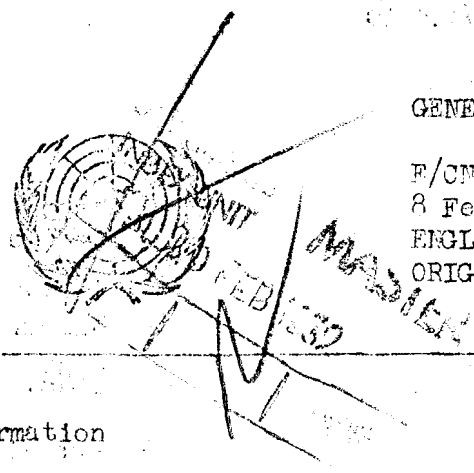


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL

33

GENERAL

E/CN.4/Sub.1/107/Add.10
8 February 1952
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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 1/

B.R.A.Z.I.L. 2/

Ministry of Justice and of the Interior

DOCUMENT SERVICE

Freedom of Information and of the Press
(Legislative Texts)

FILM INDUSTRY

Act No. 790 of 25 August 1949 - Grants exemption from customs duties and taxes on the import of material for use in the film industry. D.O. 1 September 1949 (See text p.3)

Act No. 929 of 23 November 1949 - Authorizes the National Educational Cinematographic Institute to provide remunerated services to individuals or organizations of a public character. D.O. 1 December 1949 (See text p.4)

1/ The information given below was forwarded by the Ministry of Foreign Affairs of Brazil in reply to the request by the Secretary-General of 13 June 1951 to submit any new legislative and administrative measures in Brazil with regard to freedom of information in accordance with paragraph 1 of resolution 306 F (XI) of the Economic and Social Council.

2/ For previous information supplied by Brazil, see document E/CN.4/Sub.1/107/Add.6.

/PRESS
E/CN.4/Sub.1/107/Add.10

PRESS

Act No. 351 of
27 August 1948

- Amends Articles 1 and 2 of Legislative Decree No. 9763 of 6 September 1946 on import duties on paper. D.O. 1 September 1948. (See text p.5)

Act No. 406 of
24 September 1948

- Contains provisions on tax accounting in connexion with the import of paper, amending Article 4, paragraph b, subparagraph III of Legislative Decree No. 8644 of 11 January 1946. D.O. 29 September 1948. (See text p. 6)

Act No. 592 of
23 December 1948

- Converts the present National Printing Office into the National Printing Department. D.O. 28 December 1948. (See text p.7)

Act. No. 1202 of
20 September 1950

- Amends the provisions of Decree No. 24776 of 14 June 1934 governing the freedom of press. D.O. 23 September 1950. (See text p.9)

Decree No. 28923 of
1 December 1950

- Reorganizes the course on journalism of the National Faculty of Philosophy of the University of Brazil instituted by Legislative Decree 5400, 13 May 1943. D.O. 4 December 1950. (See text p.10)

Act No. 1386 of
18 June 1951

- Regulates the import of paper and other printing material. D.O. 19 June 1951. (See text p.14)

RADIO COMMUNICATIONS

Decree No. 29783 of
10 July 1951

- Amends certain provisions of the regulation approved by Decree No. 21111 of 1 March 1932 and establishes new criteria for the operation of the broadcasting and radio

/communications service.

RADIO COMMUNICATIONS

Decree No. 29783 of 10 July 1951 communications services in national territory, supplementing the criteria set forth in those regulations. (In addition (Continued) contains provisions regarding the Brazilia Code of Broadcasting and Radio Communications). D.O: 20 July 1951 (The text will be sent in due course by the Ministry for Foreign Affairs of Brazil)

ACT NO. 790 OF 25 AUGUST 1949

Grants exemption from customs duties and taxes on the import of material for use in the film industry.

The President of the Republic:

I declare that the National Congress decrees and I approve the following Act:

Article 1. - Exemption from import duties and customs taxes, except social security taxes, is granted for apparatus for film making, projection, sound recording, print making, developing, projectors, valves and other electronic equipment, lenses, unexposed film and machines used to equip studios and specialized film laboratories, on the basis of a certificate issued by the Ministry of Education and Health.

