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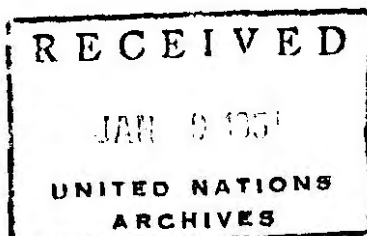
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COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON FREEDOM OF INFORMATION  
AND OF THE PRESS

ADDITIONAL INFORMATION PROVIDED BY GOVERNMENTS ON THE  
QUESTIONS ASKED IN THE REQUEST FOR INFORMATION BASED  
ON THE AGENDA OF THE UNITED NATIONS CONFERENCE  
ON FREEDOM OF INFORMATION

B R A Z I L

(Reply to the request for information based  
upon the provisional agenda of the  
Conference and transmitted to Governments  
in accordance with the resolution of the  
Economic and Social Council of 15 August 1947  
(Document E/573, resolution 74 (V)).)



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E/CN.4/Sub.1/107/  
Add.6

I

General discussion on the Principles of Freedom of Information and the  
Consideration of Certain Fundamental Principles

1. Governments are invited to supply the Secretary-General with

(a) A concise statement of the constitutional and legal principles applicable to the various media of information in their countries;

The fundamental principles embodied in the Constitution and in the legislation applicable to the various media of information may be summarized under the following heads:

The expression of thought is free and is not normally subject to previous censorship.

Every person is liable for any abuses he may commit in the exercise of this right; anonymity is therefore not permitted.

The publication of newspapers and periodicals is not subject to licensing by the public authorities.

Nevertheless, war propaganda and propaganda advocating the overthrow of the political and social order by violence, or advocating class or race prejudices are not tolerated.

(b) The relevant texts of their constitutions, legislative enactments and regulations;

A list of the main constitutional provisions, legislative enactments and regulations in force is appended.

(c) The relevant texts of principal judicial decisions;

The texts of principal judicial decisions cannot readily be furnished as requested, as in the first place the Judiciary is a separate power, acting independently, and rendering decisions on particular cases submitted to its jurisdiction, without any interference from the Executive which is not normally privy to such decisions. Moreover, most of the judges and courts are local and form part of the judicial organization established by the States as provided in the Federal Constitution.

Apart from the courts with special jurisdiction for the trial of military crimes, labour matters, electoral matters, etc., the only federal courts are the Federal Supreme Court and the Federal Court of Appeals, the jurisdiction of which is laid down by the Constitution.

Consequently the Executive is unable to indicate the principal judicial decisions, as requested.

It should however be noted that there are specialised reviews which systematically collect the principal judicial decisions, as, for example, the Revista Forense and the Arquivo Judiciario, published at Rio de Janeiro, and the Revista dos Tribunais published at São Paulo.

(d) Any relevant treaties, conventions or other international instrument to which they are parties;

No treaties, conventions or other international instruments signed by Brazil are in force.

(e) Any relevant official papers, explanatory memoranda, circulars and statements of policy.

It is also difficult to indicate any police circulars or instructions as the police services are operated by the states.

2. Governments are invited to provide answers to the following questions:

(a) What is the legal status of press, radio and newsreel enterprises.

Are they -

- (i) governmental organs;
- (ii) public corporations;
- (iii) private enterprises controlled by the State;
- (iv) co-operatives;
- (v) private enterprises.

Questions (i) to (v) Press, newsreel and radio activities are normally carried on by private enterprises and governed by the latter's articles of association or partnership and by the statutory provisions relating to the type of association adopted.

There are however, certain press and radio enterprises which are the property of the nation and administered by the Government. The latter maintains the Ministry of Education Radio and Radio Maua (Workers' Station), for cultural purposes.

(b) Does your government -

(i) maintain an information service which makes regular releases or provides information and documentation of any kind either free or for sale;

No.

(ii) Does your government maintain any news agencies;

The Government maintains the Agencia Nacional as an information service; the agency supplies news relating particularly to administrative and government activities.

(iii) Does your government subsidize or in any way assist any news agencies or other enterprises in the field of information;

The Government neither subsidizes nor assists news agencies.

(iv) Does your government own shares in or lend funds to private enterprises in the field of information;

The Government does not own shares in or lend funds to private information enterprises.

(v) Does your government publish newspapers;

The Federal Government publishes the official gazettes in which official documents are published. However, as stated above, certain press enterprises are the property of the nation and therefore under government administration.

(vi) Does your government make official broadcasts;

Acting through the national news agency, the Government makes a daily information broadcast, relayed by the national transmitters; it also transmits special broadcasts of important civic occasions. The Government also regularly broadcasts radio programmes from the Ministry of Education Radio and Radio Maua.

(vii) Does your government produce newsreels for public exhibition;

The Government produces films and newsreels.

(viii) Does your government make its information services available only to domestic users, to foreign users, or to both on equal terms?

The information bulletin and the broadcast programmes are normally transmitted on long wave for reception in Brazil. Some broadcasts are also made on short wave for listeners abroad.

(c) Governments are invited to provide answers to the following questions:

(i) What conditions govern the establishment of a newspaper, news periodical, radio broadcasting station or newsreel enterprise.

The principal condition governing the establishment of newspapers is that laid down in the Constitution (Article 160): press enterprises may not be owned by aliens. If the enterprise is a corporation, its shares may not be bearer-shares and shares may not be owned by aliens or by legal persons, other than Brazilian political parties.

