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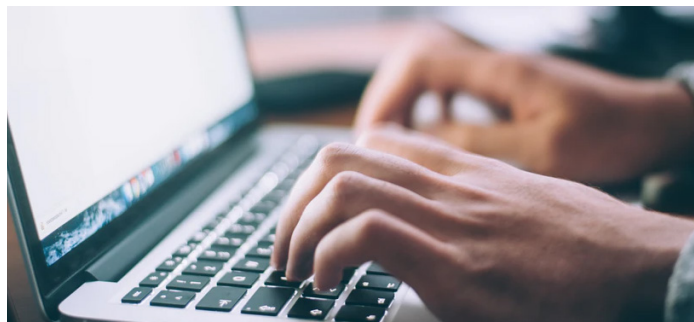
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FEATURED Q&A

Will Legislation in Brazil Effectively Fight Fake News?



Brazil's Senate earlier this week passed legislation to crack down on misinformation. The measure is now in the hands of the Chamber of Deputies. // File Photo: Glenn Carstens-Peters via Unsplash.com.

Q Brazil's Congress is advancing legislation aimed at addressing the spread of fake news in the country, an issue that has garnered attention as investigations into alleged disinformation schemes involving supporters of President Jair Bolsonaro continue to roil the nation's politics. Critics of the measure, which the Senate approved this week, say it is hastily constructed and may have damaging consequences for free speech, individual privacy and democratic debate. The bill is now set to move on to the lower chamber. How big of a problem is the online dissemination of disinformation in Brazil? Would the proposed legislation solve the problem, and at what cost? What strategies by governments, Internet platforms and other actors exist for effectively tackling disinformation while safeguarding free expression and privacy, and what practices should be avoided?

A Alberto Arebalos, chief executive officer of MileniumGroup Inc. and former Latin America communications director for Facebook and Google: "Fake news, or more precisely, the distribution or production of information known as false or misleading, is a problem on a global scale, reinforced and sometimes even promoted by social networks, mainly Facebook. So, it is understandable that governments and the civic society as a whole would want to limit or—if that were possible—eliminate this corrosive consequence of this crossing between technology and freedom of speech. However, every time we deal with speech and expression laws that limit them, no matter the reason or the intentions, those laws are usually bad or not very well thought out. The legislation in Brazil would create an enormous burden

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More Than 100 Colombian Army Members Probed Since 2016

At least 118 members of Colombia's army have been investigated over allegations of sexual abuse of minors since 2016, army head Gen. Eduardo Zapateiro told reporters.

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Brazil to Test Sinovac's Potential Covid-19 Vaccine

Brazil will test a potential Covid-19 vaccine developed by China's Sinovac in 12 research centers.

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British Judge Denies Maduro Access to Gold

British Judge Nigel Teare denied a request by Venezuelan President Nicolás Maduro's government to access Venezuelan gold held at the Bank of England, saying Britain does not recognize Maduro as president.

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Teare // File Photo: British Courts and Tribunals Judiciary.

ECONOMIC NEWS

British Judge Denies Venezuela's Maduro Access to Gold

A British judge on Thursday denied Venezuela access to more than \$1 billion in gold held at the Bank of England, ruling that it is unlawful to give it to President Nicolás Maduro as Britain does not recognize him as the legitimate president of the Andean nation, the Associated Press reported. Maduro has demanded the gold to help the country weather the corona-



Maduro // File Photo: Venezuelan Government.

virus pandemic. However, the central bank of the United Kingdom, whose government recognizes Venezuelan opposition leader Juan Guaidó as the country's president, had refused to give Maduro access to the gold. Guaidó has sought to keep the gold stash at the Bank of England out of the hands of the Maduro government, which it claims is illegitimate and corrupt. The ruling essentially looked at who Venezuela's legitimate leader is, at least in the eyes of Britain, the AP reported. "Her Majesty's Government does recognize Mr. Guaidó in the capacity of the constitutional interim president of Venezuela and, it must follow, does not recognize Mr. Maduro as the constitutional interim president of Venezuela," Judge Nigel Teare said in the ruling, adding that there was

SUBSCRIBER NOTICE

The Latin America Advisor will not be published on Friday, July 3 in observance of the Independence Day holiday in the United States. We will resume publishing on Monday, July 6.

"no room for recognition of Mr. Guaidó as de jure president and of Mr. Maduro as de facto president," BBC News reported. Lawyers for the Maduro-controlled Venezuelan central bank, which brought the case, said they would appeal the decision.

