

BRAZIL

1. GENERAL INFORMATION ON MEDIA AND MEDIA USE

Brazil is a large country with a vast population of approximately 187 million, of which approximately 156 million live in urban areas (IBGE 2006). In 2006, 21.323 million Brazilians suffered from illiteracy (IBGE 2006). According to data provided by the Economic Commission for Latin America and the Caribbean (ECLAC), Brazil's illiteracy rate in 2005 was equivalent to 11 per cent (for those 15 years old or over in urban areas) and was higher than the regional Latin American average of 9.5 per cent (ECLAC 2008).

Literacy and education

A survey on access to cultural equipment and media outlets carried out by IBGE pointed out that in 2006: free-to-air TV (open TV) reached 95.2 per cent of Brazilian municipalities; 48.6 per cent of municipalities had community radios and 2.3 had community TVs; 36.8 per cent had local newspapers; 34.3 per cent had FM radio stations and 21.2 per cent AM stations; and 7.7 per cent of municipalities had magazines published locally (IBGE 2006).

Media landscape

There are currently 482 TV broadcasters licensed in Brazil and 3,766 commercial radios. In 2006 there were 3,076 newspapers being published in the country (ANJ, ABRE, ADJORI/SC, ADJORI/RS, ADI/Brasil and Mídia Dados). The five major TV broadcasters in Brazil – Globo, SBT, Bandeirantes, RedeTV and Record – held 84.4 per cent of the national TV audience that same year; Globo, the main broadcaster, had 51.9 per cent of the audience and reached 98.6 per cent of Brazilian cities and 99.7 per cent of Brazilian homes.

Another important and unsettling characteristic of the media in Brazil is the significant number of radio and TV stations under the control of politicians. Data disclosed in 2008 by the Institute for Research and Study of Communication (Epcom) revealed that 271 politicians are currently shareholders or directors in 348 TV and radio stations (Marini 2008). Of this total, 54.24 per cent are mayors; 17.71 per cent are members of Congress – Lower House; 7.38 per cent are members of Congress – Senate; 20.3 per cent are members of state legislative houses; and one is a state governor. Researchers clarify that these are only the numbers of those with direct formal participation in broadcasting. Many others control media outlets through relatives and other fronts in order to conceal their ownership and violate anti-monopoly legal provisions.

Party media

Research published in 2007 by Observatorio da Imprensa and the Institute for Development of Journalism (ProJor), reveals that the participation of politicians in the media is now spreading to a new sector: community radios. Despite the existence of 18,000 community radios operating without licences in Brazil, 10,000 undecided licensing procedures closed down by the relevant authorities and another 4,000 procedures pending before the Ministry for Communications, 70 per cent of all broadcasting licenses issued after 1998 were granted to community broadcasting and links between politicians and legalised community radios was found in 50.2 per cent of the 2,205 radio stations researched (Lima/Lopes 2007: 5).

Internet media Access to the internet expands continuously in Brazil. Between 1999 and 2006, the number of municipalities with local internet providers increased by 178 per cent (IBGE 2007). Its reach, however, is still limited and in the first semester of 2008 only approximately 34 million Brazilians could access the net from their homes (IBOPE 2008).

The internet provides access to a multiplicity of sources of information, including an extensive number of independent newspapers and news blogs. However, access to the internet, especially broadband, is still expensive in Brazil; info centres have been expanding in small towns and poor neighbourhoods, including with support and subsidies by the state, but it is fair to say that internet access is still today something that disproportionately benefits higher income individuals. Data provided in 2003 by the National Agency for Telecommunications (ANATEL), pointed out that by then 8 per cent of the Brazilian population had access to the internet, of which 42 per cent were among the 5 per cent richest. The poorest 76 per cent of the population made up only 9.3 per cent of the internet users.

General media access In a country like Brazil, with significant mass media penetration but marked by low literacy rates, incipient political awareness and low public participation, the influence of communication outlets on political opinion is highly significant. Another element that contributes to such influence is media concentration, especially ownership concentration in the hands of political elites.

Media consumption According to a Brazilian media survey group, 98 per cent of women and 97 per cent of men in Brazil watch TV at least once a week; and 88 per cent of men and 86 per cent of women listen to the radio at least once a week. When responding to the survey, 52 per cent of men and 44 per cent of women said they had read the newspapers in the previous seven days. The same study attested that among children and adolescents between 10 and 19 years old, TV audience corresponds to 99 per cent. Though considerably lower than the rates for radio and TV, average daily newspaper circulation in 2007 was higher than 8 million, representing a growth of 11.8 per cent over 2006 (ANJ 2008).

