

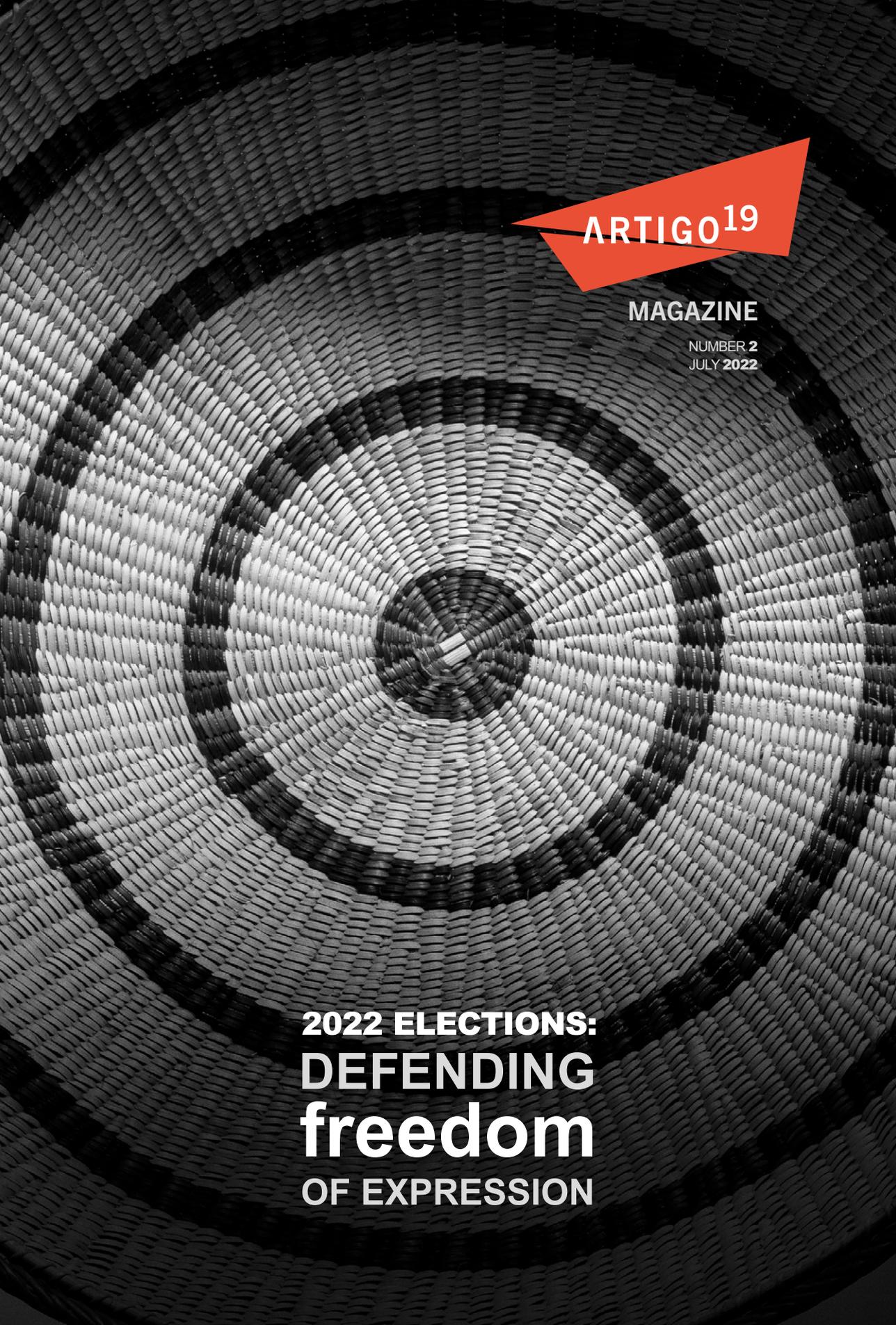
**ARTIGO<sup>19</sup>**

**MAGAZINE**

NUMBER 2  
JULY 2022

**2022 ELECTIONS:  
DEFENDING  
freedom  
OF EXPRESSION**





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## Introduction

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# The future of our democracy

It is with renewed hope that we bring you the second issue of the **Artigo 19 Magazine - 2022 Elections: Defending Freedom of Expression**. This is an initiative of ARTICLE 19 Brazil and South America Association, an organization created in 2007 and that acts in a coordinated manner with ARTICLE 19 International, established in 1987 in England by inspiration of article nineteen of the Universal Declaration of Human Rights.

Freedom of expression and access to information have been under severe attack in Brazil and around the world. In the last decade (2011-2021), several countries have had their rights of freedom of expression, press, and

demonstration limited and threatened. Hong Kong, Afghanistan, and Brazil were the ones that showed the most pronounced decline in these fundamental rights during this period, as shown by the Global Expression Report<sup>1</sup>, published by ARTICLE 19 International in June this year.

Destroying civic spaces used for expression and demonstration is, in itself, an attack on human rights, but it is also a strategy for eroding democracies. Planting disinformation, persecuting journalists, constraining popular participation, spreading discrimination and hate speech, and legislating in favor of control and surveillance mechanisms have been

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<sup>1</sup> <https://artigo19.org/2022/06/30/brasil-e-o-terceiro-pais-que-mais-perdeu-liberdade-de-expressao-nos-ultimos-dez-anos-aponta-levantamento-da-artigo19>

a practice of authoritarian governments and parliamentarians. Contrary to what we often think, it is not wars or external enemies that produce humanitarian massacres. These are governments that charge against their own people, perverting their role and responsibilities. We have historical examples, such as the Nazi Holocaust, or the Latin American dictatorships, where the state persecuted, tortured, and killed its citizens. These moments serve as warnings for building and maintaining an international human rights architecture capable of protecting people from the perversion of their own rulers.

These authoritarian and state violence experiences lead us to reflect on the importance of the moment we are living in Brazil in 2022, with the general state and federal elections. We have to position ourselves on the urgent need for renewal of political leadership in the country after several years facing, on the one hand, the federal government's omission regarding the protection of journalists, communicators, and democratic

freedoms; and, on the other hand, the active dismantling of information systems and participation mechanisms and attacks on those who defend human rights. Maria Ressa, a Filipino journalist who was awarded the 2021 Nobel Peace Prize, says that "information is power" and that we need collective engagement to defend democracies around the world.

In this issue of **Artigo 19 Magazine**, we point out various aspects of the Brazilian electoral process, analyzing the many challenges we face from now until October 2022, and then after the elections and governments transition, with the recurring threats to the reputation and integrity of the elections made by government officials and members of the armed forces. The keynote of the recent Brazilian scenario includes attacks on electronic voting – which has been successfully used in Brazilian elections for many years –, the boycott of popular participation and access to information systems, the expansion of measures for restricting democratic freedoms, and the persecution of communication pro-

professionals. To cope with this situation, ARTICLE 19 Brazil and South America develops several advocacy strategies, as we show in this issue's main article, starting on page 12.

In the interview section, we invited **Jamil Chade**, a journalist who covers Brazil's participation in the UN and in other international cooperation spheres. Jamil offers us an analysis of the impact of this tense political situation surrounding the Brazilian elections of 2022, in particular the risk to the freedom of the press and the country's international reputation (p. 30). The authorities' public disagreement with electoral results even before they take place, the attacks on the rule-based democratic institutions, and the calls for riots are ingredients of the worst authoritarian populisms – and the results of these processes have already caused enough trauma to humanity for us to venture to repeat them.

With this universe of challenges as background, we talked with **Preta Ferreira** (p. 36), an artist and political and social leader, about the dis-

crimination structures that hinder, sabotage, and block the strengthening of freedom of expression of many groups in society, especially black and indigenous people, women, and LGBTQIAPN+ people. The discrimination structures based on gender, race, and ethnicity have prevented people and political representatives from these groups from speaking out publicly through censorship and political violence mechanisms. In Brazil, cases of persecution against female, black, transgender, lesbian, and gay parliamentarians are piling up through online and in-person threats. In this environment, democratic freedoms and the right to participation and electoral representation are repressed by fear and impunity.

Another aspect in this debate is the campaign against electronic voting led by the current federal government, raising suspicions about the integrity of the electoral process and its results. To examine these threats, we interviewed Justice **Edson Fachin** (p. 42), of the Federal Supreme Court (STF) and president

of the Superior Electoral Court (TSE) until next August. In the interview, he reveals the TSE's multiple initiatives to safeguard, once again, the environment of the Brazilian electoral process.

Finally, we bring to the discussion the lessons of the Chilean electoral process, with all the issues that involve contemporary democracies such as disinformation, data manipulation, and the extensive use of text-messaging and social networks. For this, we count on the experience of **Vladimir Garay** (p. 48) from *Derechos Digitales*, who analyses this recent, and still very much alive, political and electoral process.

We also invite our readers to engage in defending what is best in Brazilian society, reinforcing our recent experiences with democracy and fighting for equality and justice. Defending the elections, voting for human rights, electing people who

represent the diversity of the Brazilian people, and supporting peaceful transitions are, today, a fundamental agenda to guarantee our future

. During the making of this magazine, we lived in shock while we accompanied the pain of the Yanomami people under attack, their women kidnapped, raped, and killed, and of their immense and noble effort to survive. We were also following with horror and sadness the search for the journalist Dom Phillips and the indigenist activist Bruno Pereira, who were assassinated at the beginning of June in the Amazon, the inertia of the Brazilian State in protecting the forest and its peoples, and the risk of all those who defend them.