Article 2. - The exemption shall remain in force for a period of five years and shall apply only to material imported by organizations or firms duly constituted in the country for the development of the film industry.

Article 3. - This Act shall enter into force on the date of its publication and all provisions to the contrary are repealed.

Rio de Janeiro, 25 August 1949,
the 128th year of Independence and
the 61st year of the Republic.

Eurico G. Dutra
Guilherme da Silveira
Published in D.O.
1 September 1949

ACT NO. 929 OF 23 NOVEMBER 1949

Authorizes the National Educational Cinematographic Institute to provide remunerated services to individuals and organizations of a public character.

The President of the Republic:

I declare that the National Congress decrees and I approve the following Act

Article 1. - The National Educational Cinematographic Institute of the Ministry of Education and Health shall provide services free of charge or in the form of the supply of the necessary material, when they are to be used for educational, scientific or cultural purposes and not for purposes of gain.

Sole paragraph. The Institute dealt with in the present article is authorized to provide remunerated services in its field of specialization to individuals or organizations of a public character when such services do not involve a sacrifice of the educational or cultural activities for which the Institute was created or of the provisions to that end.

Article 2. - Remunerated services shall be preceded by an estimate of the amount involved and the appropriate sum shall be paid to the National Treasury and entered as special income.

Article 3. - The Ministry of Education and Health is authorized to conclude agreements for assistance and technical guidance with the governments of States through the National Educational Cinematographic Institute in order to encourage the development of educational films throughout the country.

Article 4. - The Minister of Education and Health shall issue the instructions necessary for the implementation of the present Act within a period of sixty days from the date of publication.

Article 5. - All provisions to the contrary are repealed.

Rio de Janeiro, 23 November 1949,
the 128th year of Independence and the
61st year of the Republic.

Eurico G. Dutra

Clemente Mariani

Guilherme da Silveira

(Published D.O. 1 December 1949)

ACT NO. 351 OF 27 AUGUST 1948

Amends Articles 1 and 2 of Legislative Decree No. 9763
of 6 September 1946

The President of the Republic:

I declare that the National Congress decrees and I approve the following Act:

Article 1. Ordinary white or coloured newsprint which is rough on both sides, rolled, coated, smooth or soft, and foolscap in rolls or reams containing watermarked lines (verge) on the entire surface of the length or breadth, separated by spaces of 4 (four) to 6 (six) centimetres or having the word "book" legibly inscribed on a maximum area of 10 (ten) by 10 (ten) centimetres, shall be unloaded at the Customs House free of import duties on consumer goods and other customs taxes, including social security taxes.

Article 2. For the purposes of this Act, printed volumes in any form for purposes of advertising or publicity in connexion with commercial interests, and blank books or books that are merely lined or ruled for accounting of any kind, shall not be considered as books.

Article 3. The exemption shall be granted to responsible companies or undertakings in the book industry, and such organizations shall also be authorized to obtain paper with watermarked lines from undertakings considered as depositories under Articles 10 and 11 of Legislative Decree No. 8644 of 11 June 1946.

Article 4. The Executive Power shall issue regulations for the execution of the present Act in accordance with customs standards.

Article 5. All contrary provisions are hereby repealed.

Rio de Janeiro, 27 August 1948, the 127th year of Independence and the 60th year of the Republic.

Eurico G. Dutra

Corrêa e Castro

(Published in D.O. 1 September 1948)

ACT NO. 406 OF 24 SEPTEMBER 1948

Contains provisions on tax accounting in connexion
with the import of paper

The President of the Republic:

I declare that the National Congress decrees and I approve the following

Act:

Sole article. Article 4, paragraph b, sub-paragraph III of Legislative Decree No. 8644 of 11 January 1946 is amended as follows:

"III. To keep accounts relating to paper obtained or imported, in a book similar to the specimen attached to the present Legislative Decree, the said accounts to be presented fully up to date on the fifteenth day of each month for approval by the Paper Department."

Rio de Janeiro, 24 September 1948, the 127th year of Independence and the 60th year of the Republic.

