous case, the decision concluded that, although freedom of expression is a right recognized by the Brazilian State, it must be considered alongside the right to honor, concluding that the latter had been violated by the journalist in the specific case, incurring in a criminal offence. This sentence, therefore, also upheld the request for recognition of the crime against the honor by the journalist, in the following terms (free translation) – Annex II:

In view of the foregoing, I GRANT IN PART the request made in the criminal complaint to: a) ABSOLVE the plaintiff SCHIRLEI ALEXANDRE ALVES of the accusatory imputation regarding the offense provided for in article 140, caput, of the Penal Code, based on article 386, item III, of the Code of Criminal Procedure. b) SENTENCE the plaintiff SCHIRLEI ALEXANDRE ALVES, already qualified, to serve the custodial sentence of 06 (six) months of detention in an open regime and 20 (twenty) days-fine quantified at 1/30 (one thirtieth) of the minimum wage in force at the time of the facts, for the commission of the crime provided for in article 139, c/c items II and III of article 141, both of the Penal Code. c) ORDER the plaintiff SCHIRLEI ALEXANDRE ALVES to pay R\$ 200,000.00 (two hundred thousand reais), as the minimum amount for the reparation of damages in accordance with article 387, IV of the CPP, as well as to pay the costs and expenses of the proceeding.

Therefore, as stated, two lawsuits were filed against journalist Shirlei Alexandre Alves, presented by the justice agents who acted in the original judicial law case, aimed at investigating a crime against the sexual dignity of a Brazilian woman. In each of the sentences, the trial court set a penalty of six months in prison, a 20-day fine in the amount of 1/30 of the minimum wage in force at the time of the facts, and compensation of R\$ 200,000 to the offended party. The court decision considered that Schirlei committed defamation against public officials by unlawfully attributing to them, through widespread

news article, the improper handling of the legal mechanisms. According to the judge, the consequences of the report were "disastrous" and "reached the main public from all over Brazil". Although it was recognized in the sentence that the journalist has no criminal record and that the crime was committed without violence or serious threat, three unfavorable judicial circumstances were identified: culpability, motives and consequences of the crime, due to the "consequences of defamatory content in various segments of society."⁹

We must recall that the right to freedom of expression, as well as all fundamental rights, is not absolute. In a plural and democratic society, multiple rights and interests coexist, which must be weighed to achieve the general well-being of the community, without prioritizing some to the detriment of others. Thus, the right to freedom of expression, inherent to journalistic activity, needs to respect the limits of the right to honor and dignity of the subjects about whom news are published.

There is no doubt that freedom of expression, as a precondition for the exercise of other rights and freedoms, holds a prominent and preferred configuration in the Brazilian democratic state.

However, as expressly stated in the judicial rulings against Ms. Alves, *“the exercise of this right cannot go beyond the victim's right to honour due to the dissemination of false news or news out of the context of reality. The press is a spontaneous forum for the formation of public opinion, which may or may not be led to a conclusion based on a context that is consistent with the reliable fact or be refuted. Due to its extremely relevant role in the formation of public opinion, it is important to curb conducts that go beyond this commitment to the real truth, and especially when such conduct is inserted as a punishable act in our legal system, that is, in the present case, when the act of bringing information, by modifying the truth of the facts, Even partially, it interferes with the victim's right not to be defamed”*. The ruling also adds that *“it is not a question of censorship, but of setting the main limit of the exercise of the press, which is, in fact, full and reliable information. When crossing this limit, the person responsible for the practice must answer for his acts within the limit already prescribed by law, and one of these limits is precisely the prohibition of defaming any person”*.

⁹ See: <https://www.conjur.com.br/2023-nov-15/jornalista-e-condenada-a-prisao-por-difamacao-contrajuz-e-promotor/>

The conviction of Mrs. Schirlei Alves, in both cases, was founded on article 139 of the Brazilian Penal Code: "*Art. 139 - Defaming someone, imputing to him a fact offensive to his reputation: Penalty - imprisonment, from three months to one year, and fine*".

It should be noted, however, that the convictions are not yet final: although the journalist was convicted by the first judicial instance (court of first instance), procedural law allows the journalist to present an appeal.