We dedicate this issue to the peoples of the Amazon, and we do so by bringing their art and expression on our cover.

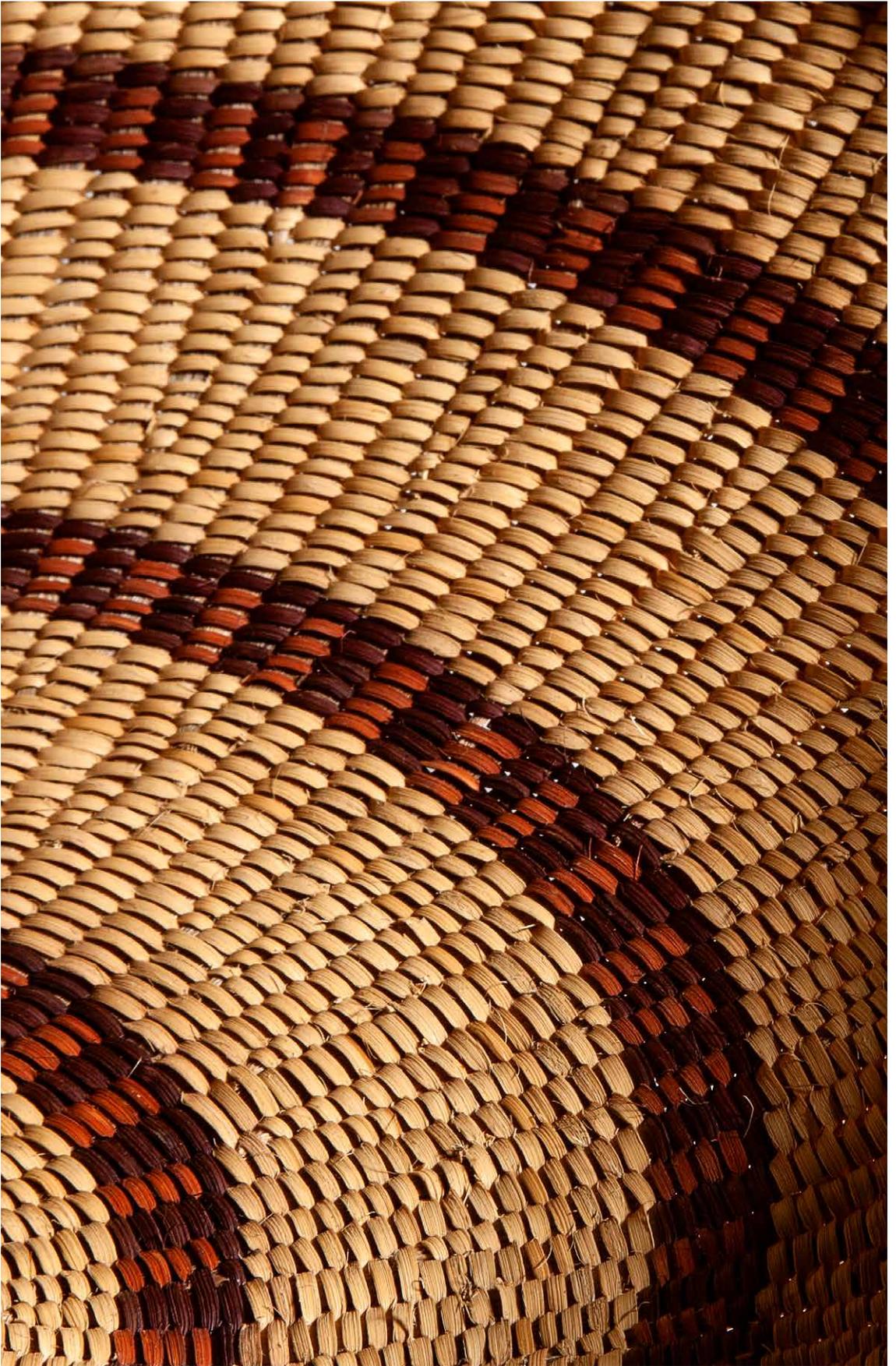
Enjoy your reading!

**Denise Dourado Dora**

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*Regional Executive Officer of ARTICLE 19 Brazil and South America*

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# SCE NA RIO

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## Scenario

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# Elections in Brazil take place in a critical scenario for fundamental freedoms

*Laws, court decisions, and police repression are used to deny the rights to freedom of expression, demonstration, and access to information, adversely affecting the exercise of democracy*

The 2022 presidential and congressional elections in Brazil take place in a scenario deeply marked by attacks on freedom of expression and demonstration, and on the right of access to information. These attacks manifest themselves in the abusive use of laws by the federal government in order to restrict journalists, communicators, and political opponents, as well as in court decisions and police repression used to curb demonstrations in public spaces. There are also attacks on the Law of Access to Information (LAI 12,527/2011) and disinformation campaigns orchestrated by authori-

ties. All these factors can negatively affect the exercise of democracy and the preservation of democratic institutions.

For a legitimate and free election process to occur, it is essential to strengthen democratic principles, which include guaranteeing fundamental freedoms and providing a suitable environment for independent media to disseminate quality information and thus contribute to an informed vote. "It is impossible to enforce human rights without access to qualified information. This prevents voters from making conscious

decisions and from exercising social control over the public administration and candidacies”, says Júlia Rocha, coordinator of the Access to Information area of ARTICLE 19 Brazil and South America.

For voters, it is equally important to know the transparency mechanisms and technologies involved in elections. This ensures their legitimacy, the respect to their results, and the preservation of democracy. It isn't a coincidence that these are precisely the targets of the campaigns that spread fake news on social networks and messaging apps.

### Where are we?

Some data help situate Brazil in relation to the threats and loss of rights that jeopardize democracy. One of them is the Global Expression Report (GxR), an ARTICLE 19 International annual publication that compiles information from several

countries on how they guarantee the right of their population to express their opinions without fear of censorship or attacks by government and private actors. The data used is from the Varieties of Democracy Institute (V-Dem), an independent research institute from the University of Gothenburg (Sweden), consisted of social scientists on every continent.

In 2022, Brazil is ranked 89<sup>th</sup> among 161 countries, and is now considered a nation of restricted liberties, dropping 58 positions between 2015 and 2021.<sup>2</sup> The decline became sharper after 2018: GxR highlights that the violations of freedom of expression increase in the election period. In 2020, 16% of the cases were concentrated in October, that is, 15 events out of a total of 42.<sup>3</sup>

However, when we look at South America as a whole, good examples of preserving fundamental freedoms come from Chile – currently in the 29<sup>th</sup> position in the world ranking

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<sup>2</sup> <https://artigo19.org/2022/06/30/brasil-e-o-terceiro-pais-que-mais-perdeu-liberdade-de-expressao-nos-ultimos-dez-anos-aponta-levantamento-da-artigo19/>

<sup>3</sup> <https://artigo19.org/2021/07/29/relatorio-global-de-liberdade-de-expressao-2020-2021/>

and among the best ranked South American countries, second only to Uruguay (21<sup>st</sup>) and Argentina (23<sup>rd</sup>). Chile has recently experienced presidential and legislative elections, along with discussions about drafting a new constitution that promises advances in the fields of freedom of expression and digital rights. All these processes have been perme-

ated by fake news and are monitored by organizations such as *Derechos Digitales*, which investigates disinformation campaigns in the current constituent process. We interviewed the organization's advocacy director, Vladimir Garay, about these decisive moments of the country's recent history. The conversation is available from page 48.

## Disinformation campaigns: new technologies, new challenges

*Society is more experienced on how to deal with fake news during elections. However, there are new challenges, like the emerging malicious technologies and the lack of a legislative framework that holds disinformation agents accountable*

The use of technology to spread disinformation campaigns in the elections is hardly new, but social networks and messaging apps have accelerated and expanded the phenomenon. "The 2018 presidential election marked the peak of fake

news campaigns orchestrated by organized groups with specific political and economic interests. Four years later, society is savvier about the attempts to influence voters through deceitful news. However, it doesn't mean the end of this activity", says

Paulo José Lara, coordinator of the Digital Rights area of ARTICLE 19 Brazil and South America.

Other technologies and forms of operation have become more present and impose new challenges to safeguard the legitimacy and integrity of elections. For example, a greater use of deepfakes in disinformation campaigns is expected – a technology that uses artificial intelligence to replace faces in videos and photos. “Society has an erroneous tendency to rely on images, sounds, and other sensorial elements. With the development of technology, some evidence that seemed undeniable now counts as elements of doubt”, Lara points out.

Regarding the action of hackers, in addition to invasions of institutional servers and websites in different levels and intensities – as happened with the Superior Electoral Court (TSE) in the second round

of the 2020 elections<sup>4</sup> –, there is a concern about spy systems. These are malware, software, and digital devices that collect and transmit information without the user’s consent. Of particular concern are the groups with ties to the federal government that seek to acquire spyware from international companies such as Pegasus<sup>5</sup> and Darkmatter<sup>6</sup>. The latter was used by Saudi regimes to monitor opponents, including journalists.

