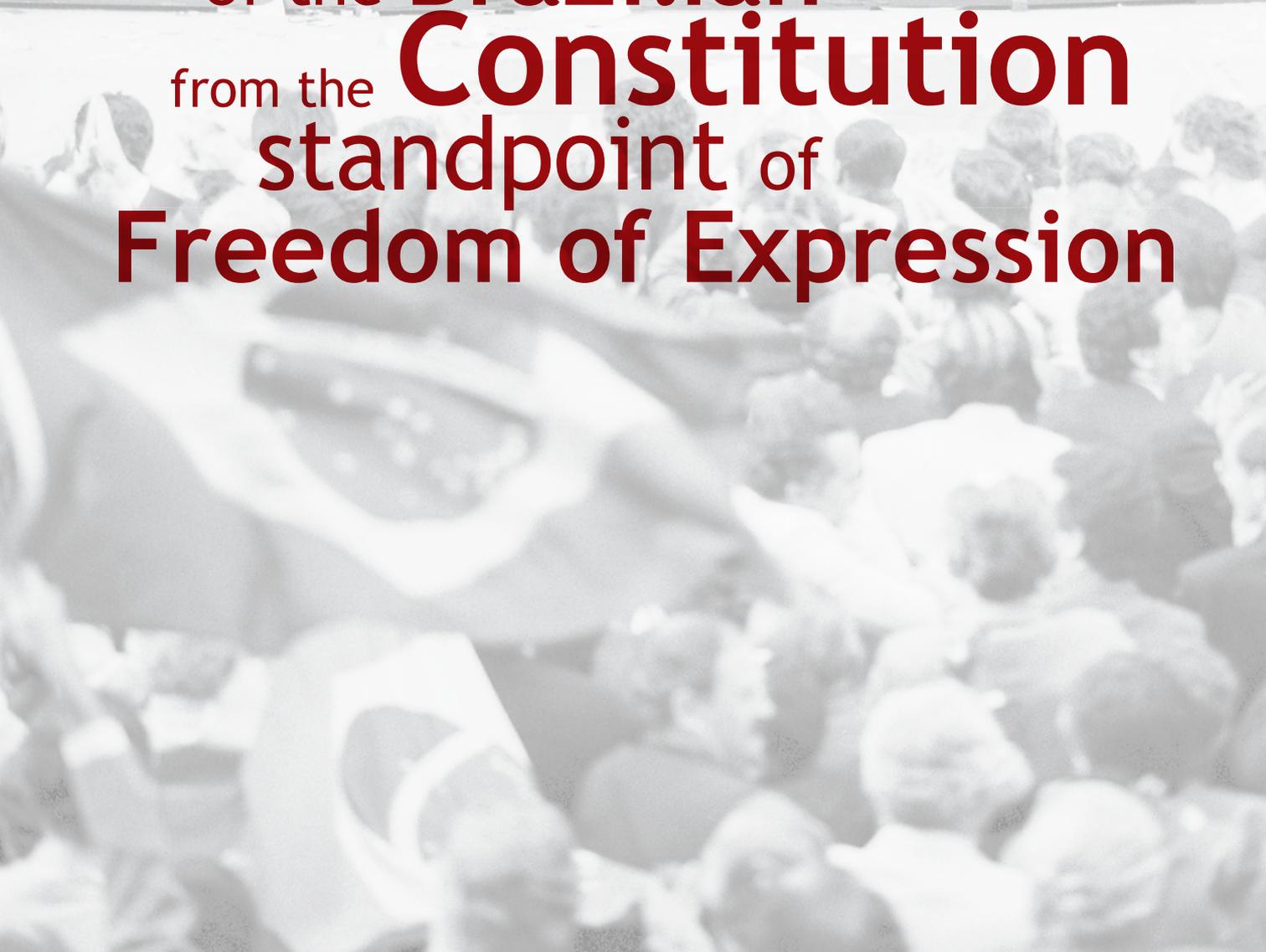
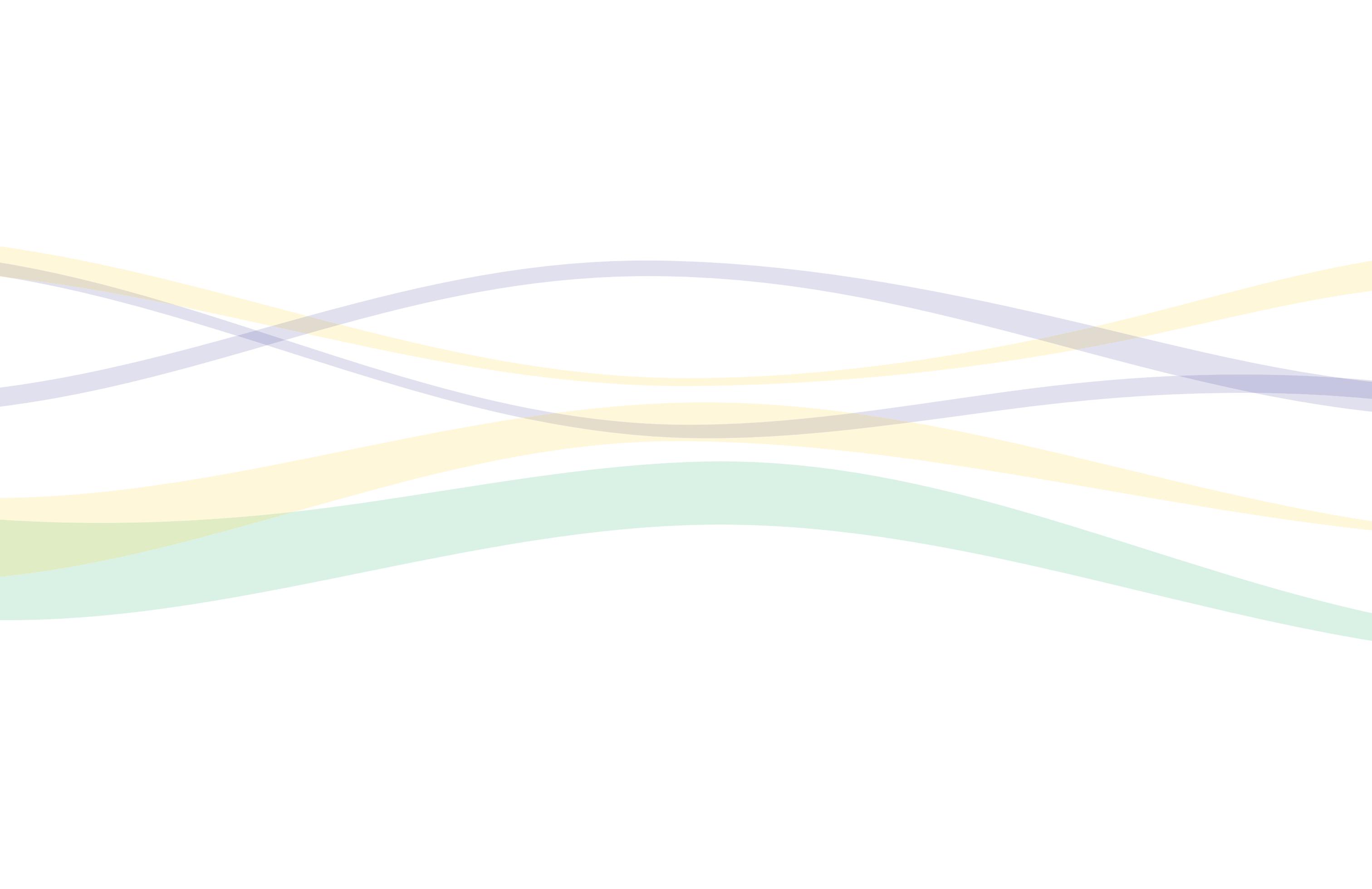




25th anniversary
of the **Brazilian**
from the **Constitution**
standpoint of
Freedom of Expression







*The more you know,
the better you decide.*

This book highlights the achievements of three events held by the Instituto Palavra Aberta, which all converged to the celebrations of the 25th anniversary of the Citizen Constitution, enacted in 1988.

During these efforts, the partnerships with the House of Representatives and Getúlio Vargas Foundation - FGV Law Department Rio were celebrated, in addition to the institutional support by the National Newspaper Association (ANJ), Brazilian Association of Radio and Television Broadcasters (Abert), National Magazine Editors Association (Aner), Brazilian Association of Advertising Agencies (Abap), and by the Higher School of Advertising and Marketing (ESPM).

We thank the parliamentarians, professors, executives, journalists, students, and everyone who participated and joined the different events, always with their focus on improving democracy and promoting freedom of expression.



Photo: Alfredo Rizzutti/Estado Conteúdo/AE



8th Legislative Conference
on Freedom of Expression - Brasília/DF

Exhibit - The Letter of Freedom

Regional Conference - Rio de Janeiro/RJ

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Ricardo Chaves/Estadão Conteúdo

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Photo: thinkstockphotos

The events organized by Palavra Aberta which praised the 25th anniversary of the 1988 Constitution in 2013 from the standpoint of freedom of expression were a landmark in the history of the Institute and stimulated the publication of this book, whose main characters are all those people who supported and participated in the 8th edition of the Legislative Conference on Freedom of Expression, held in Rio de Janeiro in late September.

Over the next pages, we will see the opinions of the panel lecturers who addressed the history of the Constitution and society's great achievements from the day it was enacted to date, freedom of expression today and its threats, digital democracy, and many other topics that were discussed in over 6 hours of debate and that involved 12 participants.

In addition, to crown the commemorations of this important date, we have held the exhibit "The Letter of Freedom", which covered the access lobby of the plenum of the House of Representatives for 18 days, in a historic and artistic manner. Seen by over 5 thousand people, the exhibit addressed the long path up to the Constitution, the achievement of freedom of expression, and the process of consolidation of the Brazilian democracy with the advent of the Magna Carta.

We are sure that the production of such events is of utmost importance for the growing promotion of the full right to freedom. Freedom of speech, of manifestation or information, shall always be in the forefront. Promoting it is a means to ensure now the future of democracy and of its exercise for the next generations.

Have a nice reading!

25th anniversary of the Brazilian Constitution from the standpoint of Freedom of Expression

Why freedom of expression and press? That was a recurring issue in the debates of the 8th Legislative Conference on Freedom of Expression.

The answer, as lawyer Carlos Ayres Britto pointed out, is found in Brazil nowadays and was given, originally, between the 17th and 19th centuries, by thinkers John Milton and Alexis de Tocqueville, who thus summarized their view: freedom's excesses shall be fought by even more freedom. Today, the Brazilian Constitution is crystal and linear. Freedom of expression is a sacrosanct right.

The Constitution provides guarantees of ensured remedies whenever freedom is used inadequately or isn't based on the reality of facts. The right to response, for example, a current burning issue, is in the Constitution in the form of indemnification proportional to the damage. One thing that cannot happen, or society cannot be deprived of for a single second – and here all debates agreed on – is that, by force of fear of freedom, freedom itself isn't used widely.

The novelties that arose in the debates at the 8th Legislative Conference were

related to social media, born on Internet, still unknown in the year the Constitution was enacted, as well as the daily deadlocks which result from the very freedom itself; whether by the press or due to attempts to limit it, through judicial remedies or through threats to journalists. Also, there is the need for communication vehicles to establish, through analyses from debaters, internal parameters to exercise this freedom, which has already been happening.

The background issue, however, hasn't changed over the centuries, from the

universal historical standpoint, and from the standpoint of the 25 anniversary of the Citizen Constitution, if brought to the context of the Brazilian democracy: freedom of expression is an essential right, and it is the Justice's responsibility to come forward against potential mistakes and not supervise the content disclosure.

Free disclosure of facts and situations is considered unalienating for the society, since information and opinion are property of citizenship. Under these aspects, the participants united under one single position. Freedom of expression was seen as the freedom of all freedoms.

The debate was comprehensive and deep. Lined with speeches, it translated the emotion and clarity of purpose by the debaters, recovering the history of how consensus around the Constitution was built at the time of its enactment, and the challenges that would come up the next years, as it came into force.

Held on May 14 at the National Congress, at the same time as the exhibit The Letter of Freedom – 25th anniversary of the Brazilian Constitution from the Standpoint of Freedom of Expression, the opening of the event was attended by the President of the House of Representatives, congressman Henrique Eduardo Alves, by the president of the Higher School of Marketing and Advertising - ESPM, José Roberto Whitaker Penteado, Fernando Cesar Mesquita, vice-president of the Council for Social Communication, and the president of Instituto Palavra Aberta, Patrícia Blanco.^x

NEW DIMENSION OF FREEDOM



Patricia Blanco - President of Instituto Palavra Aberta

It seems as if it weren't a long time ago, but it was October 5, 1988 when the Constituent Congress, at a solemn session, announced the enactment of the new Federal Charter, soon named the Citizen Constitution, starting a regime of public freedoms unparalleled in Brazilian history. The military dictatorship had ended, imposed on the nation since March 31, 1964, and with it, so had the long night of censorship and of the curtailment to freedom of expression. Twenty-five years later, Brazil is another country, it has grown and opened. Today, we are over 200 million inhabitants and one of the seven largest economies in the world. And freedom of expression has gained unimaginable contours. The arrival of the Internet has provided a new way to relate, to connect to other people with the same topics and subjects of interest, and also the possibility of participating in

the conversation, of providing a voice to whoever wants to have one.

A true democratic platform, once it turns one-dimensional communication into bi-dimensional communication. The new dimension of freedom of expression has come to stay and together with it, the important challenges that need to be discussed.

None of this, however, compares to the great advances brought by the 1988 Constitution. It was through articles 5 and 220 that we regained the power of the word.

