[PT] Court decision runs against the media regulatory body

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On 26 September 2019, the Portuguese Supreme Administrative Court overturned the state media regulatory body's decision on the exercise of the right of reply by a religious organisation. The court retained previous decisions from lower courts and maintained that the regulator had to force the private television broadcaster (TVI) to disseminate the organisation’s right of reply.

The episode stemmed from a set of news items entitled “The secret of Gods”, in which the Universal Church of the Kingdom of God (UCKG) was accused of having created an illegal network of child adoptions between Portugal and Brazil. These items were broadcast on TVI's prime time news bulletin of December 2017 and the Church requested of the broadcaster that it be allowed to exercise its right of reply.

Having no record of the broadcaster's compliance with its request, the Church complained to the state media regulatory body (*Entidade Reguladora para a Comunicação Social* - ERC), who recognised as legitimate TVI’s refusal to broadcast the requested right of reply. The applicant's next step was judicial complaint .

Thus, the Church filed an urgent procedure with the Administrative Court of Lisbon (*Tribunal Administrativo do Círculo de Lisboa*) against the regulator and the television broadcaster, which resulted in a decision favourable to the applicant. This decision, issued in October 2018, stated that the right of reply had to be respected and the reply broadcast as many times as the reference leading to the incident (Article 69, number 3, a) of the Television Act).

Subsequently, the regulator appealed, based on the argument that “administrative jurisdiction is not competent to hear requests that have as object the deliberations of the regulator refusing the publication of rights of reply” (Decision of the South Administrative Court, 21 February 2019). This appeal did not proceed, as another decision, this time from the South Administrative Court (*Tribunal Central Administrativo Sul*), reinforced the previous one. The court once again ordered the regulator to recognise the right of reply of the Universal Church of the Kingdom of God.

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Tribunal Central Administrativo Sul, Acórdão de 21 Fevereiro 2019, Processo 1005/18

http://www.dgsi.pt/jtca.nsf/170589492546a7fb802575c3004c6d7d/362463804bb7731f802583a9003dfc95?OpenDocument&Highlight=0,IURD

Decision from the South Administrative Court, 21 February 2019, Process no. 1005/18

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