The principal responsibility of press enterprises must be borne by Brazilians by birth who alone may determine the policy and be in charge of the administration of these enterprises.

Other conditions, such as registration in the Register of Commerce and registration of the title are prescribed by the provisions of the ordinary law.

(ii) What form of control, if any, exists covering the investment of capital in information enterprises, such as enquiry into the source of capital, publication of the source of capital, prohibition or limitation of foreign capital, or limitation of the proportion of capital invested which may be held by any individual or group.

The articles of association of enterprises must be filed with the Register of Commerce, maintained in the States by the Commercial Boards and in the Federal District by the National Department of Industry and Commerce, the bodies responsible for ensuring compliance with the statutory restrictions regarding the application of capital in these enterprises.

(iii) What regulations, if any, exist concerning the ownership, control and administration of public or private enterprises in the field of information.

The relevant regulations are indicated in the appended list mentioned above.

(d) Governments are invited to provide answers to the following questions:

(1) To what extent, if any, and on what grounds, does the law of your country provide for the suspension or suppression of media of information.

The law authorizes the suspension of media of information, in

/particular of newspapers

particular of newspapers and periodicals, if the crimes established in the Security Law (Legislative Decree Number 431 of 18 May, 1938) have been committed by means of them; the publication is liable to seizure.

(ii) What body or authority is competent to suspend or suppress?

The Chief of Police, in the Federal District, and the senior local police authority, in States and in the Territory of Acre, have powers to seize publications.

Publications may not be suspended except by order of the Minister of Justice.

(iii) What is the procedure followed by this authority?

The procedure is that established in the Legislative Decree (No. 431 of 1938) mentioned above.

(iv) What provisions, if any, exist for administrative and judicial review?

Under the law, an appeal against an order for the seizure of publications lies to higher administrative authority, in which case the appeal acts as a stay of the order of seizure. Generally speaking, if an official act impairs a clear or certain right, the writ of security is available as a judicial remedy.

All official acts are reviewable by the judiciary; indeed they may not be removed from the consideration of the courts if they involve any impairment of individual rights.

(e) Governments are requested to state the law of their country concerning the corruption of media of information.

The Press Law (Decree No. 24,776, of 14 July 1934).

(f) Governments are requested to state the composition of tribunals which adjudicate upon offences relating to media of information (e.g. press offences) and the procedure followed before such tribunals. (See also paragraphs 5 (f) and 8 (c) below for questions relating to the law of libel)

Under the Press Law of 1934, the offences referred to therein were made triable by a special court consisting of four jurors with a magistrate as president. There is some doubt, however, if this provision is still valid since special courts were prohibited by the 1946 Constitution.

The procedure for the trial of press offences is laid down in the Press Law.

II

MEASURES TO FACILITATE THE GATHERING OF INFORMATION

3. Governments are invited to provide information about:

(a) Their law and practice governing the entry, residence, movement and travel of news personnel;

The entry and residence of news personnel are regulated by the general rules governing the entry and residence of other aliens. The same is true of expulsion.

(b) Their experience, if any, in the use of international professional cards for news personnel;

(c) Their law and practice, if any, governing the expulsion of news personnel;

(d) Any special laws, regulations or practices, applying to or affecting foreign news personnel;

See reply to previous question.

(e) The accessibility of news sources, private and official, and any existing distinctions in the degree of accessibility to such sources as between their own nationals and foreign news personnel;

There is no discrimination between Brazilians and aliens, since the Constitution assures equality of rights to nationals and resident aliens.

(f) Their rules and practices governing the taxation of foreign and domestic news agencies and personnel [See also paragraph 5 (1)].

There are no special rules in this respect.

MEASURES TO FACILITATE THE INTERNATIONAL TRANSMISSION OF INFORMATION

4. Governments are invited to provide information concerning:

(a) The law and practice of any existing censorship;

There is no previous censorship of the media used for the expression of thought. Only public performances and entertainments are subject to the rules laid down in the relevant regulations.



(b) To what extent there has been relaxation of censorship since the termination of hostilities in World War II, and how the present situation compares with pre-war peacetime censorship;

At the end of the war, the censorship service was abolished; accordingly we have no observations to make on this point.

(c) And to state -

(i) Whether censorship is based upon directives available in advance to news personnel;

(ii) Whether censorship occurs before transmission, and if not, to what extent news personnel are accountable for the contents of their dispatches;

(iii) Whether censorship is carried out at the place of dispatch and in the presence of the sender, and if not, how and when he is informed of alterations or deletions;

(iv) The way in which telegraph charges are fixed on censored material; Irrelevant, in view of the fact that there is no censorship.

(d) Differences, if any, between transmission rates and services available to domestic and foreign news agencies and personnel;

There are no differences.

(e) Current tariffs, quotas or exchange controls which apply to the import of (1) news, and (2) news materials used by the media of information [See also paragraph 6 (a-b)].

There are no special tariffs, quotas or exchange controls applicable to the importation of materials used by media of information. Imports generally are regulated by a licensing system.

(f) Any legislation, regulations, inter-governmental agreements, commercial agreements (e.g. cartels) or practices, including those which involve the use of specially favoured channels, or establish priorities of a restrictive or monopolistic nature which affect the import or export of (1) news, and (2) news materials [See also paragraph 6 (f) below].