A word that is strong enough to change the course of an entire nation, as Ulisses Guimarães

highlighted, quoting Rui Barbosa. Freedom of expression is a privilege of the human condition and it rescues other freedoms that might be threatened, hurt, or banned. It is the queen of all freedoms." X

COMPETENCE AND ETHICS

A fellow journalist and professor at ESPM (School of Higher Education in Advertising and Marketing) attended the Constituent Congress. His name: Paulo Alberto Monteiro de Barros, a chronicler known as Artur da Távola. I mention his name to remind us that the role of a School such as ours is widely related with freedom of expression.

Enemies of freedom of expression many times speak of freedom with responsibility. The word responsibility, in such context, sounds abstract. For a teaching institution, it is even easier to understand the issue.

We can define freedom as competence, which means talent and ethics in practice.

We deal with young people who are also journalists and communicators. To those young people, we seek to disseminate such concepts.

ESPM is an icon of the communication industry. We are a non-profitable association, created in 1951 by a group of media, advertising, and business professionals. We usually associate freedom of expression to freedom of initiative, as two strands of democracy.

Seeing how, indeed, the young people who attend our labs do not know, not one of them, what is lack of freedom, we hope that, thanks to the wisdom of the gentlemen of this house and of society, this freedom lasts for a long time. X



J. Roberto Whitaker Penteadó - Chief Executive Officer of the Escola Superior de Propaganda e Marketing (ESPM)

CHALLENGES OF THE YOUTH OF ALL TIMES



Photo: San Rogé

Congressman Henrique Eduardo Alves - Speaker of the House of Representatives, he was a constituent parliamentarian and is a National Congressman by the State of Rio Grande do Norte (PMDB)

The 25th anniversary of the 1988 Constitution brings a lot of emotions and memories. As a Congressman, I took part in the epic history of translating the yearning for freedom and substantiating an effective and long-lasting re-democratization. Therefore, we ensured, in an assertive

and unequivocal manner, the free manifestation of thought, that is, of freedom of expression, as an integral part of individual guarantees, a fundamental clause of the new Constitution.

Freedom of expression assumes freedom of information, which in turn, gains countenance in freedom of press,

responsible for diffusing information throughout society. I look back at the moment the head of the Constituent Assembly, Congressman Ulysses Guimarães, raised the Magna Carta as a trophy for the Brazilian people and said: “I declare the Constitution enacted, the document of freedom, of dignity, of democracy and of social justice in Brazil. So help us God that it is fulfilled.”

Today, the freedoms of expression, press, and free and direct elections have been consolidated as structuring factors. For the new generations, it is hard to understand life in an environment where fundamental freedoms, such as freedom of expression, are restrained. They do not accept nor shall accept backtracks. The challenge is to reconcile Internet, social media, and new media with the constitutional maxim of free manifestation of thought, the principle that seals anonymity, and the cultural changes that followed the technological advances. ✕

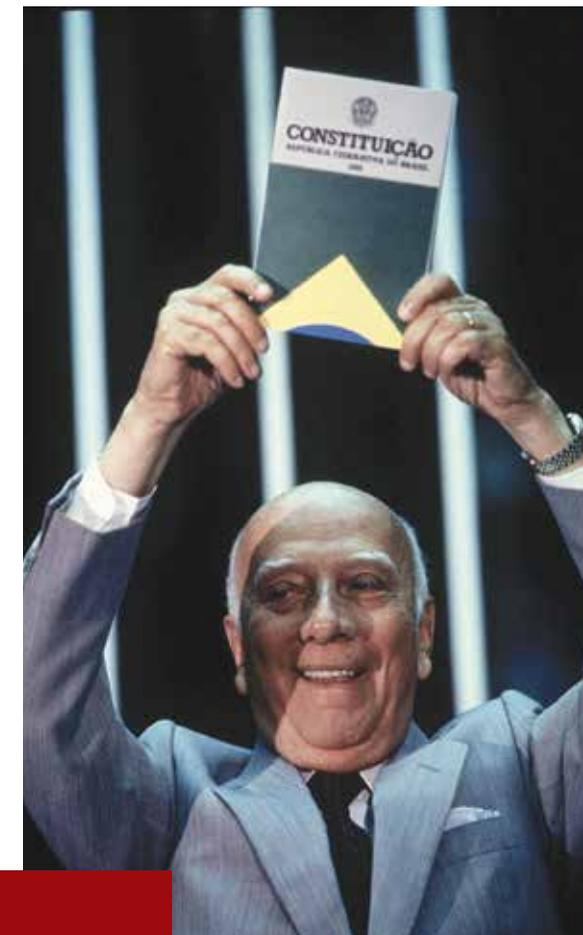


Photo: João Ramid - Revista Veja - Abril Comunicações S/A

“I look back at the moment the Head of the Constituent Meeting, Congressman Ulysses Guimarães, raised the Magna Charter as a trophy of the Brazilian people.”

TECHNICAL INFORMATION

8th Legislative Conference on Freedom of Expression The Letter of Freedom - 25th anniversary of the Brazilian Constitution from the standpoint of Freedom of Expression

Brasília, May 14, 2013

Opening

- **Henrique Eduardo Alves**
speaker of the House of Representatives and National Congressman by PMDB/
RN
- **J. Roberto Whitaker Penteado**
chief executive officer of ESPM
- **Patricia Blanco**
president of Instituto Palavra Aberta
- **Fernando Cesar Mesquita**
vice-president of the Council for Social Communication of the National Congress

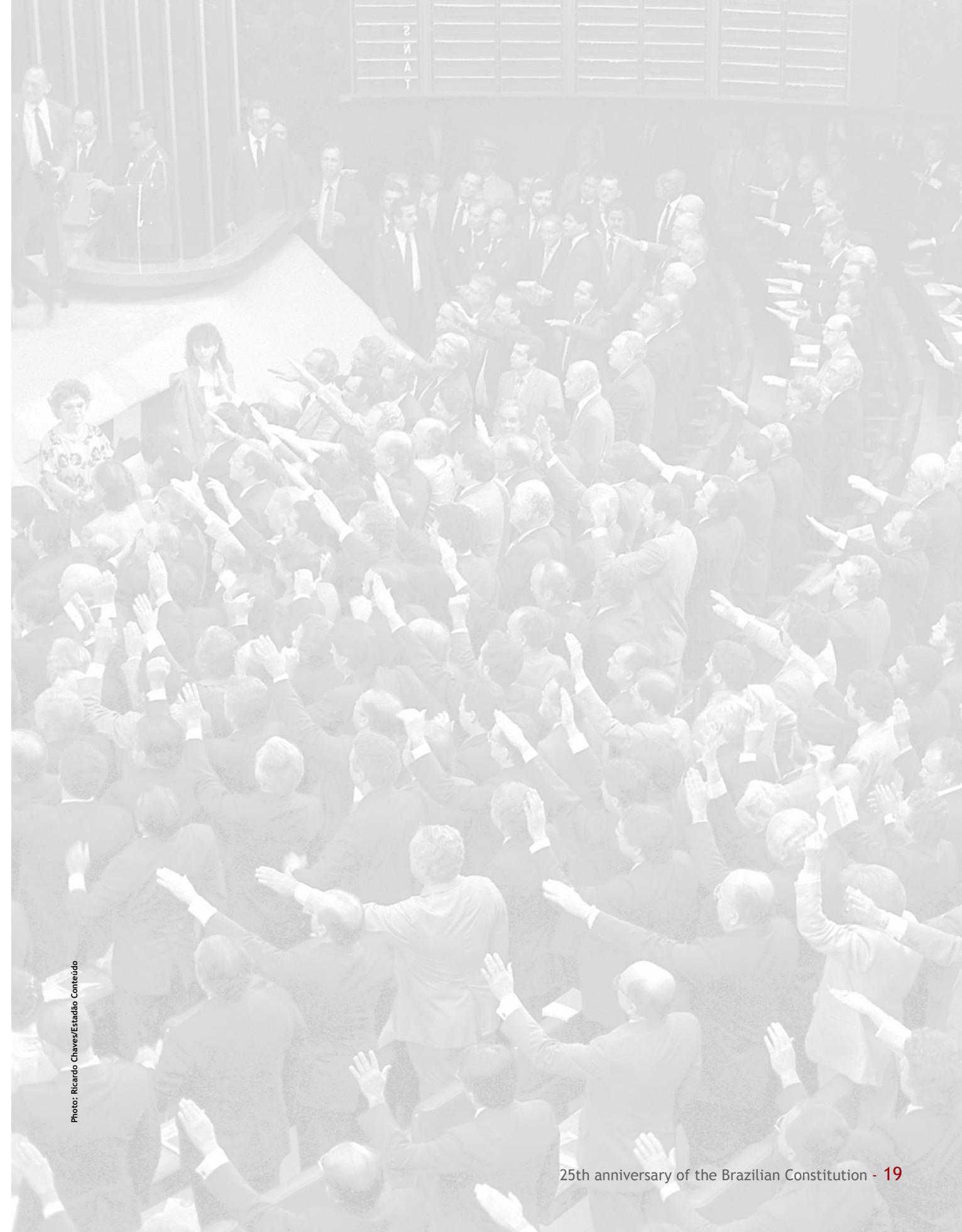


Photo: Ricardo Chaves/Estado Conteúdo



Photo: San Rogé

1988 - The History of the Constitution

The context in which the articles referring to freedom of expression and press were approved

The topic of this panel involved the historical context of the approval of the articles referring to freedom of expression and press. It gathered Senator José Agripino Maia, former Minister Nelson Jobim, Senator and Congressman Paulo Delgado, constituent in 1988, and Congresswoman Jandira Feghali. As mediator, journalist Ricardo Gandour, Content Director of Grupo Estado.

FREEDOM, CURBING THE ARROGANCE OF THE POWERFUL

José Agripino Maia - Senator and National President of the party Democratas (DEM/RN), he was a constituent parliamentarian

In the Constitution, there are controversial topics. If we go back in time, as if in a time tunnel, we will find, among them, the concept of national company, the rights of people, the delimitation of powers, and so on and so forth. Nevertheless, the topic of freedom of expression and press was voted by consensus.

Today, when we examine the repercussions in Brazilian life; it is easy to check that, from direct elections to the government system, voted in a referendum, from the end of censorship and the end of the media law, voted by the Federal Supreme Court, to consumer rights, from the Ficha Limpa Supplementary Law to the free access to public information, all achievements are

based on freedom of expression.

And freedom of expression is so important that journalists are killed because they seek to inform correctly, they fulfill their mission, even risking their lives. After 25 years of the Constitution, we reach a new moment. We have five thousand newspapers, five thousand magazines, radios, TVs and the social media, which involve over 100 million people.

This entire world, with a great capacity for reporting, demands new regulations, even so that cybernetic crime is typified, and that freedom of expression and press is ensured fully. They permanently curb the arrogance of those who think of themselves as very powerful. ✕



Photo: San Rogé

MANAGING DIVERGENCE

Nelson Jobim - Jurist, he was president of the Federal Supreme Court (STF) and actively participated in the drafting of the 1988 Constitution

The year, as everybody knows, was 1988. Article 5 of the Constitution, which addresses freedom of expression and press, was voted on February 5th. On May 24, we voted the last chapter of Social Communication. That is when the commission and sub-commission that addressed this topic completed their reports and finally, the especially difficult solution for the issue was built. There was an intense political discussion.

At the beginning, the wording said that broad freedom was ensured to communication media, under the Law. At the end, the expression under the Law was removed, and freedom of manifestation of thought, creation, and expression were kept, as well as information, under any form, process, or ties, with no restriction whatsoever, complying with what was provided for in the Constitution. That is what led the Supreme Federal Court to eliminate the previous law, the Media Law.

That was a great advance. What we need to see is the recurring attempt to control press. We need to see that the democratic process occurs by managing dissent and not by imposing consensus. Authoritarianism is the last haven of the incompetent.

In the Constitution, the opposite occurred. Yes, there were conflicts. Nothing, however, was imposed from top



Photo: San Rogé

to bottom. Nothing was imposed at all.

It took us a year and fifteen days to manage dissent. The great artisans in the negotiations were journalist and Senator Pompeu de Souza and journalist and Congressman Paulo Alberto Monteiro de Barros (Artur da Távola). Likewise, the role of journalist and Congressman Antônio Britto was decisive. I worked in the text wording because I knew Law. It was a measured and slow solution. You don't build consensus immediately. Freedom of expression and press, at the Constituent Assembly, was approved unanimously. ✕

DO CELEBRATE, BUT QUESTION

Paulo Delgado - Lawyer and one of the founders of Partido dos Trabalhadores (Labor Party).
He was a constituent parliamentarian.

The Constituent Assembly was born in a scenario where dictatorship was declining, due to the exhaustion of the military system, with a tragedy halfway: the death of President Tancredo Neves. The population didn't notice it, because of the prolonged agony of Mr. Tancredo, but the Constitution started off rigged.

It wasn't a political Constitution, but social, behavioral. That is why the Citizen Constitution which Congressman Ulysses Guimarães dreamed of hasn't been achieved. We didn't have an exclusive Constituent Assembly, as we intended. There was a mix of parliamentarians' elections with governors' election. As a consequence, we couldn't run the debate of freedom of expression freely. Brazilian people kept relying on the State and believing in everything that is done through laws. The example of education is clear. We managed to draw a circle of chalk around this freedom, preventing it from being touched. This is the concept of fundamental clause, but it is necessary to understand that we need less influence from the State and more freedom to the citizens. Bring the future inside the Brazilian soul and not

see the Constitution as a mere obstacle to daily politics.

