

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, THE REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2020

Country report: Portugal

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Research Project Report

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2020. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

Authorship and review

The CMPF partners with experienced, independent national researchers to carry out the data collection and author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire developed by the CMPF.

In Portugal the CMPF partnered with Francisco Rui Nunes Cádima, Luís Oliveira Martins, Carla Baptista, Marisa Torres Da Silva and Raquel Lourenço (ICNOVA - Nova Institute of Communication (FCSH - Universidade Nova de Lisboa)), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annex II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The digital dimension

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores and the report contains a specific analysis of risks related to the digital news environment.

The calculation of risk

The results for each thematic area and indicator are presented on a scale from 0 to 100%.

Scores between 0 and 33%: low risk

Scores between 34 to 66%: medium risk

Scores between 67 and 100%: high risk

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2021 scores may not be fully comparable with previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2021, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

Country overview. From a political, social, and cultural point of view, Portugal is a country with reasonable stability in recent decades, after the end of a 48-year dictatorship, ended with the “carnation revolution” on April 25, 1974. The country, located west of the Iberian peninsula, has 10.3 million inhabitants, and the official language is Portuguese, with the younger population speaking, in general, English.

Minorities. According to the National Statistics Institute (INE), there are no minorities in Portugal that comprise more than 1% of the Portuguese population. From this perspective, Portugal has no minorities. We can say, however, that Portugal today is clearly a socially stable, welcoming country, composed of a diverse set of ethnicities and foreign communities, where the Roma ethnic minority stands out, but also the African communities from Portuguese-speaking countries (especially Cape Verde, Guinea-Bissau, Angola, and Mozambique), the Hindu and Chinese communities, with a strong presence of the Brazilian community, among the main ones.

Economic situation. It is necessary to view the current economic situation in light of the impacts of the Covid-19 pandemic. By 2019 Portugal had managed to create excellent economic recovery conditions from recent years' patterns and the annual deficits previously recorded. In 2020 however, the Gross Domestic Product (GDP) registered a 7.6% drop in volume, contrasting with the 2.5% growth registered in 2019¹¹. This recovery of the Portuguese economy would be completely pulverized in the face of Covid-19. Therefore, in the first four months of 2021, the economic situation is once again critical concerning balancing public finances and public and private debt. Ten years after the "troika" bailout (April 2011), the Portuguese public debt is now, in April 2021, at 133.6% of GDP (it was 114% in 2011). For the economist Ricardo Cabral (ISEG), Portugal is now worse off than at the time of the 2011 bailout. (Oliveira, 2021).

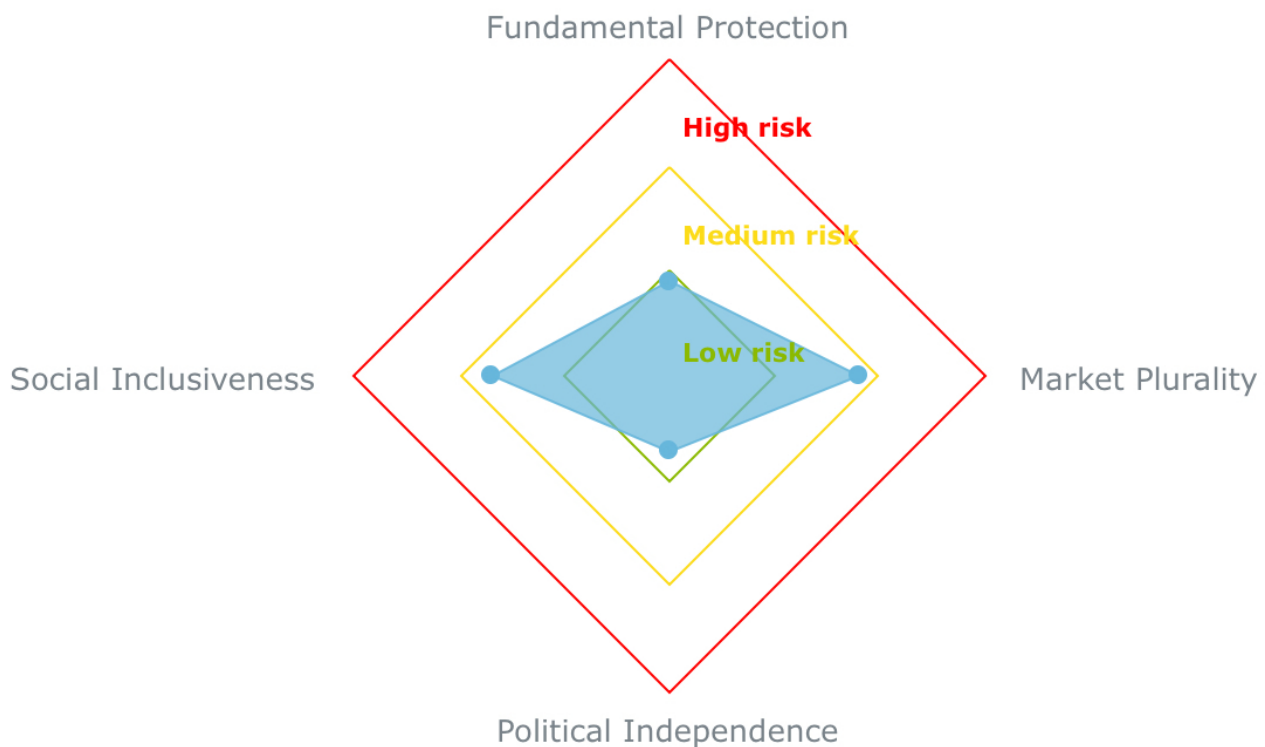
Political situation. The Portuguese political situation is generally of excellent stability, with good institutional cooperation between the President of the Republic (PR) and the government, alongside a stable political-party system. Despite the pandemic and the fact that the current socialist government rules with a parliamentary minority, the Portuguese's degree of satisfaction with the nation's prominent leaders (PR and Prime Minister) remains high. According to the latest polls, the socialist government also ensures an absolute majority trend, maintaining the social-democratic opposition in second place, but at a significant distance of 16 points from socialists (Lopes, 2021).

Media Market. In Portugal, television dominates the media system compared to the other media, both regarding audience and advertising investment. This media system model has essentially predominated since the 90s, after the television market's liberalization. There were substantial negative impacts, since then, on the press and radio sector. In digital, as it generally happens in other markets, the big platforms dominate around 70 to 80% of the advertising market.

