

**Instituto Nupef
Sexuality Policy Watch
Association for Progressive Communication**

**UPR Brazil
Suggested intervention and recommendations**

Internet and Human Rights

We welcome Brazil's commitment during the 1st UPR cycle to create new tools and improve existing mechanisms for the internal monitoring of human rights, including a national system of human rights indicators, as well as its acceptance of a recommendation to ensure people's rights to access to public information.

However, stakeholders have noted that during the implementation period, the development of human rights indicators has failed to adequately take into account the need to monitor internet related human rights and freedoms such as freedom of expression, freedom of thought, privacy, access to information and women's human rights. In this light, we reaffirm our understanding that universal and affordable access to the Internet must be recognized as a fundamental asset for the realization of human rights in the networked societies.

Furthermore, civil society expressed concern about internet and personal data protection law provisions currently under discussion at the House of Representatives:

- The Draft Bill 84/99, or "Azeredo" Bill, which poses significant threat to freedom of expression on the Internet and goes against international standards in terms of legislation related to freedom of expression and the liability of internet intermediaries.
- The establishment of the National System for Registry, Surveillance and Assistance of Pregnant and Postpartum Women for the Prevention of Maternal Mortality violates women's privacy basic principles and their personal data.
- The Civil Rights Framework for Internet (in Portuguese Marco Civil da Internet), a Bill of Law which proposes a civil-rights oriented legal framework for internet in Brazil and was built in an open and participatory process - which sets, among other provisions, strong net neutrality principles and reasonable limitations of liability for user generated content must be treated with priority in the Congress, and be understood, due to the nature of its development, as a collective construction of the Brazilian society, and therefore respected in its present format.

Finally, stakeholders have expressed serious concerns about attempts to block access to information on sexuality and reproduction on the internet. Brazil must comply with the WHO standards on access to health information (which must be qualified information based on science, non-discriminatory and open to access for all) and also promote and protect the privacy rights of individuals.

We therefore recommend that Brazil:

1. Take into account the 2011 annual report of the Special Rapporteur on Freedom of Expression on freedom of expression and the internet as well as gender and race as cross-cutting issues when developing national human rights indicators.
2. Take into account the threats Brazilian society current faces to ensure people's personal data protection - we recommend the urgent introduction of the Personal Data Protection Draft

Bill for submission of the House of Representatives, stressing the importance that the Brazilian government takes into account the General Comment 34 of the Human Rights Committee in new data protection laws.

3. Pass into law the Civil Rights Framework for Internet (Marco Civil da Internet) respecting the present text of the document, which was developed with the open participation of different sectors of Brazilian society.

4. Affirm its commitment to promoting and protecting human rights and multi- stakeholder processes in all internet related policy and regulatory activities as well as internet governance matters, with a special consideration to the Resolution CGI.br/Res/2009/03/P: Principles for the Governance and Use of the Internet, developed by the Brazilian Internet Steering Committee.

5. Takes into account that the Draft Bill 84/99, or “Azeredo” Bill poses significant threat to civil rights and individual liberties, to freedom of expression on the Internet and to consumer rights.

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