



## LEGISLATIVE TVS AS AN INSTRUMENT FOR PROMOTING PLURALISM AND DIVERSITY<sup>1</sup>

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**Abstract:** The author discusses the role of legislative TV stations, based on the experience of 20 years of *TV Câmara* (Chamber of Deputies TV), in the Brazilian democratic context, highlighting the role of those broadcasters in the public debate based on pluralism of ideas and opinions.

**Keywords:** Legislative TVs; Public Communication; TV Câmara; Freedom of expression; Pluralism.

### Introduction

It is essential to bear in mind that the experiences of legislative channels were established in Brazil under the terms of Law No. 8,977 of 1995, better known as the Lei do Cabo (Cable TV Law). The norm resulted from a historical process with debates and actions that counted on the significant effort of researchers, professors, professionals, communication students and other actors interested in reflections and practices related to the right to communication, freedom of expression, diversity of opinions and public communication.

Before, during and after the National Constitutional Convention, the Chamber of Deputies and the Federal Senate hosted debates and mobilizations that had the important participation of journalists, mainly represented by the National Federation of Journalists (Portuguese acronym: FENAJ); radio workers active in the Federation of Radio Workers (FITERT); people linked to the Front, later called the National Forum for Democratization of Communication; and professors and university students, with a history accumulated since the 1970s in actions to promote the right to information and communication, understanding such rights as indispensable for democracy.

In this year of 2018 – this record is worth it – there are relevant ephemerides. The 40th anniversary of the establishment of the International Commission for the Study of Communication Problems, known internationally as the MacBride Commission, is celebrated. Established by UNESCO, the Commission has produced a seminal Report, “Many Voices, One

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World: towards a new, more just and more efficient world information and communication order”. The English, French and Spanish versions of this report are available on the Internet<sup>3</sup>.

Many of the systematized arguments in the Report can be approximated to the efforts that *TV Câmara* has been making in terms of fostering diversity of opinion and creating conditions for the free circulation of information, communication and culture. In summary, the MacBride Commission report presents tools and reflections associated with the understanding that we not only have the right to request and receive information, but also to produce and distribute content, which underpins the right to communicate. The application of this principle is possibly one of the main challenges that legislative channels have, not only in giving voice to elected representatives in the political representation mission – back to it in the topic below – but also in providing space for expression of representatives and represented in their positions, opinions and activities developed in the socio-cultural context.

### **The Legacy of “Cable TV Law”**

The Cable TV Law determined the creation not only of legislative channels, but also of other basic channels – so-called in law – free use. I think it is worth mentioning an excerpt from the norm because it establishes a reinforcement of the “public DNA” of legislative channels, especially those based in the federal capital, and also serves as a reference for other legislative channels throughout the country, even in situations of budgetary crisis and with possible management difficulties.

The law established the creation of the following:

Art. 23.....  
b) a municipal / state legislative channel, reserved for shared use between the City Councils located in the Municipalities of the service area – of the cable, but which can be expanded because we know that there is still restriction on access to pay TV in the Country – and the Legislative Assembly of the respective State, being the channel focused on the documentation of parliamentary work, especially the live broadcast of the sessions.

When drafting the rule, there was this concern with the transmission of legislative sessions, an essential guideline for justifying the existence of channels linked to Chambers, Assemblies and Congress, as can be observed in the excerpt from the Cable TV Law presented below. On the other hand, in a way associated with this primary activity and related to the theme of this Seminar, it is important to understand the possibilities and experiences in which the thousands of Brazilian municipalities that have access to the *TV Câmara* channel, also create, as

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<sup>3</sup> Spanish version available at: [https://unesdoc.unesco.org/notice?id =p::usmarcdef\\_0000040066\\_spa](https://unesdoc.unesco.org/notice?id =p::usmarcdef_0000040066_spa) Accessed on: November 10, 2018.

announced in the MacBride Commission report, channels for production, distribution and access to their legislative content and the daily lives of municipalities using broadcasting and internet practices. The law also stated as follows:

- c) a channel reserved for the Chamber of Deputies, for the documentation of the work, especially the live broadcasting of the sessions;
- d) a channel reserved for the Federal Senate;
- e) a university channel, reserved for shared use among universities located in the Municipality or in the Municipalities of the service area.

Concerning university channels, there is also a normative and public policy deficit to ensure that higher education institutions can find ways to establish and maintain such channels and thus make them a space for popularization, dialogue between university and society and for dissemination of scientific knowledge. In addition to university channels, there are other issues between what is established by the standard and reality, such as:

- f) an educational-cultural channel, reserved for use by the bodies dealing with education and culture in the Federal Government and the State and Municipal Governments with jurisdiction over the area of service provision.
- g) a community channel open for free use by non-governmental organizations and non-profit entities.