COVID-19 situation. In the context of successive emergency states in Portugal (Cádima, 2021), triggered by COVID-19, and particularly in terms of media pluralism system, there has been a worsening of precariousness in journalism, a lack of solid support for the media in the pandemic context and a significant drop in distribution. On this last point, Correio da Manhã, Jornal de Notícias and Público, the three generalist dailies audited, had in 2020 a drop in paid print circulation of 23.1% compared to 2019. However, the growth of paid digital circulation in the most successful cases - Público, Diário de Notícias, and the weekly Expresso, compensated the losses recorded in print circulation (Durães, 2021).

3. Results from the data collection: assessment of the risks to media pluralism

Portugal: Media Pluralism Risk Areas



JS chart by amCharts



Portugal maintains excellent indicators regarding fundamental constitutional guarantees, namely in terms of plural democratic expression and political organisation, respect for and the guarantee of the effective implementation of the fundamental rights and freedoms, and the separation and interdependence of powers, with a view of achieving economic, social and cultural democracy (Portuguese Constitution). In this sense, the results obtained in the **Fundamental protection** area are clearly reproduce normality and low risk in this specific matter.

In the MPM 2021, there is a significant increase of the risk in the **Market Plurality** area. Three indicators score high risk: News Media Concentration, Online Platforms Concentration, and Competition Enforcement & Media Viability. This negative evolution can be associated with the Covid-19 pandemics, which affected the economic situation of the Portuguese media. The government decided to intervene in the media markets with the anticipation of its expenses with institutional advertisement. Thus, it allocated 15 million euros in 2020 to diverse national and local media. However, several stakeholders criticized this decision in terms of amount and structuring. In the two other indicators (Transparency of Media Ownership and Commercial & Owner Influence over Editorial Content), the levels of risk are not a cause of concern.

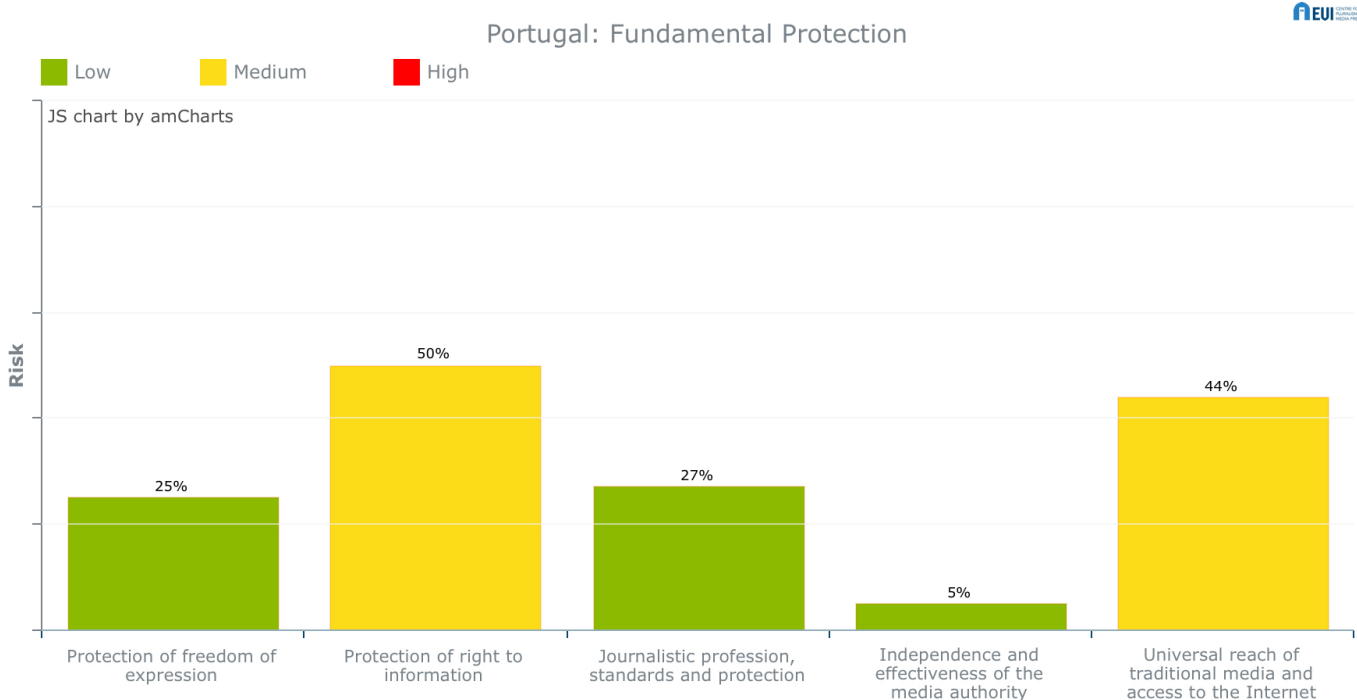
The **Political Independence** area presents a low risk level (24%). Overall, the score obtained for the edition slightly deteriorated compared to the previous evaluation (19%). The pandemic aggravated the trend already underway for the precariousness of the profession. The health crisis has raised concerns about ethical principles, such as the accuracy of information, media independence and journalists' autonomy. The existence of a legal and political culture that is protective of journalists prevented more extensive damages. The indicator State regulation of resources and support to the media sector was the most affected, calling for a more sustained political response to the media crisis. The indicator Editorial Autonomy is consistently

showing a medium risk (46%), reflecting on increasing political parallelism, even if it is mainly confined to editorial and opinions pages in the press, and political commentary on television and radio.

The **Social Inclusiveness** area presents a medium risk. Its score is affected by the high risk of the indicator Access to Media for Minorities. As highlighted in previous MPM reports, a limited representation of social-cultural diversity prevails in Portuguese media. In 2020, the Covid-19 pandemics led to an even more discriminatory news coverage. The indicator Access to the Media for Women is of medium risk, at the fringe of high risk, due to the persistent under and misrepresentation of women as news actors and experts. The pandemic situation also affected local and regional media in terms of their sustainability and independence. The impact of the COVID-19 pandemic in the media sector is significant. Pandemic aggravated the media crisis in Portugal, namely in terms of distribution, revenue, and precariousness in newsrooms. The government's support was also not enough to remedy the media's critical situation (Cádima, 2021a).

3.1. Fundamental Protection (30% - low risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.



In terms of **Fundamental Protection**, Portugal scores a low risk (30%), which is similar to the results obtained in the previous editions of the MPM report. Several indicators obtained a score within the low-risk band, namely Protection of freedom of expression (25%), Journalistic profession, standards, and protection" (27%), and Independence and effectiveness of the media authority (5%). A medium-level risk concerning "Protection of the right to information" (50%) and "Universal reach of traditional media and access to the Internet" (44%) is already registered.

