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## ARTICLE 19

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### Brazil: Lula Sends Access to Information Bill to Congress

**Brazilian President Lula da Silva today sent the long-awaited draft Access to Information Bill to the Brazilian National Congress. This is an important development that gives concrete form to the federal government's stated commitment to adopt specific right to information legislation. The Bill seeks to implement Article 5 of Brazilian Constitution, which guarantees the right to information.**

The draft Bill fulfils a commitment made by President Lula during his campaign for re-election in 2006, as well as historical demands by a range of civil society actors that have been calling for legislation to give proper effect to the constitutional guarantee. The Bill will now be reviewed by the two houses of Congress.

The Bill includes a number of positive measures, such as a list of information that must be disseminated on a proactive basis by public bodies, an obligation to respond to requests for information within 20 days, and coverage of information held not only by the executive, but also the legislative and the judicial branches of government. However, the text could still be significantly improved. A key problem is the failure of the Bill to establish an independent administrative oversight body to handle complaints and to promote effective implementation of the new law, a measure that has proven essential to successful opening up of government in other countries. ARTICLE 19 will soon release a detailed analysis of the draft Bill.

ARTICLE 19 welcomes this initiative as an important step towards promoting greater transparency in government. At the same time, it is unfortunate that a piece of legislation designed to promote greater participation was not the subject of broad consultation with citizens and civil society organisations before being sent to Congress. ARTICLE 19 further calls on the Brazilian Congress to make sure that there is extensive consultation with the public before the Bill is passed into law. We also urge Brazilian parliamentarians to ensure that the law which is adopted complies with international standards in this area.

#### **NOTES TO EDITORS:**

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.