The constitution tried to predict all of this. Thus, political majority was constituted to alter the Constitution, not to provide stability to the Government. We had to make a constitutional revision after five years of the enactment of the Letter, but this didn't happen. It was a trauma. Evidently we must celebrate the 25th anniversary of the 1988 Constitution, but we should ask ourselves what is the Constitution that is in force. Or why we have such a nationalized Constitution. I am optimistic regarding the path traveled. However, we shouldn't put aside any reflections on the future. Freedom is not something to be interpreted. Freedom either exists or not. ✕



Photo: San Rogé

NECESSARY REGULATION

Jandira Feghali - Physician and trade unionist, she is a National Congresswoman by PC do B/RJ

One thing is evident: after 25 years, the articles that ensure freedom of expression and press remain in the Constitution. That is not the problem, the problem is something else. Time has passed, the process of communication has had geometrical loops, businesses in the sector started to transfer resources of approximately billions but there were no regulations.

Burning topics, such as the relations between copyrights and new media, regionalization of cultural and artistic programs, the regulatory framework for the Internet, the issue of property, among many others, remain waiting for solutions.

In this debate, the Government remains on the defensive, National Congress is in a slow progress, society, with its mobilizations, taunts us constantly.

The world today is completely different from that of 1988. Politically, there are few changes, but economically, the changes are huge. We need to proceed with infra-constitutional regulations to ensure, democratically, space for everyone.



Photo: San Rogé

This is not about changing the Constitution, but about regulating it. I wasn't a constituent back in 1988. However, at that time, I was a constituent congresswoman by Rio de Janeiro. After that, I have been involved with freedom of expression at the National Congress for five mandates.

The challenge of change is permanent. That is why we need to have the courage to discuss the flow of information and its balance. We need to check if the circulation of information is fair and balanced and which information should circulate or not.

Communication is absolutely strategic for democracy. All sides must appear. ✕

TECHNICAL INFORMATION

1988 - The History of the Constitution

The context in which the articles regarding freedom of expression and press were approved by people who were there

Brasília, May 14, 2013

Panel 1

- **Nelson Jobim**
was a Minister and President of STF
- **José Agripino Maia**
Senator DEM/RN
- **Jandira Feghali**
National Congresswoman PCdoB/RJ
- **Paulo Delgado**
former National Congressman PT/MG

Mediator - **Ricardo Gandour**
Director of Content at Grupo Estado



Photo: Ricardo Chaves/Estado Conteúdo



The Great Achievements of the Constitution and Freedom of Expression

25 years later, the advances and challenges of freedom of expression

The approach to this topic included the advances and threats to cultural, technological, and social changes after 25 years. Carlos Ayres Britto, jurist and member of the Advisory Council of Instituto Palavra Aberta, Senator Pedro Taques, and Congressman Paulo Abi-Ackel were present. As mediator, Renata Lo Prete, political editor at Globonews.

FREEDOM OF PRESS, DEMOCRACY'S BEST FRIEND

Carlos Ayres Britto - Legal expert, he presided the Federal Supreme Court (STF) and the National Justice Council (CNJ). He is a member of the Advisory Council of Instituto Palavra Aberta

There is a great parallel between the press and the Judiciary. If the Judiciary has the final say, with the trial, and press puts the first word out. If you can't prevent Judiciary from trying, you can't prohibit press of getting ahead. Both of them, Justice and press, cannot be controlled from the outside. Control must be internal. That is to prevent excesses. The logic is the same. It is the press that has noticed this need and has sought to exercise its own contradictory control internally.

External or Legal controls are not admitted regarding the most elementary aspect that press has: its freedom. What is the hardcore of freedom of press? It exists at the moment when it exercises freedom, in extension and completeness. Freedom of press is not hollow or empty. It has content. It comprehends freedom of information, freedom of expression of thought and freedom of *lato sensu* expression under the Constitution; in other words, artistic expression, scientific expression, communication expression, and intellectual expression.

The Federal Supreme Court has surrendered to the terms of the Constitution and, with all consistency, congruence, timeliness, and sense of justice, it has changed freedom of press into completeness, a Siamese twin of Democracy. And both walk hand in hand. When justice is served, when impersonality or morality and pluralism are served, it is democracy that shines and gives meaning and greatness to our existence.

Democracy's best friend is freedom of press in its wholeness. ✕



Photo: San Rogé

FREE PRESS IS ONE OF THE FOUNDATIONS OF THE REPUBLIC

Pedro Taques - Senator by the State of Mato Grosso (PDT) and former Public Prosecutor. He teaches Constitutional Law

The democracy determined by the Constitution seeks the dimensions of freedom, of equality and democracy. There is no democracy if we don't speak what others don't want to hear and with no right to individual and collective choice. It is to ensure this coincidence of rights that the Constitution ensures freedom of expression and of press. Another dimension of democracy is the defense of the human being's dignity. Because they are an end in themselves, individuals cannot be objectified, i.e., treated as a thing. For these reasons, Constitution, from its preamble to its last provisions, seeks not only to establish such principles, but also to ensure they come to fruition. That is how the Constitution is experienced.

The question is: how to harmonize the right to freedom of expression with the defense of human dignity? Are there limits to freedom amidst a society of risk in which everything happens too fast and justice takes, on average, ten years to solve a pending issue?

I think that limits are established by the Constitution itself. I do not defend censorship. The Constitution itself prohibits censorship. I don't defend



Photo: San Rogé

limiting communication media content, either. We cannot limit it, also according to the Constitution.

The debate is another one: what is the limit to freedom? The answer is in the Constitution itself. It establishes the right to a response and it needs to be regulated, in light of the Internet, of social media, and of the very characteristics of Brazil.

The right to a response is concerned with the proportional response in quantity, quality, and content. There must be a link between the cause and what was broadcasted. If it takes long for truth to surface, the damage to the image is definitive. But if the constitutional limit is the limit of truth, you can't deny that free and investigative press, a consequence of freedom of expression, is one of the cornerstones of the Republic. ✕

PRINCIPLES AND VALUES, CONCERN OF THE VEHICLES

Paulo Abi-Ackel - National Congressman by Minas Gerais (PSDB),
he is the head of the Science, Technology, Communication, and Computer Committee of the House of Representatives



Photo: Sam Rogé

Any attempt to establish control over freedom of press leads democracy to a gray area. I am absolutely against that. Thus, it must remain free as determined by the Federal Constitution. However, this is not an absolute right. Freedom cannot be used to incite violence or injuries. The exercise of internal controls must happen, through, for example, ombudsmen.

Democracy can also only happen with a well-educated population with improved values. If communication media promote a process of Brazilian cultural dynamism, this will be good for the country over time. Every

newspaper, every television, every radio must hold internal debates on the mistakes, on misunderstandings, on what can improve. Of course there are a lot of mistakes. And we cannot look the other way; the vehicles must be improved.

Now the Constitution reaches a new field. Does freedom applied to traditional vehicles also apply to this new universe? We must consider and discuss the new field of Internet, but I don't see the difference between regulation and self-regulation and censorship. Today, the communication media, more than yesterday, are concerned with their content, values, and principles that guide the education of the Brazilian people for the country to become stronger and more developed. Regarding the Internet, the debate hasn't matured yet. We haven't reached a decision regarding the civil rights framework, yet. I understand that Internet has its peculiarities. It is very difficult to open a radio station or a TV station, or a newspaper. This cannot be said of a blog. There are peculiarities that require different treatments. However, while the debate doesn't mature, the path is to let the virtual world be, with complete freedom. With maturity, we can reach clearer decisions. X

TECHNICAL INFORMATION

The great achievements of the Constitution Freedom of Expression

25 years later, what still needs to advance and what are the threats to freedom of expression in current days

Brasília, May 14, 2013

Panel 2

- **Carlos Ayres Britto**
former Minister and President of STF
 - **Pedro Taques**
Senator by PDT/MT
 - **Paulo Abi-Ackel**
Federal Congressman PSDB/MG
- Mediator - **Renata Lo Prete**
Political Editor of Globonews

Photo: João Ramid - Revista Veja - Abril Comunicações S/A

INSTITUTO
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ABERTA**

THE LETTER OF FREEDOM

**25 ANNIVERSARY OF THE BRAZILIAN
CONSTITUTION FROM THE STANDPOINT
OF FREEDOM OF EXPRESSION**

It was October 5, 1988. It was 3:38 PM on a Wednesday, on a mild day in Spring, when the Constituent Congress, in a solemn session, announced the enactment of a new Federal Letter, soon named the Citizen Constitution, starting a system of public freedoms unparalleled in the history of Brazil. The military dictatorship, imposed on the nation since March 31, 1964, had ended and, with it, the long night of censorship and restraint of freedom of expression. The Country, then with 140 million inhabitants, was born to a new and fulfilling era of democracy.

To point out and highlight the years that separate us from that memorable date, Instituto Palavra Aberta has organized this exhibit, summarizing the achievements in the period, expressed in the topics freedom of press, freedom of expression, and freedom to enterprise, present in daily life, and protected from the shadows of any political, ideological, and artistic censorship, thanks to the practice of Article 5 of the Constitution. Brazil has become a fertile ground for economic growth, increasing social inclusion and, above all, promoting free circulation of information, the starting point and finish line of the complete exercise of citizenship.

Production



Support



Sponsorship

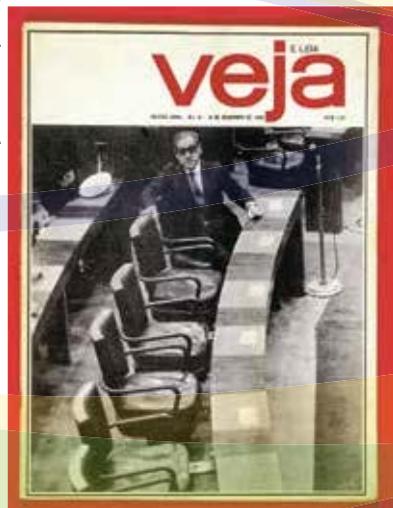


Institutional Support



CENSORSHIP

Memória Abril - Revista Veja - Abril Comunicações S/A



Issue number 15, of December 18 1968. With image by Roberto Stuckert, made in 1966, the edition was apprehended by the Federal Police

Ricardo Chaves - Revista Veja - Abril Comunicações S/A



Newspapers and magazines that were previously censored

Memória Abril - Abril Comunicações S/A



Magazine apprehended by the court of São Paulo and Guanabara in December 1966. It was considered obscene and deeply offensive to women's dignity. Re-printing in 2010

Jorge Batussem - DEBDOC - Abril Comunicações S/A



In Rio de Janeiro, actors hold a protest against censorship in favor of culture

DEBDOC - Arquivo ABI/Divulgação - Abril Comunicações S/A



The March of the One Hundred Thousand: journalists from ABI against the military dictatorship in 1968

Images Estado Conteúdo



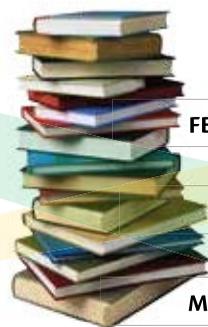
Original and censored covers: extracts of The Lusiads, by Camões, were inserted to fill the space of the censored news

Memória Abril - Abril Comunicações S/A



Page with two articles released with parts censored. To replace the censored extracts, illustrations of demons were published (Magazine Veja, issue 285, of February 20, 1974)

Books



FELIZ ANO NOVO (Happy New Year) - Rubem Fonseca

CARNIÇA (Carrion) - Adelaide Carraro

MISTER CURITIBA - Dalton Trevisan

RODA VIVA

First time a play by Chico Buarque was staged. It opened in Rio de Janeiro, in 1968, directed by José Celso Martinez Corrêa. In the cast, Marieta Severo, Heleno Prestes, and Antônio Pedro. The piece became a symbol of resistance against the military dictatorship.

LIBERDADE, LIBERDADE (FREEDOM, FREEDOM)

By Flávio Rangel and Millôr Fernandes, it was staged in 1965 by Paulo Autran, Tereza Rachel, Nara Leão, and Oduvaldo Vianna Filho, a.k.a. Vianninha. The play was a huge success with the public and the critics.

Films

TERRA EM TRANSE (Trance Ground)
Glauber Rocha, 1967

MACUNAÍMA
Joaquim Pedro de Andrade, 1969

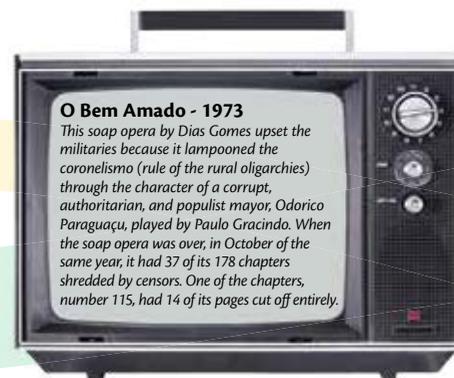
DONA FLOR E SEUS DOIS MARIDOS (Mrs. Flor and Her Two Husbands)
Bruno Barreto, 1976



Theater

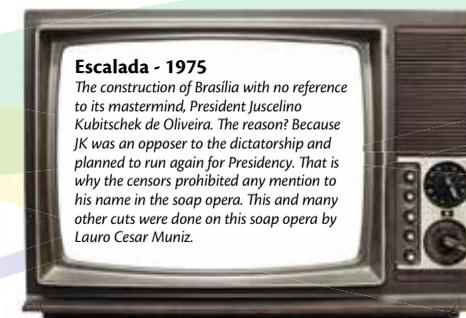
Songs

Soap Operas



O Bem Amado - 1973

This soap opera by Dias Gomes upset the military because it lampooned the coronelismo (rule of the rural oligarchies) through the character of a corrupt, authoritarian, and populist mayor, Odorico Paraguaçu, played by Paulo Gracindo. When the soap opera was over, in October of the same year, it had 37 of its 178 chapters shredded by censors. One of the chapters, number 115, had 14 of its pages cut off entirely.



