

Brazil's Judicial Reform. Just the Facts.

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Brazil's Constitutional Amendment Proposal (PEC) for the reform of the Brazilian Judicial Branch was first presented in 1992 by former Federal Deputy and jurist Hélio Bicudo, representing the Workers' Party (PT).

The idea was to counteract the sluggishness, inefficiency, and remoteness of the court system. During the 12 years that have transpired since then, the proposal underwent various modifications that provoked heated debates among judges, lawmakers, and civil society.

Political differences in the Congress kept the proposal from being voted until 1999, when Deputy Zulaiê Cobra from the PSDB submitted a version that was finally able to win passage.

The PEC was approved by the Chamber in two rounds of voting in 2000. The proposal proceeded to the Senate, where it was only now submitted to a vote.

To make the senators' job easier, the 165 amendments to the proposal were voted in blocks. What follows is a chronology of the major events that marked the legislative career of the PEC for Judicial Reform:

1992: Presentation of PEC 96/92 by Deputy Hélio Bicudo (PT, São Paulo).

1993-4: Proposal for Summary Opinions with Binding Effect and new forms of controlling the Judiciary are presented by Nelson Jobim (PMDB, Rio Grande do Sul), reporter of the PEC in the Chamber of Deputies.

August 1995: Jairo Carneiro (PFL, Bahia), reporter of the Special Commission created by the Chamber of Deputies to analyze the proposal, submits his report and appends new polemical items, such as the creation of the National Council of Justice for external control of the Judiciary and the elimination of the normative authority of the Labor Court System and the Judges appointed by Class Entities.

Carneiro's project continues as a target of criticism for the next several years, and the Special Commission winds up its activities in 1998 without reaching a consensus.

March 1999: In reaction to an initiative by Senator Antônio Carlos Magalhães (PFL, Bahia) constituting a Parliamentary Commission of Inquiry (CPI) to investigate the Judicial Branch, the Special Commission is revived, with Jairo Carneiro as president and Aloysio Nunes Ferreira (PSDB, São Paulo) as reporter.

March-April 1999: The CPI begins its activities. The Brazilian Magistrates' Association and the São Paulo Magistrates' Association react. Various segments defend Judicial Reform as a way to neutralize the CPI's attacks on the Judiciary.

June 1999: Deputy Nunes Ferreira's report calls once again for the creation of external control of the Judiciary and the creation of Summary Opinions with Binding Effect.

It also proposes changes in the system of special courts, including the extinction of the labor court system.

The project is rejected by the Brazilian Bar Association, opposition parties, and lower court judges, who feel threatened by the centralizing propositions.

August 1999: With Nunes Ferreira's departure to become head of the Presidential Executive Staff, the Special

Commission chooses Zulaiê Cobra Ribeiro (PSDB, São Paulo) to take over as reporter.

September 1999: Cobra submits a report different from Nunes Ferreira's, with more rigid instruments for control of the Judiciary. Her report is also rejected.

October 1999: Cobra presents a new version, which is approved by the Special Commission.

January 2000: The proposal goes to the Chamber floor, where it is modified. It wins passage in the first round on January 19.

June 2000: The PEC 96/92 is voted and approved in the second round and sent on to the Senate for debate, voting, and passage, also in two rounds, this time as the PEC 29/2000.

Source: Reform of the Judiciary (organized by Maria Tereza Sadek)

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