POLITICAL NEWS

At Least 118 Members of Colombian Army Probed for Abuses

Since 2016, at least 118 members of Colombia's army have been investigated over allegations of sexual abuse against minors, army head Gen. Eduardo Zapateiro told reporters Wednesday in a virtual news conference. The announcement followed the arrests last week of seven soldiers who stand accused in the gang rape of an indigenous girl in Risaralda province. The seven men and three of their superiors have since been fired. Two other senior officials have resigned over the incident.

“There are no second chances.”

— Gen. Eduardo Zapateiro

In another case, soldiers are alleged to have sexually assaulted a young girl who was being held for several days without food or water at an army site in Guaviare province, the wire service reported. The army has "zero tolerance" for sexual abuse, said Zapateiro. "No Colombian soldier is trained within the institution to attack human rights of boys, girls or adolescents," he added. "I will not tolerate any type of conduct distant from ethical principles, moral values and good customs ... There are no second chances." While Zapateiro said 118 members of the army have been investigated in recent years, he did not specify the number of cases involved. He also did not discuss cases of sexual harassment that female soldiers have recently raised.

NEWS BRIEFS

Gunmen Kill 24 in Attack at Mexico Drug Rehab Clinic

Gunmen burst into an unregistered drug rehab clinic Wednesday in Mexico's Guanajuato state, killing 24 people and wounding seven others, according to authorities, the Associated Press reported. The attack happened in the city of Irapuato. Three of the people who were wounded were listed in serious condition. The motive for the attack was unclear, but Guanajuato Gov. Diego Sinhué Rodríguez Vallejo said drug gangs were apparently involved.

Brazil's Amazon Fires Reaches Highest Level for June Since 2007

Brazil last month registered its highest number of Amazon fires for June since 2007, with a total of 2,248 fires detected, according to Brazil's National Institute for Space Research, or INPE, CNN reported. The figure is higher than the 1,880 fires INPE detected in June 2019 using satellite imagery. Environmental activists say illegal loggers and ranchers are taking advantage of limited official resources during the Covid-19 pandemic to increase their activity in the Amazon, burning large areas of forest.

Uruguay's Foreign Minister Steps Down

Uruguayan Foreign Minister Ernesto Talvi on Wednesday said he was resigning, a move that was expected after he announced his intention last month to devote more time to his Ciudadanos political party, one of five in Uruguay's governing coalition, Agence France-Presse reported. Local media reported that Francisco Bustillo, who currently serves as Uruguay's ambassador to Spain, would replace him. Talvi rose to prominence internationally after overseeing the repatriation of foreign passengers from a coronavirus-stricken Australian cruise ship stranded off Montevideo.

BUSINESS NEWS

Brazil to Test Potential Vaccine Developed by Sinovac

Brazil will test a potential Covid-19 vaccine developed by China's Sinovac in 12 research centers in six Brazilian states, São Paulo Governor João Doria said Wednesday, adding that local health vigilance agency Anvisa still needs to approve the trials, Reuters reported. The study, which was first announced on June 11, is led by Instituto Butantan, a research center funded by the state of São Paulo. "The



Doria // File Photo: Brazilian Government.

12 research centers that will carry out the trials for the coronavirus vaccine have already been chosen here in Brazil," Doria said in a news conference. The deal with Sinovac includes the trials as well as the transfer of technology to produce the coronavirus vaccine locally. The tests, which will consist of a total of 9,000 volunteers, will also be conducted in Brasília, Rio de Janeiro, Minas Gerais, Rio Grande do Sul and Paraná, Doria said. In addition to its partnership with Sinovac, Brazil is also testing a potential vaccine developed by pharmaceutical company AstraZeneca and researchers at Oxford University in the United Kingdom. The World Health Organization has said this vaccine is the world's leading candidate and the most advanced in terms of development, Reuters reported. This deal is for 100 million vaccines, enough to reach nearly half of Brazil's population of 210 million, the Associated Press reported. [Editor's note: See the latest Advisor's [video](#) on "vaccine nationalism" with Arachu Castro of the Tulane University School of Public Health and Tropical Medicine.]

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for many online companies, chip at privacy, disincentivize start-ups and innovation, and probably will not stop the dissemination of fake news. The Brazilian Congress should think long and hard before passing such a law."