Irrelevant, in view of the reply to the previous question.



MEASURES CONCERNING THE FREE PUBLICATION AND RECEPTION OF INFORMATION

5. Governments are invited to describe any legal or administrative restrictions imposed on, and any economic conditions affecting, persons or groups wishing to receive and disseminate information, ideas and opinions by:

(a) Measures which discriminate in the provision or allocation of equipment, materials and facilities;

There are no discriminatory measures in this connexion.

(b) (Questions concerning censorship have been included above under paragraph 4);

This question has already been considered under the appropriate heading.

(c) Limitation or regulation of the right to possess and operate radio receiving sets covering all bands used for domestic and international broadcasts;

There is no limitation or restriction of the right to possess radio receiving sets; they may be operated on any of the bands used by domestic and international stations.

(d) Requirements of national security and public order;

For the purpose of safeguarding national security and public order, certain specified offences are punishable by imprisonment. These offences are defined in Legislative Decree No. 431 of 1938 and subsequent legislation.

(e) Demands of public decency;

Offences against public decency are defined, inter alia in the Penal Code, the Press Law, and in the regulations for the censorship of public entertainment.

(f) Laws of libel;

See reply to previous question.

(g) (A question relating to the ownership, control and administration of enterprises in the field of information);

This question has already been dealt with under the appropriate heading.

(h) Governments are further invited to outline any legal provisions, and to describe any understandings and practices which make available to groups and individuals media of information which are not owned or controlled by them and enable them to give public expression to their views through these media;

There is nothing to report in this respect.

(i) (Questions relating to distinctions between the rights of correspondents, information agents, etc. working in their own countries and those of foreign correspondents have been included above under paragraphs 3 (d-e-f) and 4 (d).

As stated above there is no discrimination between Brazilian and non-Brazilian correspondents.

6. Governments are invited to describe any steps they have taken, either alone or in co-operation with other governments, or any steps they have announced they intend to take, which have increased or would increase the amount of domestic and international information available by:

(a) Such means as improving and increasing the supply of physical facilities, for example: printing presses, newsprint, radio equipment, film projectors and rapid transmission facilities and services;

As a means of improving and expanding the facilities of the media of information, and more particularly of the press, special privileges have been granted to press enterprises. The most important relates to customs duties and allows the newsprint commonly used in newspapers as well as compositing machinery and printing presses to be imported free of duty.

(b) Removing or alleviating existing tariffs, quotas, regulations and exchange controls affecting the supply of such physical facilities;

Owing to the adverse balance of trade resulting from the war, strict government control of imports and exports by means of previous licensing has been established. In view of the difficult situation, it seems impossible, at least for the present, to consider the relaxation of tariffs, quotas and exchange controls affecting the supply of materials.

(c) Reducing the disproportion in mass media facilities now at the disposal of various countries;

Under the licensing system, the funds and facilities freed for each country are directly dependent on the trade balance with that country.

(d) Solving foreign exchange problems of news personnel coming from weak currency countries;

This is being sought by the restoration of the balance of trade.

(e) Provisional measures designed to develop national (domestic) news agencies until such time as these news agencies are capable of meeting international competition;

The problem is virtually non-existent in Brazil.

(f) Eliminating monopolistic, restrictive or exclusive arrangements or practices limiting the import and dissemination of information for domestic publication.

This problem also does not arise.

7. Governments are requested to describe their experience, either alone or in co-operation with other governments, and their findings, concerning any measures for improving the quality of information in the direction of greater accuracy, objectivity, comprehensiveness and representative character by:

(a) Arranging for the interchange of news personnel on the basis of reciprocal agreements;

As regards arrangements for the interchange of news personnel, so far as we know, we have no agreements on a basis of reciprocity with other Governments. The Ministry of Foreign Affairs may, however, be able to provide further particulars.

(b) The training of news personnel in professional competence and standards of accuracy and fairness, and in knowledge and understanding of the countries where they will work;

Courses in journalism intended to raise professional standards are given, principally in the National Faculty of Philosophy.

(c) The training of technicians in the operation of modern facilities.  
(NOTE: Governments are invited to give details of any steps they have announced they intend to take in this connexion).

The training of technicians in telegraphy, radio and other special techniques directly related to the various means of communication is carried out in numerous technical schools in Brazil.

8. Governments are invited to state their experience, either alone or in co-operation with other governments, and their findings concerning any measures taken to counteract false information by:

(a) The study of measures for counteracting the spreading of demonstrably false or tendentious reports which confuse the peoples of the world, aggravate relations between nations or otherwise interfere with the growth of international understanding, peace and security against a recurrence of Nazi, Fascist or Japanese aggressions.

The Constitution, by assuring freedom of expression, without previous censorship, practically makes it unlawful to apply measures to counteract the spreading of demonstrably false or tendentious reports which tend to confuse or aggravate relations between nations or interfere with the growth of international understanding with a view to the safeguarding of international peace and security.

(b) The study of measures, especially legislative, designed to establish the responsibility of the owners of newspapers which spread false and tendentious reports of a nature which worsen relations between peoples, provoke conflicts and incite to war.

However, the Constitution provides for the punishment of abuses, including the publication of false reports, committed by persons exercising this right; in addition to the pecuniary penalties and penalties involving loss of freedom imposed on those guilty of such offences, the publications may be seized and confiscated and newspapers may be suspended.

