



Portugal Report

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Sustainable Governance Indicators 2022

Executive Summary

The period under review covers the first two years in office of the second António Costa government. The period was inevitably overshadowed by the pandemic. However, it also saw the eventual demise of the Costa government in December 2021.

The preceding Costa government was able to maintain the support of the political forces to the Socialist Party's (PS) left – that is, the Left Bloc (Bloco de Esquerda, BE) and the Portuguese Communist Party (Partido Comunista Português, PCP) – to attain power and then to survive throughout a full legislative period, notably in terms of approving the key policy instrument in Portugal, the state budget. However, the government in power during the review period was unable to get either party to abstain on its budget proposal for 2022, which would have been enough for the budget to be approved. As a result, the Portuguese president dissolved parliament in early December, with fresh elections due to take place on 30 January 2022.

Unsurprisingly, the PS blamed its left-wing partners for the failure to approve the budget, while the latter argued that this failure lay at the feet of the PS. Regardless, this marked the end of the model that had prevailed in the preceding six years: one in which policy sought to gradually wind down austerity measures while simultaneously engaging in budgetary consolidation. It remains to be seen what governing model will emerge after the 2022 elections.

Before the onset of the pandemic, this model delivered the country's first budget surplus in over 50 years, in 2019. This positive outcome was helped by economic growth, boosted by exports and tourism. Equally, unemployment rates remain low, at around 7%. Moreover, the country has sought to become attractive to the tech sector, with Google and other tech giants opening facilities in Portugal, as exemplified by the country's ability to host the Web Summit since 2016, with a deal in place to continue hosting the summit until 2028.

The response to the pandemic was also largely positive, if not flawless. The country reacted rapidly to the first wave of the pandemic in 2020, avoiding the overutilization of hospitals seen in other southern European countries such as

Italy or Spain. Moreover, it has been able to achieve the highest COVID-19 vaccination rates in Europe and is in the top three worldwide, which is a remarkable success. In this largely positive assessment, the one very negative element is the government's handling of the Christmas 2020 period, when the relaxation of COVID-19 rules led to a massive increase in cases and deaths in early 2021.

The above elements would suggest an overwhelmingly positive assessment regarding Portugal's governance. However, these coexist with persistently low scores in governance dimensions pertaining to policy formulation, implementation and oversight. It is also important to note that there is recognition of the problem. The second Costa government program has remained committed to improving governance and strategic capacity (e.g., with steps to institutionalize RIA). However, the regulatory impact assessment (RIA) framework, strategic decision-making, monitoring of institutional arrangements and policy evaluations remain comparatively weak. As in the past, this weak capacity affects the quality and impact of new and existing policies.

Key Challenges

To begin, we must note three challenges common to many other European democracies that are not a problem in Portugal.

First, regarding immigration and refugees, immigration is not a salient or even very divisive political issue in Portugal. In a survey conducted in the summer of 2021, only 2% of respondents in Portugal considered immigration to be among the two most important issues faced by the country. This was the lowest proportion in the European Union (alongside Ireland and Slovakia), and well below the EU-27 average of 10%. This is reflected in the country's very positive score in terms of integrating immigrants.

Second, Portugal does not have the same problem with Islamic terrorist radicalization (jihadists) that has been experienced by several other EU member states. Its (small) Islamic community is generally well integrated and participates in the country's dynamic interfaith dialogue. Indeed, President Marcelo's inauguration in both March 2016 included an interfaith ceremony held at the Central Mosque of Lisbon.

Third, in the context of the pandemic, it should be noted that the country does not have a significant anti-vaccine movement. Portugal is the country with the

highest rate of vaccination in the OCDE and is third worldwide (after the United Arab Emirates and Brunei). At 89% fully vaccinated as of 14 January 2022, that is eight percentage points more than the second-highest EU country, neighboring Spain; 14 percentage points more than France; and 16 percentage points more than Germany. Citizens tend to accept scientific and medical advice, and pandemic restrictions did not face significant pushback. This not only facilitated policy implementation during the pandemic, it has also provided a very solid base for quicker economic recovery.

The country nonetheless faces five challenges:

The first challenge pertains to the implementation of the country's Recovery and Resilience Plan (RRP). Portugal's share of the funding is an estimated €16.6 billion. This influx of funds constitutes a unique opportunity to increase the competitiveness of the Portuguese economy and address a number of long-standing structural challenges to creating a strong and environmentally sound economy. While the measures in Portugal's RRP are positive, its ultimate success will depend on the capacity to implement and deliver on the plan.

The second and related challenge is the need to improve governance capacity. During the current and previous review periods, Portugal scored poorly in a number of areas related to governance capacity, including the use of evidence-based instruments in policymaking, the degree of strategic planning and input into policymaking, societal consultation, policy implementation and the degree to which institutional governance arrangements are subjected to considered reform. While it should be noted that the country has improved in these domains over time, enduring weaknesses in these areas impinge on the quality of policymaking, both in terms of conception and implementation. This governance capacity pertains not only to decision-making arrangements, but also to broader oversight mechanisms.

The third challenge is that of youth unemployment. Youth unemployment rates have remained considerably higher than overall unemployment rates, and the pandemic showed the youth segment of the labor market to be particularly vulnerable. Labor market policies will need to tackle this issue in order to avoid wasting the significant educational investment that has been made over the past decade.

The fourth challenge is that of improving the quality of public services while continuing to consolidate the budget. Part of the issue here is certainly one of recruitment, as evidenced by the aging teacher population noted in this report. However, this will also require improved accountability within the public sector.

The fifth challenge is that of Portugal's aging population. The most recent data for 2019 shows that Portugal has the third-highest median age in the EU, at 45.5 years, relative to 43.9 years in the EU-27. Moreover, its old-age dependency ratio was the fourth-highest in the EU in 2020, at 34.5%. Barring a significant influx of immigrants, Portugal's population is estimated to face a significant decrease over the next two decades. As this report notes, birth rates remain low, and policies to revert this trend remain insufficient. The window of opportunity to address this issue in a timely manner appears to be rapidly narrowing.

Citation:

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New York Times, Tracking Coronavirus Vaccinations Around the World, 14 Jan. 2021, available online at: <https://www.nytimes.com/interactive/2021/world/covid-vaccinations-tracker.html>

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Party Polarization

Comparatively speaking, Portugal's party system is very stable. Since the October 1999 legislative elections, the party system has been almost entirely monopolized by five political forces: the Social Democratic Party (PSD), the Socialist Party (PS), Democratic and Social Center/Popular Party (CDS), the Portuguese Communist Party (PCP) and its ally the Ecologist Party "The Greens" (PEV), and The Left Bloc (BE). (And, before that time, by four: the PSD, PS, CDS and PCP.) Overall, Portugal has had seven legislative periods since the beginning of the new millennium. Out of a total of 1,610 members of parliament elected to these seven legislatures, 1,602 have been members of these five political parties.

While this stability generally contributes to a low level of party polarization, as evidenced by the lack of ideological polarization as assessed in the 2018 ParlGov database, the period under review saw an increase in interparty dissension, with significant impact on policymaking and government stability.

In previous edition, we noted the cooperation between the Socialist Party (Partido Socialista, PS), which has led minority governments since 2015, and the parties to its left including the Portuguese Communist Party (PCP) and the Left Bloc (Bloco de Esquerda, BE). This cooperation meant that the state budgets, the central policy plank of Portuguese governments, were approved with support provided by the PCP and BE throughout the 2015-2019 period.

However, this cooperation frayed under the legislature elected in October 2019, and ultimately collapsed in the period here under analysis. The state budget for 2020, which came to a vote in early 2020, was approved with the abstention of the PCP and BE rather than their support. The BE then voted against the 2021 state budget in late November 2020, with the budget's approval enabled by the PCP's abstention on the proposal. In October 2021, however, both the PCP and BE voted against the government's 2022 budget proposal, as did the parties to the Socialists' right. The rejection of the state budget led the president to dissolve parliament, with the ensuing legislative elections held on 30 January 2022.

The parliament that arises from those elections is likely to be more ideologically polarized than its predecessors, with polls indicating that the party system fragmentation appearing in 2019 is likely to be reinforced. Of the eight members of parliament that do not belong to the five main parties elected since 1999, seven were elected in the October 2019 election. Current polls indicate that one of these new parties, the populist radical right (Chega, which translates as Enough) – which won one seat in 2019 – may become one of the five largest parties in parliament in the upcoming elections, which would increase ideological polarization in parliament. (Score: 7)

Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 7

In a country marked by considerable policy discontinuities across governments, the recent governmental stability, with António Costa serving as prime minister of a minority Socialist-led government since November 2015 and throughout the period here under analysis, helped foster and maintain a reasonably reliable economic environment.

The government continued its strategy of gradually reversing previous austerity measures without generating adverse impacts on budgetary policy or the country's overall fiscal consolidation. It has also sought to facilitate investment through the Simplex+ program, which aims to simplify bureaucratic processes.

The economy grew in 2019. Following three years of economic downturn (2011 – 2013) during the bailout, 2019 marked the sixth consecutive year of economic growth. Moreover its growth rate of 2.7% in 2019 exceeded both that of the euro zone (1.6%) and the EU-27 as a whole (1.8%) for the third consecutive year.

However, the pandemic highlighted some hitherto unforeseen vulnerabilities of the Portuguese economy, notably its dependence on foreign tourism. For example, the country's hospitality sector was particularly affected. Eurostat's provisional data points to a GDP contraction of 8.4% in 2020: well above the EU-27 (-5.9%) and euro zone (-6.4%) averages, and exceeded only by Spain and Greece in the EU.

The economy bounced back well in 2021, especially as COVID-19-related restrictions were lifted. Eurostat's provisional quarterly GDP data points to a growth rate of 4.4% in Q2 and 2.9% in Q3 of 2021. Not only are both of these

above the euro zone and EU-27 averages, the former is the second highest among the EU-27, and the latter is the third highest. This bounce-back was sustained, inter alia, by a very successful vaccination program, the reopening of international travel and the first flows of funds from the EU's Recovery and Resilience Plan (RPP).

The latter will be particularly important moving forward. As previous SGI reports have noted, the Portuguese economy faces a number of structural constraints that had hitherto remained largely unaddressed. A recent Bank of Portugal study on potential output (i.e., the highest total GDP that an economy could sustainably produce) found that Portugal's potential output has been decelerating since the 2000s and diverging from the euro area since 2003. The study concluded that "(t)he results reinforce the case for structural reforms if policymakers desire to resume a sustainable economic convergence." A central plank of the government's strategy for the RPP is to foster innovation and the digital transition, for instance by financing projects involving companies and research centers that seek to generate high-level innovation. While the goals of the RPP are very positive, the one open question is whether the economy has the ability to adequately absorb such a high level of investment in such a short time.

Duarte, Cláudia; Maria, José R.; & Sazedj, Sharmin (2019), "Potential output in Portugal and in the euro area: Where do we stand?," in Bank of Portugal – Economics and Research Department (ed.), Portuguese economic growth: A view on structural features, blockages and reforms, available online at: https://www.bportugal.pt/sites/default/files/anexos/pdf-boletim/cep_en.pdf

Eurostat, "Gross domestic product, volumes" available online at: <https://ec.europa.eu/eurostat/databrowser/view/teina011/default/table?lang=en>

Eurostat, "Real GDP growth rate – volume: Percentage change on previous year" available online at: <https://ec.europa.eu/eurostat/databrowser/view/tec00115/default/table?lang=en>

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Labor Markets

Labor Market
Policy
Score: 7

The country's unemployment rate was low and stable in the pre-pandemic period, at around 7%, a far cry from the peak of 17.9% in January 2013. The pandemic did temporarily increase the unemployment rate to 8% in August and September 2020, but unemployment in the last six months for which there was data at the time of writing was even more restrained than in the pre-pandemic period, with a rate ranging between 6.2% and 7%.

The small increase in unemployment was largely due to the introduction of job-protection schemes, such as simplified layoff provisions, across all sectors (Neutel 2020).

However, the low level of unemployment in 2021 is not entirely due to labor market policies. The available evidence suggests that two factors have contributed. The first is the return to real economic growth. The second is the continued effect of very high levels of emigration. The data for 2019 indicates that some 77,040 people emigrated (on either a permanent or temporary basis) in 2019, a marginally lower level than that of 2018 (81,754). Moreover, despite the restrictions on travel in 2020, another 68,209 people. Emigration rates thus remain high and seemingly stable, the pandemic notwithstanding, with an impact on the level of unemployment.

As in the previous SGI period, youth unemployment remains a blot on the country's labor market record. Like overall unemployment, youth unemployment was fairly stable in the pre-pandemic period, albeit at a much higher rate, averaging 19.8% in the period of November 2019 to February 2020. However, youth were far more exposed to the effects of the pandemic, with the youth unemployment rate never falling below 20% after June 2020.