Escalada - 1975

The construction of Brasília with no reference to its mastermind, President Juscelino Kubitschek de Oliveira. The reason? Because JK was an opposer to the dictatorship and planned to run again for Presidency. That is why the censors prohibited any mention to his name in the soap opera. This and many other cuts were done on this soap opera by Lauro Cesar Muniz.

Humor

Óculosescuro (Como vovó já dizia) Raul Seixas and Paulo Coelho

[Sunglasses (As Grandma used to say)]
The original lyrics of writer Paulo Coelho was rejected twice because it was considered a vehicle of subversive messages. Raul had around 35 of his songs censored and used to invent words only to make censors' life hell.

Buscando Amor (Searching for Love) Cláudio Nucci and Mauro Assumpção

The sentence "based on what I say and I already walk nowadays" was prohibited because of the word "based"; in this case, the word was used as a verb and not as a noun (in Portuguese, this word can have the double meaning of "joint", if it's the noun, or "based", if it's the verb). The explanation of the authors didn't help.

Pare de tomar a pílula (Stop taking the Pill) Odair José

The popular singer and composer had many of his songs questioned, not by his political involvement but due to the lyrics that were considered an attack on modesty.

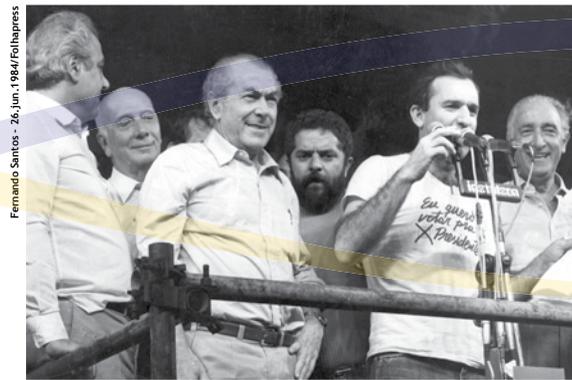
Charges

The path to Constitution

The new Republic was rising. Censorship was breaking into pieces, freedom hit the streets. The watchword was simple and objective: Direct Elections Now. Peaceful, the manifestations were colossal. Participants were counted by the millions, from one end of the country to the other. We were watching a participative mass culture emerging that broke the silence and gained roots in real life.



Alfredo Rizzutti/Estado Conteúdo/AE
With a gag and a sticker, the protester represents the popular yearnings during the last Pro-Direct Elections rally, held in Vale do Anhangabaú, in the capital of São Paulo



Fernando Santos - 26.jun.1984/Folhapress
Speaker Osmar Santos at a Pro-Direct Elections rally, at Praça da Sé, in São Paulo, by the Governor of Paraná, José Richa, National Congressman Ulysses Guimarães, the Governor of Rio, Leonel Brizola, trade unionist Luiz Inácio Lula da Silva, and the Governor of São Paulo, Franco Montoro

“It was society, mobilized in the colossal rallies of Diretas-Já (Direct Elections Now), for transition and for change, that defeated the usurper Government.”
Ulysses Guimarães

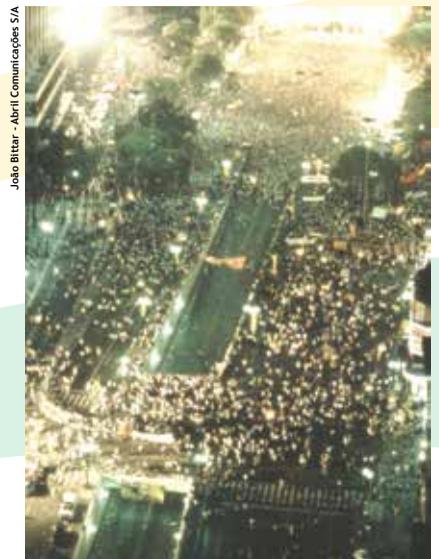


Makuriti Mayezo - 16.abr.1984/Folhapress
March for direct elections for President is attended, in São Paulo, by Leonel Brizola, Ulysses Guimarães, the Governor of Minas Gerais, Tancredo Neves, Franco Montoro, and Senator Fernando Henrique Cardoso



Rolando de Freitas/Estado Conteúdo/AE

“Freedom of expression is a privilege of the human condition and it helps the other freedoms which are threatened, hurt, or banned. It is the queen of all freedoms, said Rui Barbosa.”
Ulysses Guimarães



João Bittar - Abril Comunicações S/A

Pro-direct Elections Rallies at Praça da Sé (left) and in Vale do Anhangabaú (above), both in São Paulo



HOUSE OF REPRESENTATIVES

Center of Documentation and Information

CONSTITUTION OF THE FEDERATIVE REPUBLIC OF BRAZIL

PREAMBLE

We, the representatives of the Brazilian people, gathered in a National Constituent Assembly to establish a democratic Government, designed to ensure the exercise of social and individual rights, freedom, safety, welfare, development, equality, and justice as the supreme values in a fraternal, pluralist, and prejudice free society, based on social harmony and committed, in both its internal and international order, with a peaceful solution to controversies, enact, under God's protection, the following Constitution of the Federative Republic of Brazil.



Board of directors and constituent parliamentarians in the Constitution enactment



Last session of the Constituent Assembly, at the National Congress

Art. 5

*IV - and free the manifestation of thought, and anonymity shall be barred;
IX - and free the expression of intellectual, artistic, scientific and communication activity, regardless of censorship or license;
XIV - and ensure everyone has access to the information and safeguard the secrecy of the source whenever required to professional activity;*



Ricardo Chaves/Estado Conteúdo



Duty accomplished: enactment of the Constitution



The Congress celebrates the approval of the Magna Carta

Claudio Versiani - Revista Veja - Abril Comunicações S/A

Numbers of the 1988 Constitution

To elaborate the Citizen Constitution, 69 million voters attended the ballot boxes in November 1986 to elect the Constituent Congress that worked from February 1st 1987 to October 5th, 1988. Altogether, it took 18 months of debates to elaborate the entire constitutional text, approved in the first hours of September 2, 1988, but it was marked, from the start, by an environment of true mobilization of society. Of the seven Brazilian Constitutions, it is the only one moved by the force of freedom and which has broadened, instead of narrowing, the rights of the people.



Caiaçós Indians vote in the election for President in 2006 in an electronic ballot installed in their village Capoto Alto, at the Parque Indígena do Xingu (Indigenous Park of Xingu), considered the largest reserve of this sort in the world, at a 1h45 flight from the Voters Registration Office, in Peixoto de Azevedo, in Mato Grosso



Shelves with suggestions by the parliamentarians for the new Constitution

Art. 220.

The manifestation of thought, creation, expression, and information, in any form, process, or vehicle shall not suffer any restriction whatsoever, provided the provisions in this Constitution are observed.
§ 1º - No law shall contain a provision that might constitute an embarrassment to full freedom of journalistic information in any social communication vehicle, provided the provisions in art. 5, IV, V, X, XIII, and XIV are observed.
§ 2º - And' all and any political, ideological, and artistic censorship shall be prohibited.



With several parliamentarians, Ulysses Guimarães holds the Brazilian flag at the last session of the Constituent Assembly



The Writing Commission, which worked on the final text of the 1988 Constitution, was comprised of Bernardo Cabral, Estevão Chaves, Antonio Carlos Posso do Rêgo, Anderson Braga Horim, Flávio Calaço, Adolfo Oliveira e Konder Reis

Constituent Parliamentarians

There were 559, among which 487 were Congressmen and 72 were Senators, headed by Congressman Ulysses Guimarães. The National Constituent Assembly worked from February 1st 1987 to October 5, 1988, date when the new Constitution, the fourth to be prepared by a Constituent Assembly, was enacted.



10/5/1988
Ceremony of the National Constituent Assembly for the enactment of the Constituent Assembly

Ulysses Guimarães, president - Mauro Benevides, vice-president - Jorge Arbage, vice-president - Marcelo Cordeiro, secretary - Mário Maia, secretary - Arnaldo Faria de Sá, secretary - Benedita da Silva, alternate secretary - Luiz Soyer, alternate secretary - Sotero Cunha, alternate secretary - Bernardo Cabral, relator geral - Adolfo Oliveira, assistant rapporteur - Antônio Carlos Konder Reis, relator adjunto - José Fogaça, assistant rapporteur - Abigail Feitosa - Acival Gomes - Adaauto Pereira - Ademir Andrade - Adhemar de Barros Filho - Adroaldo Streck - Adylson Motta - Aécio de Borba - Aécio Neves - Affonso Camargo - Afff Domingos - Afonso Arinos - Afonso Sancho - Agassiz Almeida - Agripino de Oliveira Lima - Airton Cordeiro - Airton Sandoval - Alarico Abib - Albano Franco - Albérico Cordeiro - Albérico Filho - Alcenio Guerra - Alcides Saldanha - Aldo Arantes - Alécio Dias - Alexandre Costa - Alexandre Puzyna - Alfredo Campos - Almir Gabriel - Aloisio Vasconcelos - Aloysio Chaves - Aloysio Teixeira - Aluizio Bezerra - Aluizio Campos - Álvaro Antônio - Álvaro Pacheco - Álvaro Valle - Alysso Paulinelli - Amaral Netto - Amaury Müller - Amilcar Moreira - Ângelo Magalhães - Anna Maria Rattes - Annibal Barcellos - Antero de Barros - Antônio Câmara - Antônio Carlos Franco - Antonio Carlos Mendes Thame - Antônio de Jesus - Antonio Ferreira - Antonio Gaspar - Antonio Mariz - Antonio Perosa - Antônio Salim Curiati - Antonio Ueno - Arnaldo Martins - Arnaldo Moraes - Arnaldo Prieto - Arnold Fioravante - Arolde de Oliveira - Artenir Werner - Artur da Távola - Asdrubal Bentes - Assis Canuto - Átila Lira - Augusto Carvalho - Aureo Mello - Basílio Villani - Benedicto Monteiro - Benito Gama - Beth Azize - Bezerra de Melo - Bocayuva Cunha - Bonifácio de Andrada - Bosco França - Brandão Monteiro - Caio Pompeu - Carlos Alberto - Carlos Alberto Caó - Carlos Benevides - Carlos Cardinal - Carlos Chiarelli - Carlos Cotta - Carlos De'Carli - Carlos Mosconi - Carlos Sant'Anna - Carlos Vinagre - Carlos Virgílio - Carrel Benevides - Cássio Cunha Lima - Célio de Castro - Celso Dourado - César Cals Neto - César Maia - Chagas Duarte - Chagas Neto - Chagas Rodrigues - Chico Humberto - Christóvam Chiaradia - Cid Carvalho - Cid Sabóia de Carvalho - Cláudio Ávila - Cleonânio Fonseca - Costa Ferreira - Cristina Tavares - Cunha Bueno - Dálton Canabrava - Darcy Deitos - Darcy Pozza - Daso Coimbra - Davi Alves Silva - Del Bosco Amaral - Delfim Netto - Délio Braz - Denisar Arneiro - Dionísio Dal Prá - Dionísio Hage - Dirce Tutu Quadros - Dirceu Carneiro - Divaldo Suruagy - Djenal Gonçalves - Domingos Juvenil - Domingos Leonelli - Doreto Campanari - Edésio Frias - Edison Lobão - Edivaldo Motta - Edme Tavares - Edmilson Valentim - Eduardo Bonfim - Eduardo Jorge - Eduardo Moreira - Egdio Ferreira Lima - Elias Murad - Eliel Rodrigues - Eliézer Moreira - Enoc Vieira - Eraldo Tinoco - Eraldo Trindade - Erico Pegoraro - Ervin Bonkoski - Etevaldo Nogueira - Euclides Scalco - Eunice Michiles - Evaldo Gonçalves - Expedito Machado - Êzio Ferreira - Fábio Feldmann - Fábio Raunheitti - Farabulini Júnior - Fausto Fernandes - Fausto Rocha - Felipe Mendes - Feres Nader - Fernando Bezerra Coelho - Fernando Cunha - Fernando Gasparian - Fernando Gomes - Fernando Henrique Cardoso - Fernando Lyra - Fernando Santana - Fernando Velasco - Firmo de Castro - Flavio Palmier da Veiga - Flávio Rocha - Florestan Fernandes - Floriceno Paixão - França Teixeira - Francisco Amaral - Francisco Benjamim - Francisco Carneiro - Francisco Coelho - Francisco Diógenes - Francisco Dornelles -