Eurico G. Dutra

Corrêa e Castro

(Published in D.O. 29 September 1948)

Published in D.O. 27-12-48

Amended in D.O. 28-12-48

ACT NO. 592 OF 23 DECEMBER 1948

Converts the present National Printing Office
into the National Printing Department

The President of the Republic:

I declare that the National Congress decrees and I approve the following:

Article 1. The present National Printing Office shall be known as the National Printing Department, directly responsible to the Minister of Justice and Internal Affairs and shall be administratively independent and have its own organs, equipment, budget and communications.

Article 2. In the general budget of the Republic the revenue from the National Printing Department shall continue to be revenue of the Union, and its expenses shall be covered by appropriations for personnel, equipment, services and missions.

Article 3. The appropriations referred to in the preceding article shall be considered as automatically recorded by the Audit Office and shall be made available to the Treasury of the National Printing Department.

Article 4. When the budget of the Republic is promulgated, the Director-General of the National Printing Department shall by 15 January submit to the Minister of Justice and Internal Affairs for approval an adequate itemized statement of the expenditures of the Department based on the appropriations granted under Article 2.

Sole paragraph. So long as the statement referred to in this article is not approved, the National Printing Department may put it into operation and the actions taken during that period shall be considered ratified when final approval is received.

Article 5. During the financial year, the Minister of Justice and Internal Affairs may alter the statement of expenditures referred to in the preceding article on the proposal of the Director-General of the National Printing Department.

Article 6. The Comptroller-General's Office of the Republic shall continue to maintain a Sectional Accounts Division in the National Printing Department.

Article 7.

Article 7. The Audit Office shall attach a delegation to the National Printing Department.

Article 8. Unserviceable equipment of the Department composed of remnants, containers and all other equipment which is unsuited for normal use shall be sold by public auction, and the proceeds shall be applied to the reconditioning of machinery and social assistance to employees, at the Director-General's discretion.

Article 9. Purchases of equipment shall be effected by public tender or advance comparison of prices by National Printing Department, observing the rules adopted by the Federal Purchase Department.

Article 10. Personnel questions shall be dealt with by the National Printing Department on the basis of the rules observed in the Civil Service.

Article 11. The provisions of Article 122 paragraphs 1 and 3 of Legislative Decree No. 1713 of 28 October 1939 and Article 1 sub-paragraph (f) of Decree No. 5062 of 27 December 1939 shall not apply to graphic and similar workers in the National Printing Department.

Article 12. The Executive Power is authorized to adopt the measure necessary for execution of this Act.

Article 13. This Act shall enter into force on the date of its publication and all provisions to the contrary are repealed.

Rio de Janeiro, 23 December 1948, the 127th year of Independence and the 60th year of the Republic.

Eurico G. Dutra

Adroaldo Mesquita da Costa

Corrêa e Castro

ACT NO. 1202 OF 20 SEPTEMBER 1950

Amends the provisions of Decree No. 24776 of 14 July 1934.

The President of the Republic:

I declare that the National Congress decrees and I approve the following Act:

Article 1. Chapter V Article 36 paragraphs 1 and 2 of Decree No. 24776 of 14 July 1934 are amended as follows:

"1. On receiving the complaint which must be accompanied by a copy of the newspaper in question and the text of the rectification in two typewritten copies, the judge shall order the request to be investigated and, after hearing the accused within a time-limit of 48 hours reckoned by the clerk of the court, shall pronounce judgment within 24 hours following the expiration of this time-limit. When the judgment is adverse, an appeal may be made to a higher instance within three days. The appeal shall have devolutive effect and, if it is successful, the newspaper or periodical shall be entitled to recover by executive action the cost of publication at its ordinary rates, the first court being supplied with a copy of the issue in which the reply is made and a scale of charges, as well as a certificate proving that the decision of the second instance has become final.

"2. When the adverse judgment has become final the judge shall, after quoting the award of the higher court, if any, issue an injunction to the editor of the newspaper or periodical to publish free of charge the reply as approved and initialled, within a period of three days, on pain of suspension for thirty days. The judge shall subsequently ascertain whether the newspaper or periodical has published the reply, and if it has not done so within 24 hours from the expiration of the period of three days, shall impose the penalty of suspension for the period set forth above."

Article 2. This Act shall enter into force on the date of its publication and all provisions to the contrary are repealed.