The monthly minimum wage was increased from €600 per month in 2019 to €635 in 2020 and €665 in 2021 and €705 in 2022. This marks an increase of more than €200 from the four-year plateau of €485 during the bailout period (2011 – 2014). However, one of the issues that led the Communist Party to reject the 2022 budget was its support for an increase in the minimum wage to €800 in 2022.

The rejection of the budget and the subsequent dissolution of parliament meant that a number of government proposals, particularly those under its Dignified Work Agenda, were not submitted to parliament.

Citation:

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Neutel, H. (2020). "Lay-off custa 563 milhões por mês. É a maior fatia da despesa de combate à Covid-19," TSF, 8 May 2020, available online at: <https://www.tsf.pt/portugal/economia/lay-off-custa-563-milhoes-por-mes-e-a-maior-fatia-da-despesa-de-combate-a-covid-12168551.html>

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Pordata, "Salário mínimo nacional," available online at: <https://www.pordata.pt/Portugal/Salário+m%C3%ADnimo+nacional-74>

Vania Duarte, The Portuguese labour market in times of the pandemic <https://www.caixabankresearch.com/en/economics-markets/labour-market-demographics/portuguese-labour-market-times-pandemic>

Taxes

Tax Policy
Score: 5

The levels of taxation on income and consumption noted in recent SGI reports remained high during the period under review.

After a drop of 0.3 percentage points in 2019, the tax burden increased by 0.9 percentage points in 2020, to 37.6%, a new high. This was the second-highest increase in tax-to-GDP ratio across the EU, after Spain. However, it remains below the EU-28 average, albeit above the OECD average.

This historically high level is a result of three factors.

First, while the Costa government has stated its intention to end austerity, it has largely retained the income tax brackets approved in 2013, which generated a massive tax increase (and which boosted the tax burden from 31.8% of GDP in 2012, below the OECD average, to 34.1% of GDP in 2013, above the OECD average). Prior to this change in income tax, the tax burden had only once surpassed 32% (32.3% in 2011). Since 2013, it has never fallen below 34% of GDP. The government's 2022 budget proposal sought to reduce income tax levels, but – as noted above – this budget was not approved in parliament.

Second, the Costa government has sought to maintain budgetary consolidation despite increasing expenditure. To that end, it has resorted to indirect taxation, either maintaining existing high levels on some indirect taxes (e.g., VAT) or increasing the rate on other indirect taxes.

Third, in terms of the tax-to-GDP ratio, these generally high levels of taxation were compounded by the pandemic-driven fall in GDP, which lowered nominal GDP.

Overall, tax policy has failed to achieve horizontal and vertical equity during the period under review.

Fiscal receipts continue to rely excessively on more regressive indirect taxation. While Portugal's overall tax-to-GDP level in 2020 was below the EU-27 average, the country's VAT-to-GDP ratio was 13.1%, well above the EU average of 10.9%.

Moreover, the overall balance is one in which indirect taxation outweighs taxes on income, in contrast to the EU norm. The considerable dependence of public finances on indirect taxation measures fails to satisfy the vertical-equity criterion.

In 2018, the tax authority initiated a new strategic plan to combat fraud and tax evasion for the 2018 – 2020 period. By 2020, it had implemented 58% of the 95 measures contained in the strategic plan. Noting that execution had been affected by the pandemic, it extended the implementation period by a further two years.

Existing data suggests historically high levels of tax evasion and fraud in Portugal. A paper published in 2018 indicated that over 20% of Portugal's GDP was held offshore in 2007 – more than twice the world average of 9.8% and second only to Greece in the European Union. While its various measures are a step in the right direction, the tax authority appears unable to fully deal with the accumulation of offshored wealth or sophisticated modes of tax evasion.

At the corporate level, it should be noted that taxes on the income or profit of corporations (including taxes on holding gains) is higher in Portugal as a percentage of GDP (2.8% in 2020) than the EU-28 average (2.4%).

Portugal has a higher ratio of environmental tax revenue to GDP than does the EU-27 as a whole. However, the bulk of this tax revenue derives from taxes on gasoline, which account for some 69.2% of total environmental tax revenue. It falls well below the EU average in terms of taxation income on pollution and resources.

Citation:

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Budgets

Budgetary Policy
Score: 7

In 2019, Portugal posted a budget surplus of 0.1% of GDP. This was the first such surplus since democratization in 1974, and only the second time this had occurred since 1964.

In June 2020, Finance Minister Mário Centeno left the government to become governor of the Bank of Portugal. However, the loss of Centeno, dubbed the “Cristiano Ronaldo of the Ecofin” in May 2017 by then-German Finance Minister Wolfgang Schäuble, did not lead to a significant change in budgetary policy.

While the new minister, João Leão – previously a junior minister under Centeno – maintained the goal of ensuring balanced budgets, the pandemic inevitably generated a significant deficit in 2020, totaling 5.8% of GDP. However, that was lower than the EU-27 (6.9%) or euro zone (7.2%) deficits for 2020. The pandemic also reversed the downward trajectory in terms of debt, which had fallen from 131.5% of GDP in 2016 to 116.6% of GDP in 2019. In 2020, it rose back to 135.2% of GDP, an increase that reflected not only the higher levels of public expenditure during the pandemic, but also the reduction in nominal GDP. Speaking in late December 2021, the finance minister stated that the goal of a 4.3% deficit in 2021 would be achieved, as would a reduction of debt to 127% of GDP.

Portugal’s international credibility continues to be strengthened, with Portugal’s rating having been upgraded by Moody’s to Baa2 in September 2021.

It should be noted that these positive results have been achieved in part through low levels of government investment, the lowest in the EU in both 2019 and 2020; and through several so-called *cativeções* within the budget, which refer to funds that have been allocated but cannot be spent. These inevitably impinge on the ability to deliver public services.

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Post-Programme Surveillance Report - Portugal, Spring 2021
https://ec.europa.eu/economy-finance/ip152_en
PDF

Research, Innovation and Infrastructure

R&I Policy
Score: 7

The European Union’s 2020 Innovation Scoreboard classified Portugal as a “strong innovator,” the second-highest category (out of four) and an improvement vis-à-vis the 2019 Innovation Scoreboard, in which Portugal was deemed a “moderate innovator.”

However, there was a significant deterioration in the 2021 Innovation Scoreboard, with Portugal being downgraded to a “moderate innovator,” dropping from 12th to 19th place in the EU. Nevertheless, this reduction may be due to data collection issues, with the 2021 Innovation Scoreboard noting that the country’s “recent decline in innovation performance is due to reduced performance on the indicators using innovation survey data, hiding strong performance increases on tertiary education, government support for business R&D, ICT specialists, job-to-job mobility of human resources in science and technology (HRST) and environment-related technologies.”

The 2021 Innovation Scoreboard report noted that Portugal’s strengths include attractive research systems, digitalization and the use of information technologies. Conversely, its weaknesses are with regard to In-house business process innovators; Innovators that do not develop innovations themselves; and Climate change related indicators.

In previous SGI reports we noted that the government places a great deal of emphasis on research and innovation, with a particular interest in developing the tech sector, signing a €110 million deal to host the Web Summit in Lisbon until 2028. A reflection of this commitment is the Portuguese government’s leadership in setting up the European Startup Nations Alliance (ESNA) in November 2021, which will have its permanent seat in Lisbon. Moreover, innovation is a key plank of the country’s Recovery and Resilience Plan.

While this is beginning to have some impact, it should be noted that Portugal is developing from a very low position, a pattern that is reflected in the results that fall below the EU average in terms of the tech sector as highlighted in the State of European Tech 2021 report.

Citation:

Atomico & Slush (2021), “The State of European Tech 2018,” available online at: <https://2021.stateofeuropeantech.com/chapter/executive-summary/>

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“European Innovation Scoreboard 2021 – Portugal.” Available online at: <https://www.kowi.de/Portaldata/2/Resources/fp/EIS-2021-Report.pdf>

“Portuguese Roadmap of Research Infrastructures. 2020 Update” at https://www.fct.pt/media/docs/Portuguese_Roadmap_Infrastructures2020.pdf

Global Financial System

Stabilizing
Global Financial
System
Score: 7

Portugal is a peripheral country, which limits its ability to contribute to the effective regulation and supervision of the international financial architecture. Moreover, the risk associated with the country’s high deficits and public debt has led successive governments since the new millennium to focus overwhelmingly on achieving fiscal sustainability and financial stability, most notably during the 2011-2014 bailout period.

Portuguese policymakers focus less on the global financial system per se than on its impact on Portugal.

This being said, however, in the post-bailout period, Portuguese governments have sought to play a bigger role in contributing to EU debates on regulation. Their role has been enhanced by Portugal’s status as a bailout “success story,” and further reinforced by the election of Minister of Finance Mário Centeno as president of the Eurogroup.

This greater role was evidenced during the Portuguese presidency of the Council of the European Union in 2021. During this period, it was able to push through a deal on corporate tax transparency that requires “multinationals and their subsidiaries with annual revenues of over €750 million, and which are active in more than one country, to publish and make accessible the amount of taxes they pay in each member state.” In its assessment of the Portuguese presidency, Politico considered that “Lisbon achieved what many in Brussels thought was impossible,” getting a proposal that had “been gathering dust in council and parliament shelves for years” approved. However, this experience also highlights how much Portugal’s impact depends on being given a greater institutional role, such as the presidency of the Council of the EU.

Citation:

Success story which enhances status as expert says in last sentence above is found in Liz Alderman,

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II. Social Policies

Education

Education Policy
Score: 6

Education policy is a field in which results only come to fruition long after their implementation. In the case of Portugal, we can see a steady improvement in educational attainment since the beginning of the new millennium. At the same time, these improvements have been insufficient to reverse a historic pattern of low overall and unequal levels of educational attainment.

From a formal perspective, Portugal offers equitable access to education. Compulsory schooling in the public sector is free through the end of secondary education. Higher education has comparatively low fees as well as means-tested support for low-income students.

However, this coexists with inequality in the quality of the education obtained and generally low levels of efficiency. Though these have been improving, the unstable policy framework has meant that these improvements are arguably taking place at a slower rate than would otherwise be possible.

In terms of educational attainment, Portugal continues to show low and unequal levels of educational attainment. The country remains firmly anchored at the bottom of the OECD in terms of the proportion of the population having completed upper secondary education, with 27.2% of the population aged between 25 and 64 having attained this level in 2020, although this was a 2.4 percentage point improvement vis-à-vis 2018. While Portugal fares comparatively better in terms of tertiary education (28.2% in 2020, a 3.2 percentage point improvement vis-à-vis 2018), it is still over 10 percentage points below the OECD average.

There remains room for improvement, on at least four grounds.

First, there is significant variation in the quality of education between schools. The average school score in the 2020 national exams ranged from 15.24 (out

of 20) for the highest-rated public school to 9.08 in the lowest-rated public school. The variance is even greater when we also consider private schools, with the best-performing school posting an average of 18.03 – almost twice the average for the lowest-rated school. Additionally, anecdotal evidence suggests that the quality of education is often unequal within schools.

Second, these differences reflect policy failures, including the lack of effective accountability mechanisms and incentives, weak lifelong training, and inefficient management systems.

Third, the considerable instability in the sector – with substantial changes from year to year – means that the educational system is unpredictable, and that the impact of changes is limited.

Finally, the failure to recruit new teachers should be noted. Portugal now has one of the oldest teaching populations in the OECD. In 2007, there were 102 teachers aged 50 or over for every 100 teachers aged under 35, across all levels from primary to secondary. In 2019, there were a staggering 1,595 teachers aged 50 or over for every 100 teachers aged under 35 – an increase of more than 200 vis-à-vis 2018 (1,358).

Moreover, it should be noted that improvements appear to have stagnated in recent years. Unlike previous rounds, the latest 2018 PISA assessment show a stagnation in terms of student performance. Likewise, in higher education, there were three universities in the top 500 of the Academic Ranking of World Universities. While this is a significant improvement vis-à-vis 2006, when Portugal was the only EU-15 country (excluding Luxembourg) not to have at least one institution in the top 500, it is a decrease when compared to 2018, when Portugal had four universities and outranked Ireland.

Citation:

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Social Inclusion
Policy
Score: 5

Social Inclusion

Government social policies seeking to limit socioeconomic disparities do exist and have been partially successful in preventing poverty.

The 2011 – 2014 bailout led to the adoption of austerity measures that sought to reduce public expenditure on social inclusion and contributions to poverty-reduction programs. This led to an increase in the share of those at risk of poverty after social transfers, from 17.9% in 2010 to 19.5% in 2014 and 2015.

The Costa government stated its intention to turn the page on austerity, without relinquishing its approach to budgetary consolidation.

As such, there has been a gradual reversal in austerity measures imposed on pension and welfare payments. In 2018, the situation had returned to pre-bailout levels, with the share of the population at risk of poverty after social transfers falling to 17.3%, one percentage point below the level for 2017. It subsequently continued to fall further, to 16.2% in 2020. This was the lowest level since 1995 (covering the period for which Eurostat has data) and below the estimated EU average of 17.1%.

