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## **Return to censorship: Portuguese perceptions of digital disinformation regulation**

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## Return to censorship: Portuguese perceptions of digital disinformation regulation

Bruno Frutuoso Costa

### Abstract

The study presented in this chapter addresses the phenomenon of disinformation and seeks to analyze the current public policies to combat it in Portugal. In this sense, a study was conducted on the enactment of the Portuguese Charter of Human Rights in the digital age, which enshrines rights, freedoms and guarantees of citizens on the Internet. The lack of consensus on Article 6, concerning protection against disinformation, has promoted indignation from public opinion, parties, and political figures. To understand Portuguese perceptions of disinformation regulation, we carried out an inductive content analysis of comments ( $N = 314$ ) in comment boxes of journalistic texts from five reference media in Portugal, which reported legislation on Facebook. The data reveal that 56% of users have a negative perception of the law. This research also concluded that the reference to censorship represents one of the four most used argumentation patterns among Portuguese when expressing dissatisfaction ( $N = 101$ , 51.3%).

**Keywords:** disinformation, vulnerability factors, public policies, perceptions.

### Introduction

The epistemic crisis announced from 2018 onwards in several Western democratic societies has begun to demonstrate how the galvanization of hatred, disinformation, populism, and extremism of the new radical right was based on the same potentialities of social platforms (Benkler et al., 2018). Entering the post-truth era presupposes that objective facts now have less influence in shaping public opinion compared to appeals to emotions and faiths. Underlying the consecration of the concept, the most evident cases already welcomed contestation, denialism and scientific relativism in topics such as global warming, the theory of evolution, or the vaccination of children (Correia & Amaral, 2021).

The complex web of post-truth, political polarization, big data, social media, bots, fake online profiles, and online bubbles features a post-modernity that permeates the vulnerability of press and freedom of expression. Countries that were noted for holding high democratic indices are faced with constant democratic setbacks (Costa, 2021). In this context, the massive injection of disinformation on the Internet, by ideologues and vested interests, is one of the growing phenomena (Lewandowski, 2011). This happens due to the openness, generalization of access and decrease of control mechanisms of social platforms, combined with the automatisms of massive and/or selective diffusion, which facilitate the creation and dissemination, on a large scale, of contents of diverse nature, generating false and inaccurate information (Ferreira, 2020). As of 2016, the growing abundance of disinformation in the public sphere, how it spreads and influences people (especially in political terms), as well as ways to combat it have gathered particular interest and prominence in scientific research (Wu et al., 2019; Lewandowsky et al., 2017; Swire et al., 2017).

Technological, political, economic, and social contexts, which are increasingly challenging and politically tense, particularly in times of crisis, sharpen and permeate the receptivity of populations to disinformation, whose consequences and adverse impacts are expressed both in terms of public opinion formation and the public action it will lead to (Ferreira, 2020).

The Covid-19 pandemic is a recent example of how poorly worded news, rumors, and unverified rumors, as well as intentionally false content (conspiracy theories and incorrect information about vaccines and their benefits or harms) have become widespread. In turn, they tend to be associated with the phenomenon of digital violence, in which hate speech, insults, harassment, stalking, threats, and assaults disproportionately affect women, minorities, and already vulnerable and disadvantaged social groups (Costa, 2021; Waisbord, 2020).

To enshrine rights, freedoms and guarantees of Portuguese citizens in cyberspace, the “Portuguese Charter of Human Rights in the Digital Age” came into force in July 2021 (Lei n.º 27/2021, 2021). The article about protection against disinformation hosted a lack of consensus among political parties, deputies, experts, and public opinion. A narrative of disagreement was established, appealing the article as “a posteriori arbitrary censorship” (Lusa, 2021).

This chapter aims to start from an analysis of the assumptions inscribed in the Portuguese Charter of Human Rights in the Digital Age, with particular emphasis on the article concerning the Protection against Disinformation. Starting from the journalistic texts published on Facebook by five generalist reference media, we explore the perceptions of the Portuguese regarding the regulation of digital disinformation from the comments made on news about this public policy.