(c) Laws of libel -

(i) Please supply the texts of all laws and regulations governing libel in your country as well as extracts from important relevant decisions of the courts.

The laws governing defamation are the Press Law and the Penal Code.

(ii) In the opinion of jurists, or other competent authorities, does the law of libel in your country contain anomalies, and, if so, are appropriate reforms contemplated.

This is a matter of opinion and is little discussed; there is therefore nothing of importance to report in this connexion.

(iii) Please state whether responsibility is civil, criminal, or both.

The responsibility of offenders is both criminal and civil.

(iv) Please describe the degree of legal responsibility of the editor, owner, publisher, printer, distributor, writer, reporter, or person giving information.

In the case of abuses of freedom of expression, the Press Law in force provides that the following are responsible:

(a) the author; (b) the editor and (c) the proprietor. In the case of periodical publications, for the purposes of criminal responsibility, the editor-in-chief is regarded as the author of all unsigned articles in the editorial part and the managing editor of unsigned material in the remainder of the publication, unless the actual author is identified. These are the main principles, among others, set forth in the Press Law (Decree No. 24,776 of 14 July 1934).

(v) Please state whether news personnel are protected from civil or criminal liability incurred in the course of their employment.

In principle, every person is liable for abuses and excesses committed by him in the use of media of expression.

(vi) Is there a right to trial by jury. Please give details concerning the composition of the tribunal and of the procedure followed.

Under Decree No. 24,776 of 1934, press offences are triable by a special court consisting of the professional magistrate who conducted the investigation of the case, who acts as President without vote, and 4 citizens chosen from the panel of jurymen.

In this connexion, we refer to the answer to 2(f) above.

Proceedings in respect of offences of this kind are instituted on the complaint of the offended party or by an information laid by the public prosecutor, accompanied by a copy of the publication giving rise to the charge or complaint and particulars of the investigations required to prove the charge, including a list of witnesses. The judge orders the case to be prepared for trial, if the proceedings were initiated by complaint, and, after hearing the public prosecutor, will rule whether the charge or complaint is receivable or not. When the complaint or charge is admitted,

/the judge

the judge makes an order summoning the accused to appear personally for a first hearing; on appearing, his identity will be established and he will be given a period of five days to submit a written defense in which he may raise any preliminary questions and plead the exceptio veritatis, producing evidence in support of his plea.

The necessary investigations are then made and the witnesses listed are heard; the witnesses for the prosecution are examined first, followed by the witnesses for the defence. There may not be more than 5 witnesses on either side. On completion of the investigation, the complaint and the accused are given a period of three days to submit written pleas.

If, on the evidence, the judge does not summarily dismiss the case, the accused is brought before the court, the composition of which has been described. The jurors are chosen by lot from a panel of jurymen on the order of the judge trying the case, three days before the trial.

On the appointed day, the judge outlines the case and the prosecution and defence are then each given an hour to state their case, which period may be extended by 30 minutes for replies and counter-replies.

On completion of the pleading, the court deliberates in private. In accordance with the verdict, the judge pronounces sentence, from which appeal is allowed.

(vii) To what extent is the reporting of parliamentary and judicial proceedings, and the proceedings and activities of public bodies, privileged and to what extent is comment on judicial proceedings pending decision restricted.

Comment of parliamentary and judicial proceedings, pending decision, is permitted without restriction, provided, naturally, that the press offences established by law are not committed. In this connexion, it is interesting to note that Decree No. 24,776 of 1934 expressly provides that criticism of the laws and arguments to prove that they are desirable or undesirable; do not constitute a crime, provided the object of the comments is not to advocate or incite to disobedience of the laws; the same applies to the publication of pleadings, arguments or pleas put forward in court by the parties or by their counsel, unless they are libelous, even if they have not been ordered to be struck from the record.



(d) The exercise of the right of reply. Please supply the texts of all laws and regulations governing this right, as well as extracts from important relevant decisions of the courts. Please describe any special machinery for protecting this right.

Any natural or legal person whose reputation and repute have been injured by the publication, in a newspaper or periodical, of matter which is insulting or inaccurate in fact, has the right to require the editor concerned to rectify the article. The right of compulsory rectification is established in the Press Law.

(e) The dissemination through domestic news channels of official denials, particularly with respect to matters of concern to another nation.

There is nothing to report in this connexion.

9. Governments are invited to outline the experience of professional news bodies within their jurisdiction in any efforts the latter may have made to lay down for themselves standards of professional conduct and competence.

(a) Please supply the texts of any codes of honour or similar instruments.

No code of honour relating to the activities of the media of information is in force.

(b) Please describe any organizations of foreign news personnel within your jurisdiction with special reference to self-disciplinary powers exercised by them.

Various news agencies of foreign origin operate in Brazil, such as United Press and others.

10. Governments are invited

(a) To supply any relevant published material and to furnish any comments they may wish to make concerning the drafting of a Charter covering rights and obligations of the media of information.

(b) To express their views concerning the establishment of machinery for the issue of international professional cards for news personnel.

11. Governments are invited to comment upon the constitution and functions of any continuing international machinery for promoting the free flow of true information, the creation of which, in their opinion, the Conference might recommend.



12. Governments are invited (a) to supply information concerning, and (b) to comment on, the operation within their jurisdiction of foreign governmental or semi-governmental information services. Please supply the texts of any laws or regulations governing such services, and the texts of any relevant international agreements. Governments are also requested to describe the activities of any governmental or semi-governmental information services maintained by them abroad.