Many community channels have been established, but unfortunately, on the one hand, there are few incentives for their existence. On the other hand, the determination of the norm contributed to a very interesting debate on how community channels are planned and constituted, with difficulties, on pay TV, but not in the open TV, which is still a kind of contradiction, still pending not only Legislative debate, but also practices associated with the Executive and Judiciary Branches. Regarding the judiciary, the Cable TV Law also determined the creation of:

- h) a channel reserved to the Federal Supreme Court for the disclosure of acts of the judiciary and of services essential to justice.

In this regard, *TV Justiça* has developed an important and innovative work that can be measured, among other criteria, by the impact of the broadcasts on the activities developed by the actors, so to speak, especially, in the case of *TV Justiça*, the members of the Federal Supreme Court (STF).

I make direct reference to the Cable TV Law because such a rule, by inheriting bases from the Democratic Media Law, which was one of the main bases for discussion during the constitutional period, served as a reflection that expanded this perspective from a “public DNA”, and not just institutional, for legislative channels. This feature is nonetheless an important mark in comparing Brazil with other international experiences.

## **International Experiences**

If we look, for example, at the United Kingdom's experience with the BBC and its specific channel for Parliament, compared to Brazilian practices, we will see a programming, especially *TV Câmara* and *TV Senado*, which has culturally expressive content, with a concern to make room for as many political, cultural and artistic trends as possible, including genres more grounded in national cultural and more recent phenomena that, modestly, I think should take their place, even because there are certain impoundments of some manifestations. An example of this may be the need for space for *rap* and / or *rock* cultural practices. We could even have a debate associated with this, especially in Brasília, a city with important cultural expressions linked to these two phenomena. Now, of course, public channel programming needs to be based on technical conditions and the basis for institutional decisions that can prevent, or at least diminish, programming schedule with personalist content.

Therefore, I appreciate that the experience of caring for and paying attention to cultural expressions makes *TV Câmara* and *TV Senado* programming something that positively differentiates them from experiences in countries like the United Kingdom and the USA, with little or no room for cultural expressions, such as we have in the Brazilian macro experience, not necessarily in the state and municipal Brazilian experiences.

International experiences can also be helpful to us because foreign channels are diversifying their content production, distribution and access experiences as a result not only of the advent of pay TV, but especially of the Internet. The World Wide Web has made even countries that did not have nationwide channels such as in Brazil, establish channels via YouTube for broadcasting sessions. The Argentine Parliament has done an interesting job in this area and can serve as a reference for reflections and practices in Brazil.

In addition, of course, another important basis at the international and national levels is associated with the presence of public channels of the Legislative Branch in social media. In other words, how to make social media spaces and environments for the dissemination of public content, not just institutional, developed by legislative bodies? This is also a very fascinating topic. Experiences in the macro, international, as well as micro and municipal scopes, can serve as an interesting and permanent reference for the improvement of *TV Câmara* practices and other channels developed here by the Secretariat of Communication of the Chamber of Deputies.

## **Testimony**

To emphasize another part of the presentation of reflections on the content developed and the relevance of legislative channels, I would like to ask permission to give personal testimony. Not only as a *TV Câmara* viewer and source, but also as an illustration of what seems to me to be the differential of Parliament's communication vehicles in relation to other channels.

Quite possibly most people who have read and will read this text have no idea where they were on February 4, 2010. I know this is an absurd question, but suddenly someone has had an unforgettable experience, such as being at someone's delivery room or birthday, so you can easily remember the date of February 4, 10. On the date mentioned above, something unforgettable happened to me. I apologize for finishing my contribution with an individual testimony, but I understand that such an initiative has to do with the spirit of the seminar that gave impetus to this presentation. To give clues that encourage people to locate in time and space, I inform you that on the eve of this day 2/4/10, that is, on February 3, *Avatar*, James Cameron's film, took the first position of all time worldwide box office highest-grosses, which was occupied by the *Titanic*. I mention this just to remind you more or less of the context of the period. Days later, on March 1, Pepe Mujica took over the Presidency of Uruguay. Already in Brasilia, in the Chamber of Deputies, on 2/4/10 there was a Public Hearing to discuss the 3rd National Human Rights Program<sup>4</sup>.

Why do I refer to the Hearing? Because I participated in the Organizing Committee of the 1st National Communication Conference, I was invited to participate in the Hearing. At that time there was a great tension because, days before, with the release of the 3rd National Human Rights Program (PNDH), the idea began to emerge that the document could constitute an attack on freedom of expression in Brazil.

Certainly, the above references may have helped to promote the remembrance of those who followed this period, at which time there were editorials and mobilizations criticizing what they considered to be the authoritarian temptation of the then Federal Government, which had organized a National Conference, 27 State Conferences and municipal or specific public events. Events that generated many proposals that stimulated greater circulation of information in Brazil and dialogued with the PNDH's proposal to monitor content that was broadcast and that violated human rights.