However, poverty and social exclusion remain serious problems in Portugal. Some 20% of Portuguese workers earn the minimum wage, while the mean monthly salary is just €1,005. The government recognizes the importance of this challenge. Its policies for combating social exclusion are grouped under the Programa Operacional Inclusão Social e Emprego.

While Portugal still has a long way to go in terms of eliminating the risk of social exclusion, the results for 2020 are very encouraging, not least as they have been achieved during the difficult times of the pandemic.

Citation:

Eurostat, “People at risk of poverty after social transfers,” available online at: https://ec.europa.eu/eurostat/databrowser/view/t2020_52/default/table?lang=en

Pordata, “Salário médio mensal dos trabalhadores por conta de outrem: remuneração base e ganho,” available online at: <https://www.pordata.pt/Portugal/Salário+médio+mensal+dos+trabalhadores+por+conta+de+outrem+remuneração+base+e+ganho-857>

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<https://poise.portugal2020.pt/inicio>

Health

Health Policy
Score: 6

Portugal has an inclusive national health system that covers the entire population. Access to hospitals is mediated by relatively low fees, with exemptions for low-income households and other groups. There is some inequality in access to primary healthcare, with about 10% of the population not having a steady GP. However, while this creates an additional barrier to accessing primary healthcare, it does not exclude access altogether.

Portugal performs comparatively well across a number of health policy indicators, including life expectancy and infant mortality, with results that significantly outperform the level of public expenditure. In the context of the pandemic, this has been reflected in the country's stellar performance in terms of vaccination, with the country registering the highest vaccination rates in the world in September 2021.

At the same time, the focus of the healthcare system is largely reactive and concentrated on "big ticket" statistics (e.g., life expectancy and infant mortality). The healthcare system pays relatively little attention to women's concerns during childbirth. Likewise, the number of healthy years a person can expect to live after 65 years of age is well below the EU average, particularly for women, even though average life expectancy exceeds the EU average. The most recent Eurostat data for 2019 indicates that Portugal has the sixth-lowest number of healthy years after 65 for women and the ninth-lowest for men in the European Union, both constituting a drop of one position in the ranking vis-à-vis 2017.

The period under review saw the confluence of two distinct issues: First was the pressure exerted by the pandemic on the national health system; and second was the continued financial pressure to curb public expenditure, with the healthcare sector affected by de facto restrictions on expenditure. The combination of these forces led to reductions in some services and to resignations by medical directors in protest. However, the situation appears to be more positive than in the previous report, as the government increased recruitment of doctors and nurses into the health system in 2020, with an increase of over 1,000 doctors (an increase of 6%) and of over 1,750 nurses (increase of 3.7%).

Citation:

Eurostat (2021), "Healthy life years statistics," available online at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Healthy_life_years_statistics#Healthy_life_years_at_age_65

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SIM, Notícias SIM, available online at: <https://www.simedicos.pt/pt/noticias/noticias-sim/>

Families

Family Policy
Score: 7

As noted in the previous edition, the birth rate rose in recent years, increasing from 7.9 per 1,000 persons in 2013 and 2014 to 8.5 births per 1,000 persons in 2018. However, this number diminished to 8.2 in 2020, after already having dropped to 8.4 in 2019.

The birth rate remains well below the pre-bailout rate of 9.6 births per 1,000 persons in 2010. Moreover, the current birth rate falls well short of mitigating Portugal’s looming demographic crisis, with the low birth rate aggravated further by the country’s high emigration rate. The United Nation’s median projection forecasts that Portugal’s population will decline from 10.2 million in 2010 to 9.1 million in 2050.

During the period under review, the government introduced several additional measures, including an extension of fathers’ mandatory parental leave from 15 to 20 days; more tax deductions for families with children under three, from the second child on; and pre-kindergarten financial support for families, with low-income families provided with free access to pre-kindergarten services.

However, these measures still fall well short of providing a legal and substantial support framework that would enable women to freely decide whether and when they want to enter full- or part-time employment. In a country with low wages, female participation in the workforce – which is one of the highest in the OECD – reflects the income needs of households as much as it does the actual choices of women and families.

Citation:

Eurostat, “Live births and crude birth rate,” Available online at: <https://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tps00204&language=en>

UN, “World Population Prospects 2019 Data Booklet,” available online at: https://population.un.org/wpp/Publications/Files/WPP2019_DataBooklet.pdf

Pensions

Pension Policy
Score: 6

Pension values were again increased in 2020 and 2021, particularly for low-income pensioners.

The official retirement age is linked to life expectancy. In 2021, it was raised to 66 years and six months, one month later than in 2020 and 2019.

Despite this adjustment factor, the system faces medium- and long-term financial imbalances. Expenditure on pensions is high and has risen since the turn of the new millennium. Between 2000 and 2013, expenditure on pensions increased by over 50%, from 10% to 15.7% of GDP. This is the third largest increase in the European Union, exceeded only by Cyprus and Greece. Since 2013, it has fallen, standing at 13.7% in 2019, the most recent year for which data is available, a reduction from 14.6% in 2016. However, that still remains the fourth-highest level in the European Union. This contrasts with 2000, when it was only the 14th highest in the European Union.

A recent study of the pension system, which looked ahead to 2070, forecasts an increase in the absolute number of pensioners from 26.3% of the population in 2020 to 35.9% in 2050. While this is not expected to raise the weight of pensions as a share of GDP, the study does forecast that, if the social security system remains unchanged, it will run deficits between 2027 and 2070, peaking at a deficit of 2.8% of GDP in 2050.

Citation:

Aníbal, S. (2020), “Aumento das pensões semelhante ao de 2019, mas mais tardio,” Público online, available at: <https://www.publico.pt/2020/01/16/economia/noticia/governo-confirma-aumento-extraordinario-10-euros-pensoes-baixas-1900551>

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Pordata, “Pensões: despesa total em % do PIB,” available online at: <https://www.pordata.pt/Europa/Pens%C3%B5es+despesa+total+em+percentagem+do+PIB-1579>

Integration

Integration Policy
Score: 9

The bailout was accompanied by a decline in immigration. However, since 2016 the resident foreign population has increased at an accelerating rate. After a 2% increase in the immigrant population in 2016, it increased 6% in

2017 and 15% in 2018. In the review period, this increased even further: an increase of 23.3% in 2019 and, despite pandemic travel restrictions, 12.3% in 2020. This brings the total number of foreigners residing in Portugal to over 660,000, almost 300,000 more than in 2015.

In previous SGI reports, we noted that Portugal has a welcoming policy framework for migrants. The country ranked third in the 2020 Migrant Integration Policy Index (MIPEX) in terms of most favorable migrant-integration policies, with an improvement in its rating, with MIPEX noting that “Portugal has consistently improved since the first MIPEX edition.” Consistent with this, and as detailed in the previous SGI report, the most recent OSCE Good Practices in Migrant Integration: Trainee’s Manual of 2018 highlights a number of good practices in Portugal.

Legal immigrants have the right to work. Children of immigrants have access to the education system, regardless of their legal status. Immigrants, regardless of their legal status, can make complaints to the Commission for Equality against Racial Discrimination (Comissão para a Igualdade contra a Discriminação Racial) if they believe they have been discriminated. Complaints can also be brought by witnesses to the discrimination. This Commission is in charge of applying Portugal’s anti-discrimination legislation.

Portugal’s citizenship policies are praised by MIPEX as “world-leading.” In 2020, parliament approved new amendments to the laws that make naturalization easier, making spouses and legal partners of Portuguese citizens eligible to apply for citizenship after three years; and granting citizenship to children of illegal immigrants residing in Portugal for over a year.

These changes, combined with an earlier amendment in 2018 as well as Portugal’s improving economy, have contributed to a rise in the number of naturalizations. In the three years of 2015-2017, there were 284,558 requests for naturalization. In the three subsequent years, 2018-2020, this number increased to 398,194.

Portugal has sought to be a leader at the EU level with regard to refugees and migrants, advocating a liberal position. It has consistently shown a willingness to take in refugees and a government statement in June 2021 indicated that Portugal had received the sixth-highest number of refugees as part of the EU resettlement program.

Citation:

Governo de Portugal (2021), “Dia Mundial do Refugiado – nota à comunicação social,” available online at: <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3D%3DBQAAAB%2BLCAAAAAAABAAzNLQ0NAYAVEHDQAUAAAA%3D>

Lei Orgânica nº 2/2018 [Law no. 2/2018], available online at: <https://dre.pt/home/-/dre/115643970/details/maximized>

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Neves, C. (2020), “Portugal concede nacionalidade a 121 mil estrangeiros. Brasileiros lideram pedidos,” DN, available online at: <https://www.dn.pt/edicao-do-dia/12-nov-2020/portugal-concede-nacionalidade-a-121-mil-estrangeiros-brasileiros-lideram-pedidos-13025619.html>

Observador (2020), “Quase 150 mil pessoas obtiveram nacionalidade portuguesa em 2020,” available online at: <https://observador.pt/2021/07/28/quase-150-mil-pessoas-obtiveram-nacionalidade-portuguesa-em-2020/>

OSCE (2018), Good Practices in Migrant Integration: Trainee’s Manual, available online at: <https://ec.europa.eu/migrant-integration/?action=media.download&uuid=17D9FD33-0B7B-A37B-0CD6F2869D688741>

Pordata, “População estrangeira com estatuto legal de residente: total e por algumas nacionalidades,” available online at: <https://www.pordata.pt/Portugal/Popula%C3%A7%C3%A3o+estrangeira+com+estatuto+legal+de+residente+total+e+por+algumas+nacionalidades-24>

Safe Living

Internal Security
Policy
Score: 8

Portugal is signatory to and participant in all relevant Europe-wide programs regarding public security. In addition, Portugal has created a General Secretariat for the Internal Security System, which reports to the prime minister via the minister for internal administration.

Overall, reported crime increased slightly in 2019 relative to 2018 (0.7%), with violent crime also rising (3%). In 2020, however, the country showed considerably lower levels of reported crime, with a decrease of 11% in total crime and 13.4% in violent crime relative to 2019. Undoubtedly, the restrictions caused by the pandemic contributed to this exceptional 2020 result.

Withing this generally positive picture, domestic violence constitutes a black spot. It was the most-reported crime in 2020, and there were 32 deaths associated with domestic violence, a decrease from 39 in 2018 and 37 in 2019.

Portugal remains a relatively safe country in international terms. Furthermore, Portugal has not experienced a terrorist attack of the kind witnessed in many other European countries. Whether this is due to effective intelligence gathering and policing or the priorities and preferences of potential terrorists is unclear.

In a previous SGI report, we noted the failure of civil-protection services during the 2017 forest fires, which resulted in over 100 deaths and over 500,000 hectares of burned land. While Portugal again experienced substantial forest fires in 2020, their impact was considerably more limited, though the total area burned was higher than in 2018 and 2019, and five firefighters died in combating the flames. These improvements are due to a more active policy framework with regard to forest fire prevention, with the government embarking on a number of forest fire prevention initiatives (e.g., strengthening the requirement for landowners to clear shrubbery that could otherwise fuel fires), as well as more favorable weather conditions than in 2017.

Citation:

Moutinho, A. R. (2020), “2020: números da época de incêndios “não foram simpáticos,” mas ficaram aquém do pior cenário,” Público, available online at: <https://www.publico.pt/2019/09/02/sociedade/noticia/portugal-menos-8719-hectares-area-ardida-2018-1885282>

Kotowicz, A. (2021), “Violência doméstica faz 32 mortes em 2020, menos do que no ano anterior. Há menos queixas, mas mais detidos,” Observador, available online at: <https://observador.pt/2021/03/02/violencia-domestica-faz-32-mortes-em-2020-menos-do-que-no-ano-anterior-ha-menos-queixas-mas-mais-detidos/>

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Sistema de Segurança Interna, “Relatório Anual de Segurança Interna 2020,” available online at: <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBQAAAB%2bLCAAAAAAABAAzNDQ1NAUABR26oAUAAAA%3d>

Global Inequalities

Global Social
Policy
Score: 5

There has been virtually no change in this area vis-à-vis previous review periods. Foreign aid remains very much a secondary consideration in foreign policy, with the main interest being in economic diplomacy promoting the Portuguese economy and its exports. That does not mean that Portugal is disengaged – it still participates through the provision of foreign aid, especially in the Portuguese-speaking countries of Africa and East Timor. However, while there is some funding for foreign-aid projects, there is little concern with overarching aid policy, which means that coherence has not been as strong as it might be. This lack of interest has also percolated through to the design of international policies and the lack of international leadership in that regard. It must also be kept in mind that Portugal is a follower, not an international leader, and has very few resources. Therefore, while Portugal is

supportive of good intentions, it is in fact marginal with regard to the implementation and design of foreign assistance.