The topics discussed in these questions require, in the last analysis, the preparation of a draft charter covering the rights and obligations of the media of information, and the establishment of machinery for the issue of international professional cards for news personnel and for encouraging the free flow of accurate information. In the circumstances, we feel that, as the subject concerns the presentation of a document of an international character to be laid before an organ of the United Nations, such as the Economic and Social Council, and finally to be embodied in a draft agreement or international document of greater scope, it should receive detailed study by experts of States Members of the United Nations.

LIST OF THE PROVISIONS CONTAINED  
IN THE CONSTITUTION, STATUTES  
AND REGULATIONS APPLICABLE TO THE  
ACTIVITIES OF THE VARIOUS MEDIA OF INFORMATION

Federal Constitution of 18 September 1946

Article 141 (5) regarding the free expression of thought.

Article 141 (14) regulating the freedom of the practice of professions.

Article 141 (26) prohibiting the establishment of privileged courts and exceptional tribunals.

Article 141 (29) contained certain specified penal provisions.

Article 142 establishing the freedom of entry, residence and exit of aliens.

Article 143 relating to the expulsion of undesirable aliens.

Article 124 and 126 laying down the judicial organization of states, the Federal District and Federal Territories.

Article 160 regulating the ownership of journalistic enterprises and broadcasting enterprises, the organization of corporations for such purposes and their intellectual and administrative direction.

LAWS, REGULATIONS AND INSTRUCTIONS

I. Press activities

- Decree Number 24,776 of 14 July 1934 - regulates the freedom of the press (D.O.14.7.34, RT.24.7.34 and 27.7.34)

- Decree Number 59 of 14 September 1934 - extends the period to which Article 68 of Decree 24,776 refers (D.O.18.9.34)

- Decree Number 146 of 19 November 1934 - extends the period to which Article 68 of Decree 24,776 refers (C.O.12.11.34)

- Act Number 318 of 25 November 1936 - authorizes the Executive to make arrangements with the private telegraph companies operating in Brazil with a view to the modification of the rate for international press messages.

- Legislative Decree Number 910 of 13 November 1938 - contains regulation regarding working hours and working conditions in press enterprises (D.O.3.12.938).

- Legislative Decree Number 1,262 of 10 May 1939 - contains regulations regarding the professional registration of journalists then exercising their profession (D.O.12.5.39)

- Legislative Decree Number 1341 of 12 June 1939 - extends the time limit for the registration of professional journalists (14.6.939)

/- Legislative Decree

- Legislative Decree Number 1,574 of 9 September 1939 - extends the time limit for the registration of professional journalists in the States and in the Territory of Acre (D.O.11.9.939)
- Legislative Decree Number 1,698 of 23 October 1939 - contains regulations regarding the registration of non-professional journalists with a view to the establishment of their status as such (D.D.25.10.39)
- Legislative Decree Number 1,949 of 30 December 1939 - contains regulations regarding the exercise of press activities and publicity in Brazil (D.O.30.12.939)
- Legislative Decree Number 2,016 of 14 February 1940 - contains regulations regarding the registration of newspapers and reviews and the control of newsprint (D.O.16.2.40)
- Legislative Decree Number 2,092 of 28 March 1940 - amends Legislative Decree Number 1,949 (D.O.30.3.40)
- Legislative Decree Number 2,101 of 1 April 1940 - contains regulations regarding the operation of the National Press Council in the cases referred to in sub-paragraphs c and d of Article 135 of Legislative Decree 1949.
- Legislative Decree Number 2,541 of 28 September 1940 - amends Article 42 of Legislative Decree Number 1949 (D.O.30.8.940)
- Legislative Decree Number 3,209 of 26 April 1941 - extends the time limit for the naturalization of foreign journalists (D.O.29.4.941)
- Legislative Decree Number 4,357 of 4 June 1940 - maintains for 120 days the professional registration of foreign journalists (D.O.6.6.42)
- Legislative Decree Number 4,826 of 12 October 1942 - regulates the distribution and sale of newspapers (D.O.14.10.42)
- Legislative Decree Number 4,828 of 13 October 1942 - co-ordinates the existing means and organs of dissemination and publicity in the country. (D.O.15.10.42)
- Legislative Decree No. 4879 of 27 October 1942 - contains regulations regarding the functions of the Press Council (D.O. of 29.10.42)
- Legislative Decree No. 4,919 of 5 November 1942 - amends article 1 of Legislative Decree No. 2,016 (D.O.7.11.42)
- Legislative Decree No. 5,122 of 29 December 1942 - establishes rates for international press messages (D.O.23.12.42)

- Legislative Decree No. 5,480 of 13 May 1943 - establishes the course in journalism as part of the national higher education system, and contains other provisions (D.O.20.5.43)

- Legislative Decree No. 8,313 of 7 December 1945 - contains regulations regarding newspapers and magazines and the press enterprises owned by the Governments of the Union, the States and independent agencies (D.O.7.12.945)

- Legislative Decree No. 9,496 of 22 July 1946 - amends Article 5 of Legislative Decree No. 4,826 of 1942 (D.O.25.7.46)

- Legislative Decree No. 22,245 of 6 December 1946 - organizes the course in journalism (D.O.9.12.946)

- Legislative Decree No. 20,193 of 24 January 1946 - approves the regulations for the Public Entertainments Censorship Service of the Federal Department of Public Security (D.O.29.1.46)

- Legislative Decree No. 22,401 of 31 October 1946 - amends article 31 of the regulations for the Censorship of Public Entertainments approved by Decree 20,493 of 24.1.46 (D.O.26.9.47)

## II. Radio Communications Activities

- Decree No. 19,881 of 17 April 1931 - regulates the operation of telegraphic services in the national territory.

