

GNI Statement on Content Regulation Developments in Brazil

The Global Network Initiative (GNI) is deeply concerned about the contentious debate and escalating pressure on public discourse surrounding the proposed Law on Freedom, Responsibility and Transparency in Brazil (PL 2630), which threatens to undermine the Bill's stated goals of addressing concerns about digital content and protecting human rights. While GNI's global, multistakeholder membership supports regulations that protect and enhance digital rights, we have consistently emphasized the importance of transparent, participatory, and respectful legislative process and debate to foster rights-respecting regulatory approaches. Recent actions by a range of governmental and non-governmental actors alike have undermined opportunities for open and transparent public discourse, contributed to polarization among stakeholders, and are likely to chill legitimate criticism and debate necessary to improve the draft bill.

About the Bill and the Debate

First proposed three years ago as the “Fake News Law,” the Bill aims to create a new framework for Internet regulation in Brazil. A draft was rapidly approved in the Senate in June 2020, notwithstanding [concerns](#) raised by GNI and others, but the bill moved less swiftly in the lower house, the Chamber of Deputies. Conversations restarted earlier this year, with the Government issuing its own [proposal](#) in March 2023. After this, a [version](#) featuring significant amendments from the original was then taken forward in the Chamber under a fast-track procedure. However, a vote scheduled for 2 May was ultimately [delayed](#) given the lack of consensus. On 16 May, in order to achieve a wider base of support, it was suggested that some of the recent additions to the draft, including provisions on copyright and media bargaining, should be “spliced” into a separate proposal. Next steps for the Bill are not yet clear, but there continues to be significant scrutiny and intense debate on content regulation in Brazil.

The active engagement of the federal administration, congressional leadership and the judiciary have shaped the process. Regardless of viewpoints on the bill, there have been overly broad remarks — from members of high offices in government and even judges — against platforms' involvement in what has been alleged to be “crimes against democratic institutions, against the consumer order and against the economy and consumer relations.” This has resulted in threats of legal action and orders for investigative measures.

The legislative debate follows shortly on the heels of [public hearings](#) organized by the Federal Supreme Court (STF) on the constitutionality of Article 19 of the Brazilian Civil Rights Framework for the Internet (“Marco Civil”). The timing of the hearing itself represented a somewhat sudden step by the STF, and there could be rulings on related cases in the next few weeks and months. These legal developments have added additional urgency, limiting opportunities for the type of open, iterative, and multistakeholder policymaking GNI has regularly [called for](#) in other content regulation debates.

GNI Perspective

GNI recognizes the legitimate and important role that governments can play in regulating the ICT sector, accepts that regulation can help address illegal content, and recognizes that attempts to enhance transparency around and accountability for content-related decisions by private companies are worthy objectives. While acknowledging the progress made in the approach to Bill 2630/2020, we underscore the need for additional human rights safeguards. The recent acceleration of the process, unfortunately, has been associated with an escalation in the tenor of the debate and severity of responses, raising concerns about the potential impact on the rights to freedom of expression and privacy. As we have emphasized, these concerns apply not only to the Bill itself, but also the conversation around it, which is creating an environment that may chill legitimate opinions about the bill. We urge all stakeholders to create spaces for open dialogue that ensures the inclusion of diverse perspectives.

We also recognize Brazil's longstanding contribution to collaborative, digital policymaking. In 2014, Brazil passed the landmark *Marco Civil da Internet* legislation, becoming the first country in the world to put such a robust framework of online rights and freedoms into law. It resulted from years of multistakeholder consultation that stands in stark contrast to the current state of policy discourse in the country. It is important that, as the current debate advances, it considers the complexities and challenges posed by platform regulation, and reflects the country's commitments to the rights to freedom of expression and privacy. Through an inclusive, transparent, and participatory approach, GNI believes that Brazil can continue to model how best to develop policies that effectively safeguard human rights, foster innovation, and uphold democratic values in the digital era.

About GNI

GNI is a multistakeholder initiative that brings together 90 leading information and communication technology (ICT) companies, civil society organizations, academics, and investors, collaborating around a shared framework for the protection of freedom of expression and privacy in the ICT sector. GNI's analysis is informed by GNI's global experiences advocating for rights-respecting content regulation policies and convening regular multistakeholder consultations in support of the framework detailed in [GNI's Content Regulation and Human Rights Policy Brief](#), which provides a detailed analysis and set of recommendations for regulating content in a manner that upholds and strengthens human rights.