In this paper, we reflect on the social conditions of establishment and consumption of the relationship with the truth that originated the emergence of disinformation, as well as its media processes. The study approaches the term “disinformation” as a phenomenon that results from the transformation of the relationship with the truth. It contemplates the growing number of concepts (fake news, rumors, urban myths, spam, troll, among others) with distinct nature and intentionality, which enunciate the dissemination of false, inaccurate, and misleading information through social platforms (Wu et al., 2019). Their creation, presentation, and dissemination may seek economic advantage, deliberately mislead the public, and cause public harm (ERC, 2019, p. 2). In this regard, the various concepts covered by the term share the possibility of “causing distress and various kinds of destructive effect through social media, especially when there is no timely intervention” (Wu et al., 2019, p. 81), with respect to democratic political processes, policymaking, and public goods (ERC, 2019).

### **Media consumption and disinformation**

In a world where power may come to reside with those with the most ability to influence in virtual spaces (Correia & Amaral, 2021), a small group of operational activists can mobilize millions of bots or “sock puppets” (fake online profiles with multiple usernames) to communicate with others and dominate participatory spaces, creating the illusion of widespread public opinion on any topic (Bu et al., 2013; Lewandowsky, 2011).

The intersection of integration and dissemination processes of disinformation phenomena with the characteristics of social platforms, which allow disinformation to acquire a status of social relevance, is well-known in this context. This stems from the impact that the various types of misinformation (inaccurate information and deliberately false information) stimulate at the level of individuals' risk perceptions and assessment. In fact, disinformation shapes the way one understands and responds to reality situations, in a way that individuals end up uncritically accepting disinformation as valid and, likewise, doubting institutions and political representatives. In this regard, João Carlos Correia and Inês Amaral (2021, p. 55) clarify that:

The reality is now viewed from divergent perspectives held by heterogeneous and conflicting groups, for whom the search for truth is no longer a priority issue. In this environment, diversified discourses emerge in which scrutiny and verification increasingly give way to the choice of which "sides" to belong to. Narratives are subscribed to and shared by a logic that aims to legitimize the sense of belonging to the faction and acceptance of the narrative within it. The "post-truth" may consist in the choice of the narrative best suited to obtain the desired gratification.

Whenever information is encoded as true, even if it is later shown to be false, the conviction is hardly changed a posteriori at the memory and reasoning level, overriding the retraction effect (Ecker et al., 2011; Jost et al., 2003). Consequently, this can be accentuated when it is in line with the receiver's opinions, beliefs, values, and ideological views (Swire et al., 2017). This process has been called "continuous influence effect", to explain the continuity of disinformation impacts (Ecker et al., 2015, p. 101).

Simultaneously, motivated cognition (or post-event misinformation effect) refers to the distorted memorial effects of misleading information, which is presented after validated event coding (Ecker et al., 2015, p. 101). It supports the receiver's association with the information that conveys a feeling of connection, i.e., belonging. The sender's attitudinal homophily can frame and therefore reinforce that of the receiver (Jost et al., 2003; Swire et al., 2017).

When false or inaccurate information corrected by reliable sources continues to influence memory and reasoning (Ecker et al., 2011; Jost et al., 2003), there is an inherent difficulty in updating the mental model of an event or a fluke, regardless of its nature, not necessarily political and especially when processing corrections which are contrary to convictions (Swire et al., 2017).

Among the various explanatory hypotheses for the genesis of the phenomenon, the post-truth world is also considered to have emerged from social megatrends, such as the decline in social capital, growing economic inequality, increasing polarization, declining trust in science, and a growing fractionalization of the media landscape (Lewandowsky et al., 2017, p. 353). In this world, experts and journalists are ridiculed or elitist whenever their reported facts threaten the financial interests or prejudices of the disinformed.

