

Brazil and the shifts at Meta

Momentum - Journalism and Tech Task Force

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Meta, the company owned by Mark Zuckerberg, and parent to Facebook, Instagram, and WhatsApp, announced in early January a series of changes in how it handles fact-checking and misinformation on its platforms.

In a stance aligned with the new administration in the United States, under Donald Trump, [Zuckerberg stated](#) he would pressure countries seeking to regulate the digital environment. "We are going to work with President Trump to push back on governments around the world. They're going after American companies and pushing to censor more," he stated. According to him, Europe is "institutionalizing censorship."

In what was interpreted as an indirect reference to Brazil, he also said that Latin American countries have "secret courts that can order companies to quietly take things down."

The announcement led to a series of reactions in Brazil, with critical positions from Brazilian president Luiz Inácio Lula da Silva's administration and other entities within the country. Brazil's stance has been to demand transparency and accountability from platforms, highlighting the importance of a legislation that protects democracies against the abuse of power by Big Techs.

Since then, the Attorney General's Office has requested formal clarifications from Meta regarding the implemented changes, highlighting concerns about possible violations of Brazilian law. This action expresses the government's concern with ensuring the protection of fundamental rights in the digital environment.

In addition, the government announced the organization of public hearings, in an effort to involve experts, civil society organizations, and the population in transparent debates about digital regulation. These discussions aim to identify effective solutions to the challenges presented by Meta's new guidelines.

Brazil has been intensifying collaborations with G20 countries (particularly France and Germany), in addition to organizations such as the UN, to establish global parameters for the regulation of digital platforms. This action reflects an understanding of the transnational nature of Big Techs and the need for a coordinated response.

This case emphasizes the urgency of developing a regulatory model that harmonizes technological innovation and the protection of rights. The controversies between Meta and the Brazilian government in 2025 are representative of a global dilemma: how to balance freedom of expression, regulation, and human rights in an increasingly digitized world.

This briefing details the controversies between Meta and the Brazilian government. It is based on the actions and speeches from January 2025. The events include public statements, changes in content moderation policies, and institutional reactions that

culminated in a broad debate on digital sovereignty, misinformation, and the regulation of digital platforms.

January 7, 2025: Meta's Initial Announcement

Meta announced five significant changes to its moderation policies. Among them, they highlighted the end of the fact-checking program, which verified the veracity of information on the platforms, and the removal of restrictions on sensitive topics, such as migration and gender. These measures were accompanied by the promotion of "civic content," which includes information with a political-ideological content.

These changes raised global concerns about the lack of accountability of digital platforms regarding the moderation of harmful content, encouraging international debates on digital sovereignty and regulatory actions.

The Brazilian government reacted on the same day.

João Brant, Secretary of Digital Policies of Brazil, [publicly condemned Meta's stance](#), emphasizing that the company disrespected national sovereignty by defying local laws and regulations.

Brant's speech brought to the fore concerns about how Meta's new policies could impact fundamental rights, especially of vulnerable groups, and questioned the role of platforms in strengthening democracies or destabilizing them.

January 8, 2025: Escalation of Tensions

A day after announcing its plans, Meta began implementing the first changes to its content moderation policy. The updated text on the company's website in English cites a series of user behaviors that would be permitted, including insults of homophobic, transphobic, xenophobic, or even misogynistic nature, considering the context of the end of relationships.

According to these new rules, if a Meta user feels offended by a derogatory publication against LGBTQIA+ or migrant people, for example, they will need to resort to the courts to remove the content, since the complaint system through the platform's own tools and its moderation policies will be tolerant of this type of content.

In Brazil, currently, social networks can only be held responsible for the content of publications if they disregard a court order, as determined by Article 19 of the Internet Civil Framework Law. The user is primarily responsible for violations of human rights or hate speech. Today, platforms are only responsible for the circulation of nude images and copyright infringement given the technological ease of automating the control of this type of content. In addition, companies have the freedom to define community standards/terms of use.

Brazilian institutions also accelerated criticisms.

The Federal Public Prosecutor's Office (MPF) notified the company about the changes and gave 30 business days for the platform's office in Brazil to respond. Among the MPF's questions is the doubt about the application in Brazil of the changes announced by Mark Zuckerberg. In addition, it questioned when the changes would come into effect in the country and asked for more details about the new rules, to assess to what extent they may, eventually, impact the rights of users of these platforms who live in our country. The inquiry investigates the measures that social networks adopt to detect and combat actions such as the production of false content, the firing of mass messages, and the use of robots and fake profiles.

