



Reporting in Portugal

National reporting procedures for cyberbullying, hate speech and hate crime

The information below is extracted from a mapping study of national reporting mechanisms in the countries involved in the [No Hate Speech Movement](#) of the Council of Europe. It aims to provide:

1. Contact information of national reporting mechanisms for cyberbullying, hate speech and hate crime where they exist
2. Information about the legal grounds for acting on cyberbullying, hate speech and hate crime where they exist

The views expressed in this document do not necessarily reflect the opinions of the Council of Europe¹.

1. REPORTING MECHANISMS

Reporting hate speech and hate crime

Safer Internet Centre (CISpt) –Hotline (Linha Alerta) -

for reporting any kind of illegal (criminal) content in internet (cooperating with cybercrime police).

Website: <https://linhaalerta.internetsegura.pt/>



ILGA

Helpline for support and information LGBT related hate speech and crime

Phone: 218 873 922

Website: <http://ilga-portugal.pt/actividades/laish.php>



Discrimination Watch online report tool:

Website: <http://ilga-portugal.pt/observatorio/>



APAV (Portuguese Victims Support Association)

Phone: 116 006

Website: <http://www.apav.pt/>



There is a public/governmental online mechanism for crimes reports, for the following types of public and semi-public crimes:

- simple offense to physical integrity;
- domestic violence, abuse, human trafficking, pimping, theft, robbery;
- damage;
- fraud, work or employment fraud;

¹ The authors of this document aimed to be accurate and complete, if however you find corrections or have additions please contact the European campaign secretariat at youth.nohatespeech@coe.int. Reproduction of material from this publication is authorised for non-commercial education purposes only and on condition that the source is properly quoted.

- extortion;
- damage or theft of document and technical report;
- damage against environment;
- use of or travel with others documentation of identification;
- pollution;
- aiding illegal immigration;
- hiring illegal hand labor and marriage of convenience.

This system is available at: <https://queixaselectronicas.mai.gov.pt> .

People can report illegal (criminal) content in internet, insults, threats, offenses to physical integrity, cyberbullying and other crimes through online, phone and face to face.

Follow up given to the reports:

Hotline (CISpt) – analysis the report and transmits it to cybercrime police department and/or INHOPE partner.

The other reporting mechanisms analysis the report, follows up with legal support and supports the presentation of complaint to the public prosecutor.

In the governmental online mechanism the report goes directly to the law enforcement agencies.

People are informed about the existing of the reporting mechanism by raising awareness and through public campaigns and media divulgation.

Reporting cyberbullying

Safer Internet Centre (CISpt)

Helpline(Linha Ajuda) – Online chat, phone and email.

Phone: 808 91 90 90

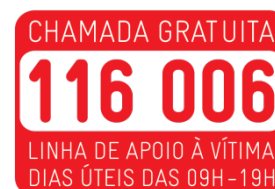
Website: <http://www.internetsegura.pt/linha-ajuda>



APAV (Portuguese Victims Support Association) helpline

Phone: 116 006

Website: <http://www.apav.pt/>



IAC (Supporting Children Institute)

helpline for children – online chat, email and phone.

Phone: 116 111

Website: <http://www.iacrianca.pt/index.php/setores-iac-sos/apresentacao-sos>

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2. Background information

Portugal has defined hate speech (offline and online) in their Constitution and also in the penal code. The country does not use the word hate speech – they talk about the consecration of the principle of equality and non-discrimination for any reason. The definition of hate speech does not limit specific groups but refers to the kinds of discrimination that can occur: racial, religious and sexual, which covers a large range of hate crimes and other acts of hate. It reads:

Constitution: artº 13, 2 . *No one shall be privileged, favored, prejudiced, deprived of any right or exempted from any duty because of ancestry, sex, race, language, place of origin, religion, political or ideological convictions, education, economic status, social status or sexual orientation.*

Penal Code; Artº 240, 2

Racial, religious or sexual discrimination

...