### **Vulnerabilities of Portuguese society to disinformation**

Based on the centrality that the media occupied in the Covid-19 pandemic, Gil Baptista Ferreira (2020) identified, based on a questionnaire applied to 244 individuals, in the week after the beginning of the state of emergency, a positive and significant association between political

attitudes of populism (antagonism between people and elites, dissatisfaction with the action of elites and importance attributed to the perspective of popular sovereignty), information on social platforms and acceptance of disinformation. This study also suggests that individuals with populist feelings tend to stay away from the mainstream media, "which they believe to be close to the elites, associated with vested interests, manipulated information and conspiracy theories" (Ferreira, 2020, p. 23), and to value social platforms to obtain information, especially about the various aspects related to the disease.

Previously, the MediaLab research center found that disinformation campaigns in Portugal followed the common online dissemination model. In other words, with defined expression and political purposes. Moving away from its European counterparts and being closer to Brazil, disinformation in Portugal focuses on defamation and personal attack, and not so much on the migration issue, contrasted with political corruption, nepotism, and promiscuity of public office holders (Cardoso et al., 2019, p. 3).

On the eve of the 2019 legislative elections, MediaLab identified that the sharing of political disinformation amounted to two million interactions (likes, comments, and shares), which came from 47 pages and 39 groups (Cardoso et al., 2019, p. 4). These data need to be analyzed considering the existing gap between the technological development of institutions and the increasingly prominent use of the Internet, but also regarding Portuguese users' actual knowledge of online risks and vulnerabilities.

Although trust in traditional media and science-related institutions remains high, the low levels of trust in government institutions pose a democratic vulnerability (Narciso & Costa, 2021). On the other hand, Portugal is among the countries with the highest demographic aging and, consequently, with the lowest rates of schooling and digital literacy, presenting a greater permeability to the phenomenon of disinformation (Narciso & Costa, 2021).

For a long time, it was thought that Portugal, with its recent memory of 48 years of dictatorship, could be sheltered from possible temptations of the new radical right. However, in 2019, the far right is now sitting and growing in the Portuguese parliamentary landscape, with the "Chega" party. The climate of tension, intimidation, coercion, and populist rhetoric became a regular presence in the information ecosystem, including against media professionals (Costa, 2022a).

### **The European Union's position**

In 2015, disinformation was regarded as a threat from Russia to the European Union's neighbors, namely its democratic principles (Cardoso et al., 2019, p. 2). Three years later, the European strategy against the disinformation phenomenon was presented. The position was to discuss and avoid measures of a legislative nature. There is a concern for the strengthening of freedom of expression in the terms of its consecration (ERC, 2019).

The EU approach proposes close liaison with member states, third states, organizations, and other civil society stakeholders to implement co and self-regulatory binding instruments (Cardoso et al., 2019, p. 2; ERC, 2019, pp. 4-5):

- Recognize, support, and raise awareness of the centrality, diversity, and role of quality journalism for democracy, information transparency and informed public opinion. The EU encourages media literacy and fact-checking projects for EU and neighboring countries: a "StartCom Task Force" has been set up to identify and monitor disinformation campaigns carried out by Russia; the European Action Plan on Communication Strategy has sought to strengthen the freedoms of expression, the media and pluralism in the media space, encouraging self-regulation, cooperation between media regulators and a rebalancing between information creators and distributors;
- Promote collaboration between different agencies and institutions. The SOMA observatory, the Rapid Alert System (RAS) and the High-Level Independent Group on Fake News and Online Disinformation (HLEG) have been created to share and analyze information on the phenomenon and coordinate responses in a timely manner;
- Hold digital platforms accountable for the content that circulates on them: the "Communication on Online Platforms and the Digital Single Market" highlights the needs for accountability and voluntary measures to be applied by digital platforms. Under the Code of Conduct against Disinformation, signatories need to report monthly for 12 months about their progress on issues of political advertising transparency, capacity building of political groups and electoral authorities, among others;
- Appreciate the importance of the General Regime on Data Protection to reinforce the protection, consent, and transparency of the processing of users' personal data on digital platforms;
- Consider disinformation a hybrid threat to state security and electoral processes, highlighting the Action Plan Against Disinformation, which encourages Member States to take measures and best practices to reduce risks in election campaigns from cyber-attacks and disinformation campaigns.

