



## **Clarification Note in response to the report of Parliamentary Investigation Committee (CPI) on Cybercrime disclosed on 30 April 2016**

**VERSÃO EM PORTUGUÊS | VERSIÓN EN ESPAÑOL**

THE BRAZILIAN INTERNET STEERING COMMITTEE– CGI.br, after becoming aware of the Clarification Note released by the “Financial Institutions and E-Commerce” and “Crimes Against the Child and the Teenager” Thematic Rapporteurships of the Parliamentary Investigation Committee (CPI) on Cybercrime, disclosed on 30 April 2016, and deliberating with a quorum of more than two thirds (2/3) of its members.

GOES PUBLIC TO:

1. Reinforce the basic principle according to which the fight against illicit acts on the Internet should aim at those people who are the final responsible parties for illicit content, rather than the network intermediaries, with full respect for the basic principles of protection of freedom, privacy and other human rights – a principle which arises from the Decalogue of Principles of CGI.br and is one of the pillars that has structured the regime arising from Law No. 12,965 of 23 April 2014 (the Brazilian Internet Bill of Rights, a.k.a. the “Marco Civil”).
1. Also stress, in the terms of the Decalogue, the need for the Brazilian legal and regulatory environment to preserve the dynamics of the Internet as a space for collaboration, this being understood as a unified space, and not fragmented, according to the Multistakeholder Statement of the Global Multistakeholder Meeting on the Future of Internet Governance (*NETmundial*), fully endorsed, without reservations, by the Brazilian State on 24 April 2014.
1. Show concern about the proposal of wide and unlimited blockage – at the level of ISPs – of certain Internet sites and applications that have no representation in Brazil and that are “essentially dedicated” to the practice of a series of eight types of crimes of completely different characteristics, for the following reasons:
  1. The expression “essentially dedicated to the practice of a crime” makes it possible that platforms used as space for the production and broadcasting of information and knowledge are rendered fully unavailable due to the illicit content that is broadcast by some of its users, with the punishment being extended to the other users of the service.
  1. The full blockage of an Internet site or application is an extreme measure that could lead to the fragmentation of the network. This measure is completely out of proportion, and could even jeopardise the stability, security and functionality of the Internet as a whole.
  1. In virtue of the transborder reach of the Internet and also due to the importance of Brazil in the provision of connectivity to neighbouring countries, the blockage of foreign applications at the ISP level within the country could generate effects that extend well beyond the Brazilian jurisdiction, and could even cause harm to individual and corporate users based outside Brazil.
  1. Make it clear that several countries mentioned in the Clarification Note as places where the blockage of sites and applications has been incorporated into the legal environment have now abandoned the concept of widespread and unlimited blockage of Internet sites and applications, focusing on the removal of the content itself and also the assignment of responsibility to the users who have generated the

content considered illicit, rather than rendering unavailable the platform that displays this content, for the reasons that we have shown above. In particular, we highlight the experience of the United States, where the US Congress has abandoned bills of Law such as the Protecting IP Act/PIPA e o Stop Online Piracy Act/SOPA, due to strong reaction by American society and by international public opinion.

1. Stress the importance of the legislative development, as also any other regulatory initiatives in Brazil, taking inspiration from the Decalogue of Principles of CGI.br , internationally recognised as a guideline for the regulation of the Internet at a global level, and also observe the multistakeholder and collaborative character with which the “Marco Civil” has been produced, with a view to the preservation of the balance that has been struck between freedom of expression and the other fundamental rights, the spread of technologies, and innovation, and the act of tackling illicit acts on the Internet.