A Pedro Less Andrade, director for Latin America public policy at Facebook: "We are living in unprecedented times, where the ripping effects of misinformation are top of mind for citizens, governments, tech companies, civil society and academics alike. Some countries have begun drafting laws that aim to fight misinformation. That is also the case in Brazil. Fighting misinformation takes all of us. Effective regulatory efforts to curb the spread of fake news need to be thought through in consultation with experts and broad parts of our society. Otherwise, they risk creating unintended problems. Some of the measures contemplated in the bill passed earlier this week by Brazil's Senate are disproportionate and will not necessarily fix the structural problems around misinformation. That is the case of the traceability provision, which forces private messaging apps to put a stamp on every single message that is sent through their services, giving them excessive power over people's information. A recent Datafolha poll that Facebook commissioned shows that 75 percent of Brazilians consider that people have the right to have private conversations without having their messages traced. Another 67 percent opposes providing more data to companies. As it is, this bill would have a chilling effect on free speech, innovation and privacy. Home to the Marco Civil da Internet, one of Latin America's most advanced Internet framework laws, Brazil was able to create a dynamic startup ecosystem, attracting venture capital funds and giving birth to tech unicorns. This new bill, however, has the potential to undermine that vibrant ecosystem and hinder innovation and investments. Sadly, a well-intended

bill aimed at addressing a serious challenge has become a project of massive collection of people's data that poses a serious threat to their privacy and also their right to have a voice online. Fighting misinformation is a Herculean task, and it takes the commitment from multiple actors in society. We are committed to continue doing our best."

A Michael Camilleri, director of the Peter D. Bell Rule of Law program at the Inter-American Dialogue: "The impetus to combat deliberate disinformation, so-called 'fake news,' in Brazil is understandable. Growing evidence points to a systematic campaign of online disinformation and intimidation by allies of President Bolsonaro, an issue under investigation by the Brazilian Supreme Court. And polls indicate the vast majority of Brazilians consider fake news a threat to democracy. Nonetheless, the legislation that Brazil's Congress is currently considering is unlikely to achieve its aims while simultaneously posing serious risks to individual privacy and freedom of expression. Early drafts of the legislation would have criminalized sharing certain messages or even belonging to a group that does, obligated citizens to register their IDs and cell phone numbers with Internet platforms and required companies to warehouse vast quantities of user communications to facilitate 'traceability' of messages. Some of these provisions have been altered in subsequent versions of the legislation, which is a positive sign. However, it remains a rushed and poorly conceived attempt to deal with a legitimate and complex concern. A better approach would be to replicate the careful, multi-stakeholder consultations that produced Brazil's landmark Marco Civil da Internet in 2014. Substantively, legislators should be informed by the recommendations outlined in a 2019 guide on disinformation in electoral contexts produced by the Inter-American Commission on Human Rights. It offers tools for combating disinformation—such as enhancing civil

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remedies and transparency in political advertising—that are consistent with freedom of expression obligations, while formulating corresponding recommendations to Internet platforms and other relevant actors.”

A **Veridiana Alimonti, Latin American senior policy analyst at the Electronic Frontier Foundation:** “Disinformation in Brazil is an intricate issue that involves technology as part of a wider social context of polarization and dissatisfaction. Finding proper answers to it is as complex as the phenomenon itself, or more, given the many risks flawed solutions would impose on human rights. Efforts to strengthen the democratic debate must uphold them, not the opposite. However, the bill is a rushed proposal that many times lacked the necessary transparency. Through different versions, the bill’s substance still undermines freedom of expression and privacy online. It compels private messaging services to retain the chain of forwarded communications to multiple recipients by default, even if no wrongdoing is involved. Such a traceability rule weakens the privacy protection of end-to-end encrypted applications, relying on solutions that could be circumvented by malicious actors, while serv-

ing to target those who shared relevant and sensitive information. It also has provisions that link the use of messaging applications to users’ real identities, creating reporting obligations between service providers and telecom companies. Properly addressing disinformation involves diverse approaches, and a number of them are already at hand. Platforms have been adopting measures to tackle malicious coordinated action. Many times, such actions imply unlawful activities as per existent electoral or criminal law, which is under investigation in Brazil. When in force, the country’s data protection law can also offer key safeguards, for example, on ad-targeting. Further responses must consider how complex the phenomenon is, how diverse technology is, and that human rights such as free expression and privacy are the tenets of the democratic society these responses aim to protect.”

Editor’s note: Sponsors of this legislation, Senator Alessandro Vieira and Congresswoman Tabata Amaral, did not respond to the Advisor’s request for comment.

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at gkuleta@thedialogue.org.

LATIN AMERICA ADVISOR

is published every business day by the Inter-American Dialogue, Copyright © 2020

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Latin America Advisor is published every business day, except for major U.S. holidays, by the Inter-American Dialogue at 1155 15th Street NW, Suite 800 Washington, DC 20005

www.thedialogue.org

ISSN 2163-7962

Subscription inquiries are welcomed at ebrand@thedialogue.org

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Advisor Video

Vaccine Nationalism and its Implications for Latin America

A Latin America Advisor interview with Arachu Castro, Samuel Z. Stone Chair of Public Health in Latin America at Tulane University.

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