### **Regulation of digital disinformation in Portugal**

Portugal's position on disinformation is characterized as reactive, limited to seconding the positions taken by the European Union. In this regard, the main party initiative came from the Socialist Party, which proposed for plenary debate in Parliament the draft resolution 2018/XIII -"Recommends the adoption of measures for the application in Portugal of the European Action Plan Against Disinformation" (Cardoso et al., 2019, p. 2).

At the request of the President of the Portuguese Parliament, after meeting with party leaders, the Regulatory Entity for the Media (ERC) developed a study in 2019 (ERC, 2019), which took itself as a key element of the public debate on disinformation in Portugal. It focused on the size, scope, and phenomenon around the proliferation of disinformation and false narratives online within the European and national legal framework.

The regulator recognized that the Portuguese legal framework does not have rules that foresee "the type of action that disinformation may cause or encompass, nor, obviously, the respective sanction" (ERC, 2019, p. 34). In this framework, it mentions the absence of specific competences, suggesting starting with a new conception for media organizations, namely with

"the creation of an additional category for multimedia" (ERC, 2019, p. 31). It thus claims a need to introduce legal intervention mechanisms so that "the regulator can apply any kind of sanction" (ERC, 2019, pp. 31-32).

In mid-2021, the Portuguese Charter on Human Rights in the Digital Age, which enshrines the rights, freedoms and guarantees of citizens in cyberspace, came into force (Lei n.º 27/2021, 2021). Approved by a majority in the hemicycle on April 8, 2021 (Lusa, 2021), the diploma is the result of two projects of the PS and the PAN, which were discussed in plenary in October 2020, culminating in the presentation of a joint text by these parties.

After the promulgation of the law by the President of the Republic, Marcelo Rebelo de Sousa, and its publication in *Diário da República*, in May 2021, a dissatisfaction of parties, political figures and experts was installed, which was transposed to public opinion, regarding Article 6 on the right to protection against disinformation, which they perceive as a "return to censorship" (Lusa, 2021).

In political terms, parties such as the Liberal Initiative and CDS-PP demanded the repeal of the law, as they considered that "the introduction of arbitrary, unreasonable a posteriori controls that are incompatible with the matrix character of freedom of expression" could institute censorship in Portugal (Lusa, 2021).

In journalistic terms, the Commission of the Journalist's Professional Card (CCPJ), as well as the Journalists' Union (SJ), sent a document to the National Justice Ombudsman and the General Attorney of the Republic, requesting that the Constitutional Court be requested by them to review the constitutionality and legality of Article 6. In the words of the CCPJ, the set of norms is a violation of the fundamental right to freedom of expression, which makes use of:

undue reference to an Action Plan against Disinformation, which is not even a normative text, either by introducing arbitrary and unreasonable a posteriori controls that are incompatible with the core character of freedom of expression, or by manifestly violating the principle of determinability of the law, because of the principle of democratic rule of law and the principle of reservation of law (Lusa, 2021).

## **Methodology**

The research aims to understand the perceptions that gave rise to the lack of consensus in Portuguese public opinion regarding the regulation approved on the Protection against Disinformation, under the promulgation of the Portuguese Charter of Human Rights in the Digital Age, which enshrines the rights, freedoms and guarantees of citizens on the Internet.

The analysis is developed from journalistic pieces about the legislation that circulated on the social platform Facebook between May and August 2021 in Portugal. The corpus is formed from the comments published in the participatory spaces of five generalist reference media ( $N = 314$ ). The use of content analysis, considered an empirical tool composed by a set of quantitative analysis techniques, allows us to interpret and determine patterns and meanings, through objective, systematic, controlled, and quantitative descriptions of the content present in textual elements (Bardin, 2016/1977, pp. 33-40).

Currently, the social platforms are one of the main sources of consultation and journalistic consumption among European Union citizens (Fletcher & Jenkins, 2019, p. 4). The choice for the Facebook platform, analyzing the comments published in the participatory spaces of journalistic texts that circulate online, is related to the fact that it represents one of the most used digital media in Portugal as a source of knowledge and the most popular form of public participation (ERC, 2014; Reuters Institute, 2020). In comparison with international studies, the Portuguese are among those who make more comments on social platforms (ERC, 2014, pp. 10-11).