Portuguese Constitution clearly recognizes **Freedom of Expression** (FoE) international standards, and the state ratified the European Convention on Human Rights with no significant reservations. Portugal ratified

the International Covenant on Civil and Political Rights (ICCPR) also with no significant reservations. The law^[2] clearly defines some restrictions in terms of FoE, and citizens in Portugal have legal remedies in cases of infringement of their freedom of expression, either in the media or online. The state generally refrains from filtering, monitoring, blocking, or arbitrarily removing online content. Few cases that occur always refer to situations that violate property rights, phishing, or malware distribution. There is no evidence that the government misused libel and defamation legislation to limit freedom of expression in terms of proportionate balance between FoE protection and dignity. Portugal has no recent cases of severe defamation penalties and, in general, specific legislation (or jurisprudence) has protected citizens and journalists from defamation issues. There are some specific cases in which the courts' decision can be considered non-proportional. In general, there are no significant implications or chilling effects for journalists in Portugal, which ranked in the 9th position, in the 2021 World Press Freedom Index (Portugal, 2021).

The Portuguese Constitution^[3] explicitly recognises the **right to information**. The national law^[4] clearly defines the restrictions to freedom of information on privacy grounds following international standards with effective appeal mechanisms in case of denials, but some delay in access to information continues to occur (CADA, 2021). Concerning the Protection of whistleblowers, Portugal does not have legislation instruments to protect them, and also, there is no Ombudsman for Whistleblowers' Protection.

In Portugal, journalists and their associations need to be more determined in terms of safeguarding editorial independence. The working conditions of journalists in the country point out some irregularities in payments and job insecurity. The 2020 Freedom of the Press Report from Reporters Without Borders^[5] places the country in the 10th position. Portugal is a safe place for journalists, and there are no journalists in detention. Although there is an anti-SLAPP legal framework, it is not always effective, and there are ambiguous situations regarding this topic. For instance, the recent jurisprudence on defamation tends to apply more proportional penalties, but the punishment sometimes is limited to a fine^[6]. The law^[7] explicitly recognises the protection of journalistic sources in the country, it is recognised and absolute, and there are no known cases of journalists being obliged to disclose their sources. In terms of journalism and data protection, the Directive (EU) 2016/680 of the European Parliament was transposed into national legislation. However, the new law no. 59/2019, from August, 8th^[8] does not seem clear, and it is not explicit regarding situations as illegal monitoring of journalists by law enforcement authorities.

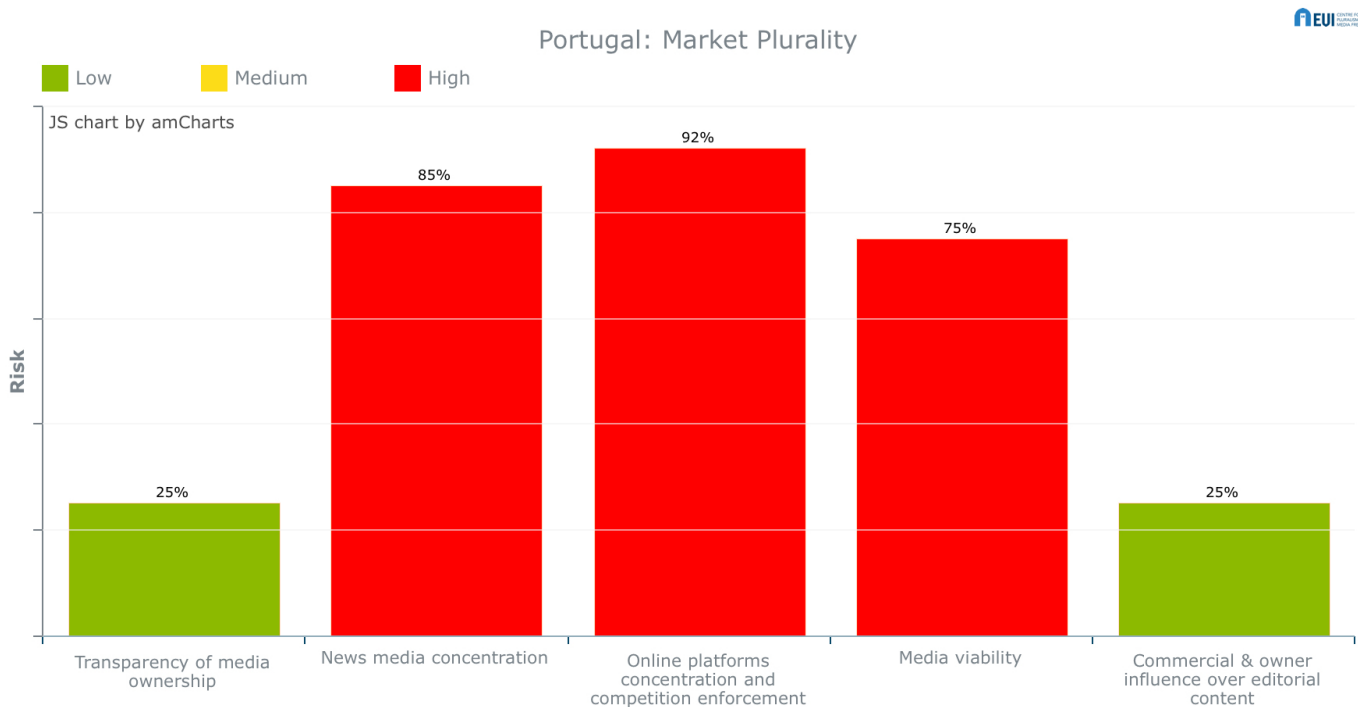
About **the independence and effectiveness of the media authority**, appointment procedures for the authorities are transparent and objective and designed to minimise the risk of political or economic interference. The media authority's tasks and responsibilities are clearly defined by the law^[9], which attributes sanctioning powers to the authority. Media authorities also have effective and well-used mechanisms to appeal decisions. Among its core responsibilities, public and private media sector supervision, handling complaints, sanctioning, and rulemaking. There is no case where the media authority has been investigated for an alleged case of corruption. Moreover, there is no evidence that the government overrules decisions by the media authority and no evidence that public authorities use financial decision-making power to interfere with the media authority's independence. Regardless, in our assessment, the budget does not meet the institution's challenges (and was partially retained by the government in 2018) (SAPO24, 2019).

Regarding the **universal reach of traditional media and access to the Internet**, the universal coverage of the PSM is guaranteed by law^[10], and in practice, the total amount of penetration rate for all platforms is 100%. The same is true with the percentage of market shares of the TOP 4 ISPs in Portugal (MEO, NOS Vodafone, and NOWO). There are regulatory safeguards in terms of net neutrality, and they are

implemented in practice by Anacom. Nevertheless, ISPs do not always manage network traffic transparently, which means that they sometimes discriminate specific content or content from particular sources.