- Decree No. 19,883 of 17 April 1931 - regulates the operation of interstate and international telephonic services.

- Decree No. 20,047 of 27 May 1931 - regulates the operation of radio communication services in the national territory.

- Decree No. 21,111 of 1 March 1932 - approves the regulations for the operation of radio communications services in the national territory.

- Decree No. 22,166 of 7 December 1932 - approves the regulations for the public telegraphic service operated by the railways.

- Decree No. 24,655 of 11 July 1934 - contains regulations regarding concessions for and the operation of broadcasting services.

- Decree No. 24,772 of 14 July 1934 - amends article 3 (b) of Decree No. 24,655.

- Law No. 229 of 28 July 1936 - extends the time-limit to which the sole paragraph of Decree No. 24,635 refers.

- Decree No. 3,661 of 27 January 1939 - approves instructions for the national radio-telegraphic service for the saving of human life (D.O.1.2.39)  
/- Legislative Decree No. 1,259

- Legislative Decree No. 1,259 of 9 May 1939 - deals with the reduction of noise in towns (D.O.11.5.39).
- Legislative Decree No. 1,291 of 24 May 1939 - contains regulations regarding the operation of the radio-telegraphic service (D.O.27.5.39).
- Legislative Decree No. 1,383 of 29 June 1939 -- adopts provisions to prevent interference with radio reception (D.O.1.7.39).
- Decree No. 5,109 of 12 June 1940 -- amends article 9 of the instructions for the radio-telegraphic service (D.O. of 15 January 1940).
- Legislative Decree No. 2,979 of 23 January 1941 -- contains regulations regarding the registration of radio broadcast receivers (D.O.25.1.41).
- Legislative Decree No. 4,701 of 17 September 1942 -- contains regulations regarding the trade in radio transmitters or receivers and accessories (D.O.31.12.42).
- Legislative Decree No. 8,356 of 12 December 1945 -- contains regulations concerning the expression of opinions by means of broadcasting (D.O.22.12.45).
- Legislative Decree No. 8,543 of 3 January 1946 -- contains regulations regarding the administrative procedure established in Legislative Decree No. 8,356 of 1945 (D.O.3.1.46).
- Legislative Decree No. 9,364 of 15 June 1946 -- repeals article 3 of Legislative Decree No. 8,356 of 1945 (D.O.19.6.46).
- Decree No. 20,428 of 21 January 1946 -- approves the national telegraphic plan prepared by the Department of Posts and Telegraphs (D.O.23.1.46).
- Decree No. 20,429 of 21 January 1946 -- contains regulations regarding the national telegraphic plan (D.O.23.1.46 rt.30.1.46).
- Decree No. 20,493 of 21 January 1946 -- approves the regulations for the Public Entertainments Censorship Service of the Federal Department of Public Security (D.O.29.1.46).
- Decree No. 22014 of 20 October 1946 -- amends article 31 of the regulations for the Public Entertainments Censorship Service of the Federal Department of Public Security, approved by Decree 20,193 (D.O.4.11.46).
- Act No. 101 of 17 September 1947 -- brings contracts between theatre, cinema, radio and circus workers and their respective employers under the control of the Ministry of Labour (D.O.26.9.47).
- Decree No. 23,506 of 1947 -- contains provisions regarding the operation of Radio Roquete Pinto (D.O.18.8.47. ret.19.8.47).

- Legislative Decree No. 7,381 of 13 March 1945 -- authorizes the establishment of Radio Mauá (foundation) and contains regulations regarding its operation (D.O.15.3.45).

- Order No. 47. Ministry of Labour of 7 September 1945 -- establishes a broadcasting service, to be known as Radio Mauá, under the Workers' Recreation Service (D.O.14.9.45).

### III

#### OFFICIAL ORGANS OF INFORMATION AND PUBLICATIONS

- Legislative Decree No. 9,788 of 6 September 1946 -- abolishes the National Information Department, establishes the National Agency and contains other provisions (D.O.10.9.46).

- Decree No. 5,963 of 16 July 1940 -- approves the regulations for the National Printing Office (D.O.23.7.40).

### IV

#### ADMISSION, RESIDENCE, AND EXIT OF ALIENS

- Legislative Decree No. 406 of 4 May 1938 -- contains regulations regarding the entry of aliens into the national territory (D.O.6.5.39).

- Legislative Decree No. 639 of 20 August 1938 -- amends Legislative Decree No. 406 (D.O.22.8.38).

- Legislative Decree No. 3,010 of 20 August 1938 -- contains regulations issued under Decree No. 406 (D.O.22.8.38).

- Legislative Decree No. 809 of 26 October 1938 -- amends Legislative Decree No. 406 (D.O.28.10.38).

- Decree No. 3,818 of 14 March 1939 -- amends Decree No. 3,010.

- Decree No. 4,554 of 2 August 1939 -- amends Decree No. 3,010 (D.O.24.8.39).