The content analysis is guided by the research questions:

- What were the dominant perceptions in the comments published in the context of protection against disinformation?
- What type of argumentation was used by individuals with negative perceptions of the law?

To achieve the purposes of the research, the analysis was first conducted to verify how many journalistic texts about legislation compose the total corpus ( $N = 21$ ). The comments published for each text were analyzed to identify and separate different levels of perceptions. With the identification and manual collection of the corpus exported and coded with the assistance of MAXQDA software, the categorization matrix was built from the data by inductive method (Elo & Kyngäs, 2018; Mayring, 2000).

Once the content analysis grid was built, it contained the description of the units of record (the comments), and the research categories, as well as a codebook with the respective coding rules (Bardin, 2016/1977). In the categorization of comments, each content was coded into five variables according to the levels of content (main and formal aspects) "Perception of the legislation", "Reference to government-media collusion", "Reference to censorship", "Pleased with the mobilization of political actors against the approval of the law", "Displeased with the lack of political mobilization on Article 6".

For the category "perception of the law", the following topics were coded: "favorable perception of the law", "no public position taken" and "negative perception of the law". All remaining variables were developed in view of a categorization system for the more detailed analysis of the perceptions of displeasure (patterns of arguments). Considering the research questions, we also developed a qualitative content analysis to examine the arguments used in the comments by individuals who negatively perceived the approved law. On this axis of analysis, Mayring (2014) clarifies that, building on the methodological basis of the quantitative content analysis performed previously, we conceptualize the process of assigning categories to text passages as a qualitative interpretative act.

In this analytical approach, the strengths of quantitative analysis were retained so that, through systematic and qualitative text analysis techniques, the material was studied considering its relationship to a particular communication context, namely its origin and effect (Mayring, 2014, p. 39).

As notions and perceptions to risk are inter-subjective and likely to change over time and space, and are mediated by social, cultural, and other processes (Lupton, 2006), categorization

was repeated twice by the researcher in June 2022, in Portugal, to minimize subjectivities arising from the coding process.

### **Portuguese Charter of Human Rights in the Digital Age**

Published in the Official Gazette on May 17, 2021, the Portuguese Charter of Human Rights in the Digital Age has 21 articles that include citizens' rights, freedoms and guarantees in cyberspace. These range from free access to the digital environment and to the digital testament. Its main purpose is to participate in the "transformation of the Internet into a tool for the achievement of freedom, equality and social justice", as well as to be "a space for the promotion, protection and free exercise of human rights, aiming at social inclusion in the digital environment" (Lei n.º 27/2021, 2021, p. 5). It is, in this sense, the intention of the Portuguese Government to define public measures that guarantee the protection of citizens, networks and information systems.

Through the creation of mechanisms that increase safety in Internet use, with special concern for children and young people, the right to free access to the Internet is guaranteed to all, regardless of "ancestry, gender, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social status or sexual orientation" (Lei n.º 27/2021, 2021, p. 5). Furthermore, all persons and groups of persons have the right to benefit from protection against all forms of violence, discrimination, harassment, and crime.

Regarding freedom of expression in the digital environment, "everyone has the right to express and disseminate his or her thoughts, as well as to create, seek, obtain and share or disseminate information and opinions, freely, without any kind or form of censorship" (Lei n.º 27/2021, 2021, p. 6).

The Portuguese Republic guarantees that it will be joining international initiatives that seek to keep cyberspace open to the free circulation of ideas and information, thus guaranteeing "the widest freedom of expression, as well as freedom of the press" (Lei n.º 27/2021, 2021, p. 6). This article is complemented by the rights of assembly, demonstration, association and participation in a digital environment, the right to privacy in a digital environment and the right to net neutrality.

According to the law, limits are also defined regarding the use of artificial intelligence and robots, as well as other types of rights: identity and other personal rights; forgetfulness on digital platforms; protection against abusive geolocation; and digital testament.