Justice Alexandre de Moraes, of the Supreme Federal Court, stated that social networks must operate under the rule of law and warned against the use of platforms to disseminate hate speech and anti-democratic discourses. Moraes declared that the court "will not allow Big Techs, social networks, to continue to be, willfully or negligently, or even only for profit, instrumentalized to amplify hate speech, nazism, fascism, misogyny, homophobia and anti-democratic discourses."

Justice Gilmar Mendes, also of the STF, defended what he called "digital constitutionalism," a legal principle that "guarantees the protection of fundamental rights in the digital sphere and imposes on social networks a duty of care regarding the dissemination of illicit content." For him, "this normative trajectory can never be confused with censorship. It is not censorship."

In addition, the advertising executive Sidônio Palmeira, who would also become Minister of the Secretariat of Communication of the Presidency (Secom) in January, publicly criticized the changes in Meta. "This is bad for democracy. Why? Because you don't control the proliferation of hatred, disinformation, fake news. That's the problem. And we need to have control. We need to have a regulation of social networks. This needs to happen in Europe, in our countries. Why are they often kicking TikTok out of there in the United States? Why does China block this? And why are we exposed to all this? That's the question." "Meta's decision is a company's decision. The Brazilian government and the Brazilian justice system can adopt other criteria. Of course, we have an autonomous, independent country that will take the necessary measures," he said.

Civil society organizations also began responding to Meta's announcement.

The National Association of Transvestites and Transsexuals filed a formal complaint with the Federal Public Ministry, denouncing Meta's new guidelines that allowed insults related to sexuality and gender.

The Rights on the Network Coalition issued a manifesto signed by 75 entities, condemning Meta's policies as an affront to digital security and human rights.

January 9, 2025: Changes in Portuguese and Government Reaction

Meta updated the new rules for the eventual exclusion of posts in Portuguese, in the item Community Standards/Hate Conduct. A text with the rules, released on January 7 in English, brought the permission of prejudiced publications. The company informed, for example, that it allows "allegations of mental illness or abnormality when based on gender or sexual orientation, considering political and religious discourses on transgenderism and homosexuality, as well as the common and non-literal use of terms such as weird."

The company defends that it recognizes that people can share content that includes defamation or speech from another person to condemn the speech or denounce it. "In other cases, speeches, including defamation that could violate our standards, are used in a self-referential or empowering way. We allow this type of speech when the person's intention is clearly defined," it specified, explaining that if the intention is not clear, it may remove the content.

In this context, Meta's social networks (Facebook, Instagram, and Threads) began to show political content from profiles not followed by the user in the timeline.

The government began to make stronger statements and positions against these measures.

President Lula reinforced the importance of national sovereignty, declaring that no company or individual should have the power to disrespect Brazilian law. He said he would hold a meeting to discuss Meta's new rules.

"What we really want is for each country to have its sovereignty safeguarded. No citizen, no two citizens, no three citizens can think they can hurt the sovereignty of a nation," said Lula. "I think it is extremely serious for people who want digital communication to have no same responsibility as a guy who commits a crime in the written press. It's as if a citizen could be punished because he does one thing in real life and could not be punished because he does the same thing digitally," Lula commented on the impact of the changes.

Vice-President Geraldo Alckmin also took a position on the case and defended the need to hold Big Techs accountable, arguing that the regulation of platforms is fundamental. "You can't have a platform of global presence without responsibility, without accountability. You can't misinform people, you can't slander, lie, defame, you need to be responsible. Coexistence in society includes rights and duties," he said.

The Attorney General's Office (AGU) informed that Brazil is not a land without law and that it would act against the changes in the content moderation policy of Meta's social networks from the moment they affect democracy or violate Brazilian laws.

A statement by AGU minister Jorge Messias highlighted that Meta's decision would increase misinformation on social media, which, according to him, already face problems with fake news and hate speech.

"Our country is not a lawless land. We will not stand idly by in the face of attacks on democracy and the guarantees provided by our legislation. It is not possible to understand that freedom of expression is a free pass for the dissemination, in the virtual environment, of

deliberately false information that, in practice, is what prevents people from freely exercising their fundamental rights,” he said.

At the same time, AGU sent Facebook an extrajudicial notice asking the platform to remove, within 24 hours, a video that had been altered using artificial intelligence to show false claims by Brazil’s Finance Minister Fernando Haddad. The AGU argues that the manipulated post contains fraudulent information and attributes non-existent statements to the minister “about the creation of a tax on pets and prenatal care,” the notification says.