- Legislative Decree No. 1,532 of 23 August 1939 -- suspends the application of article 12, sole paragraph, of Legislative Decree No. 406 (D.O.25.8.39).

- Decree No. 4,950 of 28 November 1939 -- extends the time-limit for the registration of aliens (D.O.20.11.39).

- Decree No. 5,751 of 4 June 1940 -- extends the time-limit for the registration of aliens (D.O. ).

/- Legislative Decree No. 3,082



- Legislative Decree No. 3,082 of 28 February 1941 - establishes the compulsory registration of aliens entering the country on a "temporary" basis (D.O.6.3.41).
- Decree No. 3,175 of 7 April 1941 - restricts immigration (D.O.9.4.41).
- Legislative Decree No. 4,051 of 23 January 1942 - contains provisions regarding the registration of aliens and the imposition of fines for non-observance of the time limit (D.O.21.1.42).
- Legislative Decree No. 4,180 of 30 March 1942 - provides for the disposal of fines imposed by the State Authorities for offences against the legislation regarding the entry and residence of aliens (D.O.16.3.42).
- Decree No. 9,398 of 16 May 1942 - suspends the charge mentioned in the table to which article 215 of Decree No. 3,010 refers (D.O.19.5.42).
- Decree No. 14,501 of 13 January 1944 - suspends the charge mentioned in the table to which article 215 of Decree No. 3,010 of 1938 refers (D.O.15.1.44).
- Decree No. 6,238 of 3 February 1944 - contains provisions regarding the registration of aliens admitted on a "temporary" basis, and the provisions (D.O.3.2.44).
- Legislative Decree No. 7,967 of 18 September 1945 - contains provisions regarding immigration and colonization and other provisions (D.O.6.9.45).
- Decree No. 16,676 of 28 September 1944 - suspends the charge mentioned in the table to which article 215 of Decree 3,010 of 20.8.38 refers (D.O.30.9.44).
- Instructions approved by the Immigration and Settlement Council (ISC) for giving effect to Legislative Decree No. 7,967 of 18 September 1945 (D.O.13.2.46).
- Order No. 10,963 of 24 August 1945 - of the Ministry of Justice and Internal Affairs.
- Order 11,876 of 14 August 1946 of the Ministry of Justice and Internal Affairs (D.O.17.8.46).
- Decision No. 130 of 8 October 1946 - contains provisions regarding the registration of "temporary" entrants (D.O.21.10.46).
- Decision No. 131 of 14 November 1946 - provides that aliens holding "Transit visas" or breaking their journey to another country in Brazil will not be allowed to apply for permission to reside in Brazil (D.O.30.11.46).



- Decree No. 23,3350 of 15 July 1947 - contains provisions to give effect to articles 6 and 7 of Legislative Decree No. 7,967 of 18 September 1945 (D.O.17.7.47).

- Regulations established by the ISC regarding the granting of visas for the entry of aliens (D.O.14.6.47).

- Decision No. 133 of 6 May 1947 - registration of aliens and identity cards (D.O.27.5.47).

- Decision No. 138 of 22 September 1947 - correcting decision No. 133 (D.O.1.11.47).

- Decision No. 141 of 4 November 1947 - contains provisions regarding the absence of an alien admitted to Brazil on a "Special Temporary" basis within the meaning of article 96 of Legislative Decree No. 7,967 of 1945 (D.O.14.11.47).

- ISC Decision No. 1493 of 4 October 1948 - contains provisions regarding the granting of one or more extensions to aliens in Brazil on a "temporary" or as "special temporary" basis (D.O.6 of 1948).

- Circular No. 3332 of 1948 - return visa. Cancellation (D.O.18.8.48).

V

EXCHANGE MEASURES AND LICENSING

- Decree No. 23,258 of 19 October 1933 - contains provisions regarding exchange operations.

- Legislative Decree No. 175 of January 1938 - regulates the arrangements concerning the accounts maintained in Brazilian currency by residents abroad, with a view to the control of exchange operations (D.O.8.1.938).

- Legislative Decree No. 1,201 of 8 April 1939 - contains regulations regarding exchange operations (D.O.10.44.39).

- Decree No. 1,394 of 29 June 1939 - amends Legislative Decree No. 1,201 (D.O.1.7.39).

- Legislative Decree No. 2,703 of 28 October 1940 - contains provisions regarding the deposit in national currency of the equivalent of obligations in foreign currency originating in countries the commercial operations of which may be under the control of a foreign Government (D.O. ).

- Legislative Decree No. 6,413 of 11 April 1944 - contains provisions regarding the obligations in foreign currency referred to in Legislative Decree No. 2,703 of 1940, and other provisions (D.O.13.44.44).