III.2. DISCIPLINARY PROCEEDINGS AGAINST THE JUDICIAL AGENTS WHO CONDUCTED THE LAWSUIT DEPICTED BY Ms. ALVES' REPORT

To assess the legitimacy of the conduct of the judge who conducted the hearing depicted by Ms. Alves' report, the National Council of Justice (in portuguese, Conselho Nacional de Justiça - CNJ) initiated an administrative disciplinary procedure - Proceeding n. 0003722-66.2023.2.00.0000 - against the magistrate of the Florianópolis Court of Justice, mainly to investigate the possible omission of a magistrate to restrain questions dissociated from the facts under investigation in the criminal proceeding.

In 2020¹⁰, the Council applied a warning penalty. On November 14, 2023, the Full Bench of the National Council of Justice applied the warning penalty to the magistrate, as follows in free translation:

DISCIPLINARY ADMINISTRATIVE PROCEEDING. TYPICAL JURISDICTIONAL ACTIVITY. DISCIPLINARY INVESTIGATION. POSSIBILITY. AUDIENCE. CRIMINAL PROCEDURE. CRIME AGAINST SEXUAL DIGNITY. VICTIM. VULNERABILITY. QUESTIONS UNRELATED TO THE CAUSE. RUDE, DISRESPECTFUL AND INTIMIDATING APPROACH BY THE DEFENDANT'S LAWYER. CODE OF CRIMINAL PROCEDURE. ART. 212. INQUIRIES ABOUT THE VICTIM'S PRIVATE LIFE. CHAIRMANSHIP OF PROCEEDINGS. AUDIENCE POLICE. ASSIGNMENT OF THE

¹⁰ See: https://www.cartacapital.com.br/politica/cnj-aplica-advertencia-a-juiz-que-nao-impediu-ofensas-a-mari-ferrer-em-audiencia/?utm_medium=leiamais&utm_source=cartacapital.com.br

MAGISTRATE. OMISSION. VIOLATION OF THE VICTIM'S DIGNITY. FINDING. CHARACTERIZED FUNCTIONAL FAULT. MERITS OF THE ALLEGATIONS. APPLICATION OF THE WARNING PENALTY.

1. Administrative Disciplinary Proceeding initiated to investigate the possible omission of a magistrate to restrain questions dissociated from the facts under investigation in the criminal proceeding, formulated in a rude and intimidating manner by the defendant's lawyer to the victim of a crime against sexual dignity.

2. In administrative disciplinary proceedings before magistrates, the victim of the fact has the right to be qualified in the case file, as an interested party, but his powers are different from those conferred on the assistant prosecutors. For this reason, he may not ask questions at the hearing, offer closing arguments, or make oral arguments.

3. Once the administrative disciplinary proceedings have been initiated, it is not necessary to raise the inadequacy of the preliminary procedure, which gave rise to the opening of the administrative procedure.

4. The adoption of the Protocol for Judging with a Gender Perspective, which is mandatory by virtue of CNJ Resolution No. 492/2023, concerns the way in which procedural acts are conducted. It does not entail exclusive application by women, but by professionals, of both sexes, duly trained.

5. It is the responsibility of the magistrate to police the hearing. He must preside over it in full compliance with article 212 of the Code of Criminal Procedure, which makes clear the need for intervention to restrain a question that may induce an answer, has no relation to the case or is the repetition of another question already answered.

6. In the investigation of crimes against sexual dignity, the intervention of the magistrate must be carried out even more firmly, in order to avoid inappropriate or rude questions, which imply in the revictimization of the person positioned as a victim, who must be treated as such until the end of the process.

7. Finding of omission by the magistrate, who did not adequately reprimand the defendant's lawyer, despite the offensive questions formulated by the plaintiff to the victim.

8. The absence of previous sanctions does not preclude the application of a penalty with due proportionality to the seriousness of the facts, especially when one takes into account the extensive experience of the magistrate in the subject matter of the disciplinary investigation.

9. Merits of the allegations. **Application of the warning penalty.**

It should be noted that disciplinary measures have already been adopted by the correctional body of the Brazilian Judiciary branch.