### **Protection against Disinformation**

Under the Article 6, Right to Protection against Disinformation, the Portuguese government "shall ensure compliance in Portugal with the European Disinformation Action Plan in order to protect society against natural or legal persons, de jure or de facto, who produce, reproduce or disseminate narratives considered to be disinformation, under the terms of the following paragraph" (Lei n.º 27/2021, 2021, pp. 6-7):

- Disinformation is any demonstrably false or misleading narrative created, presented, and disseminated for economic advantage or to deliberately deceive the public, and which is likely to cause public harm, including a threat to democratic political processes, public policy-making processes, and public goods;
- For the purposes of the previous number, demonstrably false or misleading information is considered to include the use of manipulated or fabricated texts or videos, as well as practices to flood email boxes and the use of fictitious follower networks;
- Mere errors in reporting, as well as satire or parody, are not covered by the provisions of this article;
- Everyone has the right to present complaints against entities that practice the acts foreseen in this article and have them examined by the Regulatory Authority for the Media. The means of action referred to in article 21 and the provisions of Law no. 53/2005, of November 8, shall apply to the complaint and deliberation procedures and to the sanction's regime;
- The state supports the creation of fact-checking structures by duly registered media outlets and encourages the awarding of quality seals by trustworthy entities endowed with the status of public utility.

## Presentation and discussion of results

In the corpus under analysis, the 314 units of analysis (the comments) can be found in 21 journalistic texts from five reference media in Portugal: *Diário de Notícias*, *Expresso*, *Jornal de Notícias*, *Observador* and *Público*. Published in the social platform Facebook, the publications triggered a total of 1519 interactions, among reactions, comments, and shares.

As shown in Table 1, displeasure stands out among the perceptions of the Portuguese about the approval of Article 6 of the Portuguese Charter of Human Rights in the Digital Age, expressed in 56% of the comments. Only 32 users (10.2%) marked a positive position, while the remaining 106 individuals (33.8%) decided not to present a public position about the topic.

Table 1: Portuguese perceptions of digital disinformation legislation

	Absolute frequency	Percentage
Favorable perception of the law	32	10.2%
No public position taken	106	33.8%
Negative perception of the law	176	56%
	314	100%

Four patterns of argumentation were identified among the Portuguese to express dissatisfaction: reference to government-media collusion; reference to censorship; pleased with the mobilization of political actors against the approval of the law; displeased with the lack of political mobilization on Article 6. Table 2 also shows that a displeasure comment can be associated with more than one line of argumentation.

Table 2: Argumentation patterns used to express displeasure

Negative perception of the law	Absolute frequency	Percentage
Reference to government-media collusion	14	7.1%
Reference to censorship	101	51.3%
Pleased with the mobilization of political actors against the approval of the diploma	37	18.8%
Displeasure with the lack of political mobilization on Article 6	45	22.8%
<i>N</i> = 176, 100%	197	100%

The code matrix allows us to identify a strong association between references to government-media collusion and censorship. Users express displeasure at the publication of few journalistic texts about the approval of Article 6. They recall that the money invested by the Portuguese government during the covid-19 pandemic in advertising, to mitigate the impacts on media revenues, has negative impacts on journalism. The discursive alignment of information sources and the lack of investment in investigative journalism are pointed out as signs of decadence of the journalistic class in Portugal.

Regarding the variable "Reference to censorship", the sample data show that 51.3% (*N* = 101) consider the law as a setback to the Democratic Rule of Law. They consider that the way in which the terms of the Portuguese Charter of Human Rights in the Digital Age are written may represent a restriction on individual and collective freedom of expression, especially because indeterminate concepts are used. In this regard, one user commented:

The problem is when "they" start "confusing" their freedom of speech with "spreading disinformation". Then things get very complicated. Then "justice" comes in, where anything can happen thanks to the elastic yardstick it uses. I've lived in a country whereby STANDARD you could end up in a "Re-education Camp" for almost nothing, and some even disappeared for good. "(...) Everything goes from the beginning" 😊 😊 (Observador, 2021).