/- Legislative Decree

- Legislative Decree No. 6,650 of 29 June 1944 - contains provisions regarding obligations in foreign currency and other provisions (D.O.3.7.44).
- Legislative Decree No. 7,797 of 30 July 1945 - contains provisions regarding control procedure to prevent illegal exchange transactions (D.O.1.8.45).
- Legislative Decree No. 9,025 of 27 February 1946 - contains provisions regarding exchange transactions, and regulations regarding the repatriation of foreign capital (D.O.28.2.46).
- Legislative Decree No. 9,522 of 26 July 1946 - abolishes the three per cent quota on the sale of currency (D.O.27.7.46).
- Legislative Decree No. 9,523 of 26 July 1946 - regulates the settlement in foreign currency of payments for imports (D.O.27.7.46).
- Legislative Decree No. 9,564 of 9 September 1946 - establishes a fine on settlements not effected within the time limits referred to in Legislative Decree No. 9,523 of 1946 (D.O.12.8.46).
- Legislative Decree No. 9,602 of 16 August 1946 - contains regulations regarding exchange transactions (D.O.19.8.46).
- Regulations issued under Decree 9,025 of 27 February 1946 - instructions issued by the Bank Control Service (D.O.11.3.946).
- Law No. 156 of 27 November 1947 - restores the tax referred to in Legislative Decree No. 1,394 of 1939 (D.O.28.11.47).
- Instruction No. 31 of 7 October 1947 - registration of foreign capital for purposes of repatriation (D.O.8.10.47).
- Order No. 443 of 12 December 1947 - provisions regarding the incidence of the tax established by Act No. 156 of 1947 (D.O.16.12.47).
- Law No. 475 of 8 November 1948 - repeals Legislative Decrees Nos. 9,523 and 9,564 of 1946, regulating the settlement in foreign currency of payments for imports and exports and establishes a fine for settlements not effected within the time limit (D.O.11.11.48).
- Interministerial Order No. 7 of 22 January 1945 - frees the importation of the products listed from the licensing requirements established by Legislative Decree No. 3,082 of 1941 (D.O.23.1.45).
- Decree No. 6,357 of 21 March 1944 - contains provisions on the granting of licenses and priorities for the importation of materials for Federal Civil departments, independent agencies and state agencies (D.O.23.3.44).

/- Interministerial Order

- Interministerial Order No. 259 of 24 May 1946 - ministries of the Treasury and of Foreign Affairs establish a licensing system for the importation of second-hand machinery and equipment, whether reconditioned or not (D.O.27.5.46).
- Notice No. 114 of 10 July 1946 - contains explanations regarding the importation of second-hand machinery and equipment, under Inter-ministerial Order No. 259 of 24.5.46 (D.O.12.6.46).
- Notice No. 118 of 16 October 1946 - enumerates certain goods the importation of which is subject to license (D.O.18.10.946).
- Law No. 262 of 23 February 1948 - subjects the import and export trade to the licensing system (D.O.25.2.48).
- Decree No. 24,697 of 23 March 1948 - approves the regulations issued under Act No. 262 of 1948 (D.O.6.44.48).
- Decree No. 25,030 of 31 May 1948 - exempts certain articles from the licensing system to which Law No. 262 of 1948 refers (D.O.2.6.48).
- Decree No. 25,071 of 9 June 1948 - excludes the importation of certain specified articles from the licensing system to which Act No. 262 refers (D.O.11.6.48).
- Decree No. 25,442 of 4 September 1948 - amends Article 1 of Decree No. 25,030 of 1948 containing provisions regarding the importation of books, newspapers and magazines (D.O.6.9.948).
- Decree No. 26,015 of 14 September 1948 - contains regulations issued under Act No. 262 of 23 February 1948 (D.O.14.12.48).
- Decree No. 26,091 of 29 December 1948 - fixes the date for the entry into force of Decree No. 26,015 of 1948 regulating import licenses (D.O.29.12.48).
- Decree No. 26,549 of 4 April 1949 - exempts the property and tools of immigrants from the import licensing system to which Act No. 262 of 1948 refers (D.O.6.4.49).
- Law No. 752 of 30 June 1949 - extends the operation of Act No. 262 of 1948 (D.O.1.7.949).
- Law No. 842 of 4 October 1949 - extends the time limit of law No. 262 of 1948 subjecting imports and exports to a licensing system (D.O.5.10.49).
- Decree No. 27,541 of 3 December 1949 - approves the regulations to give effect to the system of prior licensing referred to in Law No. 842 (D.O.5.12.49).

VI  
CRIMINAL LAW

- Legislative Decree No. 431 of 18 May 1938 - defines crimes against the international personality, structure and security of the State and against the social order (D.O.19.5.38).
- Legislative Decree No. 2,848 of 7 December 1940 - Penal Code (D.O.31.12.40).
- Legislative Decree No. 3,688 of 3 October 1941 - law relating to criminal offences (D.O.13.10.41).
- Legislative Decree No. 3,914 of 9 December 1941 - supplementary to the Penal Code and the legislation relating to offences (D.O.11.12.41).
- Legislative Decree No. 3,689 of 3 October 1941 - Code of Criminal Procedure (D.O.24.10.41).
- Legislative Decree No. 3,931 of 11 December 1941 - supplementary to the Code of Criminal Procedure (D.O.13.10.41).
- Legislative Decree No. 6,109 of 16 December 1943 - amends article 712 of the Code of Criminal Procedure (D.O.18.12.43).
- Legislative Decree No. 6,916 of 2 October 1944 - amends article 46 of the Penal Law Consolidation Act (D.O.4.10.44).
- Constitutional Act No. 14 of 17 November 1945 - abolishes the Court of National Security and contains regulations regarding jurisdiction for the trial of crimes against the existence, security and integrity of the State and the protection and employment of the people's economy (D.O.24.11.45).
- Legislative Decree No. 8,186 of 19 November 1945 - contains provisions regarding the trial of crimes for which the former Court of National Security would have been competent (D.O.24.11.45).

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