3.2. Market Plurality (60% - medium risk)

The Market Plurality area focuses on the economic risks to media pluralism, deriving from lack of transparency and concentration of ownership, sustainability of the media industry, exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on transparency of media ownership. Lack of competition and external pluralism is assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), considering separately horizontal and cross-media concentration; the concentration of online advertising market; and the role of competition enforcement. The indicator on media viability measures the trend of revenues and employment, in relation with GDP trends. The last indicator aims to assess risks to market plurality posed by business interests on production of editorial content, both from commercial and owners influence



In the MPM 2021, there is a significant increase of the risk level in the Market Plurality area. Three indicators score high risk: News Media Concentration, Online Platforms Concentration, and Competition Enforcement and Media Viability. This evolution pattern can be associated with the Covid-19 pandemics, which affected the economic situation of the Portuguese media (Obercom, 2021).

The indicator on **News Media Concentration** scores 85%, within the high-risk band. A limited number of players control the media industries in Portugal, which remain basically the same, with a few changes in ownership. The major privately-owned media groups are Impresa, Cofina, Media Capital, and Global Media. There is also a State-owned group: RTP. Cofina made an offer to acquire Media Capital, which was approved by the authorities. However, the Portuguese financial market crisis in 2020 did not allow the completion of the transaction.

In Portugal, there is no general law with objective thresholds for cross-ownership concentration, which

frequently creates problems of uncertainty. An acquisition case that spread uncertainty in media markets in 2019/2020 was the possible acquisition of Media Capital by Cofina. Mergers and acquisitions between media corporations are analyzed on a case-by-case basis by the competition authority (AdC) and the media authority (ERC). High levels of ownership concentration can be detected in TV, Radio, and Print Media. General competition rules that consider the specificities of the media could prevent this excessive horizontal concentration. In the last years, the laws that rule ownership in these subsectors have remained unchanged^[12].

The indicator on **Online Platforms Concentration and Competition Enforcement** scores high risk, with 92%. It is noteworthy that it was challenging to find hard data. However, the information available reveals that people access online news essentially through side-door processes and that algorithms highly influence their news consumption (Obercom/Reuters, 2020; Reuters Institute, 2019). Besides, the major international platforms have a high share of the online advertising market. The Portuguese regulation does not take sufficiently to account the evolution of the media sector, impacted by the advances of digitization and new platforms.

The indicator on **Media Viability** reveals the existence of a high risk (75%). Notably, the financial information of media operators is not always fully available and up to date. However, the available data show significant difficulties across many media markets, mainly due to the Covid-19 crisis (ERC, 2020a). The advertising investment fell substantially in 2020, especially in offline media. The revenues associated with traditional media are under pressure, and several companies are downsizing their workforce. Official statistics show a decrease of 17% in the number of journalists with Professional License between December 2019 and October 2020 (Journalists' Professional License Committee, 2020).

The Portuguese government decided to intervene in the media markets to avoid a severe economic crisis (anticipation of its expenses with institutional advertisement). Thus, it allocated 15 million euros in 2020 to diverse national and local media. Several firms and media professionals criticized this decision in terms of amount and structuring. Like in previous years, substantial public funds continued to finance the PSM (Grupo RTP).

In the two other indicators (Transparency of Media Ownership and Commercial & Owner Influence over Editorial Content), the levels of risk are not a cause of concern.

The indicator **Transparency of Media Ownership** reveals low risk (25%). There is a specific law that regulates the transparency of ownership across all media markets, including online^[13]. Step by step, this law has achieved good efficacy, but further improvements are still expected.

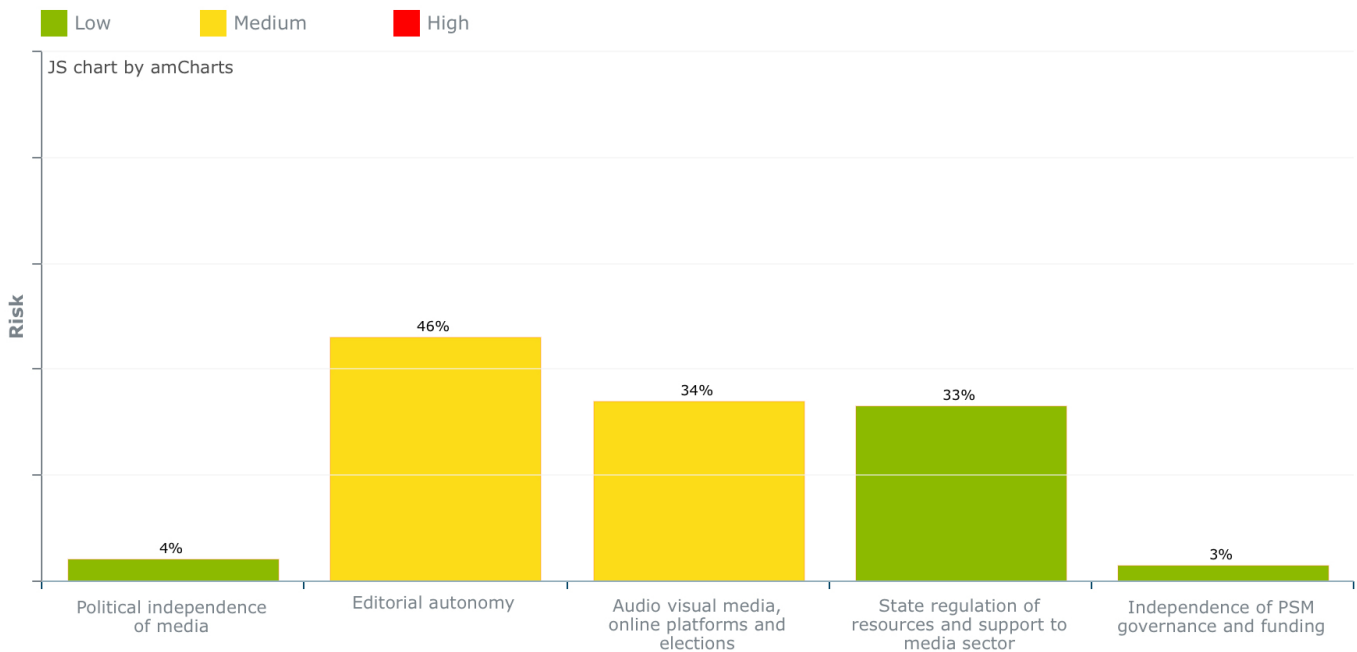
In terms of **Commercial and Owner Influence over Editorial Content**, the level of risk is low (25%). The laws implemented in Portugal protect offline and online journalists from commercial or other economic influences^[14]. The regulatory frameworks prohibit advertorials and stipulate that the exercise of the journalistic profession is incompatible with activities in the field of advertising.

3.3. Political Independence (24% - low risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media.

Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.