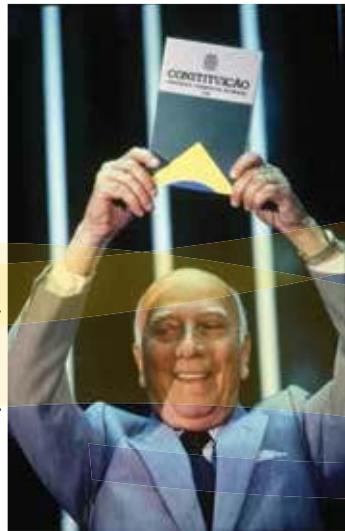
Francisco Küster - Francisco Pinto - Francisco Rollemberg - Francisco Rossi - Francisco Sales - Furtado Leite - Gabriel Guerreiro - Gandi Jamil - Gastone Righi - Genebaldo Correia - Genésio Bernardino - Geovani Borges - Geraldo Alckmin Filho - Geraldo Bulhões - Geraldo Campos - Geraldo Fleming - Geraldo Melo - Gerson Camata - Gerson Marcondes - Gerson Peres - Gidel Dantas - Gil César - Gilson Machado - Gonzaga Patriota - Guilherme Palmeira - Gumercindo Milhomem - Gustavo de Faria - Harlan Gadelha - Haroldo Lima - Haroldo Sabóia - Hélio Costa - Hélio Duque - Hélio Manhães - Hélio Rosas - Henrique Córdova - Henrique Eduardo Alves - Heráclito Fortes - Hermes Zaneti - Hilário Braun - Homero Santos - Humberto Lucena - Humberto Souto - Iberê Ferreira - Ibsen Pinheiro - Inocêncio Oliveira - Irajá Rodrigues - Iram Saraiva - Irapuan Costa Júnior - Irma Passoni - Ismael Wanderley - Israel Pinheiro - Itamar Franco - Ivo Cersósimo - Ivo Lech - Ivo Mainardi - Ivo Vanderlinde - Jacy Scanagatta - Jairo Azi - Jairo Carneiro - Jalles Fontoura - Jamil Haddad - Jarbas Passarinho - Jayme Paliarin - Jayme Santana - Jesualdo Cavalcanti - Jesus Tajra - Joaci Góes - João Agripino - João Alves - João Calmon - João Carlos Bacelar - João Castelo - João Cunha - João da Mata - João de Deus Antunes - João Herrmann Neto - João Lobo - João Machado Rollemberg - João Menezes - João Natal - João Paulo - João Rezek - Joaquim Beviláqua - Joaquim Francisco - Joaquim Hayckel - Joaquim Sucena - Jofran Frejat - Jonas Pinheiro - Jonival Lucas - Jorge Bornhausen - Jorge Hage - Jorge Leite - Jorge Uequed - Jorge Vianna - José Agripino - José Camargo - José Carlos Coutinho - José Carlos Grecco - José Carlos Martinez - José Carlos Sabóia - José Carlos Vasconcelos - José Costa - José da Conceição - José Dutra - José Egreja - José Elias - José Fernandes - José Freire - José Genoíno - José Geraldo - José Guedes - José Ignácio Ferreira - José Jorge - José Lins - José Lourenço - José Luiz de Sá - José Luiz Maia - José Maranhão - José Maria Eymael - José Maurício - José Melo - José Mendonça Bezerra - José Moura - José Paulo Bisol - José Queiroz - José Richa - José Santana de Vasconcelos - José Serra - José Tavares - José Teixeira - José Thomaz Nonô - José Tinoco - José Ulisses de Oliveira - José Viana - José Yunes - Jovanni Masini - Juarez Antunes - Júlio Campos - Júlio Costamilan - Jutahy Júnior - Jutahy Magalhães - Koyu Iha - Lael Varella - Lavoisier Maia - Leite Chaves - Lélío Souza - Leopoldo Peres - Leur Lomanto - Levy Dias - Lézio Sathler - Lídice da Mata - Louremberg Nunes Rocha - Lourival Baptista - Lúcia Braga - Lúcia Vânia - Lúcio Alcântara - Luís Eduardo - Luís Roberto Ponte - Luiz Alberto Rodrigues - Luiz Freire - Luiz Gushiken - Luiz Henrique - Luiz Inácio Lula da Silva - Luiz Leal - Luiz Marques - Luiz Salomão - Luiz Viana - Luiz Viana Neto - Lysâneas Maciel - Maguito Vilela - Maluly Neto - Manoel Castro - Manoel Moreira - Manoel Ribeiro - Mansueto de Labor - Manuel Viana - Márcia Kubitschek - Márcio Braga - Márcio Lacerda - Marco Maciel - Marcondes Gadelha - Marcos Lima - Marcos Queiroz - Maria de Lourdes Abadia - Maria Lúcia - Mário Assad - Mário Covas - Mário de Oliveira - Mário Lima - Marluce Pinto - Matheus Iensen - Mattos Leão - Maurício Campos - Maurício Correa - Maurício Fruet - Maurício Nasser - Maurício Pádua - Maurílio Ferreira Lima - Mauro Borges - Mauro Campos - Mauro Miranda - Mauro Sampaio - Max Rosenmann - Meira Filho - Melo Freire - Mello Reis - Mendes Botelho - Mendes Canale - Mendes Ribeiro - Messias Góis - Messias Soares -

Michel Temer - Milton Barbosa - Milton Lima - Milton Reis - Miraldo Gomes - Miro Teixeira - Moema São Thiago - Moysés Pimentel - Mozarildo Cavalcanti - Mussa Demes - Myrian Portella - Nabor Júnior - Naphtali Alves de Souza - Narciso Mendes - Nelson Aguiar - Nelson Carneiro - Nelson Jobim - Nelson Sabrá - Nelson Seixas - Nelson Wedekin - Nelton Friedrich - Nestor Duarte - Ney Maranhão - Nilso Sguarezi - Nilson Gibson - Nion Albernaz - Noel de Carvalho - Nyder Barbosa - Octávio Elísio - Odacir Soares - Olavo Pires - Olivio Dutra - Onofre Corrêa - Orlando Bezerra - Orlando Pacheco - Oscar Corrêa - Osmar Leitão - Osmir Lima - Osmundo Reboças - Osvaldo Bender - Osvaldo Coelho - Osvaldo Macedo - Osvaldo Sobrinho - Osvaldo Almeida - Osvaldo Trevisan - Ottomar Pinto - Paes de Andrade - Paes Landim - Paulo Delgado - Paulo Macarini - Paulo Marques - Paulo Mincarone - Paulo Paim - Paulo Pimentel - Paulo Ramos - Paulo Roberto - Paulo Roberto Cunha - Paulo Silva - Paulo Zarzur - Pedro Canedo - Pedro Ceolin - Percival Muniz - Pimenta da Veiga - Plínio Arruda Sampaio - Plínio Martins - Pompeu de Sousa - Rachid Saldanha Derzi - Raimundo Bezerra - Raimundo Lira - Raimundo Rezende - Raquel Cândido - Raquel Capiberibe - Raul Belém - Raul Ferraz - Renan Calheiros - Renato Bernardi - Renato Johnson - Renato Vianna - Ricardo Fiuza - Ricardo Izar - Rita Camata - Rita Furtado - Roberto Augusto - Roberto Balestra - Roberto Brant - Roberto Campos - Roberto D'Ávila - Roberto Freire - Roberto Jefferson - Roberto Rollemberg - Roberto Torres - Roberto Vital - Roberto Marinho - Rodrigues Palma - Ronaldo Aragão - Ronaldo Carvalho - Ronaldo Cezar Coelho - Ronan Tito - Ronaro Corrêa - Rosa Prata - Rose de Freitas - Rospide Netto - Rubem Branquinho - Rubem Medina - Ruben Figueiró - Ruberval Pilotto - Ruy Bacelar - Ruy Nedel - Sadie Hauache - Salatiel Carvalho - Samir Uchôa - Sandra Cavalcanti - Santinho Furtado - Sarney Filho - Saulo Queiroz - Sérgio Brito - Sérgio Spada - Sérgio Werneck - Severo Gomes - Sigmaringa Seixas - Sílvio Abreu - Simão Sessim - Siqueira Campos - Sólon Borges dos Reis - Stélio Dias - Tadeu França - Telmo Kirst - Teotônio Vilela Filho - Theodoro Mendes - Tito Costa - Ubiratan Aguiar - Ubiratan Spinelli - Uldurico Pinto - Valmir Campelo - Valter Pereira - Vasco Alves - Vicente Bogo - Victor Faccioni - Victor Fontana - Victor Trovão - Vieira da Silva - Vilson Souza - Vingt Rosado - Vinicius Cansanção - Virgildásio de Senna - Virgílio Galassi - Virgílio Guimarães - Vitor Buaiz - Vivaldo Barbosa - Vladimir Palmeira - Wagner Lago - Waldec Ornélas - Waldyr Pugliesi - Walmor de Luca - Wilma Maia - Wilson Campos - Wilson Martins - Ziza Valadares.

Participantes: Álvaro Dias - Antônio Britto - Bete Mendes - Borges da Silveira - Cardoso Alves - Edivaldo Holanda - Expedito Júnior - Fadah Gattass - Francisco Dias - Geovah Amarante - Hélio Gueiros - Horácio Ferraz - Hugo Napoleão - Iturival Nascimento - Ivan Bonato - Jorge Medauar - José Mendonça de Moraes - Leopoldo Bessone - Marcelo Miranda - Mauro Fecury - Neuto de Conto - Nivaldo Machado - Osvaldo Lima Filho - Paulo Almada - Prisco Viana - Ralph Biasi - Rosário Congro Neto - Sérgio Naya - Tidei de Lima.

In Memoriam: Alair Ferreira - Antônio Farias - Fábio Lucena - Norberto Schwantes - Virgílio Távora.

Interesting Facts about the Constitution



Forbidding is forbidden

It was inspired by the song by Caetano Veloso, of 1968, whose dream, "Forbidding is forbidden", Senator Pompeu de Souza made come true. Through the amendment named after the song, and which resulted in article 220 of the Constitution, it gave legal form to the protection of freedom of journalistic information in any social communication vehicle.



Different covers of the Constitution; the one in the middle was chosen officially; a creation of the artist from Piauí, Cosme Coelho Rocha, from the city of Florianópolis. Of the suggestions proposed by the drawers from the Graphic Center at the Senate (Cegraf), Ulysses Guimarães approved Rocha's for its simplicity and symbolism



"The most frequently sold book in Brazil today has 559 authors: it is the new Constitution of the Federative Republic of Brazil, which, only three weeks from its enactment, has already sold some thousands of copies. This doesn't include the 750 thousand that are being printed and distributed for free by the Federal Senate publisher to libraries, schools, universities, and public agencies." *Revista Veja / Seção Radar - 26/10/1988 - Abril Comunicações S/A*

"Congratulations to the press, radio and television. They have seen everything, they have heard whatever they wanted, they've had free access to the Constituent Assembly's premisses and documents. Our acknowledgment, both for the advertisement and for the critics, which documented the absolute freedom of press in this Country."

"I end my speech with the words I've started it: the Nation wants to change. The Nation must change. The Nation shall change. The Constitution is intended to be the voice, the wording, the political will of society towards change. Let this enactment be our cry."

Extracts from the speech by Ulysses Guimarães in the enactment of the Constitution

Freedom of expression today

The population's participation was striking through the entire process of elaboration of the Constitution. Manifestations spread out to several spaces in the National Congress and caravans from several regions of Brazil went to the Congress to follow the debates and polls up close, to submit demands (including popular demands, in compliance with the Internal Constituent Regulation), to challenge and to support decisions.

Lula Marques - 05.out. 1988/Folhapress



Ricardo Chaves/Estado Comêudo



João Ramid - Revista Veja - Abril Comunicações S/A



“The Citizen Letter is the practical hope of a new Brazil.”

João Ramid - Revista Veja - Abril Comunicações S/A



“1988. It was the first time in History that society’s representatives voted freely for the Constitution.”

João Ramid - Revista Veja - Abril Comunicações S/A



The new dimension of freedom of expression

Internet provided a new form of relationship, of connection between people with the same topics and subjects of interest, and has also provided the possibility of participating in this conversation, of voicing whoever wants to be voiced. A true democratic platform, when it changes one-directional communication into bi-directional communication.

INTERNET USERS

67 million Facebook users - "Brazil: the social media capital", according to the New York Journal.
33 million Twitter users
105 million people connected in Brazil
By the end of 2014, 70% of Brazilian households shall have access to the Internet.
(Source: Ministry of Communications)

PAY TV

Over 264.05 million active lines and approximately 1.01 million new authorized lines. There are 211.38 million (80.05%) pre-paid accesses and 52.67 million post-paid accesses (19.73%). Mobile broadband has totaled 68.26 million accesses.
(Anatel and ABTA Data)

BROADCAST TV

Commercial and educational TV generating stations: 521
Commercial TV generating stations (TV): 317
Educational TV generating stations (TVE): 204
(Source: Abert and Midia Dados / April 2013)

MAGAZINES

There are 5,580 titles, divided into 77 market segments, over 1,500 publishers (small, medium, and large-sized) and a production that surpasses 1 billion copies/year.
(Source: Aner and Palavra Aberta)

RADIO

9,589 stations authorized to operate throughout national territory:
Frequency-modulated (FM): 2,695 stations
Educational Frequency-modulated (EFM): 466 stations
Shortwave (SW): 66 stations
Medium Waves = Amplitude-modulated (OM = AM total): 1,784 stations
Tropical Waves (TW): 74 stations
Community Radios (RADCOM): 4,504 stations
(Source: Anatel and Abert / April 2013)

PORTALS AND WEBSITES

904 access channels (portals and websites) officially registered.
(Source: Anatel and Abert / April 2013)

MOBILE TELEPHONY

Over 264.05 million active lines and approximately 1.01 million new authorized lines. There are 211.38 million (80.05%) pre-paid accesses and 52.67 million post-paid accesses (19.73%). Mobile broadband has totaled 68.26 million accesses.
(Source: Anatel)

NEWSPAPERS

Around 4,213 titles circulating in the five Brazilian regions.
(Source: ANJ, Comuniquê-se, Adjori, APJ, Anuário de Midia (Media Yearbook), ADI Brasil, ABI and IVC)

WHAT HAPPENS IN 24 HOURS ON THE INTERNET

294 billion emails are sent
2 million posts on Blogs
4.7 billion minutes are spent on Facebook
864 thousand hours of video are posted on YouTube
(Source: Digital Buzz)

There are 64,470,590 websites at WordPress platform around the world.