However, if the question were to be shifted to include foreign involvement beyond the financial and economic sphere, then Portugal is a “supplier of security” through its fairly limited participation in UN, NATO, and EU security- and humanitarian-support missions. Furthermore, in specific instances such as Guinea-Bissau, Portugal is relatively very active in attempting to stabilize national governments, promote security and ultimately promote development.

III. Environmental Policies

Environment

Environmental
Policy
Score: 6

The reduction in production resulting from the 2009 – 2014 economic crisis eased environmental pressures in the first half of the 2010s. This was particularly apparent during the bailout period and economic downturn, when Portugal ranked third in the 2014 and fourth in the 2015 Climate Change Performance Index (CCPI), which measures overall climate protection performance.

As noted in the previous SGI report, the subsequent economic recovery was accompanied by a decline in Portugal’s ranking and score, falling to 18th place worldwide in the 2018 CCPI, with an overall score of 59.16 (albeit with a somewhat different methodology) – Portugal’s worst result over the past five years. This decline was arrested in the 2019 CCPI, with Portugal ranking in 17th place and marginally increasing its score to 60.54. This relative position was maintained in the most 2022 CCPI, in which Portugal ranks 16th with a score of 61.11.

Portugal’s score in the “Domestic Policy” component of the CCPI, which assesses countries’ policies and measures as well as their implementation and effects, declined from a rating of “high” in 2019 CCPI to one of “medium” in the 2022 report. As in other areas, there is some lag between the laws that have been passed and actual implementation of environmental legislation.

If we look at environmental policy more broadly, Portugal shows improvements in some areas but also challenges in others. The European Commission’s 2019 Environmental Implementation Review for Portugal notes substantial progress with regard to the circular economy, a flagship policy of

Ministry of Environment and Climate Action under the first Costa government, as well as some progress on marine conservation and water management, all of which had been areas of challenge noted in the 2017 review. Likewise, Portugal performed above the EU average with regard to eco-innovation, environmental tax revenues as a percentage of GDP and the proportion of land area that is protected.

At the same time, however, the review noted persistent challenges with regard to nature conservation, waste management (including low levels of recycling), water management, low productivity in using material resources to generate wealth and urban sprawl, among others. Overall, the review also noted that sustainable development was not fully taken into account across policy areas.

Citation:

Jan Burck, Ursula Hagen, Franziska Marten, Niklas Höhne, Christoph Bals (2019), The Climate Change Performance Index Results 2019, available online at: <https://www.climate-change-performance-index.org/sites/default/files/documents/ccpi-2019-results-190614-web-a4.pdf>

Jan Burck, Thea Uhlich, Christoph Bals, Niklas Höhne, Leonardo Nascimento, Ana Tamblyn and Jonas Reuther (2022), The Climate Change Performance Index Results 2022, available online at: <https://ccpi.org/download/climate-change-performance-index-2022-2/>

European Commission (2019), The EU Environmental Implementation Review 2019 Country Report – Portugal, available online at: https://ec.europa.eu/environment/eir/pdf/report_pt_en.pdf

<https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBQAAAB%2bLCAAAAAAABAAzNDQ2MgcAWFMUYQUAAAA%3d>

Global Environmental Protection

Global
Environmental
Policy
Score: 6

Portugal agrees to and participates in EU-wide policies on the environment. Portugal signed the Kyoto Protocol and, in September 2016, ratified the Paris Agreement.

The country has also become much more active in promoting the global protection of marine environments, taking advantage of its unique and very large maritime area. Indeed, Portugal has the third largest exclusive economic zone in the European Union and the 20th largest in the world. This is reflected in the fact that the country cohosted the annual Oceans Conference in 2021 and was scheduled to do so again in 2022, attracting ministers responsible for ocean/maritime affairs from around the world.

Portugal's commitment to advancing global environmental protection is reflected in its performance in the "International Climate Policy" indicator of the 2022 CCPI, which specifically assesses the quality of countries'

international climate diplomacy. Portugal is rated as “high” in this indicator, reflecting its collaborative role in international negotiations. It is one of 12 (out of 64 assessed) to receive this rating. Nevertheless, the proviso in the previous question regarding implementation of domestic environmental policy is applicable at the global level as well.

Citation:

Jan Burck, Ursula Hagen, Franziska Marten, Niklas Höhne, Christoph Bals (2019), The Climate Change Performance Index Results 2019, available online at: <https://www.climate-change-performance-index.org/sites/default/files/documents/ccpi-2019-results-190614-web-a4.pdf>

Robust Democracy

Electoral Processes

Candidacy
Procedures
Score: 9

Individuals and political parties enjoy largely equal opportunities, both de jure and de facto, to register for and run in elections. Parties espousing racist, fascist or regionalist values are all constitutionally prohibited, as are parties whose names are directly related to specific religions.

While individual citizens can run in municipal elections, they are barred from contesting legislative elections, where only registered political parties can present candidates. The requirements for registering a party are relatively onerous. To be formed, parties must acquire the legally verified signatures of 7,500 voters. Moreover, they must ensure that their internal party rules and statutes are aligned with the political-party law (Lei dos Partidos Políticos), which requires that parties' internal operations must conform to "the principles of democratic organization and management" (Article 5) and feature several internal bodies (Articles 24 – 27).

However, these requirements do not prevent parties from forming and contesting elections. During the period under review, one new political party was formally registered: Volt Portugal in June 2020. The January 2022 legislative elections will be contested by 22 different lists, one more than in 2019 and the highest total yet since democratization.

Citation:

On the laws see, for example, Eleição da Assembleia da República 1 / Outubro/1995: Legislação eleitoral atualizada e anotada (Lisbon: STAPE/MAI, 1995); and Lei dos Partidos Políticos (Political Party Law) – Lei Orgânica n.º 2/2003, de 22 de Agosto, com as alterações introduzidas pela Lei Orgânica n.º 2/2008, de 14 de Maio.

For the registration of parties, see: Tribunal Constitucional, "Partidos registados e suas denominações, siglas e símbolos," available online at: <http://www.tribunalconstitucional.pt/tc/partidos.html>

Media Access
Score: 9

Parties have access to broadcast time on television and radio for political purposes during the official campaign period of two weeks preceding an election. This time is divided equally among the parties, according to the number of candidates they present. Parties need to present lists in at least 25% of electoral districts, and field a total number of candidates equal to at least

Voting and
Registration
Rights
Score: 9

one-quarter of the total number of possible candidates, to qualify for these broadcasts. These short broadcasts (lasting a maximum of three minutes for each party) air during prime-time, and have a non-negligible audience.

If one considers media access more broadly, access to news programs and political debates is overwhelmingly concentrated on the parties that have parliamentary representation. Television news coverage, which is popular in terms of TV ratings and is the predominant source of information for the Portuguese, is heavily concentrated on them.

All adult citizens are guaranteed the right to participate in national elections. The government also provides transportation to those requiring it. Citizens in hospitals and in jails are also able to vote, with assistance provided as necessary, and provision is made for Portuguese citizens living abroad to cast their ballots.

Foreign citizens residing in Portugal are entitled to register to vote in local elections if they are from EU member states, or from Brazil, Cape Verde, Argentina, Chile, Colombia, Iceland, Norway, New Zealand, Peru, Uruguay and Venezuela. Brazilian citizens can also request a statute of equal rights and duties, which grants them the right to vote in legislative elections.

As per previous SGI reports, the substantial inflation of the electoral register remains problematic, generating a problem of technical abstention. Estimates ahead of the 2022 legislative elections indicated that there are potentially 1 million more people on voter registration lists for Portugal than there are in the voting age population, potentially inflating the electoral register by 10%.

As noted in previous reports, this difference appears to reflect the failure of Portuguese emigrants registered to vote in Portugal to transfer their electoral registration to their overseas residence. As Portuguese voters can only vote in the administrative parish (or, if abroad, in the country) in which they are formally registered, this means that a substantial proportion of Portuguese emigrants are unable to exercise their voting rights.

This issue was partially addressed with the approval in parliament of Law 3/2018. With this law, Portuguese citizens officially residing abroad are automatically registered to vote.

This had a positive effect on the 2019 elections. Thus, the number of registered Portuguese voters in Switzerland increased from just 9,457 in the 2015 legislative elections to 146,795 in the 2019 legislative elections.

However, as also noted in previous reports, this does not fully resolve the issue, as technical abstentions are largely the result of Portuguese emigrants registered to vote in Portugal failing to update their address (and electoral registration) to their overseas residence following emigration.

However, it must be noted that this discrepancy is not due to legal barriers to registration. Both within and outside Portugal, electoral registration is a simple and non-exclusionary process.

Citation:

Lei Orgânica nº 3/2018 [Law no. 3/2018], available online at: <https://dre.pt/application/conteudo/116090196>

Ledo, W. (2022), “Legislativas: há um milhão de “eleitores-fantasma” a engordar a abstenção,” CNN Portugal, available online at: <https://cnnportugal.iol.pt/decisao-22/eleicoes-legislativas/legislativas-ha-um-milhao-de-eleitores-fantasma-a-engordar-a-abstencao/20220102/61cdca340cf2cc58e7da26e6>

Party Financing Score: 7

Party funding oversight lies with the Constitutional Court (Tribunal Constitucional), which has a specific independent body tasked with monitoring party financing and accounts – the Entidade das Contas e Financiamentos Políticos (ECFP). There are two main sources of funds for political parties. First, the state provides funding to all parties that received vote shares above a certain threshold in previous elections (over 100,000 votes in the case of legislative elections). Second, parties receive private contributions, which must be registered with the electoral commissions of each of the parties at the local, regional and national levels.

Parties’ annual accounts and separate electoral-campaign accounts are published on the ECFP website and are scrutinized by this entity, albeit with considerable delay. For instance, the reports and decisions regarding the party accounts in 2017 were published in August 2020.

As noted in previous SGI reports, ECFP reviews do identify irregularities and/or illegalities. However, sanctions for infractions are relatively small and infrequent.

A 2012 study examining oversight of party accounts – based on interviews with both the ECFP and party representatives – noted that the ECFP lacked resources, which limited its capacity to monitor party and election funding fully.

In the last edition of the SGI, we noted that this situation appeared to have worsened during 2018 due in part to changes to the party financing law, which came into effect in that year. These measures increased the ECFP’s responsibilities, without increasing its resources (particularly staff numbers). In its report at the end of its four-year term, the ECFP noted that there were 82

situations that warranted sanction but which it was unable to pursue because the statute of limitations had already expired. In this report, the ECFP noted once again that the legal changes of 2018 had not been accompanied by the addition of sufficient human resources to allow the ECFP to carry out all its assigned tasks.

Citation:

Botelho, L. (2021), “Nova Lei do Tribunal Constitucional fez prescrever 82 processos de multas a partidos,” Público, available online at: <https://www.publico.pt/2021/10/22/politica/noticia/nova-lei-tribunal-constitucional-fez-prescrever-82-processos-multas-partidos-1982156>

Entidade das Contas e Financiamentos Políticos (2021), “Mandato 2017-2021 – Balanço,” available online at: <https://www.tribunalconstitucional.pt/tc/file/Relatório%20mandato%202017-21.pdf?src=1&mid=6615&bid=5282>

Financiamento dos Partidos Políticos e das Campanhas Eleitorais – legislation, available online at: http://www.parlamento.pt/legislacao/documents/legislacao_annotada/financiamentopartidospoliticoscampanhaseleitorais_annotado.pdf

Popular Decision-Making
Score: 3

The institution of referendums exists at national and local levels. However, while citizens can propose referendums, the referendum itself takes place only if there is agreement from political officeholders. In the case of national-level referendums, the Assembly of the Republic or the government must propose the referendum to the president, and the president must accept this proposal. Citizens can propose local referendums, but the local Municipal Assembly can decide whether to call these referendums or not.

In practice, referendums are rare in Portugal. There have been only three national referendums in Portugal since the transition to democracy, with the most recent having been held in 2007. Local referendums are also rare. There were two scheduled in 2020 (one of which was canceled due to the pandemic), the first to take place since 2012. Had both 2020 local referendums gone ahead, the total number since the return to democracy would have increased from five to seven.

Participatory budgets are widely used in Portugal, both at local and national levels. The country is now a world leader in terms of the implementation participatory governance mechanisms and the Costa government was the first worldwide to introduce national-level participatory budgets in 2016/17.

Petitions can be submitted to the Assembly of the Republic. This does not allow for referendums, but it does create more opportunity for public input into political decisions.

At the local level, Portugal has instituted a non-party-political mechanism, the Group of Citizen Electors (GCE) that enables groups of citizens to run for

local-level offices. In this manner, there is, as stated above, “more opportunity for public input into political decisions.”