Another trend is the unethical use of open data such as OSINT (Open Source Intelligence), which is information voluntarily posted by users on social networks and online platforms that is then co-opted by software or search operations. “Disinformation campaigns are also expected in niche ecosystems – spaces with little or no social monitoring – such as discussion forums and social networks used by specific groups”, adds Lara.

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<sup>4</sup> <https://www.tse.jus.br/imprensa/noticias-tse/2020/Novembro/tentativas-de-ataques-de-hackers-ao-sistema-do-tse-nao-afetaram-resultados-das-eleicoes-afirma-barroso>

<sup>5</sup> <https://noticias.uol.com.br/politica/ultimas-noticias/2021/05/25/empresa-de-software-espiaopegasus-deixa-edital-que-e-rodeado-de-incertezas.htm>

<sup>6</sup> <https://noticias.uol.com.br/politica/ultimas-noticias/2022/01/18/darkmatter-foi-usado-para-investigar-jornalista-saudita-morto-em-consulado.htm>

Tackling these new challenges, we highlight the TSE’s partnership with fact-checking agencies, social networks, and messaging apps in the fight against misleading news during the election period. Among them, Telegram<sup>7</sup> was the only app that didn’t respond and got suspended by order of the Federal Supreme Court (STF), being allowed again after appointing a representative in Brazil and committing to monitoring fake news<sup>8,9</sup>.

### **Elected politicians are committed to spreading fake news**

Organized fake news campaigns aim at giving false information about printed ballots and fraud in electronic voting machines. Between November 2020 and January 2022, Facebook Brazil received 888 daily posts related to such themes, according to a survey by the Public Policy

Analysis Department of the Getúlio Vargas Foundation (DAPP-FGV)<sup>10</sup>. Overall, 394,370 posts on both subjects were monitored, which had 111,748,306 interactions, including likes, comments, and shares. The survey also pointed out that officials in elected positions are engaged in spreading misleading content. The ranking was led by Federal Deputies Carla Zambelli (PSL-SP), Bia Kicis (PSL-DF), and Filipe Barros (PSL-PR). President Jair Bolsonaro, even with just 42 posts in the period, accounted for 3,878,011 interactions – an average of 92,333 per post.

“We must consider the social media usage by these authorities as an official mechanism since the population uses these outlets to get informed. This increases the issuer’s responsibility”, argues Júlia Rocha, coordinator of the Access to Information area of ARTICLE 19 Brazil and South America. The accountability of authorities involved in the

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<sup>7</sup> <https://g1.globo.com/politica/eleicoes/2022/noticia/2022/03/09/tse-reitera-convite-ao-telegram-para-acordo-de-combate-as-fake-news-nas-eleicoes.ghtml>

<sup>8</sup> <https://noticias.uol.com.br/ultimas-noticias/bbc/2022/03/22/telegram-as-mudancas-que-levaram-stf-a-liberar-aplicativo-no-brasil.htm>

<sup>9</sup> <https://artigo19.org/2022/03/19/suspensao-do-telegram-viola-liberdade-de-expressao-e-direitos-humanos-de-comunidades-inteiras/>

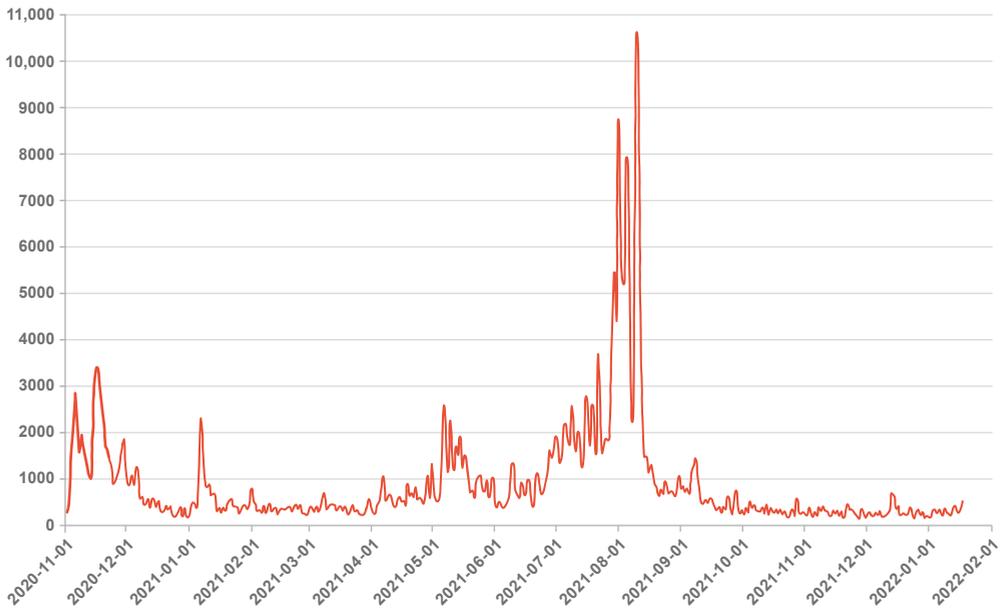
<sup>10</sup> <https://democraciadigital.dapp.fgv.br/estudos/desinformacao-on-line-e-contestacao-das-eleicoes/>

spread of false information in online environments is contemplated in Bill (PL) 2,630/2020<sup>11</sup>. Baptized as the “Fake News Bill”, it establishes the Brazilian Law of Freedom, Responsibility and Transparency on the Internet, and is the first legislative milestone against this phenom-

enon. Currently, it awaits voting in the House of Representatives. “It’s one thing for someone with 300 followers to post a lie, but it’s another thing for authorities in public office with thousands of connections. The penalties should be different”, Lara points out.

### Evolution of Facebook posts about voting fraud and printed ballots

Analysis period: November 2, 2020 to January 18, 2022



Source: CrowdTangle | Elaboration: FGV/ DAPP

Available at: <https://democraciadigital.dapp.fgv.br/estudos/desinformacao-on-line-e-contestacao-das-eleicoes/>

<sup>11</sup> <https://www25.senado.leg.br/web/atividade/materias/-/materia/141944>

## Disinformation is an institutional project

In addition to social networks, the use of institutional machinery to promote disinformation stands out, such as communication advisories of governmental agencies. GxR data shows that Bolsonaro gave 1,682 false or misleading statements in 2020 alone, the equivalent of four per day. “On the one hand, scientific information is being suppressed, such as the removal of a booklet for the trans population from the Health Ministry’s website<sup>12</sup>. On the other hand, information of a moral nature with no scientific support is disseminated, such as the campaign against teenage pregnancy focused on sexual abstinence by the Women, Family, and Human Rights Ministry<sup>13</sup> (MDH)”, compares Rocha.

The federal government violates the Law of Access to Information (LAI 12,527/2011), which allows the press and citizens to request public

data. According to the report *Infodemia e Covid-19 – a informação como instrumento contra os mitos* (“Infodemic and Covid-19 – Information as a tool against myths”),<sup>14</sup> of all the requests for information on government measures regarding the Covid-19 pandemic, 35% of them received incorrect information; 25% intentionally incorrect information; 20% censored information; and 5% partial information. Only 15% were entirely responded. “Incomplete information is also false. When you remove part of the information, it’s as if its two ends came together and gained a new meaning”, Rocha points out. She explains that the government uses loopholes in the LAI for barring information.

Classifying information, for example, is covered by protocols: a restricted group of people can do it in exceptional occasions. “Some recent attempts to attack the LAI have been barred, such as decree 9,690/2019, which expanded the number of peo-

<sup>12</sup> <https://www.metropoles.com/brasil/ministerio-da-saude-retira-do-ar-cartilha-para-populacao-trans>

<sup>13</sup> <https://www.brasilefato.com.br/2020/02/08/damares-alves-tenta-impor-doutrina-em-campanha-por-abstinencia-sexual>

<sup>14</sup> <https://artigo19.org/wp-content/blogs.dir/24/files/2021/05/Infodemia-e-a-COVID-19-%E2%80%93-A-informacao-como-instrumento-contra-os-mitos.pdf>

ple who could classify public interest materials”, she recalls.<sup>15</sup> The federal government also makes use of a wrong interpretation of the General Data Protection Law, the LGPD 13709/2018, to block the requests via LAI. This interpretation ensures the citizens’ right to store and treat private data that are in public or private institutions and companies.