Portugal: Political Independence



The indicator **Political Independence of Media** scores low risk (4%). Portugal maintains a stable legal framework of regulatory safeguards preventing conflicting interests between media owners and political parties. Direct ownership is forbidden, and indirect control is monitored by the Media Regulatory Authority (ERC) through the Transparency Platform^[15]. The Law No. 78/2015 from 29 July (Transparency Law, 2015)^[16] obliges media operators to disclose information related to ownership, management, and means of financing. There is no evidence of political parallelism in the leading audiovisual media. Political pluralism is assessed by ERC's annual regulation reports^[17]. There are concerns regarding regional and local media. In this case, the ownership is fragmented, economic sustainability is fragile, and there is no assessment of political control. Native digital media is a growing universe of unregulated media, representing 26,6% of the media sector^[18]. Political affiliations are seen to be common in the digital media, and there are cases of disinformation and politically biased information produced by small native digital media outlets.

The indicator **Editorial Autonomy** scores medium risk (46%). The recessive context aggravated by the pandemic is affecting journalism's ability to monitor political and economic powers. The hyper dominance of the coronavirus agenda is reducing news diversity. The pandemic restrictions are sometimes used to limit journalists' access to political meetings and delay the provision of information. The number of professional journalists is decreasing (6,409 reported in November 2020^[20]). Freelancers represent 27% of all journalists and are the most exposed to precarious work conditions. A study about journalism in the context of the state of emergency^[21] indicates that journalists have meager expectations towards the outlooks of the profession, with 27% expressing fear about losing their jobs. Low salaries and job precarity affect both young and senior journalists; they are eroding professional journalistic standards and nurturing boundary work in the absence of a clear regulatory framework.

The indicator **Audiovisual Media, Online Platforms, and Elections** is at medium risk (34%). Political

advertising on television and radio is not allowed during election periods. Law prevents politicians from having any financial participation in radio and television. PSM and private television channels have been able to cooperate, allowing less prominent political actors to participate in electoral debates. However, political coverage is mainly party-centered, and there are deficiencies in diversity, concerning gender, race, and political views from civil society representatives. The means for the monitoring of media pluralism are scarce and unable to follow the practices of online media and digital platforms. This sector remains a blind spot of media regulators.

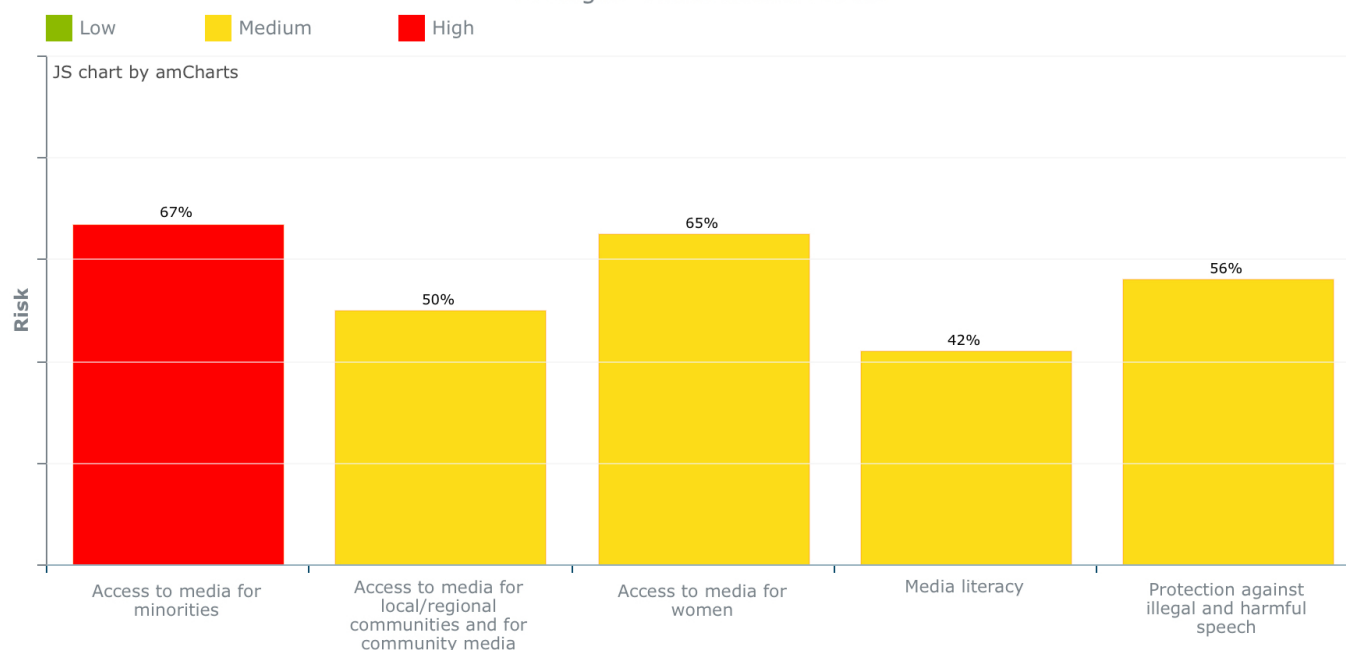
The indicator **State Regulation of Resources and Support to Media Sector** indicates low risk (33%). The pandemic led to significant deterioration in this indicator (the risk is 30% higher than in 2020, and on the verge of becoming medium risk). Confinement measures and widespread revenue shortfalls led to legacy media, particularly the print press, becoming irrelevant in readership. The crisis was especially painful for local and regional media: 27% of the holders of local press and 44% of local radio operators reported losses between 61% to 80%. Although news production, consumption, and distribution are increasingly online, the big digital platforms are the primary beneficiaries of the profits. The digital subscription trend remains stagnant for most publications, and the dispersion of advertising on the Internet and the reduction in its price continue to be a sectoral trend. The Government announced a package of 15 million euros to support the media through an institutional advertising advance purchase program: 11.3 million euros for national media, 2 million euros for regional publications, and 1.7 million euros for regional or local radios. The three big media groups (Impresa, Media Capital, and Cofina) received more than half of the money. The measure was not sensitive to the specificity of journalistic projects and their effective public value. Apart from this exceptional support package, the state policy regarding media remains unchanged. There are no direct subsidies to media other than PSM. There are some indirect subsidies, mainly focused on reduced postal service and the funding of projects in 6 eligible areas, but only for regional and local media.