Of the 120 languages used at WordPress, **portuguese** is in 3rd, accounting for 6.5% of the posts, after English (66%) and Spanish (8.7%), only.
(Source: WordPress)

Initiative Democracy Plurality
Citizenship Communication
Acknowledgments Respect Information
Freedom
Diversity Law

Instituto Palavra Aberta thanks all collaborators, supporters, companies, and entities that helped in formatting and by granting photos, documents, and images at this exhibit. especially:

Acervo Abril
Centro de Documentação – CEDOC TV GLOBO (Documentation Center)
Folhapress
Jornal O Estado de S. Paulo and Arquivo Estadão
SECOM – Câmara dos Deputados (House of Representatives)
Communication Committee of Instituto Palavra Aberta – Angela Rehem, Arlete Milhomem, Carlos Müller, Heloisa Prata, Maria Célia Furtado, Meire Fidelis, Paula Fragomeni, and Théo Rochefort

Crédits
Organization – Instituto Palavra Aberta
Graphic Project – Paulo James Woodward
Texts – Francisco Viana
Artistic Project – Walter Nomura (Tinho)
Video Art – Adriano Ninguém
Research on documents and images – Acácio Morais
Production – WL Serviços e Comunicação Visual

The more you know,
the better you decide.

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Artistic Intervention

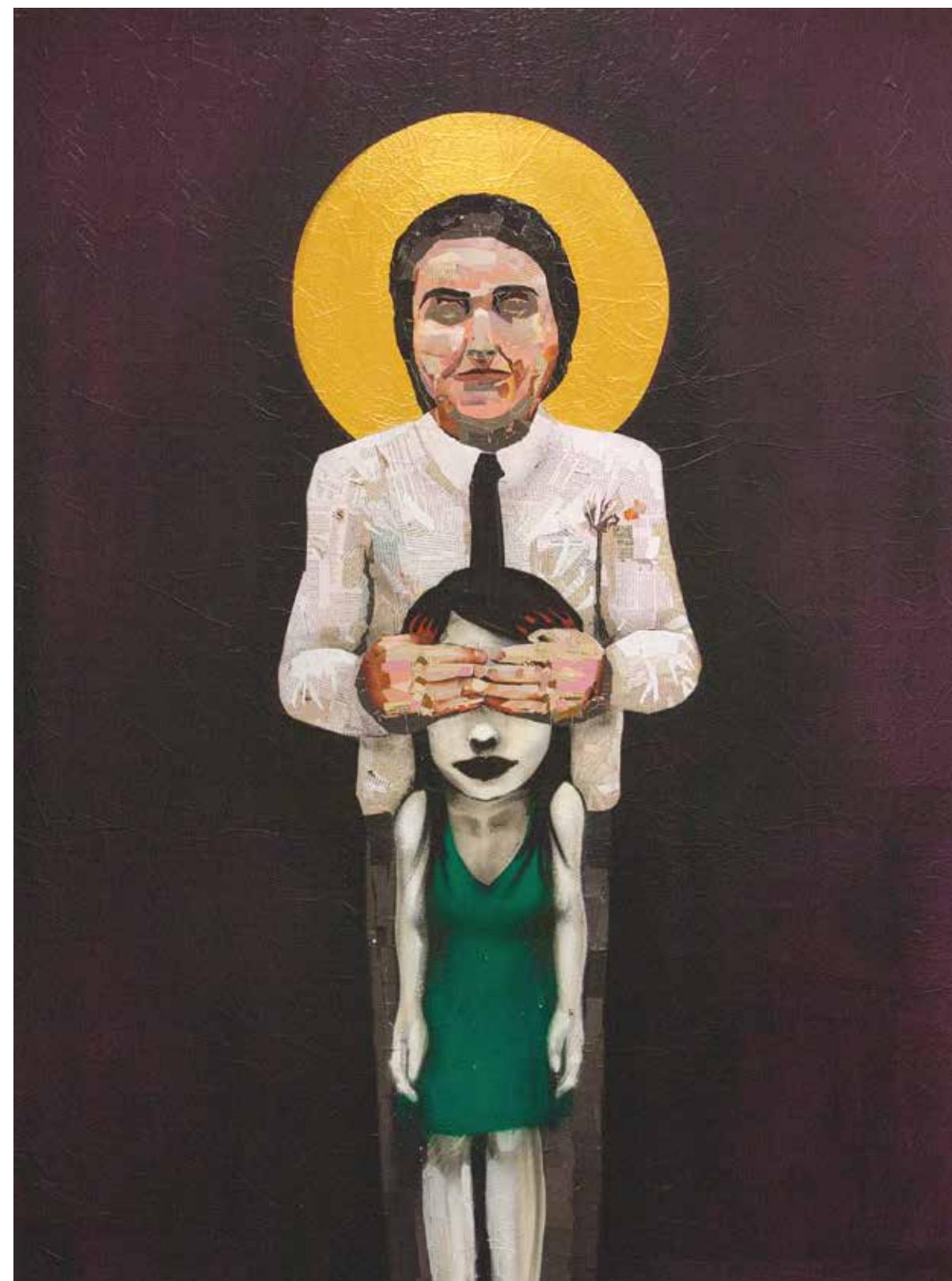


Photos: Arthur Calasans

Interpreting freedom of expression through art was the challenge that artist Tinho had to face to develop the theme of this exhibit. From panels worked on acrylic, spray, and collages, videos and electronic messages, the idea was to show censorship and freedom through a sensory experience. On one side, the metaphor of censorship: I don't see, I don't speak, I can't hear. On the other side, the metaphor of freedom, shown by seeing, reading, hearing, and speaking and by the multiplicity of means to disseminate information that can be captured and understood with no boundaries or censorship. This blooming freedom suggests reflections, and leaves the visitor free to interpret what they see, without limits, based on their experience.



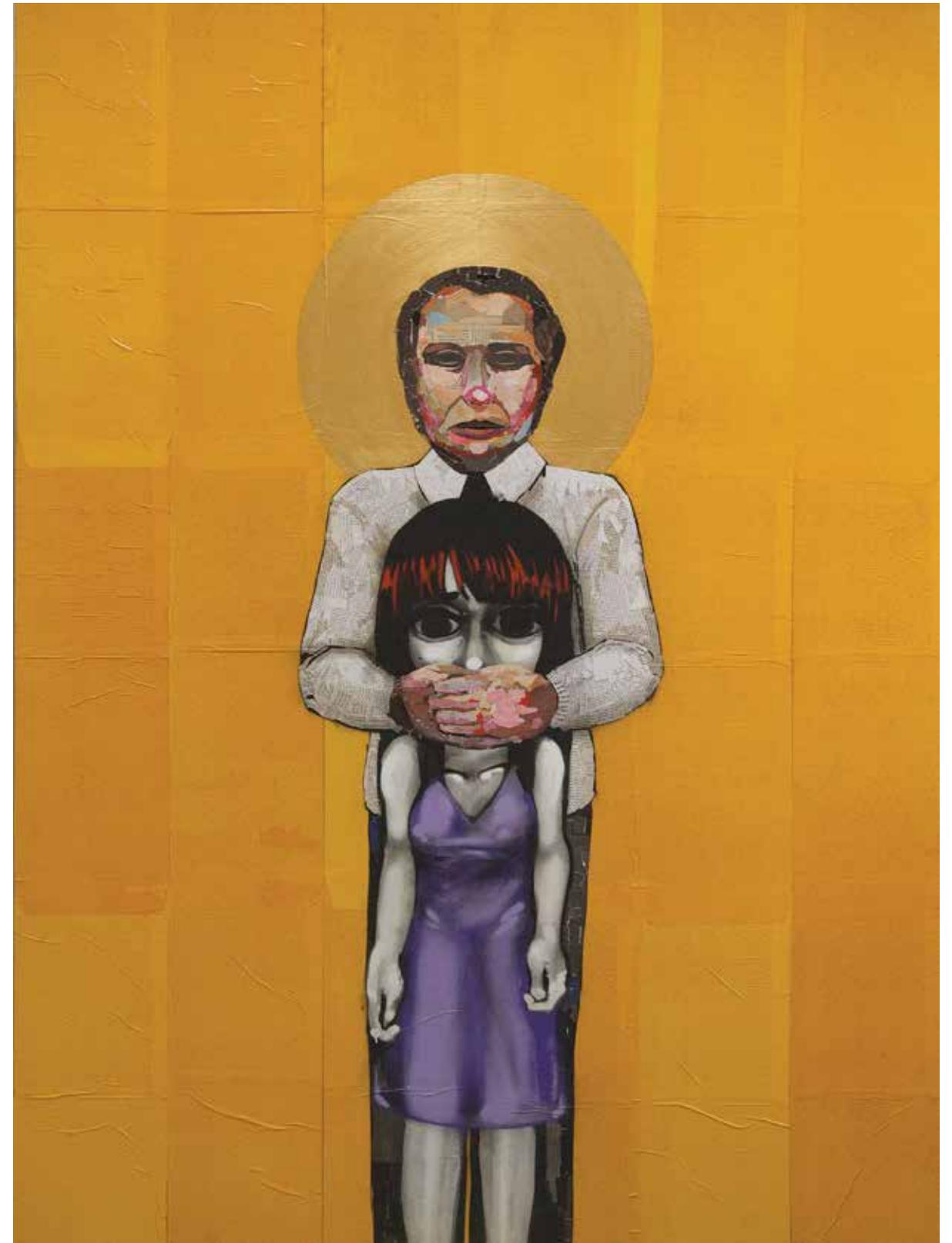
Walter Nomura, a.k.a Tinho, is a street artist. He scribbled his first walls in São Paulo, at age 12, and hasn't stopped ever since, repeating the experiences in the cities he has lived, through his 40 years of age, such as Tokyo, Santiago, Buenos Aires, Berlin, London, and Grenoble.



Não vejo (I Don't See)



Fascinated by the informal rigor of popular art, he has his technical foundations on graffiti and, politically speaking, in the contemporary world, with its extensive trail of violence, loneliness, and suffering, but also marked by singularity and aesthetic refinement. He graduated in 1994 at Fundação Armando Álvares Penteado (FAAP), which opened his mind to contemporary art and the international artistic universe.



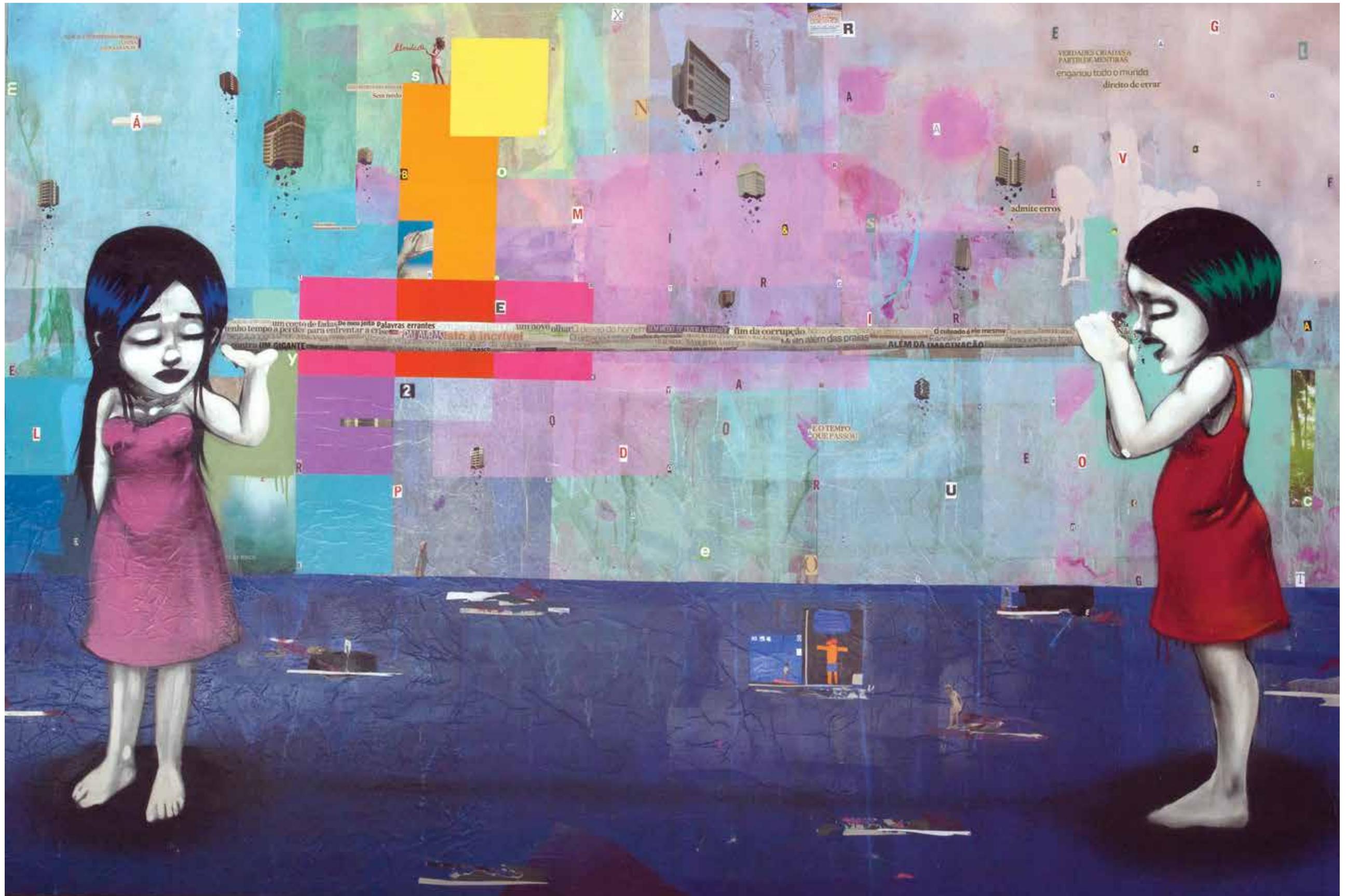
Não Falo (I don't Speak)



He participated in collective and individual exhibits in Australia, China, Spain, the Netherlands, Switzerland, Poland, Italy, and the United States. He has also attended the Biennial of Havana, in Cuba, the Biennial of the South Wind, in Curitiba, at Mostra Transfer (Transfer exhibit), in São Paulo, and the 1st International Graffiti Fine Art Biennial, at the Brazilian Museum of Sculpture. In 2012, he painted panels on the streets of Amsterdam.