On the other hand, the comments focus on the provisions of the article that mandate the creation of public structures that check or oversee what is said and written in the digital environment, as well as the attribution of quality seals to communication bodies. This issue is particularly relevant because this responsibility falls on the only entity that regulates the media in Portugal. It is characterized as a reactive and essentially punitive action. Therefore, doubts are raised by people about how this process would be carried out and articulated with the principle of Freedom of Expression. The attribution of quality seals to the media, meanwhile, identifies an attempt to interfere in an evaluation that should be performed by the audience, since these media are registered and accredited for the practice of journalism.

As such, there was strong pressure from public opinion for the President of the Republic (PR), Marcelo Rebelo de Sousa, to ask the Constitutional Court (TC) to review the constitutionality of the law. The political parties Liberal Initiative and CDS-PP joined the challenge, as well as some deputies from other parties in the hemicycle, along with public figures and experts. The following example illustrates how users supported their opinion and what they expected from the intervention of the PR.

[PR] Did what should be done. In Article 6, there are points, such as 2, 3 and 6, that are very dubious. This is also about creating public structures that verify or supervise, and that attribute "quality seals" to the media. It is very dubious about freedom of expression and interference in the media by the political power (Público, 2021).

Considering the broad contexts of the phenomenon, disinformation in the post-truth era can no longer be considered solely as an isolated failure of individual cognition (Lewandowsky et al., 2017, p. 354). There is evidence that information initially presumed to be correct and credible, but later identified as intentionally false or incorrect, continuing to influence recipients' memory and reasoning.

Although the continuing influence of disinformation can be ameliorated by explicitly warning individuals (providing detailed information about the effect of continuing influence, reminding subjects that facts are not always adequately verified before they are disseminated, or providing a reasoned explanation for the withdrawn information), the continued dependence on and demand for this type of (mis)information is not eliminated (Ecker et al., 2010, p. 1087).

Should governments create public structures of verification and punishment regarding the content that circulates in the digital environment? Or should they look to the big technology companies for the creation of algorithms that map disinformation pages and teams that do fact-checking? Where does the responsibility of these companies lie? In this sense, responses need to focus primarily on media literacy. Digital content should be subject to the democratic scrutiny of judging its veracity by sensitized audiences who have the tools and skills to perform a critical analysis of the facts circulating online. In this regard, one user stated:

And who decides what is true or false? What is true today may be false tomorrow! But are we all little 2-year-old children who need to be protected from lies? The article is clearly unconstitutional, and I have no doubts about the TC's decision (Público, 2021).

In this context, the media can play an effective model in strengthening the importance of true and verified facts for the emancipation of public opinion. The strengthening and the search for new models of regulation adjusted to the Internet are considered instruments to renew the credibility of the journalistic class, as well as to protect the digital environment from attempts at heteroregulation by public regulatory institutions and political power. It is also noted that inaction and the lack of self-regulation initiatives exponentiate external diligence and information chaos (Costa, 2022b, p. 4).

The Portuguese media regulation system struggles with an inconstancy of models and permanent dependence, although with different levels of expression, on the Portuguese Parliament (Carvalho, 2010, cit. Miranda & Camponez, 2017, p. 199). ERC preceded the now extinct institutions High Authority for the Media (AACs), the Press Council (CI) and the Media Council (CCS).

With four generations of experiences over three decades, the model can be characterized by its disarticulations and conceptual divergences and understandings about its responsibilities (Costa, 2022b). However, all the new bodies, besides inheriting the attributions of the previous one, have seen their field of action and assigned powers increased. The regulator's main function was, therefore, no longer to ensure the free exercise of the right to information and freedom of the press. In this sense, the article on Protection against

Disinformation can be seen to further expand the field of action and power of the regulatory body, by also defining the truth for what is said, written and disseminated by online social media platforms, and deliberating on sanctioning regimes to be applied to them.

