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Paper Title: Regulation of Content on Broadcast Television in Brazil

Abstract:
The United States and Brazil regulate the content on broadcast television in similar ways, but important differences exist in the regulatory entities, external influences, and enforcement that account for substantial differences in the result of the regulation.

Both countries have the same forces pulling at the ends of the regulatory policy. The protection of children is the most important factor driving the regulation – Brazil has this requirement in its constitution and the U.S. created the FCC with the requirement to regulate in the public interest. Preventing censorship is at the other end, pushing back against any regulation – Brazil was under a censor-friendly military regime until 1988 and has strict anti-censorship directives in its Constitution and the U.S. Constitution’s First Amendment prevents censorship in the interest of freedom of speech.

To the consumer, both methods of regulation look similar. In both countries, television programs are classified by the producer based on the type of content, this classification is shown before the program airs, and the program is limited to certain broadcast times based on its rating. But there are two major differences. In Brazil, this classification system was created and is enforced by the government, whereas in the U.S. the television industry created and regulates the classifications. The FCC regulates and enforces a different system based on the vague and obscure definitions of obscene, indecent, and profane content. Second, the system in Brazil has more classifications and takes into account the socially and educationally beneficial content.

Behind the scenes, the regulations are administered in very different manners. In the U.S, the FCC – an independent agency – has regulatory power over all aspects of telecommunication regulation. In Brazil, the different aspects of telecommunications industry regulation are handled the National Congress and different Ministries and independent agencies.

The enforcement of the regulations also has similarities and differences. In both countries, the enforcement of the regulations is driven by consumer complaints and not through government monitoring. The enforcing agencies in both countries can issue fines and revoke broadcast licenses, although this is rarely done. In Brazil, however, citizens can also file a complaint in court – for “moral damages” occurred by viewing of the inappropriate content.

This paper explores each of these issues in depth, investigates the reasons behind the differences and similarities, and describes the resulting effectiveness of the regulations. We then look at both systems and suggest ways how each country can learn from the regulation of the other country.