Likewise, a disciplinary complaint was filed against prosecutor Thiago Carriço at the National Council of the Prosecutor's Office (in Portuguese, Conselho Nacional do Ministério Público - CNMP), also to investigate the prosecutor's performance in the criminal case concerning sexual dignity of the Brazilian woman portrayed in Ms. Alves' report.

The CNMP counselors stated that *"it is an institutional commitment to prevent the degrading treatment given to the victim and to curb gender violence... The lack of protection of women has a negative impact by inducing other women not to seek the justice system for proper protection."* In this context, the counselor presented data from the publication *"Visible and Invisible: the victimization of women in Brazil"*, which portrays the underreporting of cases. *"The survey shows that, after suffering violence, only 10.3% of women went to a specialized police station; 8% went to a regular police station; 5.5% called 190; 15% sought out their family; and 52% did nothing."*¹¹

Given the secrecy of the proceedings, which the State seizes the opportunity to ask for its observance, the State shares some of the related documents in order to preserve the intimacy, honor, and dignity of the parties involved - without prejudice to this noble human rights organ to indicate other information or documentation it considers relevant to the clarification of the facts.

¹¹ See: <https://www.cnmp.mp.br/portal/todas-as-noticias/13674-caso-mariana-ferrer-conselheira-reforca-pedido-de-apuracao-sobre-atuacao-de-promotor>

IV. MEASURES TAKEN TO ENSURE JOURNALISTS PROTECTION UNDER A GENDER APPROACH

Initially, it should be noted that according to the survey “Violence against journalists and press freedom in Brazil” (2023 Report),¹² prepared by the National Federation of Journalists, the absolute numbers of violence against journalists in Brazil point to a significant drop in aggressions in 2023. There were 181 cases, compared to the 376 recorded in 2022. This reflects a decrease of 51.86% in cases of aggression.

The Brazilian State has implemented a set of actions to protect human rights defenders, including journalists and other communicators in the exercise of their rights to freedom of thought and expression.

In addition to the institutions responsible for investigating, judging and punishing possible crimes committed against the exercise of these rights, there are preventive and protection actions that aim at ensuring the inclusion of journalists and communicators in the scope of public policies for the defense of human rights.

It should be noted that the Protection Programs listed below do not carry out an active search for people at risk. The Brazilian Programs were designed to act punctually when demanded. Enrollment in the Programs is made based on the manifestation of the victim's express will to participate. Thus, entry and permanence in the Programs are voluntary. Even after being accepted, the protected person is not obliged to remain in the Program of their choice.

The Program for the Protection of Human Rights Defenders, Social Communicators and Environmentalists (PPDDH)¹³. The Program for the Protection of Human Rights Defenders (PPDDH) was established by the Brazilian State in 2004, with the purpose of articulating measures for the protection of people whose rights are threatened as a result of their work in the promotion or defense of human rights. In 2007, through Decree 6,044, the National Policy for the Protection of Human Rights Defenders was approved, establishing principles and guidelines for the protection of human rights defenders, in accordance with Brazilian laws and international human rights treaties signed by Brazil.

¹² See: <https://fenaj.org.br/relatorios-de-violencia-contra-jornalistas-e-liberdade-de-imprensa-no-brasil/>

¹³ See: <https://www.gov.br/mdh/pt-br/navegue-por-temas/pessoas-ameaçadas-de-morte/acoes-e-programas/programa-de-protecao-aos-defensores-de-direitos-humanos-comunicadores-e-ambientalistas-ppddh>

On September 3, 2018, Ordinance No. 300 was published, in which the Ministry of Human Rights explicitly included social communicators in the list of human rights defenders to be protected under the PPDDH, which was renamed the Program for the Protection of Human Rights Defenders, Communicators and Environmentalists.

Dial 100¹⁴. The National Human Rights Ombudsman's Office acts as a means of communication between society and the Ministry of Human Rights and Citizenship, with the mission of maintaining an accessible and permanent channel between society and the Public Managers, responsible for these political-institutional areas, ensuring the population the opportunity to register their complaints and reports of human rights violations.