Citation:

Borges, L. (2020), “Em 46 anos de democracia, só se realizaram cinco referendos locais,” Público, available online at: <https://www.publico.pt/2020/08/17/politica/noticia/46-anos-democracia-so-realizaram-cinco-referendos-locais-1928198>

Público (2018), “Orçamentos participativos espalham-se pelo mundo, com Portugal na dianteira,” available online at: <https://www.publico.pt/2018/10/22/politica/noticia/orcamentos-participativos-espalhamse-mundo-portugal-dianteira-1848283>

<https://www.peticaopublica.com/info/legislation.aspx>

artigo 48.º, n.º 1, da CRP e artigo 16.º, n.º 1, al. c

Access to Information

Media Freedom
Score: 7

Public and private media are independent of the government’s influence, as mandated by the constitution of 1976. The media are regulated by the Entidade Reguladora da Comunicação Social (ERC). Four of the five members of the ERC board are appointed by a qualified majority of two-thirds of parliament, and the fifth member – who normally becomes the ERC’s head – is selected by the other four members.

Media Pluralism
Score: 7

Portugal’s media market is competitive and relatively diversified. There are four free broadcast-television networks – one public (RTP, with four channels) and two private (SIC and TVI) – each of the latter owned by a different media conglomerate (Impresa and Media Capital). In the aftermath of the transition to digital television, the Portuguese Assembly’s own channel, ARTV (previously only available on cable), was also added to the roster of free channels.

The national cable television news channels, once restricted to offerings from the RTP and SIC groups, have diversified since 2009 and there are now at least four major players: RTP, SIC, TVI and CMTV.

The newspaper market has shown diversification, with several leading groups emerging. The Global Media Group holds several relevant titles, notably *Jornal de Notícias* (a leading daily in northern Portugal) and *Diário de Notícias* (another leading newspaper, which became weekly in mid-2018). The Impresa group held several print outlets, its flagship being the influential *Expresso* weekly. In January 2018, the Impresa group sold all its titles, except *Expresso*, to a new group, called Trust in News. This sale included the *Visão* weekly news magazine.

Meanwhile, the Sonae group is behind another influential title, the daily Público. Cofina Media owns the Correio da Manhã tabloid and the daily Jornal de Negócios financial newspaper, while Newsplex owns The Sol weekly (renamed as Nascido do Sol in December 2020) and “i” daily. There is also an online daily newspaper, called Observador, which has a classical liberal orientation, as set out in its editorial statutes. A new weekly newspaper called Novo was launched by Lapanews in April 2021.

This diversity results in a degree of pluralism. At the same time, most media outlets – notably newspapers – face considerable financial challenges.

These financial challenges contribute to the considerable volatility in media-ownership patterns.

Citation:

Observador, “Estatuto Editorial,” available online at: <http://observador.pt/estatuto-editorial/>

Access to
Government
Information
Score: 8

Free and readily available access to official information is guaranteed by Article 48, subsection 2 of the 1976 constitution, and mechanisms exist to ensure that this does in fact happen. There are extensive legal provisions providing guarantees for access to official information. Additional support is supplied by the Aarhus Convention of the European Union, which was signed on 25 July 1998 and ratified by Portugal on 7 September 2003. The government has recently put virtually all official information and requirements such as permits and licenses online. This information can be readily accessed through home computers and without cost in a wide variety of public places such as municipal libraries. The Commission on Access to Administrative Documents (Comissão de Acesso aos Documentos Administrativos, CADA), established in 1995, deals with complaints regarding public access to information.

The access to government documents is guaranteed in Law 26/2016. At the local level, the population generally has access to government information, documents and more through freely available computers at the local library or at government offices.

However, it should also be noted that, while information is available, it is often not well organized. Moreover, it is often not clear even to educated citizens, let alone to citizens with lower educational attainments. This renders citizens’ de facto ability to obtain information less effective than their de jure ability.

The Portuguese government has expanded and improved its Simplex system, giving people access to more information, including much that concerns the government, than was previously available.

Citation:

Lei n.º 26/2016 – Diário da República n.º 160/2016, Série I de 2016

www.ministeriopublico.pt/iframe/sistema-de-informacoes-da-republica-portuguesa

www.simples.gov.pt

Civil Rights and Political Liberties

Civil Rights
Score: 8

The Portuguese constitution of 1976 defines broad categories of rights and guarantees for the population in articles 12 – 23 and 24 – 27. This is generally also the case in practice. However, poorer elements of society, as in any country, tend to lack the educational, legal and other means to take full advantage of these guarantees. Moreover, the justice system continues to be very slow, which also reduces its ability to effectively protect citizens.

During the previous review period, the government of Portugal passed a law – the National Strategy for Equality – to increase the social and political rights of citizens. The law includes several strategic objectives to be achieved by 2030 and three action plans to be implemented by 2021. The law focuses on promoting gender equality, preventing domestic violence, and combating discrimination on the grounds of sexual orientation and gender identity.

In 2020, two interim reports were published on the Strategy for Equality’s plan for combatting violence against women and domestic violence, and on its plan for combatting discrimination on the grounds of sexual orientation and gender identity. In both cases, the reports noted that 88% of planned measures had been implemented. However, the impact of these educational measures will take time to percolate through to changes in attitudes and behaviors.

Citation:

CIG, Portugal mais Igual, available online at: <https://www.cig.gov.pt/estrategia-nacional-para-a-igualdade-e-a-nao-discriminacao-2018-2030-portugal-igual/>

<https://dre.pt/home/-/dre/115360036/details/maximized>

Political Liberties
Score: 9

Under the regime that ruled Portugal until 1974, there were virtually no political liberties. The basic goal of the political transition was to achieve and guarantee political liberties. Portugal has been successful in this regard, and widely agreed-upon political liberties are now in place and respected. The basic legislation in the constitution, and subsequent regular legislation, guarantees these political liberties. They function generally well. If there are any lapses, they are due more to bureaucratic inefficiency rather than a conspiracy by the Portuguese government.

However, these lapses can be quite serious. For instances, it was revealed in 2021 that the Lisbon city government had shared the protest organizers' personal details with the entities that were being protested against. For example, this led to information about activists protesting against their governments being shared with those governments' embassies, including the embassies of Russia, China, Iran and Saudi Arabia, among others. In consequence, the National Authority for Data Protection (Comissão Nacional de Protecção de Dados, CNPD) fined the city government €1.2 million, criticizing the municipality's "evident disorganization."

Constitutional restrictions forbid the existence of racist and fascist organizations. Likewise, the penal code criminalizes discriminatory propaganda, as well as the promotion or denial of genocide and racial discrimination. This does not in practice preclude the emergence of such groups, such as the Portugal Hammerskins; but they are very small, and generally well controlled by the police.

While the pandemic led to a declaration of a state of emergency, the associated legislation does not allow for the restriction of political freedoms. The law on the state of emergency stipulates that "the meetings of statutory bodies of political parties, unions and professional associations will in no case be prohibited, dissolved or submitted to prior authorization" during a state of emergency (Article 2 of Law 44/86).

Portugal has a very permissive framework for religions, and the right to worship is protected for every religious community.

DN (2021), "Dados enviados à Rússia. Câmara de Lisboa multada em 1,2 milhões de euros," available online at: <https://www.dn.pt/sociedade/dados-enviados-a-russia-camara-de-lisboa-multada-em-12-milhoes-de-euros-14491499.html>

Público (2021), "Câmara de Lisboa enviou dados para a Rússia 27 vezes. Israel, Angola e China também receberam informações," available online at: <https://www.publico.pt/2021/06/24/sociedade/noticia/camara-lisboa-enviou-dados-russia-27-vezes-israel-angola-china-tambem-receberam-informacoes-1967745>

Non-
discrimination
Score: 7

State policies seek to redress discrimination and cases of overt discrimination are rare. Moreover, Portugal has been a signatory to the International Covenant on Civil and Political Rights since October 1976. As the report noted below indicates, Portugal is recognized for having a low level of discrimination.

Nevertheless, two areas of concern remain.

First, the gap between average pay for women and men has proved persistent. While the gender pay gap fell from 16.0% in 2015 (above the EU-27 average

of 15.5%) to 8.9% in 2018 (vs. 14.4% in the EU-27), the data in 2019 indicates a projected deterioration to 10.6%, well above the levels in the 2000s, when it stood at 8.5% in 2007.

Second, racial discrimination remains a concern. The Commission for Equality and Against Racial Discrimination (CICDR) received and analyzed 665 complaints regarding racial discrimination in 2020, an increase of some 50% compared to 2019 and almost six times the level of 2017 (119). This is the highest number since at least 2000.

As in the previous SGI review period, the current period was marked by cases of apparent discrimination, which gained considerable media traction. The most tragic was that of Ihor Homeniuk, a Ukrainian citizen who was detained at the border crossing in Lisbon airport and killed by Portugal's Border Control (SEF) officers while in detention in March 2020. The case was uncovered in November 2020, and received extensive media coverage. As a result, three SEF officers involved were tried and convicted. Moreover, the SEF's institutional failings over this case accelerated calls for the service to be dismantled, with parliament narrowly giving its approval in 2021, with support from the PS and BE. However, this measure had not yet been implemented as of the time of writing.

Citation:

Comissão para a Igualdade e Contra a Discriminação Racial, "Relatório Anual 2020," available online at: <https://www.cicdr.pt/documents/57891/0/Relatório+Anual+2020+-+CICDR.pdf/522f2ed5-9ca6-468e-b05d-f71e8711eb12>

Pordata, Disparidade salarial entre homens e mulheres, available online at: <https://www.pordata.pt/Europa/Disparidade+salarial+entre+homens+e+mulheres-3560>

Rule of Law

Legal Certainty
Score: 7

Portugal is an extremely legalistic society. Legislation is abundant, prolix and complex. Moreover, combined with an ever-present pressure for reform arising from Portugal's structural problems and a political tradition for new governments to dismiss the measures of previous governments, legislation is also subject to frequent changes.

The combination of overabundant and changing legislation with comparatively weak mechanisms for policy implementation further accentuates legal uncertainty.

Judicial Review
Score: 8

The judicial system is independent and works actively to ensure that the government conforms to the law.

The highest body in the Portuguese judicial system is the Supreme Court, which is made up of four civil chambers, two criminal chambers and one labor chamber. There is also a disputed-claims chamber, which tries appeals filed against the decisions issued by the Higher Judicial Council. The Supreme Court judges appeals on the basis of matters of law rather than on the facts of a case, and has a staff of 60 justices (*conselheiros*). There are also district courts, appeal courts and specialized courts, as well as a nine-member Constitutional Court that reviews the constitutionality of legislation. In addition, there is a Court of Auditors (*Tribunal de Contas*), which is also a constitutionally prescribed body and is defined as a court under the Portuguese legal system. This entity audits public funds, public revenues and expenditures and public assets, all with the aim of ensuring that “the administration of those resources complies with the legal order.”

The number of judges in 2020 stood at 1,731, a slight decrease vis-à-vis 2017 (1,771). This number has risen from the early 1990s (from around 1,000) to 2008 (1,712). Since 2008, the number of judges has remained relatively stable, reaching a peak in 2013 (1,816). Nevertheless, there remains a shortage of judges in relationship to the number of outstanding cases, which creates delays within the system. The European Commission’s 2021 Rule of Law Report on Portugal finds that there are still concerns with regard to human resources in the judicial system. It also notes that while the system has become more efficient, shortcomings remain in the administrative and tax courts.

European Commission (2021), “2021 Rule of Law Report: Country Chapter on the rule of law situation in Portugal,” available online at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0723&from=EN>

Pordata, “Magistrados judiciais: total e por sexo,” available online at: <https://www.pordata.pt/Portugal/Magistrados+judiciais+total+e+por+sexo-1703>

Appointment of
Justices
Score: 8

The Constitutional Court is comprised of 13 judges, who serve for non-renewable nine-year terms. Of these, 10 are selected by parliament on the basis of a two-thirds parliamentary majority. This generally means that the selection of judges requires, at least, an agreement between the PS and PSD, as the two largest parties together make up more than two-thirds of parliament. Typically, there is no other parliamentary configuration that can secure a two-thirds majority. In November 2021, four new judges were elected, three of whom had been nominated by the PSD and one by the PS. That said, the PS and PSD have in the past voted to appoint other parties’ nominees (e.g., Clara Sottomayor, nominated by the BE in 2016; and Fátima Mata-Mouros, nominated by the CDS in 2012), depending on political equilibria. The remaining three Constitutional Court judges are co-opted by the 10 judges elected by parliament. Six of the 13 judges must be chosen from judges in other courts; the others can be jurists.

While criticisms of the Constitutional Court emerge whenever a decision goes against a particular faction or party, the general perception is that the court operates in a balanced and non-partisan manner. The manner of election of judges, with a two-thirds parliamentary majority, tends to help in this outcome.

Citation:

Magalhães, P. C. (2003). The limits to judicialization: Legislative politics and constitutional review in the Iberian democracies (Doctoral dissertation, The Ohio State University).