Agency *Fique Sabendo* pointed out that 79 requests for information denied based on the LGPD<sup>16</sup> were received by the Office of the Federal Controller General (CGU) and the Joint Commission for Reassessment of Information (CMRI), which are the bodies that have the final word on what should or should not be published. The veto was kept in 39 cases. “It is illegal to deny requests for public information via LAI using another legal framework”, explains

Rocha. The government has also invoked the LGPD to impose 100-year secrecy on which presidents’ children had access badges to the presidential palace since 2003;<sup>17</sup> on Bolsonaro’s vaccination card (who made anti-vaccine statements during the Covid-19 pandemic);<sup>18</sup> and on the administrative proceeding against the Army General and then Health Minister, Eduardo Pazuello, for attending political demonstrations with Bolsonaro that gathered crowds during the pandemic.<sup>19</sup>

In February 2022, the Anísio Teixeira National Institute for Educational Studies and Research (INEP), an agency linked to the Education Ministry (MEC), invoked the LGPD to suppress microdata from the historical series of the National High School Exam (Enem) and the Basic Education School Census – information

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<sup>15</sup> <https://artigo19.org/2020/10/05/organizacoes-alertam-para-violacao-de-direito-a-informacao-ministerio-da-economia-deve-compartilhar-documentos-sobre-reforma-administrativa/>

<sup>16</sup> <https://fiquemsabendo.com.br/transparencia/lgpd-negativa-cgu/>

<sup>17</sup> <https://www.correiobrasiliense.com.br/politica/2021/07/4940994-bolsonaro-impoe-sigilo-de-100-anos-sobre-acesso-dos-filhos-ao-planalto.html>

<sup>18</sup> <https://congressoemfoco.uol.com.br/area/governo/planalto-sigilo-cartao-vacinacao-bolsonaro/>

<sup>19</sup> <https://g1.globo.com/politica/noticia/2021/06/08/exercito-atribui-a-lei-sigilo-de-100-anos-em-processo-sobre-ida-de-pazuello-a-ato-com-bolsonaro.ghtml>

that allows measuring the impacts of the pandemic on students and include academic research and public policies. Additionally, there is an attempt to use the LGPD to guarantee confidentiality on election campaign donations, an agenda currently being

assessed by the TSE<sup>20</sup>. “Such measure violates the rights to information and political participation, since it prevents voters from monitoring candidacies and understanding the true interests of each candidate and their associated groups”, Rocha explains.

## Democratic ruptures are no longer only threats

*Attacks on freedom of expression and demonstration come in the form of censorship and persecution against demonstrators, activists, and people with opposing ideologies to those in government*

Brazil has been experiencing small and continuous democratic ruptures that demand attention so that they don't lead to more serious scenarios. “Those would be the use of force together with challenging the electoral process itself”, explains Raísa Cetra, coordinator of ARTICLE 19

Brazil and South America's Civic Space area. Among the ruptures already systematized, Cetra highlights at least three.

The first one refers to the already mentioned disinformation campaigns against electronic voting machines

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<sup>20</sup> <https://www1.folha.uol.com.br/poder/2022/02/tse-vai-decidir-sobre-sigilo-de-doacao-eleitoral-entidades-temem-retrocesso.shtml>

led by authorities, who encourage actions against the democratic electoral process. “The second one addresses censorship of artistic freedom, especially after normative changes made to the Cultural Incentive Law (*Lei Rouanet*), which resulted in the cancellation of LGBTQIAPN+-related productions and the banning of neutral language in the authorized projects”, Cetra says. Additionally, the biographies of historical black Brazilian leaders were removed from the *Fundação Cultural Palmares* website. As a result, the Bolsonaro government was summoned by the Inter-American Commission on Human Rights (IACHR), a body of the Organization of American States (OAS).<sup>21</sup> The third disruption using the Legislative and the Judiciary in an attempt to censor fundamental freedoms, such as the various bills in the National Congress that seek to amend and expand the Anti-Terrorism Law (13,260/2016), which was discussed and passed within the 2014 World Cup context with the intention of preserving national security and sovereignty.

Bill 1,595/2019, drafted by Major Vitor Hugo (PSL/GO), creates a National Counterterrorist System<sup>22</sup> (SNC), and has even been approved in a special commission at the House of Representatives. “In practice, the bill authorizes the creation of a secret, shadow police force, which can be used to persecute dissident voices without transparency and for social control”, Cetra warns. In the first half of 2022, ARTICLE 19 Brazil and South America sent two requests to the presidents of the House of Representatives and the Senate asking the respective Houses to abstain from voting Bill 1,595/2019 and similar projects that weaken the democratic process in elections years.

“There is still the use of current laws, such as those that deal with slander and defamation, to persecute and censor journalists, communicators, human rights defenders, and opponents”, Cetra points out. From 2019 to 2021, the Bolsonaro government also evoked the then National Security Law (LSN), which dates back

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<sup>21</sup> <https://www1.folha.uol.com.br/ilustrada/2021/12/pm-que-chefia-rouanet-diz-na-oea-que-cultura-e-sagrada-e-mistica-e-foge-de-perguntas.shtml>

<sup>22</sup> <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2194587>

to the military dictatorship, to persecute and criminalize political opponents,<sup>23</sup> journalists, and anyone who challenged its policies<sup>24</sup>. The law was revoked in September 2021 and replaced by the Law for Defense of Democratic State Ruled by Law (no.14,197/2021). “Even if these laws rarely result in conviction, they reinforce social fear and self-censorship”, she adds.

### **New trends in protest repression**

The right to demonstration is part of the Universal Declaration of Human Rights and is guaranteed by the 1988 Constitution. It is essential for exercising freedom of expression, defending and acquiring other rights and strengthening democracy. How the Police deal with citizens who protest, for example, is an indicator of the quality of a country’s democratic processes.

In Brazil, attacks on demonstrations include: attempts to pass restrictive laws in the Legislative; legal decisions prohibiting demonstrations; police repression; and statements by authorities and the media stereotyping and criminalizing demonstrators. “A common measure taken by the Brazilian Military Police (PM) is to stop peaceful protests before they are over, based on alleged threats to public order and damage to property – such as bank windows. Rubber bullets, tear gas, and pepper spray are used indiscriminately against the physical and psychological integrity of demonstrators and passers-by”, describes Cetra.

Such actions still take place systematically, as in the street protest against President Jair Bolsonaro on May 29, 2022, in Recife (in the state of Pernambuco), where two men who were not taking part in the protest lost their eyesight after being hit in the eyes.<sup>25</sup> “However, now we

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<sup>23</sup> <https://www.conjur.com.br/2021-mai-31/mpf-arquiva-inquerito-noblat-boulos-base-lsn>

<sup>24</sup> <https://www.brasildefato.com.br/2021/03/26/utilizada-contra-opositores-de-bolsonaro-lei-de-seguranca-nacional-pode-ser-revista>

<sup>25</sup> <https://g1.globo.com/pe/peernambuco/noticia/2021/05/30/homens-atingidos-pela-pm-com-balas-de-borracha-nos-olhos-perdem-parte-da-visao-eles-nao-estavam-em-protesto-contra-bolsonaro-dizem-parentes.ghtml>

have also noted a trend of detaining demonstrators only for carrying posters, T-shirts or uttering anti-government chants. This violates the right to diversity of opinion that is part of the democratic process”, warns the coordinator. Police violence and its siding with the Judiciary create an atmosphere of fear and encourage self-censorship, with activists choosing not to attend protests for fear of violation of their physical integrity. “The Judiciary and some private players also take advantage of this atmosphere and sue protesters, of whom women, young people, the black population, people in poor suburbs, and the LGBTQIAPN+ community suffer even greater repression”, adds Cetra.

ARTICLE 19 Brazil and South America hopes that these silencing trends won't persist and educates political leaders and activists on how to exercise the right to free demonstration through campaigns such as #Free-ToProtest,<sup>26</sup> so that this right be-

comes accessible to all. Also, the organization encourages a critical approach to authorities' declarations and news articles that seek to stereotype and criminalize protesters. It is worth asking: Do they explain the reasons why those people are protesting or only highlight the inconvenience that demonstrations cause in daily life? Is the force employed by the Police while dispersing demonstrations justified and proportionate?

### **Black women are targets of political violence**

Politically-motivated violence is another example of rupture of democratic ties. It happens all year round, but tends to increase exactly during the elections period. In 2020, the TSE pointed out 263 cases of threats and bodily injury, attempted or consummated homicide. Out of these, 200 took place between September and November.<sup>27</sup> The Election Research Group of the Federal

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<sup>26</sup> <https://livreparaprotestar.artigo19.org/>

<sup>27</sup> <https://www.tse.jus.br/imprensa/noticias-tse/2020/Novembro/levantamento-mostra-alta-na-violencia-contra-candidatos-em-2020>

University of Rio de Janeiro (GIEL/UFRJ) revealed a 93.5% increase in cases of violence against political leaders in the 4<sup>th</sup> quarter of 2020 compared to the previous quarter.<sup>28</sup> In the same year, the report *Disque-Denúncia* (“Dial a Complaint”) identified the influence of the militia and drug trafficking cartels in the election campaigns of 14 cities in the state of Rio de Janeiro. During the election campaign, 13 pieces of information were received on the activities of drug dealers and 24 on those of the militia.

For all these reasons, the OAS voiced its concern about the atmosphere of fear and intimidation in the Brazilian elections in a document submitted to the TSE in 2022<sup>29</sup> – mentioning acts against the poll results, such as the invasion of the Capitol after the US election<sup>30</sup>. “Women journal-

ists and communicators; elected female black, LGBTQIAPN+, and poor suburbs representatives; rural leaders; and indigenous people are the most affected by political violence” explains Ana Gabriela Ferreira, coordinator of the Gender, Race and Diversities area of ARTICLE 19 Brazil and South America. “Particularly in the last six years, with the rise of misogynous, racist, and LGBT-phobic speeches, alongside the expansion of the warlike power of mining, agribusiness and other sectors that directly affect countryside leaders, we have seen a significant escalation in attacks on these people”, she concludes.