Eu Não Escuto (I can't Hear)



Fala que eu te escuto (Speak to me and I will listen)

Digital democracy, a reality

Rio de Janeiro, September 30. The scenery was the 12th floor of the Fundação Getúlio Vargas building, in Botafogo. In the audience, there were over a hundred people. They were students, researchers, professors, and journalists. At the table, Minister Nelson Jobim, Congressman Alessandro Molon (PT),

professor Pablo Cerdeira (FGV Direito Rio), Ricardo Gandour (director of Content at Grupo Estado) and Fernando Leal (assistant coordinator of CJUS/Direito Rio), as well as Patricia Blanco, President of Instituto Palavra Aberta, and professor Joaquim Falcão, director of FGV Direito Rio.

The background to the discussions was the debate 25th anniversary of the Brazilian Constitution: freedom of expression and digital democracy. The discussions addressed two key topics: Draft Bill Proposition on Civil Rights Framework and different forms of democracy – representative, participative, and direct – ensured by the Citizen Constitution. Joint initiative of the Instituto Palavra Aberta and Fundação Getúlio Vargas - FGV Direito Rio, the event involved, especially, the topic of freedom of expression for around 100 million internet users, under the same provisions as constitutionally ensured today for written and electronic media.

Digital democracy

The presentations and debates brought many issues, but the agreement points addressed two great principles. The first one highlighted digital democracy as essential to the Brazilian democracy.

The second one was that any content judgment shall occur after its publication. If it is prior, it characterizes censorship, which harms the Constitution. Future issues, mainly regarding the civil rights framework, not yet voted in the Congress, whose predominant conception is freedom, were designed.

No monopolies

A very up-to-date topic was included. The nonexistence of monopoly in



Photos: Rodrigo Caldas/Tatiffilmes



Joaquim Falcão - Director of FGV Direito Rio (Law School), he was advisor for the National Justice Council (CNJ)

communication. As opposed to what used to happen when the Constitution was enacted, the Internet, together with social media, decentered information, production of content, and the circulation of information. Evidence of this is the popular manifestations which have their starting point on social media. According to Patrícia Blanco, the importance of this meeting, although the 1988 Constitution consolidated freedom of expression and Freedom of press as fundamental, was that it reminds us that we still “experience threats and attempts to restrain us. Not reacting is a backlash and ignoring everything that was accomplished over 25 years.” The main issue, which inspired the event, was related to the “possibility of adding the strength of digital activism to popular participation in issues that affect Brazilian democracy.”

Freedom for a new generation

For professor Joaquim Falcão, of FGV, virtual democracy is the democracy of a new generation. “This fact broadens the discussion and the participation of everybody. The potential of online platforms as incentives of communication in building public policies has allowed, not only for the citizen to have a say and mobilization and pressure tools, but also the Government to search for more legitimacy and transparency in face of society”.

In addition to the growing capacity of expansion of Internet and social media, it also highlighted that freedom of expression necessarily implies in academic freedom, such as the right of the researcher to publish non-authorized biographies. “Freedom of expression and academic freedom are the same thing,” ensured Falcão. ✕

INTERNATIONAL REFERENCE

Alessandro Molon - National Congressman (PT/RJ), he is a rapporteur of the Draft Bill that establishes the Civil Rights Framework in Brazil

At the International Free Forum - which has been considered the most important event of the sort in Latin America for 14 years - held in Porto Alegre (RS) in 2009, internet users claimed to the President at that time, Luís Inácio Lula da Silva, that Internet space were characterized by freedom.

That is when a work group in the Justice Department was created, and later, public hearings that resulted in over 2,300 suggestions of amendments to the project of the Draft Bill Proposition to Civil Rights Framework. It was a record. Although it hasn't been voted at the Congress, yet, the Draft Bill Proposition on Civil Rights Framework has already become and international reference, inspiring European countries, especially Spain. Its foundation is freedom. There's no democracy without freedom. This, however, is not the harshest topic. It is hard to preserve privacy of the user and neutrality of the network, which implicates in confrontation with telephone operators and

providers. Internet users data shall be kept in Brazil and erased whenever the user so wishes.

On the other hand, this is not just a question of what companies might lose in Brazil, but around the world. Whatever is decided here will undoubtedly have a domino effect. The problem is global. Today, the number of internet users in Brazil already totals 100 million. The data packages need to circulate without restrictions. This is the core of the Civil Rights Framework. ✕



THE REPORTER AND THE JUDGE

Ricardo Gandour - Director of Content of Grupo Estado

Amidst the complexities of the Civil Rights Framework, it is important to highlight a few aspects. Everything publishers publish shall be analyzed a posteriori. One must answer legally to what is published and the issue must mature in the process.

This debate always returns because vehicles of the Brazilian press, once in a while, suffer with court rulings that prohibit the publication of articles. It is a great mistake not to see the differences between the positions of a reporter and the judge.



The reporter is the subject of anticipation. They ask troubling questions, they seek to show what everybody else prefers to hide. On the other hand, the more the judge decides a posteriori the better, because they will be able of gathering more information. It is not healthy to see opposition between the two sides. Constitution establishes that freedom must be complete. Therefore, it is necessary to know how to live with the reporter, this faithful nuisance of society, although indispensable to democracy.

We shall all live happily with a press that bothers. Another relevant aspect is to maintain the public and egalitarian character of circulation of contents on the Internet. There is a transition from platforms to private providers. The advertising revenue of contents is a lawful activity. However, it is important to notice this change and ensure that it occurs in an environment of freedom of expression.

Freedom and Rule of Law do not oppose each other. They complement each other. ✕

THE RULE OF UTOPIA

Nelson Jobim - Jurist, he was President of the Federal Supreme Court (STF) and actively participated in the drafting of the 1988 Constitution



communication records if they are not located in Brazil, but in other countries? The answer converges also to the trial of some news that raises conflicts between the alleged offended party and the one who disclosed the article. The problem is mystified by holding the provider accountable, pressuring it to remove the information. And what about the trial? Attempts are also made to choose empty concepts, such as the democratic expansion of Internet, transferring responsibility of defining

When the Constitution was elaborated, Internet didn't exist. At the Congress, we worked with a huge monster computer that has been replaced by a laptop today. Our concept of individual freedom, at that time, was related to freedom of communication. We approved telephone call interception for criminal purposes, but not the interception of letters or telegrams.

Now we ask ourselves about the communication via Internet, but the issue is another one: how to get a hold of the

it to the regulating agency. The result is that the circulation of information is hindered.

Add the economic issue to the mix. How to ensure equity on Internet if the five first names that show up on a search are worth more money in selling advertising space because they are, of course, the most frequently accessed? None of this can be forgotten, nor can implicate in restraining digital freedom. We cannot reject the utopia of freedom. The rule of utopia is that the more we approach it, the more it distances itself. ✕

SOVEREIGNTY IN FOCUS

Pablo Cerdeira - City under-secretary of Consumers' Protection and Defense of the city of Rio de Janeiro. Master in Applied Mathematics by Fundação Getúlio Vargas (FGV)

How is digital democracy going to be? If we look back to the 1980's, when the new Constitution was born, we will see that we had few newspapers, magazines, televisions, and cultural production was quite funneled. Computers were exorbitant and telephones were inherited, so valuable they were. Today, the circulation of information has decentralized: half of the population has access to computers and it has become easy to have access to mobile phone and tablet.

Soon, every single Brazilian will be able to use a computer. Popular mobilizations are products of this easy communication in which the ease of diffusing information predominates. It is the model of The Long Tail, as written by Chris Anderson. The text (The Long Tail) first circulated in 2004 in magazine Wired and, in 2006, the main thesis was published in book: the culture and economy of the digital era are increasingly distancing from small figures and getting closer to large figures. With Internet, problems such as physical space, distance, and distribution have been overcome. The impact in the way to make politics is equally strong. Representatives and represented parties have become closer.



They are niches with focus on large figures and quite easily communicated. Everything is different. This requires that political parties and governments plan things better and are very transparent. It is also necessary that there is Brazilian sovereignty in the issues regarding information related to Internet. There is no problem in private companies addressing the subject as business. That's legitimate. But it is necessary to solve the territorial conflict of data custody. Communication in the era of the long tail gains strength and the new problems that arise must be solved. X

TECHNICAL INFORMATION

Regional Conference Rio de Janeiro

**25 anniversary of the Brazilian Constitution
Freedom of Expression and Digital Democracy**

Rio de Janeiro, September 30, 2013

- **Joaquim Falcão**
professor-director FGV Direito Rio
- **Nelson Jobim**
was a Minister and President of STF
- **Alessandro Molon**
Federal Congressman PT/RJ
- **Pablo Cerdeira**
professor FGV Direito Rio
- **Ricardo Gandour**
director of Content at Grupo Estado
- Mediators - **Patricia Blanco**
president of Instituto Palavra Aberta
- Fernando Leal**
assistant coordinating professor CJUS - FGV Direito Rio

The long path to freedom

Of the seven Letters, four were approved by Constituent Assemblies, two were imposed – one by Emperor D. Pedro I and another by President Getúlio Vargas – and one was ratified by the Congress due to a demand of the military regime.

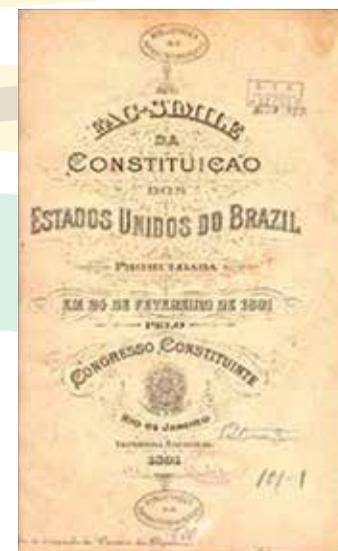
- 1st 1824 (granted)
- 2nd 1891 (enacted)
- 3rd 1934 (enacted)
- 4th 1937 (granted)
- 5th 1946 (enacted)
- 6th 1967 (granted, with amendment in 1969, also granted)
- 7th 1988 (enacted)

1824 Constitution (Brazilian Empire)

The first Constitution was a personal project of Emperor D. Pedro I, who, after having proclaimed independence, faced the opposition of Brazilian landowners in an environment of tough dispute for power. Supported by the Portuguese Party, which gathered Portuguese traders and government officials, the emperor dissolved the Constituent Assembly and imposed the Constitutional Letter with 179 articles, which lasted for 65 years, the



longest Constitution to date. In practice, it strengthened the emperor with the creation of the Moderating Power, above the Executive, Legislative, and Judiciary, and established the indirect and census vote. The governors of the provinces were appointed and, in the elections, only free men and owners with minimum annual net income of one hundred thousand réis (Brazilian currency at the time) could vote or be voted for.

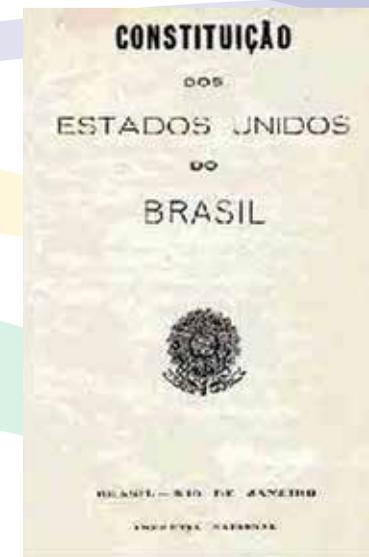


1891 Constitution (Brazilian Republic)

With the Proclamation of the Republic and the end of slavery, the country faced major changes. In economy, the industrial activity stimulated urbanization and inflation. In politics, the European parliamentary model was finally replaced by the North-American Presidentialism. The temporary government of Marechal Deodoro da Fonseca appointed a committee to elaborate a Constitution project, also temporary, until the conclusions of the Constituent Assembly. The new Letter established the Federative form of State and the Republican form of Government, consolidating some advances such as the independence of the powers, the secular State, with the end of Catholicism's status as the official religion, and habeas corpus. The suffrage had fewer restrictions, but beggars and illiterates still couldn't vote.

1934 Constitution (Second Brazilian Republic)

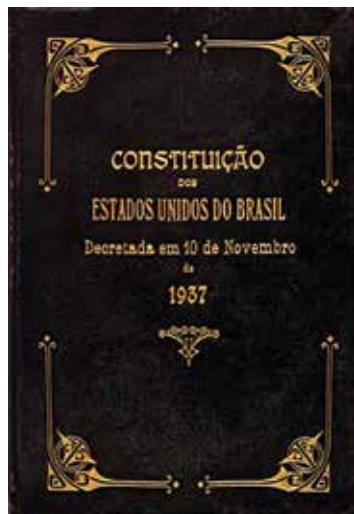
The Getúlio Vargas government, appointed by the 1930 Revolution, faced strong opposition and this culminated in



the 1932 Constitutionalist Revolution. After defeating the insurgents from São Paulo, Vargas was obliged to meet the popular cry and called elections for the following year. A new constituent assembly enacted, in 1934, the so-called Second Republic Constitution, which consolidated social achievements, with the creation of the Electoral Court and the Labor Court, although it ensured larger powers to the Federal Government. The labor laws established the eight-hour workday, weekly rest, and paid leave. Voting became mandatory and secret for everybody above 18 years of age and this right was extended to women, but not to beggars and illiterate, yet. Its authoritarian bias was reinforced in 1935, when it received three amendments to suppress, according to the text, "the subversive movement of political and social institutions."