Permanent Commission on the Right to Communication and Freedom of Expression of the National Council for Human Rights.¹⁵ Within the scope of the National Council for Human Rights (CNDH), it was created, in 2015, the Permanent Commission on the Right to Communication and Freedom of Expression. The purpose of the Commission was to exercise freedom of thought and expression for communicators, even if they are not professionally registered, such as members of community radio stations or authors of blogs, who often need protection for their right to exercise freedom of expression.

Currently coordinated by the Ministry of Human Rights, the **Program for the Protection of Threatened Victims and Witnesses** (Provita) aims to provide legal and psychosocial support and protection to witnesses, victims and family members of victims of violence who are being coerced or exposed to serious threat due to a crime in which they are involved or of which they have knowledge, and who wish to cooperate with law enforcement authorities.

The Federal Public Prosecutor's Office Initiatives. The Federal Prosecutor's Office for Citizens' Rights (PFDC) has the function of ensuring the effective respect by public authorities and services of public relevance to the rights guaranteed by the Federal Constitution. The PFDC seeks to dialogue and interact with State bodies, national and international organizations, as well as representatives of civil society, encouraging public authorities to protect and defend collective and diffuse individual rights. PFDC is the

¹⁴ See: <https://www.gov.br/pt-br/servicos/denunciar-violacao-de-direitos-humanos>

¹⁵ See: https://www.gov.br/mdh/pt-br/aceso-a-informacao/participacao-social/conselho-nacional-de-direitos-humanos-cndh/copy_of_resolucoes/2015/dispoe-sobre-a-criacao-da-comissao-permanente-de-direito-a-comunicacao-e-a-liberdade-de-expressao

representative of the Federal Public Prosecutor's Office on the deliberative council of the Program for the Protection of Victims and Witnesses (Provita).

Compliance with international standards for the protection of journalists. To ensure that its measures are in accordance with the International Standards for the Protection of the Human Rights of Journalists and Other Communicators, the State has also issued the “Aristeu Guida Booklet”¹⁶.

When preparing the Booklet, the Brazilian State aimed not only at complying with part of the IACHR recommendations issued in the Aristeu Guida da Silva case, but also to recognize the relevance of international regulations and inter-American standards on the protection of the human rights of journalists and other communicators as fundamental elements for the construction of a democratic society.

The matter has also been addressed under a gender approach. The first Ministry of Women in Brazil, created in January 2023, has been focusing on tackling violence against women and prioritizing prevention initiatives, support for victims, and guaranteeing rights and access to justice, truth, and memory, as well as the reinstatement of the "Women Living Without Violence" program.

Other mechanisms have been created to assure freedom of press, such as the Observatory of Violence Against Journalists and Social Communicators.

Established in February 2023, the Observatory on Violence Against Journalists and Social Communicators is an initiative of the Ministry of Justice and Public Security, with the support of the Ministry of Women and the Secretariat of Social Communication of the Presidency of the Republic, composed of researchers, jurists and representatives of organizations that defend freedom of the press and expression¹⁷.

It is the mission of the Observatory on Violence against Journalists and Social Communicators: to monitor cases related to violent conduct against journalists and social communicators; to support investigations in the hypotheses provided for in item I of this article; to create and maintain a database with indicators on acts of violence against journalists and social communicators; and to suggest the adoption of public policies aimed at ensuring the full exercise of the functions of journalists and social communicators. The Ministry of Justice Ordinance No. 306, of February 16, 2023,

¹⁶ See: https://www.gov.br/mdh/pt-br/assuntos/noticias/2018/dezembro/cartilha-governamental-sobre-a-protecao-de-jornalistas-e-outros-comunicadores-sera-lancada-nesta-quarta-feira-12/copy2_of_v5_CartilhaAristeuGuida.pdf

¹⁷ See: <https://www.gov.br/mj/pt-br/canais-de-denuncias/jornalistas-e-comunicadore>

provides for the Observatory of Violence against Journalists and Social Communicators and establishes its action system¹⁸, being composed by 4 working groups: Gender violence; Judicial Harassment and Legal Protocols; Digital Attacks and Protection and Race and Diversity Policies.