2 - Whoever, in a public meeting, in writing intended for dissemination, or by any means of social communication or computer system for dissemination:

a) provoke acts of violence against a person or group of persons because of their race, color, ethnic or national origin, religion, sex, sexual orientation or gender identity; or

b) slander or insult person or group of persons because of their race, color, ethnic or national origin, religion, sex, sexual orientation or gender identity, including through denial of war crimes or crimes against peace and humanity; or

c) threaten person or group of persons because of their race, color, ethnic or national origin, religion, sex, sexual orientation or gender identity;

shall be punished with imprisonment from six months to five years.

There is not a specific definition for hate crime as it is already integrated in the artº 240, because hate speech is considered as a crime and punishable under the law. Also in the penal code, artº132, 2 – it refers to crimes of special reprehensibility or perversity, those committed against life or physical integrity determined by hate:

Article 132

Qualified homicide

1 - If the death is produced in conditions that show special reprehensibility or perversity, the offender shall be punished with imprisonment of twelve to twenty-five years.

2 - It is likely to reveal a special reprehensibility or perversity referred to in the preceding paragraph, among others, the fact that (the agent):

...

f) It is determined by racial, religious, political or based on color, ethnic or national origin, sex, sexual orientation or the victim's gender identity;

Online aspect are also covered when the previous Article is combined with Articles 297 and 298.

Artigo 297.º

Instigação pública a um crime

1 - Quem, em reunião pública, através de meio de comunicação social, por divulgação de escrito ou outro meio de reprodução técnica, provocar ou incitar à prática de um crime determinado é punido com pena de prisão até 3 anos ou com pena de multa, se pena mais grave lhe não couber por força de outra disposição legal.

...

Artigo 298.º

Apologia pública de um crime

1 - Quem, em reunião pública, através de meio de comunicação social, por divulgação de escrito ou outro meio de reprodução técnica, recompensar ou louvar outra pessoa por ter praticado um crime, de forma adequada a criar perigo da prática de outro crime da mesma espécie, é punido com pena de prisão até 6 meses ou com pena de multa até 60 dias, se pena mais grave lhe não couber por força de outra disposição legal.

Article 297

Public incitement to a crime

1 - Whoever, in a public meeting, by means of social communication, dissemination of written or other means of technical reproduction, provokes or incites persons to commit a particular crime is punishable with imprisonment up to three years or with a fine, if a heavier sentence is not applicable by virtue of another legal provision.

...

Article 298

Public praise of a crime

1 - Whoever, in a public meeting, by means of social communication, dissemination of written or other means of technical reproduction, reward or praise someone for having committed a crime in a manner to threaten the commission of another crime of the same species, shall be punished with imprisonment up to six months or a fine of up to 60 days if a heavier sentence is not applicable by virtue of another legal provision.

Bullying and cyberbullying are considered a complex of crimes that can include insults, threats, offenses to physical integrity, extortion, etc.

[Safer Internet Centre](#) (CISpt) is responsibility of a consortium coordinated by the FCT - Foundation for Science and Technology, and also involving the DGE - Directorate General of Education, Ministry of Education, the Foundation for National Scientific Computing - FCCN, IPDJ - Portuguese Institute of Sport and youth, and Microsoft Portugal.

APAV - (Portuguese Victims Support Association - NGO) has a [definition for cyberbullying](#) it reads:

*É uma forma de **BULLYING** cometido através da internet e das novas tecnologias, em que alguém (normalmente uma pessoa/grupo que conheces da vida "real") procura ofender, envergonhar e humilhar outra pessoa.*

It is a form of BULLYING committed through the internet and new technologies, where someone (usually a person / group that you know of "real" life) seeks to offend, embarrass and humiliate another person.

For additional information also consult the [Country Monitory reports](#) of the European Committee against Racism and Intolerance or reports of relevant national authorities and civil society organisations.