Media influence on political opinion Access to diverse sources of information can reduce the media's political influence. Consumers in urban centres tend to have access to a larger array of media products, but in rural areas, limited options are the rule. Social background may also be a factor in minimising media influence over political opinion, especially due to easier access to formal education, literature, internet content and foreign media.

State-owned media According to relevant legislation, the domestic broadcasting environment should be composed of a private, a state and a public broadcasting system. In practice, however, there is a substantial dominance of private media and state-owned media hold almost no shares of public opinion. This may be in part a result of the fact that a public broadcasting system was never fully implemented in the country. In 2008 TV Brasil was launched by the federal government. It was intended as the seed for the creation of the public system in the country. According to many experts, however, TV Brasil did not observe the necessary minimum standards of independence and autonomy to be considered a truly public TV station.

Community broadcasting, though created by a later law, is not listed as an essential part of the national broadcasting environment. Community radios could greatly contribute to pluralism and diversity in the media, but have been suffering serious challenges in setting up and surviving due to repression against unlicensed outlets and restrictions on reach, use of technology and funding imposed by law. Licensing procedures for community radios are unjustifiably time-consuming and over bureaucratic, causing radios to wait for up to 10 years for a final registration.

State-owned media and published opinion The tripartite broadcasting system adopted by Brazil is a cause of concern. The law provides for the existence of not only a public system, but also a state system, and fails to clearly define the differences between the two. As interpreted by Brazilian communication experts, the state system is formed by radio and TV stations directly maintained and managed by branches of the municipal,

state and federal governments, with no express demand for independence and autonomy, clearly allowing these media outlets to work as a propaganda mechanisms for these state bodies.

In 2006 the federal government reorganised its Secretariat for Social Communication, now in charge of supervising all communication activities carried out by the presidency, its ministries and all public companies under the federal executive. It acts as both a news and a communication agency, disseminating information on public interest topics and on government policies, following an annual work plan. Most state and municipal governments also have some kind of press or communication department with similar functions. In general, however, the calling of press conferences is not a common practice.

Government press conferences

Journalists are allowed in public meetings organised by the government or by the Congress and such meetings can be freely broadcast, unless the hearing was previously considered confidential according to legal provision, in which case public access in general, and not only media access, may be limited.

2. LEGAL ENVIRONMENT

Freedom of opinion, thought and expression, as well as freedom of information – including state-held information – is protected under Article 5 of the 1988 constitution as fundamental rights. Article 5 is considered a *clausula petrea* in the constitution, meaning that it cannot be modified unless a new constitution is passed.

Freedom of expression

The constitution also dedicates another chapter to social communication –Articles 220 to 224 – in which freedom of the press is secured, with the express prohibition of censorship. Article 223 sets forth the competency of the executive to authorise the provision of communication services under a system of public concessions for broadcasting licences. Licences are processed by the Ministry for Communications and submitted to Congress for final approval. Article 220, 6 expressly exempts print media from needing government licensing to operate.

Free media coverage

The operation of media outlets, especially of broadcasters, is also regulated by a considerable number of laws, some dating prior to 1988. The two main pieces of legislation regulating media coverage are the Press Law and the Telecommunications Code. Regulations in the area have continuously been partially modified and replaced by subsequent legislation, giving rise to a complex and confused legal framework that creates considerable legal uncertainty and certainly provides opportunities for abuse.

The Telecommunications Code (Law 4.117) is technologically outdated, dating from 1962, a time when satellite TV, mobile phones and broadband internet were but a vision. The code was originally intended to unify and centralise all legal provisions applicable to a broad spectrum of communication services. The main modification introduced to the code dates from 1997, with the adoption of the General Law on Telecommunications (Law 9.472), following a 1995 constitutional amendment that put an end to state monopoly in the area. After this date, only the articles on broadcasting in the 1962 Telecommunications Code remained in force. A series of 1997 regulations covered cable TV services; a 1998 law regulated community broadcasting; and in 2003 new rules on digital TV were adopted.