Corruption
Prevention
Score: 7

Under Portuguese law, abuse of position is criminalized. However, as elsewhere, corruption persists despite the legal framework. A 2012 assessment of the Portuguese Integrity System by the Portuguese branch of Transparency International concluded that the “political, cultural, social and economic climate in Portugal does not provide a solid ethical basis for the efficient fight against corruption,” and identified the political system and the enforcement system as the weakest links of the country’s integrity system.

While efforts have been made at the state level to tackle corruption – and it is an oft-discussed topic – there remains considerable room for improvement in terms of the implementation of anti-corruption plans.

The Council of Europe’s Group of States against Corruption (GRECO) interim compliance report published in April 2021 found that Portugal had satisfactorily implemented only three of the 15 recommendations published in 2016 (an improvement of two relative to 2019), with seven partially implemented (eight in 2019). The remaining five had not been implemented (six in 2019). The report assesses this as “only minor progress.”

In April 2021, the government approved a National Anticorruption Strategy for 2020-2024. This was revised in parliament during negotiations between the PS and the PSD, and was unanimously approved in parliament in November 2021. It is as yet too early to assess any results, but the government’s strategy was not warmly received by the Portuguese branch of Transparency International, which called it “clearly insufficient.”

Citation:

Diário da República n.º 66/2021, Série I de 2021-04-06, páginas 8 – 49, Resolução do Conselho de Ministros n.º 37/2021, available online at: <https://dre.pt/dre/detalhe/resolucao-conselho-ministros/37-2021-160893669>

GRECO (2021), “Fourth Evaluation Round – Second Interim Compliance Report Portugal,” available online at: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a21605>

RTP (2021), “Pacote anticorrupção aprovado por unanimidade no Parlamento,” available online at: https://www.rtp.pt/noticias/politica/pacote-anticorrupcao-aprovado-por-unanimidade-no-parlamento_v1364522

Transparência e Integridade (2021), “Transparência e Integridade quer corrupção política e lavagem de dinheiro no centro da estratégia anti-corrupção,” available online at: <https://transparencia.pt/corruptao-politica-lavagem-dinheiro-estrategia-nacional-combate-corruptao/>

Good Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 5

There have been virtually no changes with regard to strategic capacity. While there are strategic planning bodies in most ministries, their impact remains limited. The prime minister's advisory cabinet is more influential, but it has to deal with a number of day-to-day demands in addition to offering a long-term view on policy challenges and viable solutions. Immediate issues tend to gain precedence over long-term policy-planning. Moreover, the pressures of the pandemic compounded these immediate demands during the period under review. The relative absence of institutionalized forms of strategic planning is evidenced by the government's decision to outsource the preparation for the Strategic Vision for the Economic Recovery Plan of Portugal.

Expert Advice
Score: 5

The government utilizes academic experts for research on a wide variety of topics and to implement strategic development. A good example of this is the government's decision to commission Professor António Costa e Silva to write the Strategic Vision for the Economic Recovery Plan of Portugal.

In the context of the pandemic, this form of consultation was extended. The government established regular meetings between health experts and political decision-makers, including members of the government, the president, representatives of all parties with parliamentary representation, representatives of trade unions and the business community, and other stakeholders. The first of these meetings took place on 24 March 2020, with subsequent sessions held very frequently (initially weekly, then fortnightly), totaling 10 sessions over the first pandemic wave (the last of which was held on July 24). While no regular meeting schedule was afterward established, this group has met subsequently as deemed necessary.

The government also engaged in consultations with experts from other fields. For example, the prime minister has regularly met with a number of leading economists to discuss economic recovery policies, beginning as early as mid-April 2020 (XXII Governo Constitucional) and continuing in October of that year (Público 2020). Overall, the experts selected represented a diverse body of opinion, and the group was by all accounts open to the addition of new members over time.

However, these mechanisms are mainly used on an ad hoc basis, and without a systematic academic-consultation mechanism in place.

Citation:

Público (2020). “Primeiro-ministro ouve economistas e empresários sobre Plano de Recuperação e Resiliência,” Público, 5 October 2020, available online at: <https://www.publico.pt/2020/10/05/politica/noticia/primeiroministro-ouve-economistas-empresarios-plano-recuperacao-resiliencia-1934061>

XXII Governo Constitucional (2020). “Primeiro-Ministro reúne-se com académicos e economistas sobre as medidas de relançamento económico,” 13 April 2020, available online at: <https://www.portugal.gov.pt/pt/gc22/comunicacao/comunicado?i=primeiro-ministro-reune-se-com-academicos-e-economistas-sobre-as-medidas-de-relançamento-economico>

XXII Governo Constitucional (2020). “Governo nomeia António Costa e Silva coordenador da preparação do Programa de Recuperação Económica e Social,” 3 June 2020, available online at: <https://www.portugal.gov.pt/pt/gc22/comunicacao/noticia?i=governo-nomeia-antonio-costa-e-silva-coordenador-da-preparacao-do-programa-de-recuperacao-economica-e-social>

Interministerial Coordination

GO Expertise
Score: 6

The Prime Minister’s Office (PMO) has limited policy expertise. While it is able to assess bills, it lacks the resources for in-depth policy assessment capabilities within most policy areas. Under the preceding Passos Coelho government, policy assessment largely centered on budgetary implications, notably in terms of reducing costs and/or increasing revenue. This was particularly true during the bailout period, but persisted into the post-bailout. Under the two Costa governments, budgetary implications remained important, as the government sought to maintain its euro area commitments. However, the government also evaluated how policy proposals might impact the support provided by its potential parliamentary partners, particularly the Portuguese Communist Party (PCP) and the Left Bloc (BE), with the goal of ensuring that they would at least abstain on the state budget vote.

Line Ministries
Score: 7

The Prime Minister’s Office (PMO) is regularly briefed on new developments affecting the preparation of policy proposals.

The influence of the Ministry of Finance, as noted in previous editions of the SGI, was diminished somewhat by the pressures of the pandemic. However, the ministry remains very influential within the government given the overall goal of ensuring budgetary sustainability. The criticism leveled by the minister for infrastructure and housing in September 2020, seemingly aimed at roadblocks imposed by the Ministry of Finance in plans for the national railway company, illustrate this.

Citation:

Henriques, J. P. (2021), “Guerra dentro do governo. Pedro Nuno Santos desafia João Leão,” DN, available at: <https://www.dn.pt/politica/guerra-dentro-do-governo-pedro-nuno-santos-desafia-joao-leao-14170768.html>

CENTRO DE COMPETÊNCIAS DE PLANEAMENTO, DE POLÍTICAS E DE PROSPETIVA DA A. P. (PLANAPPDecreto-Lei n.º 21/2021, de 15 de março

Cabinet
Committees
Score: 7

Most ordinary meetings of the Portuguese cabinet – the Council of Ministers – are used for policy decisions rather than strategic policy debates.

Political issues and strategic policy considerations are by-and-large prepared by an inner core of ministers, augmented by other ministers and staff when required. This inner core is an informal group, with a composition that can vary depending on the policy area.

In addition, Council of Ministers meetings are preceded by a formal weekly meeting of junior ministers (Reunião dos Secretários de Estado), which is intended to prepare the Council of Ministers meeting. These meetings of the junior ministers play a crucial role in filtering out and settling more technical issues prior to cabinet meetings. These meetings are chaired by the minister for the Presidency of the Council of Ministers (Presidência do Conselho dos Ministros), who has a seat in the Council of Ministers.

Ministerial
Bureaucracy
Score: 9

There are weekly junior minister meetings, with each ministry represented by one of its junior ministers (known in Portugal as secretaries of state). A key purpose of these meetings is to ensure policy coordination across ministries before proposals reach the cabinet.

These meetings are generally very effective in ensuring policy coordination across government. Furthermore, the work of assessing the various proposals within each ministry is not restricted only to the secretaries of state who attend the meeting, but also include ministerial advisers and, to some degree, senior public administration officials.

Informal
Coordination
Score: 7

Informal coordination mechanisms are central to government functioning and coordination. The horizontal informal links between ministries help compensate for the absence or rigidity of formal horizontal linkages.

Digitalization for
Interministerial
Coordination
Score: 6

There is a unit responsible for providing technological support to the government, the Centro de Gestão da Rede Informática do Governo (Ceger).

This has a central remit to manage the government's IT network (Rede Informática do Governo, RInG). The information on Ceger's website indicates that there were 34 people working in this service in August 2020.

Ceger's services involve basic IT support (e.g., government email, internet access, data protection).

It also has as a remit to provide technological support for cabinet and junior minister meetings, while decree-law 16/2002 stipulates that it should develop common information networks and decision support systems for government.

However, the actual implementation of the latter is ongoing. The existing evidence is anecdotal, but suggests that the full potential of these technologies is as yet unrealized for policy development and monitoring. An indicator of this is that it is not uncommon for ministers to use their own devices (or not to use any device at all) at cabinet meetings.

Citation:

CEGER, Mapa do Pessoal, available online at: https://www.ceger.gov.pt/media/7153/CEGER%20-%20Mapa%20de%20Pessoal_03-08-2020_ass.pdf

Evidence-based Instruments

RIA Application
Score: 5

As noted in previous reports, the first Costa government introduced RIA processes for the first time, formalizing a body responsible for RIAs within the public administration. The successor government maintained those efforts; indeed, its program sets out the goal of having all draft bills it submits to parliament be accompanied by a legislative impact assessment. Moreover, it sought to extend a pilot program that assesses the impact of legislation intended to combat poverty and corruption.

These are positive steps in a country where RIA has historically been lacking. However, there is still considerable room for improvement. The OECD's Indicators of Regulatory Policy and Governance 2021 note that the role of RIA has increased in Portugal. This is reflected in the fact that the "Custa Quanto" RIA, which assesses the economic cost of the government's legislative

proposals, was formalized in the post-2019 government's internal organization, after a trial in 2017 and the establishment of a definitive model in 2018. This, as well as the developments noted in the previous paragraph, explain the considerable improvements in the OECD assessment relative to 2018. At the same time, the OECD notes that limitations remain both in the scope and application of the practice, with Portugal scoring below the OECD average in terms of RIA.

JurisAPP, A Avaliação de Impacto em Portugal, available online at: <https://jurisapp.gov.pt/avaliacao-de-impacto/a-avaliacao-de-impacto/>

OECD (2021), "Portugal: Indicators of Regulatory Policy and Governance 2021," available online at: <https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf>

XXII Governo Constitucional, Programa do XXII Governo Constitucional 2019-2023, available online at: <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBAAAAB%2bLCAAAAAABACzsDA1AQB5jSa9BAAAAA%3d%3d>

Quality of RIA
Process
Score: 3

RIAs are a recently introduced feature of Portuguese policymaking. The OECD's Indicators of Regulatory Policy and Governance 2021 notes that stakeholders are involved when a draft regulation is proposed, but that RIA is not used ahead of the drafting process, for instance in consulting with stakeholders. The OECD has been asked to evaluate Portugal's RIA process; but, from the information we can gather, there is as yet no institutionalized and systematic process evaluating RIA quality.

Citation:

OECD (2021), "Portugal: Indicators of Regulatory Policy and Governance 2021," available online at: <https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf>

Sustainability
Check
Score: 2

Sustainability checks are not integrated systematically into impact assessments. They may take place in some assessment processes but not in others, in a rather ad hoc fashion that depends on who is carrying out the impact assessment. The same is true with regard to the use of sustainability-focused indicators, as well as the temporal dimension of the analyses.

Quality of Ex
Post Evaluation
Score: 3

A recent study noted that ex post evaluation is very weakly institutionalized in Portugal. The ex post evaluations that take place are largely the result of external pressures (notably, EU requirements) and take place within a limited set of policy areas – usually those that legally require ex post evaluation. This was also confirmed by the OECD's Indicators of Regulatory Policy and Governance 2021, which recommend that "Portugal could consider introducing systematic requirements to undertake ex post evaluation as well as introducing 'in-depth' reviews in particular sectors or policy areas to identify core reforms to Portugal's regulatory framework."

Citation:

Ana Diogo (2018), “Hacia un sistema integrado de M&E para los objetivos de desarrollo sostenible en Portugal” [dissertation], available online at: <https://www.somosiberoamerica.org/investigaciones/la-evaluacion-de-la-agenda-2030/>

OECD (2021), “Portugal: Indicators of Regulatory Policy and Governance 2021,” available online at: <https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf>

Societal Consultation

Public
Consultation
Score: 6

The government consults with societal actors. As the OECD’s Indicators of Regulatory Policy and Governance 2021 note, stakeholders are consulted in the process of drawing up all draft regulations. For example, the Social and Economic Council (Conselho Económico e Social, CES) serves as a constitutional body for consultation and social concertation. Within the CES, there is a Standing Committee on Social Concertation (Comissão Permanente de Concertação Social, CPCS) that brings together the government, employer associations and trade unions. The CES and the CPCS continued to hold regular discussions during the period under review.