Black women elected throughout the country have been facing countless attacks and threats. It is the case of councilwomen: Carol Dartora (Curitiba);<sup>31</sup> Erika Hilton (São Paulo);<sup>32</sup>

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<sup>28</sup> <http://giel.uniriotec.br/?file=boletins>

<sup>29</sup> <https://www.conjur.com.br/2022-fev-03/oea-alerta-ambiente-medo-intimidacao-milicia-eleicoes>

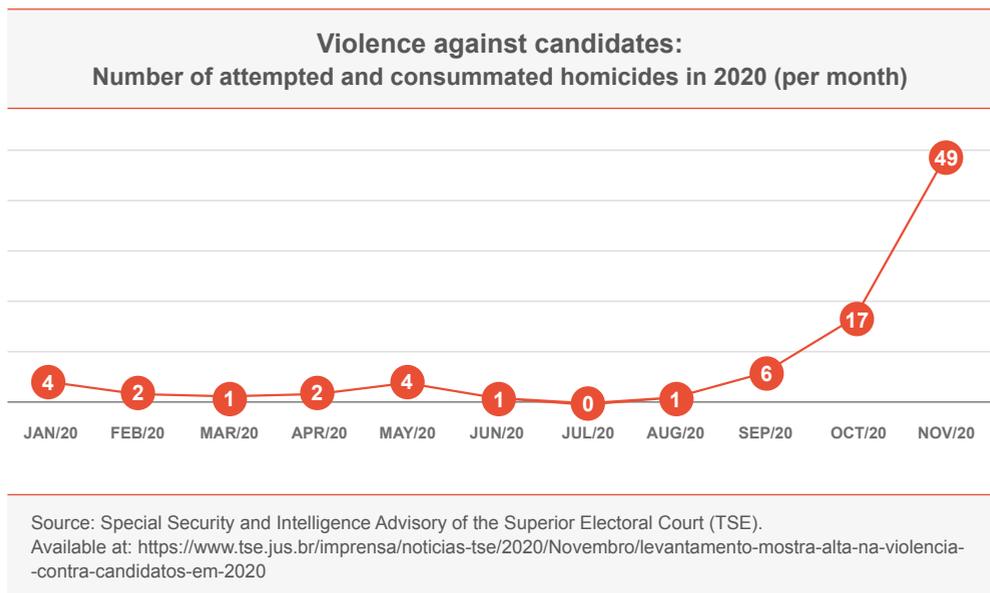
<sup>30</sup> <https://agenciabrasil.ebc.com.br/internacional/noticia/2021-01/apos-invasao-congresso-dos-eua-certifica-vitoria-de-joe-biden>

<sup>31</sup> <https://noticias.uol.com.br/politica/ultimas-noticias/2020/12/06/ameaca-morte-carol-dartora-curitiba.htm>

<sup>32</sup> <https://www.cartacapital.com.br/politica/erika-hilton-registra-queixa-apos-ameacas-de-morte/>

Ana Lúcia Martins (Joinville);<sup>33</sup> Karen Santos, and Daiana Santos (Porto Alegre);<sup>34</sup> Benny Briolly (Niterói),<sup>35</sup> among others. “Cases that usually

refer to the murder of Marielle Franco, where racism and misogyny mingle and hate speech is very evident”, Ferreira analyzes.



<sup>33</sup> <https://www.brasildefato.com.br/2020/11/18/vereadora-negra-e-ameacada-em-sc-a-gente-mata-ela-e-entra-o-suplente-que-e-branco>

<sup>34</sup> <https://sul21.com.br/noticias/politica/2021/12/vereadoras-da-bancada-negra-de-porto-alegre-sao-ameacadas-de-morte/>

<sup>35</sup> <https://ultimosegundo.ig.com.br/politica/2020-12-08/vereadora-trans-e-negra-e-ameacada-vou-te-matar-do-jeito-que-matamos-marielle.html>

## Protecting journalists and communicators is protecting democracy

Violence against journalists, communicators and communication vehicles in Brazil reached its peak in 2021, according to an annual survey by the National Federation of Journalists (FENAJ). There were 430 events, in comparison to 428 in 2020 and 208 in 2019<sup>36</sup> (see table, p. 27). In 2020, GxR recorded 464 public statements by the President of the Republic, ministers, and advisors that attacked or discredited journalists and their work. Violations against journalists and communicators totaled 254 cases, 123 of which were perpetrated by public officials and 46 of them (18%) contained racist, sexist and LGBTQIAPN+-phobic expressions.

“In the 2022 elections, it is feared that such violence will escalate and become even more targeted”, indicates Thiago Firbida, coordinator of the Protection and Security area of ARTICLE 19 Brazil and South Ameri-

ca. Another concern is with local and community communicators. “While large and medium-sized cities have structured communication vehicles, which offer some institutional protection to their team of journalists, approximately 2/3 of the Brazilian cities have bloggers, radio broadcasters, and other community communicators as the main people responsible for the flow of information”, explains Firbida. “Their independent character makes them more vulnerable to violations. In addition, many of them are located in territories with land disputes – such as the Amazon – or that are commanded by drug traffickers and militias”, he says.

Currently, the protection of communicators at risk is carried out by state and civil society actions. In the first case, there is the Brazilian Program for the Protection of Human Rights Defenders (PPDDH), which came into effect in 2007 and, only 11 years later, has included environmentalists and communicators among its beneficiaries. “Structural and meth-

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<sup>36</sup> <https://fenaj.org.br/ataques-a-jornalistas-e-ao-jornalismo-mantem-patamar-elevado-e-somam-430-casos-em-2021/>

odological problems, however, still make the program inefficient in providing safety to the victims”, Firbida points out.

At the civil society level, ARTICLE 19 Brazil and South America is part of two initiatives: the National Network for the Protection of Journalists and Communicators (*A Rede*)<sup>37</sup>, which is coordinated by over 50 or-

ganizations, and the Protection Program of the Brazilian Committee of Human Rights Defenders (CBDDH). They receive requests for protection via their respective sites. “The cases go through a risk assessment and a protection design that can involve the Prosecution Office, public defenders, and the State’s legal, psychological, and physical security resources”, he sums up.

| <b>Violence against journalists and attacks on the freedom of the press in Brazil</b> |                  |                |
|---|------------------|----------------|
| <b>Censorship</b>   | <b>140 cases</b> | <b>32,56 %</b> |
| <b>Discrediting the press</b>   | <b>131 cases</b> | <b>30,46 %</b> |
| <b>Verbal abuse/ Virtual attacks</b>  | <b>58 cases</b>  | <b>13,49 %</b> |
| <b>Threats/ Intimidation</b>  | <b>33 cases</b>  | <b>7,67 %</b>  |
| <b>Physical abuse</b>   | <b>26 cases</b>  | <b>6,05 %</b>  |
| <b>Curtailment of press freedom through lawsuits</b>                                  | <b>15 cases</b>  | <b>3,49 %</b>  |
| <b>Violence against workers’ organizations/ trade unions</b>                          | <b>8 cases</b>   | <b>1,86 %</b>  |
| <b>Obstacles to professional practice</b>   | <b>7 cases</b>   | <b>1,63 %</b>  |
| <b>Cyber attacks</b>  | <b>4 cases</b>   | <b>0,93 %</b>  |
| <b>Attacks</b>  | <b>4 cases</b>   | <b>0,93 %</b>  |
| <b>Murder</b>   | <b>1 case</b>    | <b>0,23 %</b>  |
| <b>Racial slur/ Racism</b>  | <b>1 case</b>    | <b>0,23 %</b>  |
| Source: Fenaj   |                  |                |

<sup>37</sup> <https://rededeprotecao.org.br/a-rede/>



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Interview

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*Photo: Personal Archive*

**Jamil Chade**

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*Journalist, foreign correspondent, and columnist*

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**Disinformation is  
a power strategy**

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For over 20 years, Brazilian domestic and foreign policy has been under the critical and vigilant eye of journalist Jamil Chade. An international correspondent based in Switzerland since 2000, Chade has traveled to over 70 countries, covered elections and refugee crises, and interviewed heads of state. He has also been part of a network of anti-corruption experts for Transparency International and was one of the investigators of the Brazilian National Truth Commission, established to investigate the crimes of the Brazilian military dictatorship (1964-1985).

In the international press, he has already collaborated with *El País*, *The Guardian*, *BBC*, *CNN*, *Le Temps*, *Swissinfo*, *CCTV*, *Al Jazeera*, and *France24*, and is currently a columnist for *UOL* and *Grupo Bandeirantes*. He was one of the journalists assaulted by President Jair Bolsonaro's security guards during the coverage of the G20 meeting in October 2021, in Rome. In an interview for ARTICLE 19 Brazil and South America, Chade comments on the role of journalism in a scenario of disinformation, lack of access to information, attacks from the government and the dismantling of institutions.

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**ARTICLE 19:** *Is it possible to predict a scenario of disinformation, hate speech and increased violence against communicators during the next elections?*

**Jamil Chade:** That is the great danger and threat judging from the last three years and from what happened in the 2018 elections. Physical and virtual threats have intensified. What we need to understand is that an attack is an attack, whether it is on the internet, on the street, or at a press conference. We tend to classify virtual attacks as less serious and less shocking, naturalizing it as part of life in the digital world. They aren't [less serious] for several reasons. Even though they are virtual, they're felt in a real way. As a journalist, you stop using certain words or soften comments in your articles, even if unconsciously. All the attacks have the same goal: to inhibit the work of the press and put obstacles in our work at important moments, such as the elections.