Regulation of media coverage

The Press Law (Law 5.250) dates from 1967, a period when an authoritarian regime was in place, and contains a number of restrictive provisions that, although not applied by courts in the last decade, do represent a serious risk to freedom of expression. Such provisions include those which authorise the imposition of censorship on public entertainment events, such as shows and performances; those forbidding the involvement of foreigners in media outlets; those imposing higher sanctions for calumny, defamation and slander when the crime has been committed by or through the press; those allowing the apprehension of printed material inciting social and political subversion and the closing down media outlets irrespective of judicial decision; those preventing that the truth be found in defamation cases against certain authorities, including the president of the republic.

Changes in the past five years In early 2008, 22 articles of the Press Law were suspended by a decision of the Supreme Court under a lawsuit questioning their constitutionality. A final decision by the court is expected later this year. The only worrisome articles of the Press Law that were still being applied by courts were the ones on defamation. Despite their suspension, however, defamation is also considered a crime under the Criminal Code and electoral legislation. Penalties vary from one month to two years imprisonment and a fine¹. Civil provisions also allow for the filing of indemnification lawsuits for moral damages caused by defamatory speech. A study presented by the organisation ARTICLE 19 to the Inter-American Commission for Human Rights (ICHR/OAS) in 2008 provides an overview of the state of defamation against the media and human rights defenders in Brazil (ARTICLE 19 2008). Civil lawsuits are much more frequent than criminal ones, but a number of criminal sentences were documented, including the case of a retired professor sentenced to four months in prison for criticising the degrading conditions of the local penitentiary in a small newspaper with a circulation of 200 copies. Criminal legislation in the last decade has shifted to prioritise alternative penalties over imprisonment, so if a prison sentence is low and the plaintiff has no criminal records, the sentence is compulsorily converted into service in the community or a fine. Although probably converted into community service, a defamation conviction is a criminal sentence and has a serious impact on the life and records of the accused.

Legal censorship Although censorship is expressly prohibited under the Brazilian constitution, many freedom of information advocates argue that the judiciary sometimes concur in prior censorship when deciding on cases taken to its review. This is especially frequent in civil defamation cases where preliminary and provisory injunctions forbid, in exceedingly generalist terms and prior to publication, the disclosure of information on specific topics or people (see illustrational cases in the above mentioned ARTICLE 19 report to ICHR/OAS 2008).

Legal provisions do not expressly restrict media coverage of any people, group or institution, with the exception of children and adolescents, who are protected under specific legislation from undue exposure.

Media licenses Until 1988 the granting of broadcasting licences was a prerogative of the president of the republic, who used it as a currency for political bargaining (Azevedo 2006). A 1990 study mentioned by Lima (Lima 2001: 108) indicates that 50 per cent of radio stations in Bahia were in the hands of politicians, 44 per cent in Pernambuco, 33 per cent in Minas Gerais and 20 per cent in Sao Paulo. At the national level, politicians held 31.12 per cent of the 302 TV stations in Brazil and 40.19 per cent of the radio stations.

Azevedo and Lima state that the use of broadcasting concessions for political bargaining continued even following the 1988 constitution, and family group oligopolies were to a certain extent reinforced by a wave of mergers and acquisitions that took place between 1994 and 2001.

Journalists' legal status Access to employment in media outlets is also formally open to all. In practice, however, it is possible to say that certain groups have been under-represented. A 2001 study carried out by the magazine Imprensa researched the profile of media workers in 230 outlets and only 85 of them were of Afro-descent (in a country where 49.5 per cent of the population is of Afro-descent, according to IBGE 2007). In 2003, of the 120 unionised media workers in the state of Acre, northern Brazil, only five were of Afro-descent. According to the coordinator of the Journalists' Commission for Racial Equality (COJIRA), Sandra Martins, 'journalism is one of the professions with the lowest participation of Afro-descendants in Brazil'.

According to Decree-Law 972 of 1969, the practice of journalism requires registration with the Ministry of Labour and a graduate diploma in journalism or social communications. Such requirements, however, are currently suspended because the constitutionality of Decree-Law 972 is under review by the Supreme Court. Plaintiffs in the constitutionality suit argue that the requirement for a specific graduate diploma violates freedom of expression according to the text of the 1988 constitution.

Whenever they face problems with lack of access to information or any other kind of restriction from the authorities, journalists and media outlets are free to take the case to the judiciary, which is able to take compulsory measures against illegalities committed by civil servants and public officials. Although sometimes accused of bias, it is fair to say that the judiciary, as a rule, responds to such complaints.