The successive changes to the “Journalist Statute” (and its appropriation by the law), as well as the mismatches related to the definition of media, continue to accentuate the lack of definition, overlapping of powers and alignments regarding the jurisdictions attributed to the self-regulation models, namely in relation to the Commission of the Journalist's Professional Card and the Deontological Council of the Journalists Union (Miranda & Camponez, 2017, p. 203). There are findings showing that the ERC also acts on the content produced by the media, in terms of accuracy of information, the limits of advertising, the accuracy of polls or the protection of personal rights, failing to comply with the legal provisions: “ERC should promote co-regulation and encourage the adoption of self-regulation mechanisms by entities that pursue media activities and by unions, associations and other entities in the sector” (Lei n.º 53/2005, 2005, p. 6398).

Meanwhile, the Portuguese media, which contribute little to the model of self-regulation, boasts the participatory spaces of social platforms as non-native platforms and, therefore, external to the media itself. The references to the promiscuity of journalism with political power in the sample under analysis demonstrate some populism. Some users ( $N = 14$ , 7.1%) seek to construct a narrative of the media at the service of elites and political power, being corrupted by their financing. See the following statement:

The government doesn't even need censorship... All it needs is to control the media and the media agencies that have contacts in the newspapers.... Have you noticed that the specialists are always the same? And all aligned in their discourse. It is only in soccer that there are opposing opinions. Just look at what happened in the Panama Papers: the list of corrupt journalists was purely and simply censored by the journalists themselves. What the pandemic has brought to us is open sewer journalism. A professional class in the trash (Diário de Notícias, 2021).

Considering in the perceptions of dissatisfaction, it is mentioned that the law provides unlimited forms of power, with public utility entities attributing quality seals and public funding to the media in order to create fact-checking structures. This public policy may imply the loss of independence of the media from political and economic powers. Finally, it is expected that regulatory institutions will continue to increase their powers, considering the difficulties in managing virtual spaces (Simões & Camponez, 2020). This situation seems to promote the discrediting of journalism and political actors and the increasing receptivity of people to populist discursive rhetoric. This movement, coupled with the lack of media literacy of a heavily aging population, may accentuate the consumption and dissemination of misinformation on digital platforms.

It's not a matter of distilling hatred for this or any other party, as I have no sympathy for any of the charlatans in power. I fear for the direction that one of these measures will take in the very near future, where our freedom of speech will be regulated according to the narrative and agenda in force (Expresso, 2021).

## Conclusions

It is a truism that functional democracies depend on well-informed public opinions to contribute with an active and critical presence in the life of society, and the latter on journalistic media with influence. However, the trend towards permanent connectivity, introduced by social platforms and widespread access to the Internet, has increased daily exposure to a plethora of information circulating online that is not always factual, true, and verified.

If an individual is misinformed or constantly exposed to conspiratorial discourse, their decisions can have adverse, insidious, and bringing life-damaging consequences for others. Taking the Covid-19 pandemic as an example, allegations of a link between the vaccines with altered DNA, implanted tracking microchips, and adverse side effects caused many people to decide not to immunize themselves and others, such as underage offspring. In extreme cases, many of them ended up needing Basic Life Support in Intensive Care Units, and others even died due to the complications of the disease.

Disinformation is therefore associated with potentially adverse impacts on individuals and society. In the new world of post-truth, there is evidence that the presence of disinformation causes people to stop believing true and verified facts and those who convey them: journalists. The mere exposure to covert conspiratorial discourse on social platforms makes people less likely to accept official, partisan and government information. Even when discarded, disinformation leaves traces in the recipients' thoughts and memory. The intensity depends, as identified, on several factors, such as the type of source, convictions, beliefs, ideologies, among others, involved in a process of withdrawal to obtain gratification.

It is worrying that disinformation is particularly prevalent in times of economic, political and health crises, and sometimes carried out by third countries to sow distrust and fuel social tensions. Aware of the Portuguese people's receptivity to disinformation, the Portuguese State, instead of debating and avoiding measures of a legislative nature following the European strategy against the phenomenon of disinformation, has published the Protection against Disinformation, under the Portuguese Charter of Human Rights in the Digital Age.

The results of this study show a Portuguese public opinion worried about the possibility of a return to censorship, presenting its displeasure with the lack of political mobilization on the consecration of Article 6.

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