ICT and Human Rights in Brazil: The Invisible Dictatorship of Electronic Surveillance

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ABSTRACT

Since the end of military government in Brazil, civilian governments have sought the accumulation and exercise of power to the detriment of the citizenry. Since the 1990s they have started to implement information technology in the public sector to regulate and run the country in a command-and-control way through technological or bureaucratic dictatorship rather than democratic process. While it is evident that there is a high level of investment in information technology in the public sector (e-government) in Brazil, there are also clear signs of the violation of human rights in terms of privacy. It is alleged that thousands of individual files have been accessed in the public administration, despite the privacy protection offered by the national constitution. This paper shows how information technology (e-government) in Brazil could lead to violations of human rights, including invisible electronic surveillance that affects civil liberties and individual rights.

Keywords: Human Rights, ICT, ICT for Development, International Organizations, Privacy, Surveillance

INTRODUCTION

During the last few years the connection between information technology and human rights has been recognized and discussed by scholars and practitioners, particularly in areas such as privacy, political participation, freedom of expression and gender equality. While in most discussions the opportunities presented by information technology are deemed to advance human rights, in some cases the challenges and threats to human rights are emphasized (Jorgensen, 2006; Metzl, 1996).

In this article I argue that there is a need to rethink the concepts or assumptions of information and communication technology (ICT) and human rights in current discussions about the “Information Society,” which are based largely in the “developed North” and influenced by neo-liberal economic reforms. In short, the ICT assumptions based on market-led values have to be replaced by an emphasis on ICT and well-being in terms of health, education and human needs or the association between ICT, development and human rights, avoiding the dominance and legitimate role of dominant international organizations in democratizing the global governance process.

Furthermore, it is recognized that the influence of private interests in human rights organizations (Sparks, 2005) has resulted in national ICT policy “where ‘pro-poor’ interventions could only be justified through
‘pro-market’ solutions” (Chakravartty, 2007, p. 310). Besides, how do we make the connection between new assumptions of ICT and human rights and the historical context of each country with regard to its democratic regime? How do we make the connection between the historical context of each country and the agenda of international organizations? Is ICT improving or reducing human rights? By challenging the dominant and mainstream assumptions of ICT, human rights can be examined as the most powerful instrument for human emancipation and participation to improve the condition of people’s lives.

Despite the potential of ICT to strengthen human rights, it seems that it is not improving human rights in Brazil as expected. Since the end of military government in Brazil, civilian governments have sought the accumulation and exercise of power to the detriment of the citizenry with a kind of totalitarianism that takes the form of digital or bureaucratic dictatorship. The same critique made of the US government (Gingrich, 2009) seems to be applied to the Brazilian government when the desire for power led the executive branch of the government to mobilize the National Congress to change the national Constitution late in the 1990s and to allow President Fernando Henrique Cardoso to run for re-election. By creating a kind of imperial executive branch of government, the National Congress seems to be nullified and no longer serves its purpose of representing the Brazilian people.

It was with this kind of totalitarian arrogance that information technology started to be implemented in the public sector to regulate and run the country in a command-and-control way by a technological and bureaucratic dictatorship rather than by democratic process (Gingrich, 2009). While it is evident that there has been a high level of investment in information technology in the public sector (e-government) in Brazil, there are clear signs of violation of human rights in terms of privacy when the public administration exercises the power to engage in a process of electronic surveillance without court-issued warrants.

According to the Brazilian press thousands of individual files have been accessed in the public administration in Brazil, despite the privacy protection offered by the national Constitution. In addition, there is a proliferation of biometric identification using faces, eyes, fingerprints and other body parts, especially in the e-voting system.

A political scandal arose recently, in the 2010 presidential election, over the alleged creation of a dossier against the daughter of a candidate running for the presidency and members of his political party, who were under covert surveillance. This scandal, named “Receitagate” in reference to the American Watergate case, is described in a later section. In the media/political scandal in Brazil, reported by the Brazilian press (Lima, 2010), it became clear how information technology in the public administration may simply endanger the lives of the population as a whole. In this article an attempt will be made to show how information technology (e-government) in Brazil is violating human rights, especially in terms of the proliferation of biometric identification in the e-voting system, and other sorts of invisible electronic surveillance that is affecting civil liberties and individual rights, including privacy.

**ICT, Development, and Human Rights**

If initiatives in information and communication technology for development (ICTD/ICT4D) do not have regard for human rights and basic human needs, there will be a tendency towards a widening of the inequality gap within and between countries, considering that up to now it is unclear what benefits will accrue to less developed countries (LDCs) from these technologies.

Along with many other works in this field, I have found the absence of empirical evidence makes it hard to examine the connection between ICT, human rights and socio-economic development, and the utility of ICT in development projects, especially in LDCs where ICT is very much in the hands of the private sector.
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