The indicator **Independence of PSM Governance and Funding** scores low risk (3%). Public service media are sustainable, and their independence is safeguarded by the CGI (Independent Council), empowered to appoint the Administration Council and monitor the adequacy of its strategic project with the obligations defined by the Public Service Concession Contract. The news agency Lusa is bound by the Public Service Concession Contract's obligations. However, there are concerns about a future imbalance on Lusa after the media group Impresa sold its stake to Grupo Bel, which is already the main shareholder of the Media Global Group. The operation may concentrate the voting power of more than 45% of Lusa's capital. The Competition Authority approved the operation. Although the state still holds 50,14% of the capital, crucial aspects of media pluralism, such as cultural diversity, gender equality, and fair representation of local news, are being neglected.

3.4. Social Inclusiveness (56% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. In addition, for the 2021 edition of the MPM, a new indicator has been added to the Social Inclusiveness area in order to assess new challenges raising from the uses of digital technologies: Protection against illegal and harmful speech. Due to this modification of the indicators, comparison with previous editions of the MPM should be handled with extreme care.

Portugal: Social Inclusiveness



The Social Inclusiveness domain is at a medium risk, with 56%, one point higher than in the 2020 MPM report (55%).

The indicator **Access to Media for Minorities** presents a high risk (67%). Recent reports state a low degree of programs that promote cultural diversity and minorities' interests, either in PSM or in commercial TV media (ERC, 2020a; 2020b; 2021). Therefore, a limited representation of social-cultural diversity prevails, as highlighted in previous MPM reports. According to recent research from the Regulatory Media Entity (ERC, 2021), foreign citizens, refugees, and members of Roma communities starred in around 4% of the news pieces in prime-time television news bulletins between 2018 and 2019; immigrants and refugees were mainly represented in adverse situations (such as poverty, criminalization, or victimization). Public and private open TV channels had a discriminatory drift in 2020, particularly in the initial months of the lockdown, when reporting on the neighborhoods with migrant background or Roma communities presence, or both, portraying them as the most reluctant to comply with sanitary and civic directives, while the social, working and economic contextualization were almost absent in news coverage. Regarding the subindicator on Access to media for people with disabilities, the policy is well developed and implemented for more than a decade ^[22]. According to the ERC's Regulation Report concerning 2019 (ERC, 2020a), the main open-signal TV channels offer accessibility for people with hearing impairments and blind people and have respected their obligations concerning accessibility standards.

The indicator **Access to Media for Local and Regional Communities and community media** scores medium risk (50%). Several policy measures and subsidies for local and regional media were decided and delivered by the Coordinating Commissions for Regional Development (CCDRs) based on national legislation criteria. According to the Dispatch 1074/2020, the total amount of subsidies of the State to local/regional media was 1,091,006.30 euros; this amount was distributed according to different regions (North, Center, Lisboa e Vale do Tejo, Alentejo, Algarve). During the Covid-19 crisis, however, in August 2020, the left-wing party Bloco de Esquerda denounced a severe delay in distributing the emergency financial support attributed to the regional press. Despite the formal inexistence and lack of legal recognition of community media and although the emergence of social/cultural/political community radio projects in the last years (Midões, 2019), mainly within the web, one must highlight the existence of hundreds of local and regional media in Portugal, providing a valuable public service in supplying local information and engaging with local audiences, often living in areas with fewer people and older population. Since the pandemic

particularly hit these media outlets, the independence and sustainability of many projects, already vulnerable, is at stake.

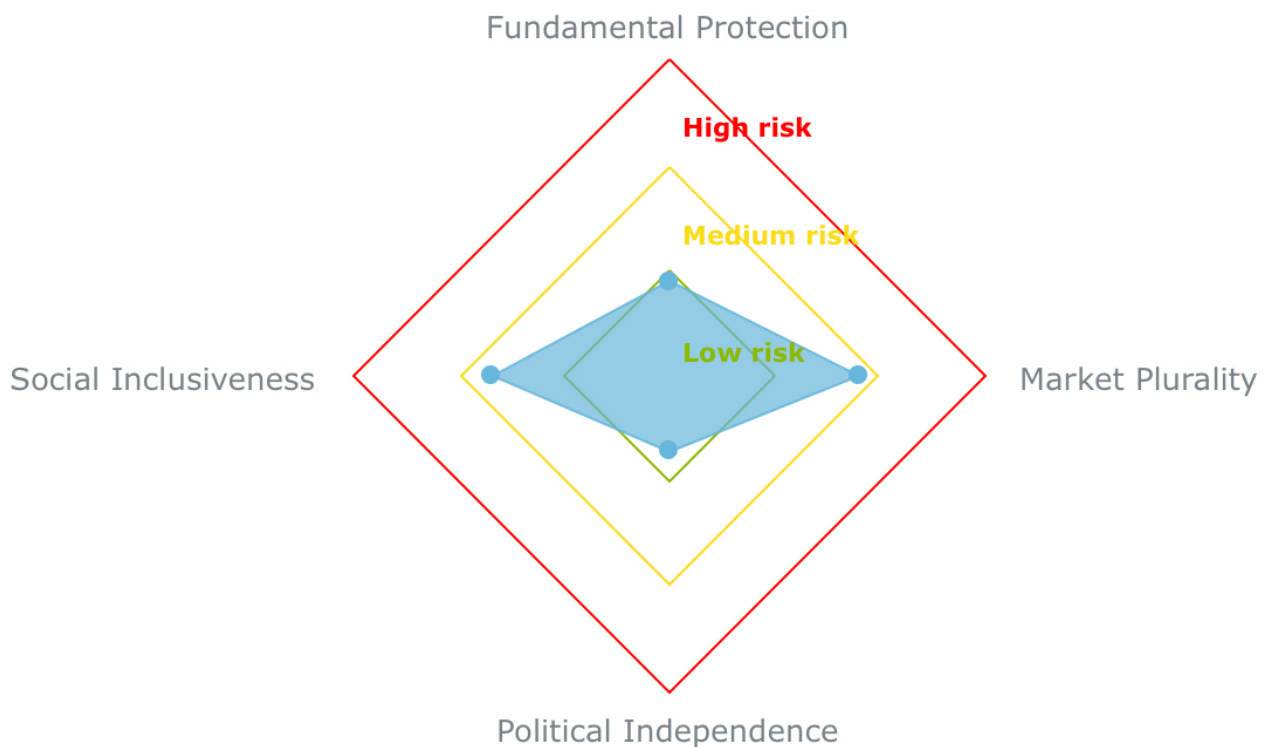
The indicator **Access to the Media for Women** scores medium risk (65%). Mainstream media lack gender diversity in the quality of actors of news pieces and as commentators. According to the Portuguese media regulator (ERC, 2020a), women represent on average 18% of the actors in the news pieces broadcasted in prime time television, a percentage that has remained stable in recent years and that reveals an imbalance between the representation of men and women in information, evident in the political area. A similar imbalance can be found regarding female experts' presence as regular commentators in TV channels in prime-time news bulletins (ERC, 2020a; ERC, 2021). Moreover, misrepresentation problems (e.g., stereotypes) regarding women as news actors prevail (ERC, 2021). In 2020, due to the pandemic context, new faces appeared on television as experts, replacing or even exceeding the number of political opinion-makers: most of them were men.