The relevance of sharing the above information in this text is related to the fact that when arriving to attend the Public Hearing, I came across a hallway full of cameras and microphones. Lots of equipment was there to get some testimonials that would confirm pre-established ideas that the federal government sought to carry out attacks on freedom of expression in Brazil. As an expert, as I approached the space where the Hearing would be held, I was surrounded — for the first time or perhaps the last, I do not know — by about 20 journalists. The basic question was: *“-Professor, isn't it true that the current government wants to restrict and censor the media in Brazil and that the National Human Rights Program is an attack on freedom of expression?”*

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<sup>4</sup> More information about the event is available at: <http://www2.camara.leg.br/camaranoticias/noticias/DIREITOS-HUMANOS/145032-PLENARIO-PODERA-DISCUtir-DIREITOS-HUMANOS-EM-COMISSAO-GERAL.html> and at: <http://www2.camara.leg.br/camaranoticias/noticias/DIREITOS-HUMANOS/145033-ESPECIALISTAS-DEFENDEM-APROVACAO-DO-3-PLANO-DE-DIREITOS-HUMANOS.html>

I confess that at that moment, like the dilemmas experienced by the character in the final scene of *The Last Temptation of Christ*<sup>5</sup>, a movie also played in my head. And in front of the microphones, I confess — and I don't know if anyone here ever had that feeling — I thought: “- If I say yes, that the current government wants to restrict and censor the media, I'm going to appear on a major newscast from a important television network. Maybe people in my family and friends will watch and have a television reference about me, and with that, I could even gain another status”. Seriously, I swear I thought about that in a flash, as the Portuguese would say. “I even imagined that from such an answer, maybe my books would gain more repercussion”.

At the same time, my conscience, my “talking cricket” popped up — all within a few seconds —, and I started to think: “-Hey, wait, let me see if I understand what's going on”. It is noteworthy that the whole situation above occurred on February 4. The national stage of the National Communication Conference took place in the first half of December, less than three weeks earlier. Given this, I remembered that “Most of these microphones that are here did not participate in the National Communication Conference. It is difficult to offer space for the contradictory and for the diversity of content, etc. Now they want that confirmation.” I then followed the talking cricket and started saying: “Look, see, actually...” Every expression I used to that end meant a microphone that backed off the interview on the hallway. So — and now you will understand why I told this little story —, when I finished giving answers or was about to finish developing the idea, there were only two microphones left to hear me: the microphones of the TV Câmara and of Rádio Câmara. This is quite significant from the point of view of the need for these broadcasters to propagate the contradictory and the diversity of content.

This demonstrates the relevance of a plural channel, in which not only all parties, all representatives, but also the idea that this balance, among other scientific productions, is present, for example, in Mariana Martins' dissertation “Public communication: function and legitimization of federal legislative TVs”, which includes the following:

It was based on the initial hypothesis, which was proved by this dissertation, that the diversity of interests and political powers present in the Legislative Branch would also open spaces for greater relative autonomy of the communication vehicles of this Branch, favoring internal and external control mechanisms and enabling spaces most conducive to the realization of the principles of public communication.

This makes me realize that while there is a significant difference between journalistic editorial principles relating to private experiences, especially in a country like ours, and public experiences, the Chamber and Senate media have been better able to provide a true, complex and intelligent report of daily events, within a meaningful context. Following the example of another

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<sup>5</sup>Movie directed by Martin Scorsese in 1988, based on the work of Nikos Kazantzákis.

important document published in the United States in 1947 by the Hutchins Commission, entitled *A Free and Responsible Press* — no translation yet in Portuguese —, a forum for exchange of comments and criticisms. In my view, this is a very significant example. Just as a railroad cannot refuse to carry any passenger who has purchased a ticket, a communication institution, especially legislative, cannot refuse space in its news to disclose the actions or points of view of groups or individuals who have been criticized.

## **Conclusion**

It seems to me that local, national and international experiences are very important to study, but this concern with cultural programming and diversity, developed by *TV Câmara*, can serve as a reference for other actions, materializing as something that consolidates this idea and practice of public communication, lacking some instruments — and I would like to mention them here in the short time that I still have — that go through the functional guarantee of working conditions.

Thus, by concept or policy, *TV Câmara* does not exist solely for logistical reasons and to provide images that are distributed and accessed by other communication vehicles. There is also a need for professionals with technical expertise to edit and find ways to pack content so that the public is even better able to understand parliamentary work and the efforts linked to representatives and representatives.

For this, the reference document is essential. But in addition, normative manuals can also be useful, setting parameters that ensure that the work is developed, and TV is the property of all Brazilians.

The Internet has also given some important foundations for reflections involving simultaneous transmissions and more participation in the media. For this, academic partnerships are essential. Universities can contribute even more to this work of reference production. With this, there are more conditions to strengthen the radio and TV legislative network, stressing the need for more ties with national, state and municipal experiences.

After all, I highlight the mission of *TV Câmara*. It is a public TV that has obligations with the citizenship and the valorization of the country, with the diffusion of ethical, moral, social, artistic and cultural values of Brazil. Issues such as democracy, consumer protection, environmental protection and respect for citizens' rights are more than a slogan; constitute *TV Câmara's* commitment, as we can all see, to offer a good programming alternative for Brazilians. *TV Câmara* is a broadcaster that proudly does not lower the microphone when divergent opinions arise.

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