Citation:

OECD (2021), “Portugal: Indicators of Regulatory Policy and Governance 2021,” available online at: <https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf>

Policy Communication

Coherent
Communication
Score: 7

Communication became considerably more challenging during the pandemic period, given its rapidly changing dynamics and policy responses. The government was fairly effective in general. However, it was certainly not flawless in this regard, as the prime minister himself recognized in a press conference in November 2020.

Citation:

Borges, L. (2020), “‘A culpa é toda minha. O mensageiro transmitiu mal a mensagem’, diz Costa,” Público, available online at: <https://www.publico.pt/2020/11/12/politica/noticia/culpa-mensageiro-transmitiu-mal-mensagem-costa-1939017>

Implementation

Government
Effectiveness
Score: 7

The government in office during the period under review was the 22nd constitutional government of António Costa. This government was guided by the government program, Programa do XXII Governo Constitucional 2019 – 2023. Given the exceptional circumstances caused by the pandemic, the

government was fairly successful in implementing its measures. However, it did fail to win approval for its 2022 budget proposal in parliament, which led to a dissolution of parliament in December 2021 and new legislative elections that were scheduled for late January 2022. Thus, the government's ability to implement its program fully was clearly curtailed by its early demise.

Citation:

Programa do XXI Governo Constitucional, 2015 – 2019.

Jose Maria Sousa Rego, "No centro do power-Governo e Administração Publica em Portugal" Fundação Francisco Manuel dos Santos, 2018

<https://www.publico.pt/2019/.../estado-nacao-governo-considera-ja-cumpriu-81-mediPrograma do XXII Governo Constitucional, 2019 – 2023>

Ministerial
Compliance
Score: 7

The organization of relations in the parliamentary and cabinet systems ensure that ministers have incentives to implement the government's program. While ministers in the PS government that took office in late October 2019 were generally aligned with the government program, the fact that the government did not have a majority in parliament, and thus had to depend on other parties to pass legislation, did create difficulties with regard to ministerial compliance.

Monitoring
Ministries
Score: 7

Ministries in Portugal are not independent of the prime minister. The prime minister is also assisted by the Presidency of the Council of Ministers and by the Office of the Adjunct Secretary of State of the Prime Minister. These entities can and do monitor all line ministries' implementation activities. However, the lack of in-depth policy capacity and the reality of limited resources limit the overall degree of control.

Monitoring
Agencies,
Bureaucracies
Score: 7

Over the course of the 1990s and 2000s, Portugal experienced a proliferation of quasi-autonomous non-governmental organizations, agencies and other structures. In the context of the bailout, the Passos Coelho government closed and restructured a number of these agencies, while also tightening control over their work in order to reduce public expenditure.

This increased scrutiny generally remains in the current, post-bailout period. Appointments to these agencies seek to ensure fairly high levels of ex ante alignment between the appointee and the government, which constrains bureaucratic drift. At the ex post level, the political staff of ministries monitor the activities of these agencies, paying greater attention to the more relevant agencies.

Task Funding
Score: 7

Portugal is one of the most centralized countries in Western Europe, with autonomous self-governing areas in the island regions of the Azores and Madeira. A total of 308 municipalities constitute the main subnational level of government. Few tasks are decentralized, which is reflected in very low levels of subnational public expenditure overall. According to available OECD figures for 2019, subnational government expenditure in Portugal accounts for

13.5% of total public expenditure, compared to an OECD-wide weighted average of 40.2% and an OECD weighted average for unitary states of 28.8%. This represents 5.7% of GDP (compared to an OECD average of 16.2%).

The preceding 21st constitutional government approved a deal with the National Association of Portuguese Municipalities in July 2018. This led to more substantial delegation of tasks and increased funding for local governments. Implementation of this decentralization program began in 2019, with municipalities able to selectively adopt elements of the decentralization process between 2019 and 2020. All elements of the decentralization package were to become mandatory in 2021, but this deadline was extended until March 2022. The new government's program aimed to expand this decentralization package by identifying new responsibilities to be decentralized. A June 2021 deadline for announcing the new areas was not met, and this new package was then expected to be unveiled in 2022. However, with the dissolution of parliament in early December 2021 and legislative elections scheduled for January 2022, the program's status remained uncertain as of the time of writing.

Citation:

OECD, Subnational governments in OECD countries: key data, available online at: <https://stats.oecd.org/Index.aspx?DataSetCode=RFD>

Patrício, I. (2021), "É oficial. Adiada para 2022 descentralização na Educação e Saúde," *Eco*, available online at: <https://eco.sapo.pt/2020/08/12/e-oficial-adiada-para-2022-descentralizacao-na-educacao-e-saude/>

Soldado, C. (2021), "Governo deixa derrapar meta da nova fase da descentralização," *Público*, available online at: <https://www.publico.pt/2021/09/01/politica/noticia/governo-deixa-derrapar-meta-nova-fase-descentralizacao-1975850>

XXII Governo Constitucional, Programa do XXII Governo Constitucional 2019-2023, available online at: <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBAAAAB%2bLCAAAAAABACzsDA1AQB5jSa9BAAAAA%3d%3d>

Constitutional
Discretion
Score: 5

Formally, the central government enables subnational governments to make full use of their constitutional scope of discretion with regard to implementation. However, subnational governments have very limited scope for independent action, which requires cooperation with the central government in many domains of policy implementation, and certainly for the most important domains. The central government is not always fully responsive to local government communications in this regard, though that appears to be a largely inadvertent consequence of the complex, legalistic structure and rigid bureaucracy noted elsewhere in this report. It should be noted that local governments have very limited sources of revenue, and are largely dependent on transfers from the central government.

National
Standards
Score: 6

National standards are largely uniformly applied, albeit as a result of the control and provision of most public services by the central government. However, there are differences between municipalities in some services, as in the case of infrastructure, culture and extracurricular educational offerings. Similarly, differences in service provision can result from the “luck of the draw” in terms of the specific civil servant a citizen encounters. This reflects both the complex and frequently changing policy framework and the relative lack of accountability in public-services provision.

Effective
Regulatory
Enforcement
Score: 5

On the whole, government agencies enforce regulations on powerful vested interests largely without bias. While the level of effectiveness is low, this is a general problem in Portugal, particularly when faced by powerful vested interests that are more adept at finding loopholes in Portugal’s complex legal structure.

At the same time, these vested interests may well have the ability to capture and shape regulation toward their interests. As such, government agencies may to some extent be enforcing regulations that are already designed to serve the interests of these interests.

Adaptability

Domestic
Adaptability
Score: 7

The European Union is vital to Portugal in all respects. Since joining the European Economic Community (EEC) in 1986, Portugal has become an integral part of Europe, with all the implications arising from integration into a huge variety of legal, organizational, security and reporting frameworks. While the government of Portugal has not yet applied all of the EU laws and regulations, it is steadily adopting EU policies. Obviously, since Portugal is part of the European Union, and dependent upon it for funds and trade, the country has had to adapt its structures accordingly.

In terms of organizational adaptation, this is reflected in the creation of positions such as the secretary of state for European affairs in the Ministry for Foreign Affairs and the General-Directorate for European Affairs. In addition, almost all ministries have structures designed to interact with the EU level.

International
Coordination
Score: 8

Although Portugal is small, relatively poor and not very influential as a nation, it is a member of the European Union, the Organization for Security and Co-operation in Europe, the Council of Europe, NATO, OECD, the World Trade Organization and the Community of Portuguese Language Countries (Comunidade dos Países de Língua Portuguesa, CPLP), among other groups. It works actively with other nations through these organizations to develop policies. Given the country’s size and importance, it collaborates quite effectively in shaping and implementing collective efforts to provide global public goods.

Portugal “punches well above its weight” in military diplomacy through participation in peacekeeping and humanitarian relief programs under the auspices of the European Union, the UN and NATO. It must also be noted that the previous president of the European Commission (José Manuel Durão Barroso) and the current secretary-general of the United Nations, António Guterres, are Portuguese, both having been prime ministers of the country. The latter figure was reelected as UN secretary-general in June 2021. The former was appointed chair of the Global Alliance for Vaccines and Immunization (GAVI) – an international partnership involving the World Health Organization, UNICEF, the World Bank and the Bill & Melinda Gates Foundation, among others, which seeks to increase access to vaccines in poorer countries – beginning in January 2021.

During the review period, Portugal played a central role in terms of international coordination during its presidency of the Council of the European Union in the first semester of 2021, and through its participation in the presidency’s trio from July 2020 till the end of 2021. The Portuguese presidency was deemed very successful by the European Commission, as a number of important dossiers were advanced.

Citation:

Politico (2021), “The Portuguese presidency’s policy efforts, marked,” available online at: <https://www.politico.eu/article/the-portuguese-presidencys-policy-efforts-marked/>

Eco (2021), “Von der Leyen: Portuguese presidency ‘incredibly successful’ despite pandemic,” available online at: <https://econews.pt/2021/07/05/von-der-leyen-portuguese-presidency-incredibly-successful-despite-pandemic/>

Organizational Reform

Self-monitoring
Score: 5

During the period under review, no substantial measures have been introduced concerning the monitoring of institutional arrangements and there is little evidence of de facto monitoring of institutional governance arrangements. What little monitoring occurs appears to be reactive to political crises or challenges. The rules of procedure for the Council of Ministers under the government that took office in 2019 were changed only minimally relative to those used by the preceding executive, and continued to make no reference to self-monitoring mechanisms.

Citation:

Regimento do Conselho de Ministros do XXII Governo Constitucional – Resolução do Conselho de Ministros n.º 49/2019, Diário da República, 1.ª série—N.º 44—4 de março de 2019, available online at: https://www.sg.pcm.gov.pt/media/36241/regimento-cm_1ª-alteração_2019.pdf

Institutional
Reform
Score: 5

There is no evidence that the new Costa government changed institutional arrangements significantly in such a way as to improve strategic capacity during the period under review. Moreover, the pressures of the pandemic made any such reform more difficult.

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 5

As noted in previous SGI reports, the bailout of 2011-2014 heightened citizens' attention to and interest in policy matters, with this interest subsequently regressing somewhat. In a Eurobarometer survey carried out in June-July 2021, a total of 52% of respondents in Portugal had a "strong" or "medium" interest in politics, a roughly similar proportion to 2017-2019. This was the third-lowest total within the EU-27 with regard to "strong" and "medium" interest in politics, above only France and Spain, and well below the EU average of 64%. Moreover, the proportion of respondents claiming no interest in politics was 37%, the highest such share in the EU alongside Spain; and Portugal has the EU's lowest share of people strongly interested in politics, at only 6%.

This result further strengthens our assessment in previous SGI reports that the Portuguese public's policy knowledge is limited and unevenly distributed. The factors limiting citizens' policy knowledge include the insufficient and incomplete explanation of policy by the government, the incomplete and insufficient explanation of policy alternatives by the opposition, a media system that tends to focus more on short-term issues and scandals than on in-depth policy analysis, presentation of policy in terms that tend to be exclusionary for most citizens; and a weak civil society that is unable to socialize and educate citizens on policy issues.

Citation:

Standard Eurobarometer 95, Spring 2021, Public opinion in the European Union, available online at: <https://europa.eu/eurobarometer/surveys/detail/2532>

Open
Government
Score: 5

Data and information is published by the government. However, it is not comprehensive nor necessarily regularly updated. It is also not easy to locate information, which is dispersed across agencies, ministries, QUANGOs, public administration bodies, and other state and quasi-state organizations.

In addition to the nature of the information, the government provides access to IT so that the citizens, in theory at least, can access data. Whether the available information is very useful is, however, questionable.

The government of Portugal has tried to improve access by setting up the e-Portugal portal (eportugal.gov.pt), which provides public access to government information within the framework of the Strategy for Digital Transformation of Public Administration. This tool might enhance the public's ability to hold the government accountable.

Citation:

<https://www.dn.pt/.../governo-lanca-portal-eportugal-para-simplificar-o-acesso-dos-po..>

Legislative Actors' Resources

Parliamentary
Resources
Score: 6

The Assembly of the Republic has a very robust committee structure composed of standing and ad hoc committees, as well as committees to assess implementation of the Plano do Governo and the Orçamento de Estado. Moreover, it can call members of the executive to explain issues and has some degree of autonomy in terms of its budget allocations. However, there remains a substantial lack of expert support staff.

Members of parliament do not generally have their own staff and, in most but not all cases, have little ability to rely on expert support. However, this is not due to a lack of funding for support staff. Legislation provides parliamentary party groups with fairly generous subsidies to hire support staff. In 2020, the most recent year for which data is available, total subsidies granted amounted to €8.8 million, the same as in the year 2018. As subventions are granted based on legislation, the total is relatively stable over time.