Since April 2023, the Ministry of Women has been responsible for coordinating the Gender Working Group of the Observatory on Violence Against Journalists and Social Communicators¹⁹, considering that "In 2021, for the first time in 20 years, Brazil entered the "red zone" of the World Press Freedom Index carried out annually by the international organization Reporters Without Borders (RSF).

The Ministry of Women, in coordination with the Gender Working Group of the Observatory on Violence Against Journalists and Social Communicators, has the challenge of reversing the following data: 68% of the attacks occurred in the online environment and 3.4% occurred outside the digital environment, but reverberated within it.

Most of the aggressions were triggered by specific journalistic coverage linked to political agendas.

Women journalists receive more than twice as many offenses as their male colleagues on Twitter. The characteristics of the attacks are also different. The most used terms against them are "ridiculous", "scoundrel", "crazy", "little woman", "out of control", "ass" and "whore".

The Gender Working Group of the Observatory on Violence Against Journalists and Social Communicators is responsible for:

I - Organizing a network of lawyers to assist women journalists - especially those who do not work under the protection of a media company, such as independent professionals, community newspapers and radio broadcasters;

II- Putting together a channel to receive complaints from women journalists and communicators, with a focus on those who do not work under the protection of a media company;

¹⁸ See: <https://www.in.gov.br/en/web/dou/-/portaria-mj-sp-n-306-de-16-de-fevereiro-de-2023-465082108>

¹⁹ See: <https://www.gov.br/mulheres/pt-br/central-de-conteudos/noticias/2023/abril/ministerio-das-mulheres-coordenara-gt-de-genero-no-observatorio-da-violencia-contra-jornalistas-e-comunicadores-sociais-do-mj-sp-1>),

III- Based on the complaints, organizing a meeting to listen to and collect reports of violence in which both high-profile journalists who have been the target of online lynchings and threats will be invited, as well as communicators who do not work under the protection of a media company.

IV - With these reports and other data already collected, the Ministry of Women, using its expertise on violence against women, together with the representatives of the entities that already make up the Observatory and researchers from public universities that have research under development on the subject, will develop a diagnostic document and an action plan, with suggestions for public policies involving different ministries to confront violence against women journalists and communicators.

Misogyny, gender stereotypes and various forms of discrimination are factors that disproportionately affected certain groups, like black and indigenous women, given Brazil's racial and ethnic inequality, and had a differentiated impact on others, such as journalists, human rights defenders, and politicians.

Faced with this scenario, the Ministry of Women launched the "*Brazil Without Misogyny*" initiative in October 2023, which is a proposal for permanent national mobilization of all Brazilian sectors — governments, companies, civil society, NGOs, social movements, entities, educational institutions, soccer teams, religious groups, artists, among others — with the aim of confronting misogyny – understood as hatred and all forms of violence and violence discrimination against women. In all, more than 100 institutions and companies signed a term of adherence to contribute to the action. The objective of "Brazil Without Misogyny" is to stimulate debates and reflections on the social roles attributed to women and men and to mobilize society for the necessary changes in the behavior of groups.

For the mobilization, governments, companies, civil society, NGOs, social movements, entities, educational institutions, organized sports fans clubs, soccer teams, religious groups, artists, among others, are urged to support the Brazil without Misogyny initiative for four reasons:

- I - Prevent femicides, domestic violence and sexual violence;
- II - To support women in spaces of power and decision-making;
- III - Combat online violence against women; and

IV - Promote a work environment free of discrimination;

All these measures seek to protect and ensure journalists, and specially woman journalists, their freedom of expression and thought.

V. CONCLUSION

Considering the information now provided, the Federative Republic of Brazil hopes that all clarifications requested by this Honorable United Nations are met, seizing the opportunity to **stress its full commitment to: a) the right to freedom of opinion and expression; b) to the protection of the noble journalistic activity; c) to tackle violence against women and girls.**

This is the information deemed necessary under the present matter, remaining the State of Brazil available for any other clarification that might be needed.

Finally, the Federative Republic of Brazil also reaffirms its commitment to the United Nations Human Rights System.

ANNEXES

Annex I – Court ruling under Lawsuit n. 5041519-20.2021.8.24.0023

Annex II – Court ruling under Lawsuit n. 5002530-59.2021.8.24.0082