Monopolies and oligopolies in the media are expressly forbidden by Article 220, 5 of the Constitution. Decree 52.795 of 1963 and Decree 236 of 1967 limit the total number of broadcasting licences a legal entity or individual can be granted, as well as the number of same-type licences within a certain geographical area. Limitations are also imposed on multiple shareholder participation in broadcasting companies and authorisation is required for the transfer of broadcasting licences, which are only allowed after a certain time frame. Despite these provisions, effective measures aimed at avoiding monopolies and oligopolies are only starting to be applied. Relevant legislation is poorly enforced and a considerable number of undeclared business transactions conceal the actual owners of the media in Brazil and the extent of their assets.

*Monopolies
and cartels*

According to Venicio Lima, the Brazilian media environment in Brazil is marked by family monopolies, cross ownership of media outlets and politicians' control of a considerable number of radios and TVs (Lima 2001). According to Lima, in 2001, eight family groups controlled broadcasting in Brazil, as shown in the following table:

BROADCASTING GROUPS IN BRAZIL		
national groups	TV	Radio
Marinho (Globo)	32	20
Saad (Bandeirantes)	12	21
Abgravanel (SBT)	10	--
regional groups	TV	Radio
Sirotsky (RBS-Sul)	20	20
Camara (Centro-Oeste)	08	13
Daou (Norte)	05	04
Zahran (Mato-Grosso)	04	02
Jereissati (Nordeste)	01	05
Source: Lima, 2001, p. 106		

Three other family groups had a strong presence in the press, magazine sector, printing, web portals and sites, and satellite TV: Civita (Abril), Mesquita (O Estado de Sao Paulo) and Frias (Folha de Sao Paulo group). According to Professor Lima, together these 15 families controlled 90 per cent of the Brazilian media (Lima 2001: 106).

'Cross-ownership' refers to the ownership of different types of media by the same group. Professor Lima gives as an example of cross ownership the case of the RBS: although only operating in the states of Rio Grande do Sul and Santa Catarina, in the South of Brazil, the RBS group is made up

of six newspapers, 24 FM and AM radio stations, 21 TV channels, an internet portal and a marketing agency; the group is also a partner in the cable TV company Net. In a 2006 publication, Lima refers to research carried out by Epcom that reveals that the Globo corporation is the largest owner of outlets in relation to all types of media; it owns 61.5 per cent of all UHF TV stations, 40.7 per cent of the newspapers, 31.7 per cent of VHF TVs, 30.1 per cent of AM radio stations and 28 per cent of FMs (Lima 2006).

3. POLITICAL CONDITIONS

Coverage of marginal groups Groups working on Afro-descendants' rights and women's rights have argued that these groups are not properly portrayed by the Brazilian media and that their interests are under-represented in media coverage. This situation could be considered a reflection of decades of discrimination faced by these groups within Brazilian society. Rights advocates affirm, however, that the media also have a central role in perpetuating distorted images of women and black people in Brazil's TV and radio programmes and printed articles.

Author and film producer Joel Zito de Araujo affirms in his *A Negacao do Brasil* (The Denial of Brazil) that the presence of Afro-descendants on Brazilian TV only started to increase at the end of the 1970s. Before that, very few Afro-Brazilian actors and actresses could be seen on TV and, when present, would always play roles such as slaves (in soap operas taking place in the 18th and 19th centuries) and 'malandros' (slightly immoral characters, always seeking to take advantage of any situation) or doing low-level jobs such as maids and drivers. Brazilians waited until the 20th century to see a middle class black family represented in a soap opera and an Afro-descendant host on the main TV news programme. In 2007, the Palmares Foundation (linked to the Ministry for Culture) presented the results of research that examined the content of TV programmes in the three major public educational broadcasters in the country for a period of seven days and reported that only 0.9 per cent of the programmes addressed Afro-Brazilian culture; less than 10 per cent of TV hosts were of Afro-descent and only 5.5 per cent of the journalists working in those TV stations were black.

Inadequate representation of Afro-descendants in the media and in content production may have a serious impact on the debate and coverage of political matters that are of particular interest to the black population, such as actions to refrain and punish racist practices, public policies designed to promote inclusion and fight poverty amongst Afro-descendants, as well as the evaluation of affirmative action programmes already under development in Brazil, such as quotas in public universities.

Women's groups have very similar complaints: though the presence of women in the media has increased considerably in the last decades, stereotypes are still predominant in the manner in which women and women's issues are portrayed. Experts consider that this situation may have a disturbing effect on media coverage on matters such as violence against women (Sanematsu 2005) and sexual and reproductive rights, especially on the debate around the decriminalisation of abortion (Citeli 2007).