**ARTICLE 19:** *What is journalism's role in this scenario?*

**JC:** A country is built with many elements: physical structure, sanitation, education, and many others. Journalism is part of democracy's infrastructure. We are not the only ones, nor should we consider ourselves the main one, but we are a pillar that, if threatened, also threatens democracy. Preventing attacks on the press is not just about protecting the reporter or the television crew who is on a local coverage: it means protecting the population's right to be informed. It is not a matter of self-protection, but of making sure that this structure is working to inform adequately. By making sure information reaches the population during the election period, we help them make well-informed decisions about the fate of their country and society. Good journalism ensures that individual decisions be based on concrete and accurate information. Thus, a sufficiently solid envi-

***“Investing in journalism is the greatest antidote and the vaccine against disinformation”***

***“Disinformation is deliberately used as a power strategy. It is not used only to disinform, but to manipulate the population into going in one direction or another, creating situations of uncertainty”***

ronment is important to avoid censorship or self-censorship. These do not happen by chance: they are products of a climate of fear and vulnerability. In other words, we need to ensure that the press do its job without constrains.

**ARTICLE 19:** *What are the differences and similarities regarding disinformation campaigns with fake news compared to the 2018 presidential and legislative elections?*

**JC:** Four years after all those episodes, disinformation is more sophisticated. Disinformation is deliberately used as a power strategy. It is not used only to disinform, but to manipulate the population into going in one direction or another, creating situations of uncertainty. It raises doubts about reality and dismantles confidence in institutions and in the democratic system itself. Besides lying about a particular candidate, the goal is to direct votes

to another one. Those who foment disinformation benefit in some way from the corrosion it promotes. Unlike 2018, I think that nowadays we recognize that disinformation threatens democracy, it is part of newsrooms and press coverage, and its dissemination on platforms should be viewed with concern. Is that enough? No, it isn't. However, unlike 2018, now there is a perception that social network platforms are also responsible for the content that circulates there. That doesn't mean that those who promote disinformation won't come up with new techniques, strategies, and channels. Today, for example, disinformation is used in official channels – such as the Federal Government's Social Communication Secretariat (Secom) –, not in parallel ones.

**ARTICLE 19:** *How can we combat disinformation?*

**JC:** There is no other way to overcome the age of disinformation than by investing in journalism. To be able to inform you need time and effective investigation, which require investment. Investing in journalism is the greatest antidote and the vaccine against disinformation.

**ARTICLE 19:** *Do you foresee further actions by the so-called "hate cabinet" in the 2022 elections?*

**JC:** Lucas Valencia and I did a series of reports for UOL that showed a surge in the search for espionage and information dissemination technologies by members of the hate cabinet. It is, to say the least, a warning for the elections.

**ARTICLE 19:** *Do you envisage the development of other threats to freedom of expression and access to information until the election period?*

***“Censorship and auto-censorship don't happen by chance: they are products of a climate of fear and vulnerability”***

**JC:** The first threat refers to the Law of Access to Information (LAI). Many requests for public information are denied or released with delay that can, of course, impact the way the population is informed. The LAI has proven to be very important for society and needs to be protected. I also see that ministries and government agencies are ignoring press requests to explain positions, [public] policies, and decision-making. This inability to access information via public agencies is worrisome.

**ARTICLE 19:** *In 2023, what can help restore the institutions and structures that have been dismantled?*

**JC:** Recognizing that, in these last years, public institutions have been seized for private purposes. This is necessary in order to move on. Also, we need to think about what instruments and paths need to be established to prevent the further hijacking of institutions, including whether or not our current protection is sufficient. There used to be this idea that our institutions were working and that they weren't at

risk, that our democracy was solid enough to prevent corrosion from within. They aren't. Some dismantling has been stopped by the National Congress, by the Federal Supreme Court (STF) and by part of the press. But others couldn't [be stopped], and they happened. Something that needs to be analyzed is whether our structures are in fact designed solidly enough to face new stress tests that will come in the future.

**ARTICLE 19:** *What will be the role of journalism in the next elected government?*

**JC:** Vigilance is permanent and has no political party or ideology. With the next government, the behavior of the press cannot be any different. It is necessary to maintain all kinds of pressure for transparency, clarification, and democratic guarantees. We need to reinforce the role of journalism as society's eyes on these institutions, so that citizens know what is done in their name and with their money. It's about guaranteeing the survival of democracy.

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## Interview

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*Photo: Rodrigo Zaim*

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### Preta Ferreira

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*Multi-artist, writer, and activist in the struggle for housing*

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**In the poor suburbs,  
fake news kills**

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In multi-artist Preta Ferreira's life, culture and the fight for human rights blend together. An activist in the struggle for housing and member of the Homeless Movement of São Paulo City Center (MSTC), Preta became a symbol of the criminalization of social movements when she was accused, without evidence, of criminal association and extortion. In 2019, she spent 108 days in prison at Santana Women's Penitentiary.

Her months in jail and her reflections on structural racism that leads to the imprisonment and genocide of black people were reported in the book *Minha carne: diário de uma prisão* ("My body: diary of an imprisonment", as freely translated), published by Boitempo (2021). In 2019, Preta received the Dandara Award from the House of Representatives of the State of Rio de Janeiro (ALERJ), awarded to people who contribute to the promotion of black, Latin American and Caribbean women. In an interview with ARTICLE 19 Brazil and South America, Preta analyzes the attempts to silence the rights to manifestation and expression in the favelas and city outskirts, as well as the informative and libertarian potential of arts and communitarian communication in these spaces.

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**ARTICLE 19:** *How far has fake news settled inside poor suburbs?*

**Preta Ferreira:** Fake news has been growing in these regions because we must remember that everyone in the favela has social networks such as WhatsApp, Instagram or TikTok. Those in power also use social networks and television to mess with social issues, to enter our homes and heads. And in the poor suburbs, fake news kills. Many people believed that Covid-19 didn't exist and got infected, for example. We need to be vigilant about how this government spreads fake news since they can't win elections in a democratic process. On the other hand, I think that the same internet helped bring down President Donald Trump in the United States elections.

**ARTICLE 19:** *Is conservatism growing in these regions?*

**PF:** Yes, if you think about the criminalization of liberating arts, like prohibiting people of singing funk, for example. But at the same time, I see a rise in these areas in the number of people that see themselves as political beings, as revolutionaries.

**ARTICLE 19:** *Do black population genocide policies influence freedom of expression and demonstration of the youth in the favelas and suburbs?*

**PF:** Of course, we call this racism and necropolitics, and it brutally impacts black people in the favelas. My mother is afraid that when her children go out at night, they run the risk of not coming back because if the police see them on the street at night, they'll kill them. We recently witnessed the massacres in Jacarezinho, in Rio de Janeiro, and in Gamboa, in Salvador. And I wonder

***“Social movements denounce and demand rights that are constitutional, they aren't favors”***

*“I consider art and culture in the suburbs as extremely important because they speak all languages and can sneak in everywhere – including places that are not reached by formal politics”*

how many times we are going to see the same things, associating poor people with criminality. Criminals are never white-collared. Meanwhile, we are fighting for the right to life of black and poor suburban people to be guaranteed.

**ARTICLE 19:** *Do you observe a criminalization of social movements in the run-up to the elections?*

**PF:** Well, I am a living example of that – I was arrested for demonstrating. Social movements denounce and demand rights that are constitutional, they aren't favors. They are our rights; we are not stealing from anybody. If our constitutional rights were guaranteed, there wouldn't be a need for social movements. We

are criminalized because we bring the issue of rights and the need to fight for them to the lower classes. When we are criminalized, there is a reversal of values. There is an attempt to silence us, but you can't silence hunger, homelessness and unemployment. Furthermore, fighting in Brazil is difficult and risky because we are fighting against real estate speculation and against a political body that wants to kill us – and has already killed Marielle Franco.

**ARTICLE 19:** *The Brazilian Integrated Movement for Freedom of Artistic Expression (MOBILE) has identified at least 223 cases of censorship and attacks on artistic freedom since 2019. How do you see this silencing in poor suburban areas?*

**PF:** The police say that music is an incitement to crime, and they arrest and silence us, preventing freedom of expression. I consider art and culture in the suburbs as extremely important because they speak all languages and can sneak in everywhere – including places that are not reached by formal politics. Art alerts and speaks about freedom to these people. And encouraging artists in poor suburbs means a lot, and many artists just need support.

**ARTICLE 19:** *What is the role of communitarian communication in these elections?*

**PF:** It's crucial because audiovisual culture, in particular, has always been very elitist. Poor people began to study and have learned how to develop their own narratives, no longer letting them be taken from them. People started to understand themselves as content makers, not task doers. It's a tool that can help spread information about the elections.

*“Poor people began to study audiovisual language and learned to develop their own narratives, and no longer let them be taken from them. (...) It's a tool that can help spread information about the elections”*



Image: Reproduction

## The book is a cry for freedom and justice

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*Preta Ferreira's book cover, launched in 2021*

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The criminalization of social movements in Brazil gained another chapter on June 24, 2019, when Preta Ferreira and other activists of the Homeless Movement of São Paulo City Center (MSTC) were arrested on charges of extortion and criminal association without any evidence. The multi-artist's *habeas corpus* took 108 days to be granted, a period in which she recorded her routine, thoughts and emotions experienced in prison. The writings led to the book *Minha carne: diário de uma prisão* ("My body: diary of an imprisonment", as freely translated), published by Boitempo in 2021, and are a depiction of the structural racism that locks up black people and of the injustices of the judicial system. "I noticed that black people have never been free for our rights aren't guaranteed, we're always fighting to survive, to escape slavery. (...) True freedom is very difficult to be reached", she writes in a passage of the book.