1937 Constitution (Estado Novo - Getúlio Vargas's dictatorship)

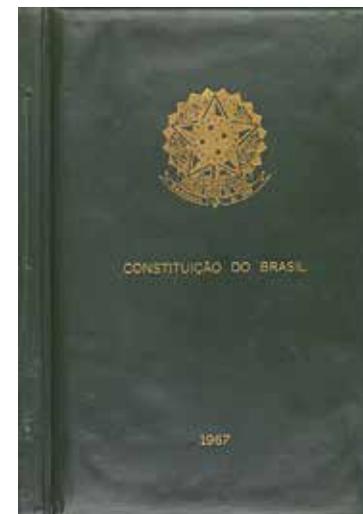
The winds of authoritarianism grew stronger with Estado Novo, the dictatorial



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period of the Vargas Era. On the same day, November 10, 1927, Getúlio Vargas dissolved the Congress, and revoked the 1934 Constitution and granted the Country, with no prior consultation, the new Constitutional Letter, which was nicknamed ‘Polish’, as a reference to the Letter imposed by the military coup that led Marechal József Pilsudski to power in Poland. With a strong fascist inspiration, the 1937 Constitution suppressed political parties and concentrated power at the hands of the head of the Executive. In this period, freedom of expression received one of its toughest blows, restrained by the Department of Press and Advertisement (DIP).

1946 Constitution

Popular reaction against Estado Novo increased and, in 1945, after Germany was defeated at WWII, Getúlio Vargas was deposed. Armed Forces handed over power to the president of Supreme Court at the time, José Linhares, who called elections in the same year. General Eurico Gaspar Dutra won the Presidential

elections and governed Brazil with decrees-laws while the newly elected Congress elaborated a new Constitution. In the following year, the new Letter that returned to democratic principles was enacted, re-establishing direct election for the Presidency of the Republic, with a five-year mandate, in addition to individual rights, such as, and especially, freedom of expression, thus ending censorship. The independence between the Executive, Legislative, and Judiciary powers was ensured, as was partisan plurality, the right to strikes, and free union association. In 1961, this Letter was amended, and the parliamentary system was established, an alternative contemplated after the crisis which rose after President Jânio Quadros resigned. In a popular consultation, in January 1963, Brazil returned to the Presidentialist system.

1967 Constitution (Military Dictatorship)

After the military coup that deposed the Constitutional President João Goulart, in 1964, Brazil was, once again,

experiencing a dictatorship. And it was under the so-called security policy that the proposal of a new Constitution was submitted to the Congress, controlled by the Military Regime, in January, 1967. Brief, the new Letter torpedoed the democratic principles, adopting indirect election for the Presidency of the Republic, through Electoral College and suspending the magistrates’ guarantees. It would also mirror the political toughening of the following years, through 17 amendments, called Institutional Acts, a mechanism to legitimate political actions. The most famous of them, of December 13, 1968, would start one of the longest and darkest periods of national politics. Ensuring absolute powers to the military, AI-5 introduced censorship to communication media, music, theater, and cinema, the declaration of martial law by the Presidents of the Republic, and intervention in states and cities, and it suspended the habeas corpus to the so-called political crimes. Its first consequence was closing the National Congress for almost a year.

The 1967 Constitution suffered, in 1969, the following changes through amendments:

- Increased the concentration of power in the Executive dominated by the Army
- National Security Law
- Restriction to civil rights (as part of the fight against subversion)
- Media Law
- Federal Censorship - which lasted until the José Sarney administration

1988 Constitution

The seventh Brazilian Constitution consolidated, in addition to freedom of expression and press, the direct elections for President, Governor, Mayor, Senator, Congressman, and Councilman, i.e., it perpetuated the choice of political representation through universal vote. Thus, the Letter, also known as Citizen Constitution, marked the process of re-democratization of Brazil. During its 20 months’ work, the constituent assembly was comprised of 487 National Congressmen and 72 Senators. Of the latter, 24 weren’t elected specifically to write the Constitution but, since they had a seat in the Senate, they also participated. On October 5, 1988, the parliamentarians delivered a new Constitution Brazil, with 315 articles, 573 paragraphs, 934 items, and 188 points. x



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WHO WE ARE

Born from the joint efforts between the National Newspapers Association (ANJ), the Brazilian Association of Radio and Television Stations (ABERT), the National Association of Magazine Publishers (ANER), and the Brazilian Association of Advertising Agencies (ABAP), Palavra Aberta, a non-profit organization, defends freedom of information and expression as a fundamental pillar of a democratic society.

OUR MISSION

Promoting and stimulating democratic freedoms, especially freedom of expression, of speech, of press, and free initiative.

OUR VISION

To help and produce conditions of freedom in strong democratic institutions for our generation and for generations to come.

OUR VALUES

- Fostering and promoting education and culture
- Freedom of expression and press
- The right to information - Informed choice
- Defense of self-regulation
- The power of communication for the good of society

WHAT WE STAND FOR

Because we believe in the strength of communication and in the power of the word in building a better society, Palavra Aberta Institute promotes freedom of expression and information expressed in the freedom of press, in freedom of commercial expression, and in free initiative as fundamental pillars of an advanced and sustainable society.

HOW WE OPERATE

We seek to spread freedom of expression and information through four focal points:

Studies and Researches: Incentive to national studies and researches and disclosure of international researches.

Debates and Seminars: Promoting events, debates, discussions, symposiums, conferences, congresses, seminars, and lectures.

Governmental and Legislative Actions - Brazil and Global: Following-up on national and international trends on the subject.

Campaigns: Promotion and support to campaigns and actions of social interest held by the Institute, as well as by partner entities and associations.

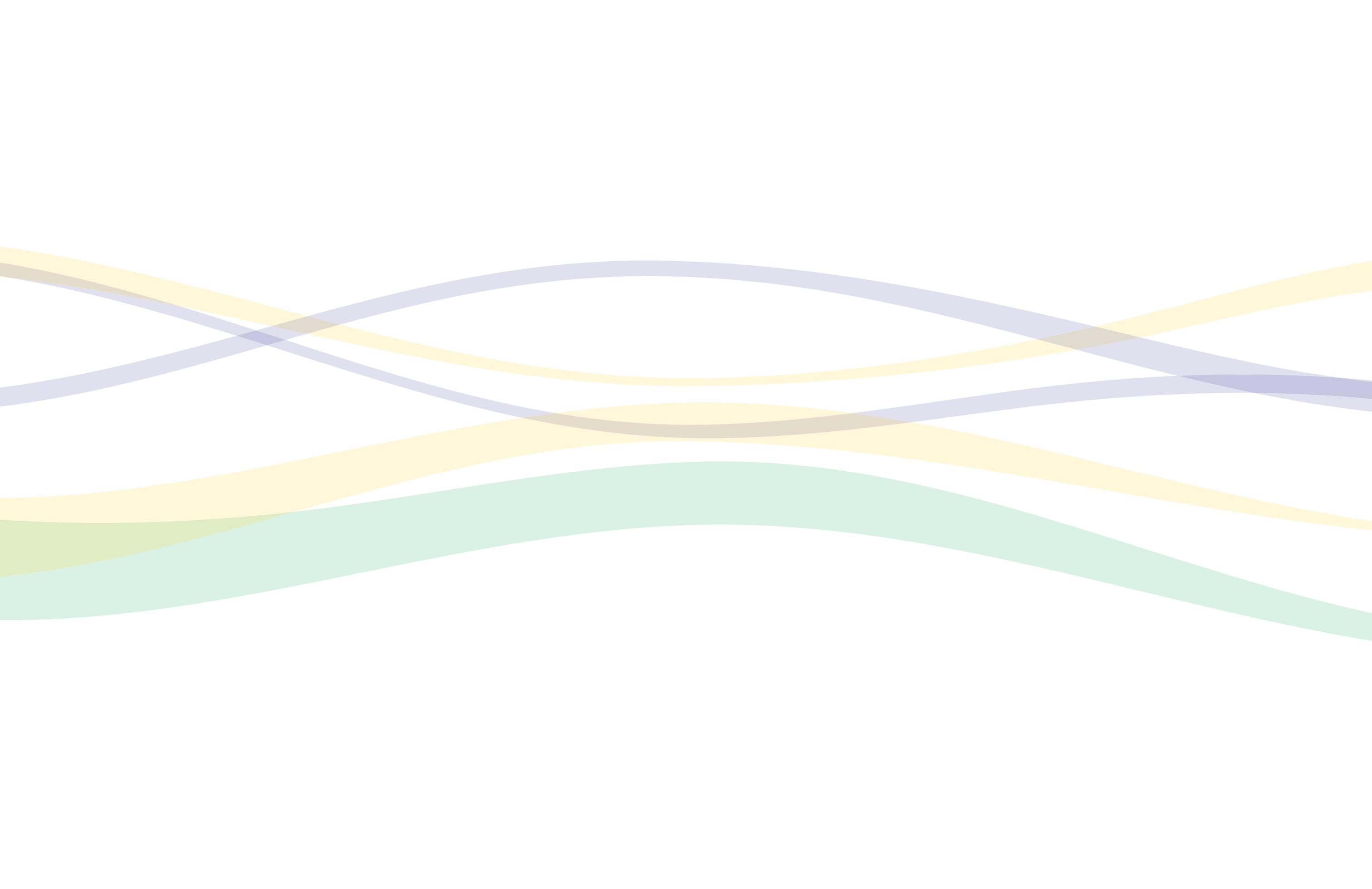


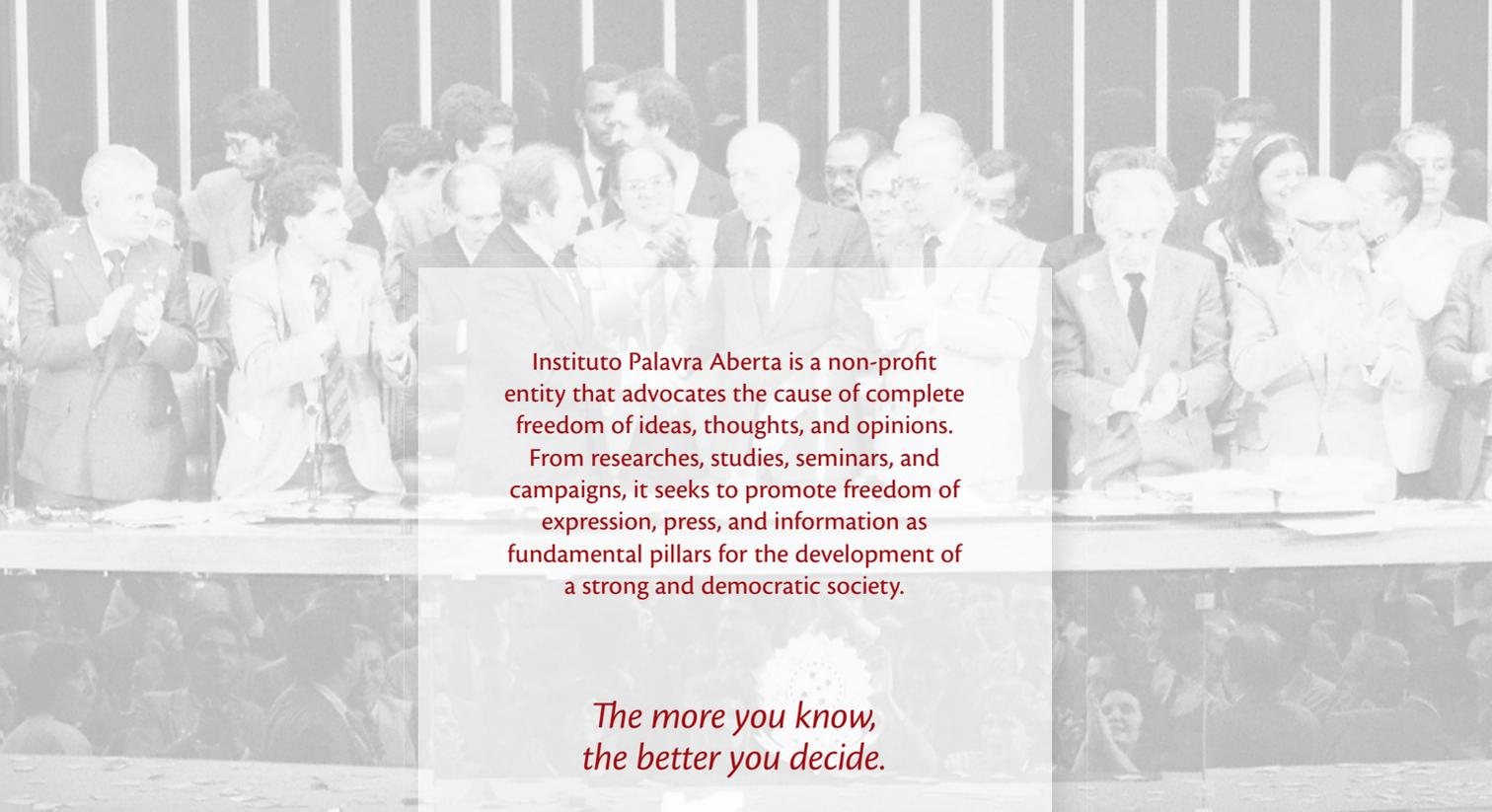
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Instituto Palavra Aberta is a non-profit entity that advocates the cause of complete freedom of ideas, thoughts, and opinions. From researches, studies, seminars, and campaigns, it seeks to promote freedom of expression, press, and information as fundamental pillars for the development of a strong and democratic society.



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