/Rio de Janeiro,

Rio de Janeiro, 20 September 1950, the 129th year of Independence and the 62nd year of the Republic.

Eurico G. Dutra

Jose Francisco Bias Fortes

(Published in D.O. 23 September 1950)

DECREE NO. 28923 OF 1 DECEMBER 1950

Reorganizes the course in journalism of the
National Philosophy Faculty of the University of Brazil

The President of the Republic, exercising the powers conferred upon him by Article 87, paragraph 1, of the Constitution and under Article 5 of Legislative Decree No. 5480 of 13 May 1943 decrees:

Article 1: The course in journalism instituted by Legislative Decree No. 5480 of 13 May 1943 aims at providing knowledge which will qualify students in a general way for the practice of the profession of journalism, and shall be divided into two parts, one composed of two series and the other of one series.

Sole paragraph: The first part shall include the first and second series in the course, which will be taken by all students: the second part is composed of a third series and has three alternatives of which the student selects one.

Article 2: The first part of the course in journalism shall have the following programme:

Series 1:

- (1) Newspaper technique;
- (2) Press ethics, history and legislation;
- (3) Administration of a newspaper;
- (4) History of civilization;
- (5) Portuguese language and literature;
- (6) Human geography.

Series 2:

- (1) Newspaper technique;
- (2) Publicity;
- (3) Portuguese language and literature;

/(4) History of Brazil;

- (4) History of Brazil;
- (5) Contemporary history;
- (6) Geography of Brazil.

Article 3: The second part which represents the third series in the course consists of one of the following three groups of subjects:

- (a)
 - (1) Radio journalism or journalistic technique;
 - (2) Sociology;
 - (3) Economics;
 - (4) Politics and public administration;
 - (5) Newspaper technique.
- (b)
 - (1) Radio journalism or journalistic technique;
 - (2) History of the arts;
 - (3) Portuguese literature;
 - (4) Contemporary literature;
 - (5) Newspaper technique.
- (c)
 - (1) Radio journalism;
 - (2) Introduction to education;
 - (3) Social psychology;
 - (4) Criminology;
 - (5) Newspaper technique.

§ 1. Students in the third series of groups A and B shall choose between radio journalism and journalistic technique.

§ 2. In addition to these subjects a student in the third series may freely choose any other subjects appearing in the curricula of the National Faculty of Philosophy.

Article 4: The courses on newspaper technique, journalistic technique and radio journalism shall include practical work on reporting, technical operations and research, and wherever possible there shall be a period of apprenticeship with journalistic or radio organizations on the basis of agreements reached with professional bodies and with the approval of the University authorities.

Article 5: Candidates for admission to the first series of the course in journalism shall be required to fulfil one of the following conditions:

- (a) Presentation of a certificate proving:

/(1) completion of

- (1) completion of a secondary course under the Teaching Code of 1901;
- (2) completion of a secondary course, whether or not in series, under Decree No. 11530 of 19 March 1915, with examination by the official boards of examiners at the Colegio Pedro II or similar institutions;
- (3) completion of a secondary course under Decree No. 16782A of 13 January 1925, or of the sequence of courses provided for in that Decree, prior to the academic year of 1934, including the second period in March 1935;
- (4) completion of a secondary course in accordance with the system of preliminary examinations in parts under Decrees No. 19890 of April 1931, 22106 and 22167 of November 1932 and Act No. 21 of January 1935;
- (5) completion of a secondary course in accordance with Article 100 of Decree No. 21241 of 4 April 1932 provided the fifth series was completed within the legal period for 1936, that is to say by February 1937;
- (6) completion of a secondary course under Legislative Decree No. 4244 of 9 April 1942;
- (7) completion of studies in a suitable religious institution;
- (8) completion of normal training consisting of at least six years of study.

§ 1. The following shall also be required:

- (b) proof of identity;
- (c) proof of mental and physical health;
- (d) proof of good moral character;
- (e) passing of a test for admission to the first series of the course in journalism.

§ 2. Candidates for admission to the first series who are journalists registered in the professional association and hold journalist cards from the Ministry of Labour, Industry and Commerce issued at least five years before the date of the application for admission to the qualifying tests for the course in journalism, shall be exempt from the requirements prescribed in sub-paragraphs (a), (b) and (d).