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## Interview

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*Photo: Press Release*

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### Edson Fachin

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*Justice of the Federal Supreme Court*

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**All people need to do  
is pay attention to the facts,  
not to the narratives**

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Currently a Justice of the Federal Supreme Court (STF) since 2015, Fachin's professional background includes being a lawyer, an attorney of the State of Paraná and a professor of civil law at the Federal University of Paraná (UFPR) Law School, in Brazil. President of the Superior Electoral Court (TSE) until next August, his main challenge has been ensuring the continuity of the Court's actions to prevent the dissemination of fake news from undermining the electoral integrity, since there are disinformation campaigns, which aim to spread groundless fraud allegations regarding Brazil's electronic ballots – campaigns that will intensify in the upcoming months before the elections.

Among the TSE's initiatives to tackle the problem, the Electoral Transparency Observatory is worthy of mention, an initiative that amplifies society's participation and supervision of the electoral process, and that counts with ARTICLE 19 Brazil and South America as a member. In the interview, Edson Fachin analyzes Brazil's singularities regarding electoral fake news and explains the measures that are being taken to monitor, respond to, and investigate the massive spread of false information.

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**ARTICLE 19:** *What is the diagnosis regarding Brazil's vulnerability to fake news during the electoral period?*

**Edson Fachin:** Disinformation has negatively affected electoral processes all over the world, so it is a growing and shared concern. Some elements indicate that the Brazilian Electoral Court System needs to be on alert. Conspiracy theories that cry out fraud without any evidence or credibility and the constant aggressive speeches, and attacks against our institutions stand out in the national context.

**ARTICLE 19:** *What can we expect about the campaign against false information in the 2022 elections?*

**EF:** The TSE safeguards democracy by ensuring the healthy state of the information environment. In this sense, it has been preparing to fill information gaps and disseminate, with maximum reach, official and adequate information about the electoral process in order to stimulate a rational public debate that is less affected by the negative effects of destabilization communication operations. Likewise, it has intensified monitoring actions, focusing on combating critical disinformation and

targeting inauthentic behavior, such as fake accounts and robots. It will also act to restrain mass text-messaging to ensure the full application of the electoral legislation.

**ARTICLE 19:** *What are the differences and the similarities of this election compared to past ones?*

**EF:** The main similarity is the continuation of the post-truth era, in which public debate is contaminated by fabricated misinformation that exploits emotional fragility, among other aspects. As for the Electoral Court System, the main difference is structural: as of this year, the TSE has gained a permanent unit exclusively dedicated to the task of containing the problem. In the 2022 Elections, the Special Advisory for Confronting Disinformation (AEED), comprising a team of seven multidisciplinary servers, will act to inform, train, and respond to cases of disinformation. Moreover, there are notable advances in the improvement of the strategic plan, so that we already have solutions designed for it.

**ARTICLE 19:** *What has changed in the standards for the removal of false or slanderous content on the internet during elections?*

***“Conspiracy theories that cry out fraud without any evidence and the constant attacks on our institutions stand out in the national context”***

**EF:** Two new features worth mentioning are the express prohibition of mass text-messaging and the clarification that sharing known untrue or out of context facts that affect electoral integrity imply a violation of the legal framework for campaigns, and may, of course, result in sanctions. Both provisions are contained in a resolution approved by the TSE plenary last December.

**ARTICLE 19:** *How does TSE’s partnership with fact-checking agencies work?*

**EF:** Through a coalition of nine agencies, to which the TSE refers cases of disinformation attached with the corresponding official information that can support a professional analysis, carried out by serious and independent experts. At the current juncture, it is important to emphasize the importance of the social role fulfilled by the fact checkers.

**ARTICLE 19:** *How does the TSE’s partnership with social networks and messaging apps work?*

**EF:** Through partnerships established and cultivated by close dialogues and periodic meetings, in search of joint solutions in the fight against disinformation. From these dialogues emerge commitments in the form of memoranda of understanding, which can be enriched with additional terms whenever new possibilities arise. Generally speaking, digital platforms have revealed themselves to be very sensitive to the democratic cause, acting responsively to the demands forwarded by the Electoral Court System in the fight against disinformation.

**ARTICLE 19:** *What surveillance mechanisms for secure elections does Brazil have?*

**EF:** Brazil has strong institutions committed to preserving the integrity

of the elections. The Electoral Court System and the Electoral Prosecution Office (MPE), with the assistance of the police forces, are constantly working to guarantee the security of the electoral process. In fact, the current TSE administration chose as a theme the message “peace and security in elections”, in order to highlight the importance of tolerance and mutual respect as elements of political stability and preservation of social ties. Constitutional normality requires, among other things, that national cohesion not be shaken by the results of the ballot boxes. It is necessary that, regardless of differences in thought, people remain united in pursuit of stable values and ideals, among which is justice, and that they resolve their differences in peaceful terms, judging candidates and political representatives in the elections.

**ARTICLE 19:** *How has the Electoral Transparency Observatory, a coalition of the TSE and civil society, contributed to the verification of ballot box security and the reliability of electronic voting?*

**EF:** The Transparency Observatory has been conceived as another effort by the Electoral Court System to solve the doubts surrounding the mechanics of the electoral process. Through it, the TSE can gather valuable impressions and contributions to advance its policy of full transparency, thus increasing public knowledge about the electronic voting system and the high integrity of Brazilian elections.

**ARTICLE 19:** *What should the public know about voting technologies and voting security?*

**EF:** All people need to do is pay attention to the facts, not to the narratives. Modern life is characterized, among other things, by information overload. In this public environment, identifying the truth is made difficult by the abundance of junk information. The Electoral Court System has a 90-year history without any, let us emphasize, any episodes of fraud. And the electronic voting system, being totally auditable and widely approved by the expert community, has ensured secure voting during

***“Knowledge generates confidence and, therefore, this issue occupies a privileged place in the Electoral Court System’s programmatic horizon”***

the last 25 years – again, without any indication, not even the slightest, of exposure to attacks or manipulation.

**ARTICLE 19:** *Do you see the need to work more with the population on the issue of voting security?*

**EF:** I have no doubt about it. The Electoral Court System guarantees democracy by, among other measures, ensuring that adequate information reaches the population. And it is aware that the lack of confidence in the voting system security arises from, above all, a problem of unfamiliarity. The creation of the Electoral Transparency Committee (CTE) and the Electoral Transparency Observatory (OTE), as well as the Institutional Strengthening Program based on the Electoral Court System Image Management (PROFI), are clear signs of the TSE’s concern in this area. Knowledge generates

confidence and, therefore, this issue occupies a privileged place in the Electoral Court System’s programmatic horizon.

**ARTICLE 19:** *The speeches against electronic voting focus on the term “clean elections”. What are clean elections?*

**EF:** Basically, clean elections are those free of defects and transgressions, thus carried out within the constitutional and legal parameters. They imply full compliance with the ethical and legal precepts that guide political disputes, including abiding by the laws, the diffuse right to adequate information, and, of course, popular will, faithfully reproduced by the results of the ballot box. By ensuring clean elections, the Electoral Court System upholds its constitutional role as the institution that guarantees Brazilian democracy.

## Interview

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*Photo: Personal Archive*

### **Vladimir Garay**

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*Journalist and advocacy director at Derechos Digitales*

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**Many issues in the public  
agenda are vulnerable  
to disinformation**

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The Chilean presidential elections of 2021 took place in an intense political moment, amid the Covid-19 pandemic and the Constitutional Convention that would write the country's new Constitution. A context that gave rise to the spread of numerous disinformation campaigns aimed at influencing civil society.

Paying close attention to this process and to all the discussions around the new Convention was the *Derechos Digitales* organization and its advocacy director Vladimir Garay, who has a degree in social communication and journalism from Universidad de Chile and a Master's Degree in Latin American Art, Thought and Culture from Universidad de Santiago de Chile. In an interview with ARTICLE 19 Brazil and South America, the journalist explains how disinformation campaigns sought to affect the work of the Constitutional Convention, and highlights the achievements and challenges of the new Constitution regarding freedom of expression and digital rights, signaling learnings that can be useful for the elections in Brazil, in October this year.

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**ARTICLE 19:** *What was Chile's political context during the last presidential election?*

**Vladimir Garay:** Since 2019, a series of very important and profound transformations have been brewing in Chile. From the so-called “social uprising” to the possibility of writing a new Constitution and even the election of Gabriel Boric as president. And this has led to a series of ongoing transformations: priorities and discussions have been rethought. The political players and the balance of political forces have changed. The most weakened force in all this has been the right wing, and it seems to me that this has pushed the most radical sectors to look for other means of political influence.

Regarding the elections, we have had an unusually politically charged election calendar. The second round of the presidential elections in December 2021 was preceded by the first round in November, which took place together with parliamentary and local council elections. In May 2021, we had had municipal elections, elections of regional governors and another election of the people who were going to be part of the Constitutional Convention to write the new

Constitution. And the plebiscite took place in October 2020, in which the citizens backed the idea of writing a new Constitution. Another relevant issue is that all the political discussions involve, in one way or another, a discussion about the new Constitution. And to this we also must add the pandemic, when the debate about the consecutive partial withdrawals of pension funds emerged as one of the main topics.