Social movements have also repeatedly said that media coverage is exceptionally biased in relation to their activities and interests. Some movement leaders go even further and accuse the Brazilian mass media of conducting an underlying campaign to 'criminalise' their work and strategies. The landless movement, for example, says it is recurrently portrayed by the mass media as promoting illegal action and violence and no mention is made of its successes. According to the landless movement, this discourse aims at undermining their right to question a number of issues, including the current model for expanding agribusiness in Brazil (with large-scale production directed at exports) and its impact on poverty and sustainable development. According to these analyses, biased media coverage is used to silence opposition political views.

In a study published in 2007, the Centre for Security and Citizenship Studies interviewed 64 press journalists and 26 researchers, police officers and observers and reviewed 5,165 news articles and concluded that the coverage of favelas and periferias by the press is stigmatising: '[m]ost of the

professionals heard recognise that their media outlets have great responsibility in the depiction of popular territories as exclusive spaces for violence' (Ramos / Paiva 2007: 77). The number of news articles on drug trafficking, police raids, gun fights, land occupation and summary executions are especially frequent, while there is hardly any news on culture, sports, economy and the daily challenges faced by the inhabitants of these areas. Researchers stress that by giving disproportionate attention to conflicts and police activities in favelas and periferias, the press have a tendency to promote combat/warfare solutions for the problem of urban violence in Brazil; many pieces end up discussing (explicitly or implicitly) solutions to 'neutralise' the favelas, fomenting further social exclusion.

In strictly legal terms, it is not possible to say that sections of the population are deliberately excluded from their right to freedom of information. The only possible exception could be the treatment given by government to community radios. The extreme bureaucracy and hardship to which these radios have been subject is hard to explain or justify and could indicate deliberate intention to restrict the operation of community broadcasters.

The situation of community radios and the incipient public broadcasting system are elements that contribute to the lack of media diversity and the strong dominance of the commercial media in Brazil.

Politicians' influence over the media used to be strong at the state level. With this new trend, this influence now extends to the municipal level. Politicians' control over the media 'gives rise to a new type of power, which is no longer based on the use of coercion, but which creates political consensus. It is such consensus that facilitates (although does not guarantee) the election (and re-election) of representatives (...) and which allows the maintenance of the (...) system' (Lima / Lopes 2007: 3). Within this system, media self-censorship becomes a too common reality; such self-censorship may result from fear of intimidation or conflict of interests.

Self-censorship

4. ECONOMIC PRESSURES

The private media are subsidised by the state in two main ways: tax exemptions on newspapers and magazines, and advertisements. According to the constitution, taxes cannot be placed on newspapers, books and periodicals or on the paper used to print them.

State subsidies

During the first semester of 2007 the total invested by the federal government in adverts corresponded to 2.65 per cent of the total market (3.33 per cent for TV, 0.82 per cent for newspapers, 11.71 per cent for radio and 2.38 per cent for magazines) (SECOM 2007). Public companies (two state banks – Banco do Brasil and Caixa Economica Federal – and the Brazilian petrol company Petrobras) were responsible for 13 per cent of the total spent on adverts during the whole of 2007 (IBOPE Monitor 2008).

The influence of adverts on the subsidised media is not self-evident, at least in relation to the federal government. Influence at the state and local levels could be greater and easier to demonstrate, but there are no aggregated data available to support such a conclusion.

Legal provisions restricting commercial adverts in public/educational and community media may have a significant impact on their sustainability. Groups working on communication rights have been pressing for reforms to the relevant legislation.

Further aspects

5. NON-STATE REPRESSION

Fear of repression by non-state actors is especially present among investigative journalists. Some professionals suffer from threats and violence by non-state groups when covering issues such as drug trafficking and organised crime. Investigations of corruption, fraud schemes and other irregular behaviour by public authorities can also be particularly dangerous.

Repression by non-state groups

In addition to direct threats and violence, the coverage of these issues can take journalists to risky areas where gun fights, robbery and kidnapping may take place, so concerns over safety are a reality in Brazil when investigating any topic concerning criminality.

Changes in the past five years Discussions over criminality and the media were stimulated in 2002 by the brutal assassination of journalist Tim Lopes. Lopes was abducted by a group of drug dealers in Morro do Alemão, a compound of favelas in the North region of Rio, when investigating the sexual exploitation of teenagers at funk parties. He was captured using a hidden camera and after being tortured by the group, his body was ripped and burned.

