

Constitutions, Democracy and Human Rights Discourse in Portugal and Brazil: comparative study

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Abstract

Considering the year of 1933 as the beginning of the Portuguese Salazar regimen, the repressive and oppressive “Estado Novo” (New State) by the Portuguese Republic Constitution, there is a main research element: the fundamental rights recognized (art. 8º). This paper aims to study and debate the Salazar Rights Discourse, that in a first stage had been supported by the Catholic Church that in a funambulism strategy, changed fascist political, economic and social discourse to a speech adjusted to the scope of the state and governance aims. In a comparative context, it’s our objective study the Brazilian Constitution from 1934 that instituted the Getúlio Vargas Dictatorship. It’s curious, or simply a strategic coincidence, the fascist dictatorship, institutionalized as “Estado Novo” (New State), as it was in Portugal. In 1974 with the “Carnation” Revolution and the political regimen change to a Democracy, legally started with the Portuguese Republic Constitution in 1976, recognizing the Human Rights (Universal Declaration from 1948) and the Fundamental ones, but the political and social Discourse of Human Rights was object of intervention, but it was need several years to the effective recognizing of the Fundamental and Human Rights to the Portuguese citizens. Although the Portugal entrance to Economic European Community (today European Union), it’s important to study the historical “line”, and the actuality of the Discourses and Human Rights by the violations and the need of intervention, as well as the education for the promotion of a juridical and judicial system able to protect the victims of all violations, and to prevent the abuses. Concerning the Brazil context, with the popular movements, the “Diretas Já” (Direct now), the power was given to the military and civil, during the Second Re-democratization. It was only with the Constitution of 1988 was guaranteed and increased the social rights, the delimited indigenous land was guaranteed, the unique system of health as the oldest and rural reforms, as it was the end of the censorship to the art and the public information. Globally, this article aims to study the main points of the approaches and the distances of these states that are identified as “brothers”.

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