**ARTICLE 19:** *What changed in the 2021 elections compared to previous ones regarding the spreading of fake news?*

**VG:** There isn't really a good point of comparison, so it is difficult to say. Today there is greater awareness about the spread of fake or deceptive information and there is also greater sensitivity when it comes to detecting it. At the same time, the phenomenon is becoming more complex, since there are more issues of significant impact on the public agenda that are susceptible to being affected by disinformation. I've seen some things in this election that I personally had never seen before. For example, paid advertising on Facebook against some candidates, with false information (or at least, with a very

partisan interpretation) regarding the future of the pension funds in case of some candidates winning the election.

Another thing is that we can see an articulated network of right-wing Twitter accounts that always manages to land false or biased information in the trending topics. This phenomenon is not new, it even precedes the 2020 plebiscite, but it seems to me that it's something that has become more evident during the last year and a half. And it will surely continue from now to the plebiscite of approval of the new Constitution, probably acquiring new forms.

**ARTICLE 19:** *How have these dis-information campaigns affected the work of the Constituent Convention?*

**VG:** The right wing mostly voted to reject a new Constitution in the first plebiscite and, after obtaining less representation in the election of its constituents, has now found sharing false information a useful strategy, and this seems to have two related consequences: firstly, it hinders communication of the work that has been going on in the Convention, which is already a difficult task in itself; every now and then, a new controversy arises around fake or misrepresented statements and it takes a lot of

***“There have been interesting developments [in the Chilean Constitution] regarding the right to privacy and personal data. There are still things that need to be settled in areas such as access and freedom of expression, for example”***

time and energy to correct it. Secondly, they create an atmosphere of uncertainty about how the work of the Convention is being perceived, which is ultimately difficult to measure properly, mainly because they are speeches that find echo in the traditional media. So, they become arguments used by the most conservative sectors to try to slow down the changes, arguing that they could compromise the outcome of the plebiscite on the new Constitution.

It is important to note that there have been cases in which the very own delegates themselves have taken on strategies of spreading false information. This is relevant because it shows that information disorder has become an element of political strategy that is not only executed from “outside” of institutionalized politics, but also by elected authorities, and this is something that we have already seen in the Chilean Congress as well.

**ARTICLE 19:** *How did Derechos Digitales deal with the spread of fake news in the elections?*

**VG:** During the 2020 plebiscite, we worked on promoting some recommendations on information disorders

together with other civil society organizations and the Electoral Service (SERVEL), which we were also promoting for the 2021 elections. Along with that, we are working on a research about “information disorders” regarding the Constitutional Convention, which, as I mentioned before, permeates all political discussions in the country and certainly the 2021 presidential election.

**ARTICLE 19:** *What strategies were important in this process?*

**VG:** One thing that we have become very aware of at *Derechos Digitales* is the need to be cautious and balanced, taking a certain distance from the most alarming and inflammatory speeches, and try to put the problem into perspective in order to identify its complexity from a local perspective. And this process isn’t over yet.

**ARTICLE 19:** *What part did civil society play in these strategies?*

**VG:** In general, I think that organizations that don’t work with technology and human rights issues tend to be a bit more susceptible to doomsday speeches and I think that an important issue was to convince them that it was important to be cautious and

look at problems carefully. In any case, being able to team-up with other organizations is always positive and allows us to think of things that we wouldn't have thought of on our own, and at the same time allows us to reach people who are more distant from us. Also remarkable was SERVEL's openness during the first plebiscite to think about these and other important issues, which have served as inputs for the development of their own strategies on these matters.

**ARTICLE 19:** *Were there any links between disinformation campaigns and hate speech?*

**VG:** I think so. It's clearer in the case of the Constitutional Convention, which observes gender parity and reserves seats for indigenous peoples,

two things that are highly criticized by the extreme right. At *Derechos Digitales* we prefer to speak of "information disorders" to try to encompass different types of disruptive discourses that aim at introducing noise or chaos in the public discussion. I think these tactics have less to do with disputing "the truth" in the factual sense of verifiable facts, and more in the sense that it becomes more difficult to understand if those kinds of speeches are actually representative of the total population. And, sometimes, this difficulty in measuring them correctly ends up giving them a greater importance than they actually have in the media or in politicians' speeches, for example.

**ARTICLE 19:** *What are the changes in the Chilean Constitution regarding digital rights?*

***“The political players and the balance of political forces have changed. The most weakened force in all this has been the right wing and it seems to me that this has pushed the most radical sectors to look for other means of political influence”***

**VG:** This discussion is still open. There have been interesting developments regarding the right to privacy and personal data. A law on a violence-free life, which includes the digital environment, was also approved. There are still things that need to be settled in areas such as access and freedom of expression, for example.

**ARTICLE 19:** *Have there been any changes in the Convention regarding freedom of expression?*

**VG:** This is an issue that is being dealt with at the level of the specific committees formed within the Convention. For example, the Fundamental Rights Committee approved a freedom of expression law, with pending clauses on its limitations; in the Knowledge Systems Committee there are laws on press freedom and on the right to rectification. The next time the plenary reviews the laws proposed by the Fundamental Rights Committee, freedom of expression should be discussed.

**ARTICLE 19:** *Were all these changes related or influenced the elections?*

**VG:** As I mentioned before, the discussion about the new Constitution permeates everything. In fact, this is even clearer when we look at the second round of the presidential election, where one candidate was openly favorable to the Convention (Boric) and one against it (Kast).

**ARTICLE 19:** *What are the challenges that persist in Chile regarding the dissemination of fake news and disinformation?*

**VG:** It seems to me that the first – and most important – challenge is having a better understanding of the problem at a local level. To be able to understand how problematic these things really are, what is their effect on private discussions and in particular groups. That is the main thing.

**ARTICLE 19:** *What role should civil society play in helping to overcome these challenges?*

**VG:** I think civil society's role is crucial. From knowledge production to the creation of mitigation strategies, and involvement in public policy discussions (which often aren't

particularly good or even aware of the damage that some proposals can wreak on freedom of expression) and, above all, trying to understand what is happening and how it affects us.

**ARTICLE 19:** *What digital rights still need to be protected?*

**VG:** Digital rights is an essentially dynamic field. In general, it seems to me that better standards are required in many aspects. Regarding the right to privacy, everything that has to do with biometric identification is extremely important today, but basic issues such

as laws that regulate the creation and processing of databases are still a problem that requires a solution in most Latin American countries. In the field of freedom of expression, algorithmic censorship is another central issue. About the use of artificial intelligence, debates on discrimination are extremely important nowadays. There are discussions on internet access as a condition for exercising rights. Discussions about the impact of technology on structural forms of discrimination and violence. The list is very long. There is still a lot of work to be done.

*“There have been cases in which the very own delegates themselves have taken on **strategies of spreading false information**. This is relevant because it shows that information disorder has become an element of **political strategy**”*



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Perspectives

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# EXPRESSION AGENDA 2022

## *Democratic elections rely on initiatives*

ARTICLE 19 Brazil and South America operates in several fronts seeking to defend and promote the right to freedom of expression and access to information. In 2022, specific initiatives sought to strengthen the election process and safeguard its legitimacy, such as this second issue of **Artigo 19 Magazine**, which is one of the tools to popularize the knowledge produced in the institution, circulating in printed and digital versions throughout the Brazilian territory and other South American countries. This year, the publication gained digital versions in three languages: Portuguese, Spanish and English.

**Learn about other initiatives within our scope:**

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# PRESERVING

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## Preserving democracy with information and technology

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ARTICLE 19 Brazil and South America believes in the possibilities of using technology to strengthen democracy. Free elections require democratic virtual environments, with the right to freedom of expression and free from hate speeches and persecution. Today, they also depend on secure and transparent voting and counting technologies. Our Digital Rights area is a member of the Superior Electoral Court's Transparency Committee, working to ensure digital freedom and accountability. In addition, it aims to produce research and training workshops with parties, candidates, political agents, and decision makers in order to think about the future of democracy in combination with digital technologies. Furthermore, the goal is to produce content in understandable language about the technical, legal, and technological elements involving the elections, as well as to identify and explain the main misleading arguments about the electronic voting machines.

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## PROTECTING

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### Protecting journalists and communicators

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Protecting and strengthening local journalists and communicators results in a well-informed society that is able to exercise its political participation rights. In 2022, the focus is to monitor attacks and violations in the context of political and electoral coverage. Thus, it will be possible to understand whether risk trends change or intensify because of the elections. As well as integrating protection networks for journalists and communicators under threat, the organization directly receives cases of violations and trains social movements and media vehicles on digital and physical safety – it also acts by urging the State to offer a proper response to professionals under threat.

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# 3 TRAINING

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## Training for political participation

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Recent attacks on the right to protest have led to disinformation about how it should be exercised. Trainings for political leaders and activists are underway to clarify legal doubts, allowing the right of demonstration to continue to be exercised. ARTICLE 19 Brazil and South America monitors the closing of spaces of popular participation that impact the Brazilian election process and provides warnings about threats to the election process. Campaigns and publications are planned to fight hate speech, distinguishing it from freedom of speech. The organization will also act to fight political gender violence through complaints in national and in international courts.

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