Parliamentary groups are free to allocate this funding as they choose and set wages for staff accordingly. The overall number of support staff in 2020 was 250, which exceeds the number of parliamentary members (230) and was very similar to the figures recorded in 2019 (249) and 2018 (250). However, this funding is of limited policy value, because parliamentary party staff funds are frequently used to pay general party staff rather than staff for the parliamentary group specifically. The former head of ECFP (the independent body tasked with monitoring party financing and accounts) recently noted that funding for parliamentary staff has become “a means for financing parties.”

As such, parliament's capacity to monitor government activity is mainly contingent on legislators' own expertise. Under the 22nd constitutional government, a minority Socialist Party government, parliamentarians showed

increased interest in government monitoring, and parliamentary negotiation was considerable. However, this energy and interest does not imply that lawmakers in fact have adequate personnel and structural resources for the purposes of monitoring.

Citation:

Assembleia da República, “Relatório da Conta de Gerência da Assembleia da República – 2020,” available online at:

<https://www.parlamento.pt/GestaoAR/Documents/oar/RelCGAR2020.pdf>

Davim, Margarida. 2018. “O caso dos assessores-fantasma,” Sábado, September 13.

Obtaining
Documents
Score: 7

The government is obliged to respond within 30 days to requests for information from the Assembly of the Republic. While there is no data on how it responds specifically to requests from parliamentary committees, delivery of information to requests from members of parliament can be untimely or incomplete.

During the first session of the 14th legislature, lasting from 25 September 2019 to 14 September 2020, parliamentarians issued 4,330 questions. Out of this total, 65% (2,826) were answered. This marks an improvement vis-à-vis the results in the previous edition of the SGI.

As noted in previous SGI reports, this response rate does not appear to reflect a deliberate attempt to conceal information from the Assembly. In general, it is likely that committee requests are answered more promptly and fully than those made by individual legislators.

Citation:

Assembleia da República, Balanço da Atividade Parlamentar – 1.ª Sessão Legislativa da XIV Legislatura, available online at:

https://www.parlamento.pt/ActividadeParlamentar/Documents/Estatisticas_Actividade_Parlamentar_XIIILe g/ActividadeLegislativa_XIII_3.pdf

<https://www.homepagejuridica.pt/.../4235-app-id-gov-pt-aplicacao-oficial-de-acesso-a..>

Summoning
Ministers
Score: 9

Ministers must be heard at least four times per legislative session in their corresponding committee. Additionally, committees can request ministers to be present for additional hearings. A committee request requires interparty consensus. However, each parliamentary group may also unilaterally request ministerial hearings. These vary from one to five per session, depending on the size of the parliamentary group. Ministers accede to requests for their attendance at hearings.

Summoning
Experts
Score: 9

Parliamentary committees are both legally and practically free to request the attendance of experts at committee meetings. This right is exercised by committees when they see fit. An example of this was the June 2021 hearing

on urban areas of illegal genesis, which featured testimony by academic experts. The frequency of such testimony varies from committee to committee, but there are no legal or practical constraints on such hearings.

Citation:

Audição Parlamentar N° 97-CAEOT-XIV, available online at: <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalleAudicao.aspx?BID=127127>

Task Area
Congruence
Score: 9

The Assembly of the Republic has 12 permanent committees, each with a policy focus.

All ministries are covered by at least one committee, although some committees cover areas of more than one ministry. While these committees by-and-large reflect the portfolios of ministries, there is not an exact correlation, as the number of ministries (19) in the 22nd constitutional government exceeded the number of committees (14).

The 14 permanent committees are:

- Committee on Constitutional Affairs, Rights, Freedoms and Guarantees
- Committee on Foreign Affairs and the Portuguese Communities
- National Defense Committee
- European Affairs Committee
- Budget and Finance Committee
- Committee on Economics, Innovation, Public Works and Housing
- Committee on Agriculture and the Sea
- Committee on Education, Science, Youth and Sport
- Health Committee
- Committee on Labor and Social Security
- Committee on the Environment, Energy and Territorial Planning
- Committee on Culture and Media
- Committee on Culture and Media
- Committee on Public Administration, Administrative Modernization, Decentralization and Local Government
- Committee on Transparency and the Statute of Members

Each committee can create sub-committees to work on a specific area or project. Creating a sub-committee requires the prior authorization of the president of the Assembly of the Republic, after consultation with the Conference of Parliamentary Committee Presidents. Further, each committee can also create working groups for even more specialized tasks.

In addition, and of greater importance for monitoring government ministries, the Assembly of the Republic can create ad hoc parliamentary committees of inquiry. Their specific purpose is, according to the parliamentary rules of procedure, to “assess compliance with the constitution and the laws and consider the acts of the Government and the Administration.” These ad hoc

committees of inquiry have investigative power and judicial authority. During the period under review, two such committees operated. These committees focused on the state's role in granting support after the 2017 forest fires; and on the losses suffered by the Novo Banco bank and the funding it subsequently received from the Resolution Fund.

Citation:

Rules of Procedure of the Assembly of the Republic, available online at: http://www.parlamento.pt/sites/EN/Parliament/Documents/Rules_of_Procedure.pdf

Media

Media Reporting
Score: 6

Portugal's media landscape is comprised mostly of newspapers that focus on providing high-quality content analyzing the rationale and impact of public policies. Indeed, the country has only one tabloid newspaper (with a sister cable news channel). While these are respectively the most popular newspaper and cable channel in Portugal, it should be stressed that they are very tame compared to other tabloid media in Europe.

Reporting concerns stem from the media's resources rather than from its structure. All media companies face significant financial constraints, which limits their ability to carry out systematic in-depth policy analysis. This often leads media outlets to delegate policy analysis to expert commentators, rather than focus on in-depth journalistic work into policy issues.

In a previous SGI report, we noted the large amount of commentary time allotted to former politicians, particularly on television, a pattern that generates potential conflict-of-interest questions and does not seem to have contributed to improving the quality of policy analysis. The most salient example of the confluence between politicians and television is provided by Marcelo Rebelo de Sousa, a former leader of the PSD and Portugal's most popular TV commentator, who was elected president of Portugal in January 2016.

Citation:

<https://vidaextra.expresso.pt/.../2019-03-02-Os-politicos-invadiram-os-media-portugu>.

Parties and Interest Associations

Intra-party
Decision-Making
Score: 5

A total of 10 parties, running on nine lists, won seats in the most recent parliamentary elections held on 6 October 2019. Only three of these parties obtained more than 10% of the vote: the Socialist Party (Partido Socialista, PS), which received 36.3% of the vote and 108 seats; the Social Democratic

Party (Partido Social Democrata, PSD), which won 27.8% of the vote and 79 seats; and the Left Bloc (Bloco de Esquerda, BE), with 10.2% and 19 seats.

Of the other lists that obtained seats, the most successful was the Unitarian Democratic Coalition (Coligação Democrática Unitária, CDU) between the Portuguese Communist Party (Partido Comunista Português, PCP) and the Ecologist Party (Partido Ecologista “Os Verdes,” PEV), which secured 6.3% of the vote and a combined total of 12 seats, which resulted in 10 seats for the PCP and two for the PEV.

In both the PS and PSD, party leaders are directly elected by party members, while party members also elect delegates to the party congresses. However, regarding policy issues and candidates other than the party leader, the rank-and-file members have little say. Instead, decisions are largely made by the party leadership, which – depending on the internal balance of power – may have to negotiate with the leaders of opposing internal factions.

In short, the members of these two parties elect a leader who then presents a list for the other positions. The party’s representatives in the government are selected by the leader in consultation with the party’s political commission (although there is no obligation to act on this advice).

In January 2015, the PS approved new statutes that use primary elections to choose political candidates, and let registered party sympathizers (not just members) vote to choose the party leader. While current party leader António Costa gained the leadership of the party in a primary election, this mechanism was not used to select candidates in subsequent legislative or party leadership elections, which reverted to the direct election model previously noted.

BE party members elect delegates that convene at the party’s national convention and in turn elect an 80-member national committee called “Mesa Nacional,” which is elected proportionally. The Mesa Nacional then votes for the party’s political commission, which has 18 members since the 2018 convention. In its 10th convention, held in June 2016, the party changed its statutes slightly, albeit the change did not significantly alter the degree of internal democracy. Due to this change, it is now up to the political commission to elect the secretariat, which is comprised of 10 people since the 2018 convention. Until the ninth party convention held in November 2014, the BE had two national coordinators within the permanent commission. After this convention, the party returned to the model of a single coordinator, in this case Catarina Martins, who has retained her position since.

Association
Competence
(Employers &
Unions)
Score: 5

A few employers' associations and trade unions are capable of formulating relevant policies. However, their proposals are largely reactive to government measures rather than being proactive in setting policy debate. While employers and trade unions have expressed dissatisfaction at some policies these tend to be reactions to specific government measures rather than ex ante and general policy proposals. And, as most of the policies regarded austerity, to which the government is no longer committed, they have even less relevance today.

Association
Competence
(Others)
Score: 5

Noneconomic interest associations continue to have little impact. The focus in recent years on economic issues means that proposals by established groups engaged with other issues attract less visibility than before Portugal's bailout (e.g., proposals by the environmental groups Zero and Quercus). The same is true of religious communities and social interest groups. Interaction with associations appeared to be largely instrumental and related to political or group objectives rather than policy-driven. Few associations have the ability to formulate policy proposals, while those that are able to formulate policy proposals tend to have very limited resources, often relying on the voluntary contribution of qualified members to formulate policy. Within this landscape, it is worth mentioning the emergence of new social movements focusing on issues including the environment, racial justice and women's rights, such as Greve Climática Estudantil (School Strike for Climate) and Rede 8 de Março (March 8th Network). These typically involve comparatively youthful activists, and tend to rely on direct action in defending their proposals.

Independent Supervisory Bodies

Audit Office
Score: 8

The Tribunal de Contas or Supreme Audit Office (SAO) is totally independent of the Assembly of the Republic and the executive. It is part of the judicial system, on an equal level with the rest of the judicial system.

The Court of Audits is largely able to conduct its audits effectively. However, it also frequently notes that there are insufficiencies in the publication and communication of information that limit its efficacy. Conversely, entities that are audited complain of the complex bureaucratic rules they must adhere to.

Ombuds Office
Score: 7

There is a judicial ombudsman (Provedor de Justiça), which is situated in the judicial system. It serves as the advocate for citizens' interests. It was created in 1975 and has displayed an increasing level of activity.

The ombuds office is politically independent. The appointment of the ombuds officeholder (Provedor de Justiça) is done through a secret parliamentary ballot, and requires the support of at least two-thirds of the 230 members of Portugal's parliament.

The ombuds office reported (relatório) to parliament that it received 17,470 requests for assistance and initiated 11,557 processes in 2020, an increase of

18% over the previous year and 47% relative to 2017. According to the report, this was the highest level of activity since the entity's creation in 1975.

The ombuds office is therefore largely effective, though with some limitations. This is reflected by the number of outstanding cases. For example, the ombuds office's report for the year 2020 noted the existence of some 6,041 cases from preceding years that had not yet been resolved, the oldest of which dated as far back as 2013. The report also cited several issues that had been raised to the government and the public administration, but which had not yet received a response.

Citation:

Provedor de Justiça (2021), Relatório à Assembleia da República 2020 – Provedor de Justiça, available online at: <https://www.provedor-jus.pt/en/documentos/relatorio-a-assembleia-da-republica-2020-provedor-de-justica/>

Data Protection
Authority
Score: 7

Portugal has had a National Authority for Data Protection (Comissão Nacional de Protecção de Dados, CNPD) since 1994.

The CNPD plays an active role in data protection issues. However, budgetary restrictions under previous and current governments have limited the CNPD's ability to carry out its tasks. While its staff increased during the review period relative to the previous period, from 20 workers at the end of 2018 to 24 at the end of 2020, this does not appear to be sufficient to meet demands.

Indeed, the introduction to the most recent CNPD activity report, dealing with the years 2019 and 2020, notes it receives an average of more than 6,000 requests per year, and that these cannot all be assessed within a reasonable time giving the CNPD's current staff levels. This issue came to the fore in 2021, when the creators of a COVID-19 contact tracing app accused the CNPD of delaying an update due to the organization's approval process, thus holding up the app's implementation and limiting its success.

Citation:

Comissão Nacional de Protecção de Dados, Relatório de Atividades 2017-2018, available online at: https://www.cnpd.pt/media/fjhffphw/relatorio_201718.pdf

Comissão Nacional de Protecção de Dados, Relatório de Atividades 2019-2020, available online at: <https://www.cnpd.pt/media/adsndrsf/relato-rio-2019-2020.pdf>

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Jalali C., Bruneau T., Ferreira Bacalhau M. & C. Colino (2022).
Portugal Report. Sustainable Governance Indicators.
Bertelsmann Stiftung: Gütersloh.
<https://doi.org/10.11586/2022113>

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