The indicator **Media Literacy** is at medium risk (42%). In the last years, there has been an increasing preoccupation to create policies regarding media literacy, with programs that aim to improve media literacy and civic education. The pandemic crisis fostered the increase of better digital conditions for teachers. The Ministry of Education and also Universities implemented new training courses for teachers and professors, even if specially targeted to the use of technologies and equipment. However, this new online educational environment has also evidenced problems, such as the clear indication that some students and teachers did not have access to the internet or computers to ensure the online classes. Recent efforts from the Journalists Union and the Ministry of Education led to implementing relevant training programs on media education and digital citizenship to teachers, broadening to more cities in 2020. We are in a stage of a possible positive evolution regarding media literacy activities, but there is still a fragmented response to this need. There is not a huge difference in the consequence of the pandemic context.

The indicator **Protection against Illegal and Harmful Speech** presents medium risk (56%). Public authorities and civil society are concerned about disinformation in the country. Last year, the subject was discussed at the Parliament and a set of measures were approved so that the European Action Plan against Disinformation was to be adopted in Portugal. It was also asked a study about the subject to the communication regulatory body, as is was requested from some of the parliament parties to diagnose and look for answers and possible regulation on the issue. According to Google and Twitter data (available within the scope of the Disinformation code of conduct) and a national report (Obercom, 2019), Portugal's position is considered an intermediate in the context of disinformation at the European level. However, disinformation around the pandemic situation took another scale, mainly through WhatsApp (Cardoso et al., 2020). The Penal Code (article 240)^[24] legally defines hate speech, but some shortcomings persist in criminal law (ECRI, 2018). Also, low rates of reporting on hate speech and the authorities' lack of data collection lead to insufficient response to online hate speech (Council of Europe, 2021; ECRI, 2018).

4. Pluralism in the online environment: assessment of the risks

Portugal: Media Pluralism Risk Areas



JS chart by amCharts



In the Portuguese case, focusing more specifically on the online dimension, there is, in general, a problem that is transversal to all dimensions of the study, and that concerns the lack of databases with extensive and updated information on the issues that involve the media and the new media in a digital environment. It is not easy to deepen and know in all its extension the Portuguese reality in this area. In any case, we will note here our evaluation and the available elements to understand the online dimension in media matters.

FUNDAMENTAL PROTECTION

In an attempt to extract the risks to online pluralism, in terms of primary and fundamental protection, it is essential to say that, similarly to what happens in the Portuguese traditional media sector, there are ample guarantees for freedom of expression online. The laws and legal norms are, in this respect, universal, also encompassing the digital.

Considering standards and protection, which are specific issues of the journalistic profession, both in terms of digital safety and in terms of the relationship of journalism with data protection, some potential risks should be pointed out, namely: the precariousness, which is generic in the journalistic class and extensible to the online; the transparency of the ownership and also the transparency of the advertising market and the digital subscriptions of the media; and the improvement of the journalists access conditions to the public sector and state administration data and information in general, as well as the absolute protection of data and sources.

Regarding the universal reach of traditional media and access to the Internet, in terms of Internet access, broadband coverage, and Net Neutrality, there is clearly a need to improve in quality and the access system, both in terms of infrastructure and network speed and in terms of costs and social support. In the

latter case, the difficulties of access for families with fewer resources and living in the interior of the country were evident in the Covid-19 context. Also, in terms of net neutrality, conclusions should be drawn from the recent criticisms of the regulator Anacom to ISPs for dubious practices in this area (Anacom, 2018)

MARKET PLURALITY

It is a challenging task to obtain complete and up-to-date information about the online media markets. However, we now have a clear indication that news consumption in Portugal is being influenced by algorithms, which is a cause of concern. Also, the major international platforms and networks (like Google and Facebook) have a high share of the online advertising market. In this matter, we must recognize that the competition between large media platforms and smaller Portuguese players is not always fair. In the last few years, the Portuguese regulation did not sufficiently consider the complex evolution of the media sector (digitization, new platforms, and networks, among others). There is an expectation that in 2021, it will address the issue of fair competition between national media and big international platforms. The EU Directive on Copyright in the Digital Single Market was not implemented yet at the time of MPM assessment.

The majority of media groups are developing alternative sources of income, like online information and streaming services. However, the results are still modest and barely compensate for the 2020 crisis in traditional revenues.

POLITICAL INDEPENDENCE

Social dissent over the management of the pandemic is leading to increased anti-press rhetoric and the rise of far right-wing populism. No systematic monitoring of the Internet is carried out to detect orchestrated online smear campaigns against journalists and other attacks from politicians. This phenomenon is thus under-reported.

Due to significant flaws in the registration process of informative media, even directors of provenly partisan, weaponised websites can claim the title of professional journalist under the legislation that allows directors of publications to be “equipped to journalists”. Boundary work (such as the creation of paid content, institutional communication, and political advocacy) is a relevant source of income for deprived media outlets; in many cases, these tasks are being performed by journalists. These aspects are to be legally revised.

Law No. 74 (2020) transposed the European Parliament and Council Directive 2018/1808 (Audiovisual Media Services Directive, 2018) into national legislation. It creates an opportunity to require big tech platforms to pay for content created by news organizations; it holds them accountable for the spread of misinformation, all forms of online harassment against journalists, and requires them to become more transparent about political spending and advertising.

The Directive (EU) 2016/680 (Directive on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, 2016) was transposed in 2019 into national legislation through Law No. 59/2019 (2019), which approves the rules about the processing of personal data for the prevention, investigation, detection, or prosecution of criminal offences. However, the new law is not explicit regarding situations, such as illegal monitoring of journalists by law enforcement authorities. On January 13th, 2021, the media revealed that two journalists were secretly monitored in 2018 by the surveillance department of the PSP (Portuguese public security police). The surveillance (including the tracking of bank details and photographic records of movements) was ordered by a public prosecutor without judicial authorization.

SOCIAL INCLUSIVENESS

According to Eurostat (2019), only 52% of the population has basic or above basic overall digital skills, and 22% has low overall digital skills.

Regarding protection against hate speech on social media, Law 74/2020 (November 19th, 2020)^[25] recently transposed the European Parliament and Council Directive 2018/1808 to the national legislation. As an effort to regulate the audiovisual sector, this directive includes streaming and sharing platforms and video on demand. The new rules aim to encourage these platforms to take adequate measures to protect the general public against hate incitement, violence, and terrorism (Article 27).