In 2005 journalist Naja Haddad was injured by a 9mm machine gun shot when covering a gunfight in Morro Dona Marta, in Botafogo, in the South region of Rio.

Journalist Guilherme Portanova and the cameraman Alexandre Calado were captured by the criminal group Primeiro Comando da Capital (PCC) when having a cup of coffee across the street from the Globo TV studios in Brooklin, São Paulo. Calado was soon released with a tape in which PCC presented complaints and critiques about the implementation of a new type of confinement regime created for dangerous prisoners. PCC required Globo to broadcast the tape in return for the release of Portanova. Globo broadcast the full video that same day and an edited version the following night. After that, Portanova was freed and dumped unharmed in a neighbourhood in the South of São Paulo.

Also in 2006, reporter Maria Mazzei faced death threats after publishing a series of articles on a mafia operating within the Forensic Institute of the State of Rio de Janeiro.

The Centre for Security and Citizenship Studies understands that police officers involved in criminal activities form the most dangerous group. According to a journalist interviewed by the centre, '[t]hey are organised and have an institutional shore up. They openly tell us that they tap our telephones. We know they can hear what we say' and reporter Elenilce Bottari adds that '[a] drug dealer rarely leaves his community. A police officer, on the other hand, himself makes the calls to your house. That's the difference' (Ramos / Paiva 2007: 102)

According to media groups such as the Inter-American Press Society, violence against media workers by organised crime is a growing trend in urban Brazil. In rural areas, physical aggression and threats by groups linked to corrupt politicians and economic interests are more frequent. The actual extent of these instances of repression against the media is difficult to ascertain given the limited monitoring carried out, methodological discrepancies between media groups reporting on violations to freedom of the press and inadequate investigative methods.

During 2007 the assassination of Luiz Carlos Barbon Filho, the attempt against the life of radio host Joao Alckmin and the shooting of journalist Amaury Ribeiro were the main episodes in a series of reported cases of violence against media workers. These three examples refer to professionals attacked while carrying out investigations on organised crime, some of them with possible links to corrupt politicians. In the majority of cases, the identification of perpetrators is a challenge, and impunity frequently prevails.

6. CONCLUSIONS

Freedom of the media: general situation The main challenges to freedom of expression and the press in Brazil are the lack of pluralism and diversity in the media. Media influence on political opinion is very high. Media concentration, allied with significant political control over media outlets, may frame such influence and ensure, or at least greatly facilitate, the permanence of political groups in power. The mass media are regarded by many groups and social movements as biased and lacking pluralism. Freedom of the media is guaranteed under Brazilian law, but the legal framework in place is inadequate and calls for urgent revision and simplification. Law enforcement by administrative authorities is poor. Judicial rulings,

especially in the higher courts, tends to be progressive and ensure freedom of expression; however, worrisome decisions are too commonly seen in the lower courts, including some that could be considered as amounting to prior censorship. Repression is still a reality among media workers, though its exact characterisation and extent is unclear due to monitoring limitations.

Despite this general portrait, it is important to stress that Brazil presents many dissimilarities and complexities in its media context. Differences between the situation in rural and urban areas and amongst different states of the federation cannot be ignored. Separate more thorough analyses of the media situation in such different contexts could provide additional input to a thorough and long-term strategy to improve the situation of the media in Brazil, including by improving diversity and pluralism.

Major obstacles to free media coverage

The introduction of new technologies, with the significant changes they bring to the media context – especially the impact of media convergence (digitalisation) – could create a window of opportunity for the implementation of a more independent and democratic media in Brazil. In order to take advantage of this situation, however, the government of Brazil would have to assume a central role in promoting open debate on the uses and possibilities of new technologies, as well as ensuring a proper legal framework that could reconcile media convergence with the protection of human rights. The participation of civil society groups and social movements in this process could ensure that not only economic interests, but also public interest issues would be seriously taken into consideration when reviewing technological opportunities.

The National Conference on Communications – to which the federal government has already committed – could be used as a first forum to set up a meaningful dialogue among the executive, the parliament, civil society and the private sector for the construction of a legal and political framework for the media in Brazil that could be better suited and conducive to democracy.

Paula Lúcia Martins

- 1| *To be determined by the judge, between 10 to 360 day-wages; the value of the per day rate is fixed by the judge, but cannot be less than 1/30 of the current minimum wage and not more than five times the minimum wage.*

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