January 10, 2025 - Political discussions

President Lula and several members of the top echelon of the federal government met to discuss the impacts of Meta's decision. After the meeting, the AGU announced an extrajudicial notification requesting information from the company in Brazil. “Due to the lack of transparency from this company, we will present an extrajudicial notification, and the company will have 72 hours to inform the Brazilian government of its actual policy for Brazil,” it said.

The Office of the Chief of Staff, Rui Costa, said that the government views Meta's announcement with great concern. “This has a huge impact on Brazilian society. It impacts children, public safety, and respect for human life,” he said. According to him, the government would continue discussing a new legal framework for regulating social media in a working group to be created.

“We will seek dialogue with entities that represent the media in general, including the Brazilian press, seeking to maintain the fundamental principle of democracy, which is total freedom of expression. There can be no difference in treatment between a TV station that operates in Brazil, subject to a set of regulations, and someone that has the gigantic reach [of social media],” he argued.

In addition to internal discussions, the Brazilian government released a joint statement with the French government, sharing similar positions on the concern about the risk that the dissemination of fake news, through social media, can pose to the sovereignty of countries.

“Both considered it positive that Brazil and Europe continue to work together to prevent the dissemination of fake news from putting the sovereignty of countries, democracy, and the fundamental rights of their citizens at risk,” the government reported.

In addition to the government, the National Forum for the Democratization of Communication (FNDC) released a statement expressing its repudiation of the changes to the rules at Facebook and Instagram. Created in 1991, the FNDC brings together Brazilian civil society entities engaged in the discussion of the democratization of communication. According to the statement, the measures adopted by Meta represent a direct attack on the protection of individual and collective rights in the digital environment, by promoting misinformation and expanding the scope for hate speech.

One day after the AGU's notification, Meta removed from its platforms a video adulterated using AI in which the Minister of Finance appeared making fake statements.

January 13, 2025: Meta's position

Meta responded to the AGU's notification stating that the changes to the fact-checking program were limited to the United States. However, it confirmed that new guidelines on prejudiced speech were already in force in Brazil.

The response adopted a milder tone than that used by its CEO to discuss changes to its moderation policy. Big Tech does not use the term "censorship" and says, among other things, that it is "committed to respecting human rights" and that some of the changes are intended to reduce what it classifies as exaggerations in the application of the rules, in addition to reducing errors.

Regarding other changes, such as the new rules on hate speech and the reduced use of automated content moderation systems, the company does not make any reservation that the application would be restricted to the US, indicating that they also apply to Brazil.

This response generated additional reactions from the government and civil society, which considered the policies incompatible with Brazilian constitutional precepts.

Ministries of the Lula administration announced that they would meet to analyze the clarifications provided. Among them were the ministries of Justice and Public Security; Human Rights and Citizenship; and also Secom.

After receiving the response, the AGU stated in a note that it would hold a public hearing to discuss the issue. The agency also said that the information provided now contradicts recent statements made by the company during the course of the lawsuits on the Internet Civil Rights Framework at the STF.

In a note, AGU reported that it called a technical meeting coordinated by the National Prosecutor's Office for the Defense of Democracy, linked to the AGU, to discuss the actions and measures in relation to the changes announced by Big Tech. "Only after this analysis, the AGU, together with the other agencies, will pronounce itself on the next steps in relation to the matter and make the content of the statement public", informed the AGU.

A document from the Coalition for Online Rights – which brings together more than 50 entities linked to the issue – stated that Meta attacks the democratic efforts of nations to protect populations against the damage caused by Big Techs. "With this, it prioritizes, once again, the interests of the United States and the profits of its corporation to the detriment of the construction of digital environments that value the security of its consumers", says the document.

January 24, 2025 - New regulation under debate

A new bill to regulate digital platforms and define companies' liability for content published on social media, drafted by the Ministry of Justice, was presented to a working group formed by the Civil House, AGU, CGU, Ministry of Finance and Secom. The proposal establishes criteria for removing posts that violate existing laws and for combating hate speech and mass disinformation.

In order to restrict moderation to crimes already covered by Brazilian law and to try to reduce resistance to regulation, the bill stipulates that control should be carried out by the platforms themselves in the case of illicit content. It provides that platforms are subject to a “duty of care”, similar to the European model, with the responsibility of removing content considered criminal, without the need for a court order.

The text paves the way for platforms to be required to take measures in relation to posts that contain "disinformation about public policies".