However, systematic monitoring and reliable statistics on hate speech on the Internet and social media are still lacking. As highlighted in the previous MPM report, there is no data concerning efforts to remove hate speech toward ethnic or religious minorities, people with disabilities, or women from social media.

Nevertheless, there are signs that this situation will improve by 2021: in July 2020, the Government announced plans for launching a public application process to fund projects dedicated to the monitoring of online speech; and, in November 2020, the Parliament approved an alteration to the National Budget (proposed by an independent deputy, Joacine Katar Moreira) to create an Independent Observatory on Hate Speech, Racism, Xenophobia, and Cyberbullying. Besides these advances, in February 2021, the Portuguese Science and Technology Foundation opened an application process to fund research projects on the impact of the Covid-19 pandemic in the crimes of incitement to hatred, violence, and hate speech; 6 projects, with a maximum duration of 10 months, were selected. In the course of 2021, there are plans to launch an awareness-raising campaign on the dissemination of hatred online, with the participation of the Portuguese media regulatory authority (Council of Europe, 2021).

Despite concerns around disinformation in the country, aggravated by the pandemic context, Portugal can be placed in an intermediate position in relation to other European countries.

5. Conclusions

New signs of concern in Portugal emerging in this MPM 2021 report, especially in terms of pluralism, are in line with other references such as "imperfect democracy" (Democracy Index, 2020) or the increased levels of corruption perception according to Transparency International 2020 (Borges, 2021), or even some political conditioning (Carvalho, 2021; Sapage, 2021; Teixeira da Mota, 2021). Even though fundamental protection is stable as a whole, these new signs, especially evident in market plurality, are an important warning.

In the indicators News Media Concentration, Online Platforms Concentration and Competition Enforcement, and Media Viability, the risk level is excessive. The Media Viability indicator has shown a very negative evolution. The financial information of media operators is not always fully available and up to date. However, we have data that reveals significant difficulties across many media markets due to the Covid-19 crisis. The advertising investment fell substantially in 2020, especially in offline media. The revenues associated with traditional media are under pressure, and several companies are downsizing their workforce. Therefore, to address those concerns, public policies should address these economic difficulties with more proactive and transparent measures. Portugal also needs a general media law with objective thresholds for cross-ownership concentration. This type of law is essential to avoid uncertainty.

The rise of self-declared informative websites urges the revision of the legislation, making it more responsive to the challenges of a growing unregulated digital media landscape. The same applies to access to the profession. CCPJ faces numerous requests for "equipped to journalists", a legal status that is being invoked by individuals who direct publications for primarily political or commercial purposes to claim the title of professional journalists.

Following the transposition of Directive 2018/1808 to national legislation (Law nº 74/2020), media regulators should extend further monitoring over online media, political spending, and the uses of citizen's data for political purposes. Digital platforms should not be exempted from editorial and curatorial responsibility.

Exceptional measures to secure journalists' income, particularly those in particular need and vulnerability, such as freelancers and precarious media workers, should be extended. New funding opportunities should be created to promote independent and quality investigative reporting. Professional journalists should improve regulatory measures to monitor and fight growing practices of "boundary work", such as paid content and non-transparent political advocacy.

Regarding access to media by minorities and women, the two indicators that present a higher risk, we recommend promoting policies that aim to raise a more substantial and non-stereotyped representation of social-cultural diversity, including gender diversity. Concerning protection against hate speech on social media, we suggest implementing effective plans to prevent and monitor online hate speech, in a holistic perspective, joining the civil society, public authorities, media regulators, and news organizations. However, we pointed out some positive new measures on hate speech monitoring and research that will take place in 2021. Concerning access to media for local and regional communities and community media, we recommend stronger and equitable financial support and recognition.

6. Notes

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- [8] The Law no. 58/2019 of 8 August, which ensures the implementation, in the internal legal system, of Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, [http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?artigo_id=3123A0004&nid=3123&tabela=leis&pagina=1&ficha=1&so_miolo=?area=Identifica??o civil e criminal&nversao=](http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?artigo_id=3123A0004&nid=3123&tabela=leis&pagina=1&ficha=1&so_miolo=?area=Identifica??o%20civil%20e%20criminal&nversao=)
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(INTERVIEWS)

Isabel Féris, associate professor at Universidade de Coimbra and expert on the relationship between media and ethnic minorities.

Maria José Brites, associate professor at Universidade Lusófona (Porto) and expert on media literacy.

Carlos Duarte, assistant professor at the Faculdade de Ciências da Universidade de Lisboa and expert on accessibility.

Annexe I. Country Team

First name	Last name	Position	Institution	MPM2021 CT Leader
<i>Francisco</i>	<i>Rui Nunes Cádima</i>		<i>ICNOVA - Nova Institute of Communication (FCSH - Universidade Nova de Lisboa)</i>	X
<i>Luís</i>	<i>Oliveira Martins</i>	<i>Researcher; Teacher</i>	<i>ICNOVA - Nova Institute of Communication (FCSH - Universidade Nova de Lisboa)</i>	
<i>Carla</i>	<i>Baptista</i>	<i>Researcher; Teacher</i>	<i>ICNOVA - Nova Institute of Communication (FCSH - Universidade Nova de Lisboa)</i>	
<i>Marisa</i>	<i>Torres Da Silva</i>	<i>Researcher; Teacher</i>	<i>ICNOVA - Nova Institute of Communication (FCSH - Universidade Nova de Lisboa)</i>	
<i>Raquel</i>	<i>Lourenço</i>	<i>Research collaborator</i>	<i>ICNOVA - Nova Institute of Communication (FCSH - Universidade Nova de Lisboa)</i>	

Annexe II. Group of Experts

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 composing the MPM2021. Consulting the point of view of recognized experts aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as subjective, and therefore to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflect the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

First name	Last name	Position	Institution
<i>Elsa</i>	<i>Costa e Silva</i>	<i>Researcher; Teacher</i>	<i>Communication and Society Research Center</i>
<i>Catarina</i>	<i>Burnay</i>	<i>Researcher; Teacher</i>	<i>CECC - Research Center for Communication and Culture</i>
<i>João</i>	<i>Palmeiro</i>	<i>API President</i>	<i>API - Associação Portuguesa de Imprensa</i>

<i>Pedro</i>	<i>Braumann</i>	<i>Member of the Board</i>	<i>CPMCS - CONFEDERAÇÃO PORTUGUESA DE MEIOS DE COMUNICAÇÃO SOCIAL</i>
<i>Carla</i>	<i>Martins</i>	<i>Head of Media Transparency Unit - ERC</i>	<i>ERC</i>
<i>Sofia</i>	<i>Branco</i>	<i>President</i>	<i>Sindicato dos Jornalistas - Union of Journalists</i>

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