Article 6. Starting in 1950, students completing the course in journalism shall receive the degree of Bachelor in Journalism.

Sole paragraph: A degree of Bachelor in Journalism does not ensure admission to the teaching course in the Faculties of Philosophy.

Article 7. The provisions for the administration of the National Faculty of Philosophy apply mutatis mutandis to the course in journalism.

Article 8. Decrees No. 24719 of 29 March 1948 and 26493 of 19 March 1949 are repealed.

Article 9. Present students shall be permitted to complete the course in journalism as established by the previous legislation or on the basis of the provisions of the present Decree, the changes necessary in the latter case being made by the administration of the National Faculty of Philosophy.

Article 10. The present Decree shall enter into force on 1 January 1951.

Rio de Janeiro, 1 December 1950, the 129th year of Independence, and the 62nd year of the Republic.

Eurico G. Dutra

Pedro Calmon.

Published in D.O. on 4 December 1950, p. 17350.

ACT NO. 1386 OF 18 JUNE 1951

Regulates the import of paper and other printing material

The President of the Republic:

I declare that the National Congress decrees and I promulgate the following Act under the terms of Article 70 § 4 of the Federal Constitution:

Article 1. The following materials are excluded from the system of import licences provided that no similar national product exists and that such articles are intended exclusively for use by newspapers and magazines: paper, ink, flong, blankets for rotary presses, metal for linotype and stereotype, plates and materials for photogravure, linotype and type, machine parts and accessories.

Article 2. Priority shall be given to the allocation of the currency required for the import of the materials referred to in the preceding article, to undertakings which publish newspapers and magazines, and undertakings which import such materials to supply newspaper and magazine publishing houses.

Article 3. To enjoy the benefits provided by this Act, the undertakings concerned shall by 10 October of each year submit to the Foreign Exchange Section of the Bank of Brazil their requests for the foreign currency needed to cover the import of the materials set forth in Article 1 during the period from 1 January to 31 December of the following year.

§ 1. These requests must indicate the quantity, quality, price and origin of the materials to be imported.

§ 2. In submitting their requests, the undertakings concerned shall submit proof of the quantities of each of the materials mentioned in Article 1 which they used or supplied during the twelve (12) months preceding 1 October of each year.

§ 3. Each of the undertakings concerned shall be supplied with the foreign currency necessary to cover the import of a quantity of the materials in question equal to that imported during the period of twelve (12) months preceding 1 October of each year, plus not more than fifteen (15) per cent in excess of the quantity in question.

§ 4. Within a period of twenty (20) days from the date of submission of the requests referred to in this article, the Foreign Exchange Section of the Bank of Brazil shall a sufficient time in advance constitute an adequate reserve

/from the

from the foreign exchange available to it in convertible currency, taking into account the situation of the world monetary market.

Article 5. If, for pressing reasons of public interest, or a shortage of available foreign currency it becomes essential to restrict the imports regulated by this Act, the restriction shall apply in equal proportion to all the requests made by all the undertakings concerned.

Article 6. Not later than 1 December of each year, the requests received, granted or rejected by the Foreign Exchange Section of the Bank of Brazil from all the undertakings concerned shall be published in the Diario Oficial.

Article 7. On an application to the court competent in cases in which the Union is concerned an order shall be given binding over the Director of the Foreign Exchange Section of the Bank of Brazil or his subordinates or any other authority in respect of any action which prevents or restricts the enjoyment of the rights guaranteed by this Act.

Sole paragraph. Against a decision to grant or refuse this order, an appeal may be made under the Code of Civil Procedure to the Federal Appeals Tribunal.

Article 8. The Director of the Foreign Exchange section of the Bank of Brazil or his subordinates and in general any authority failing to give faithful and immediate execution to judicial decisions or delaying or failing to perform the acts incumbent upon him in conformity with the present Act shall be guilty of a crime as defined in Article 319 of the Penal Code.

Article 9. All provisions to the contrary are repealed.

Rio de Janeiro, 18 June 1951, the 130th year of Independence and the 63rd year of the Republic.

Getulio Vargas

Francisco Negro de Lima

Horacio Lafer

(Published in D.O. on 19 June 1951.)