

Criminal Code (2007) (excerpts)

Criminal Code of the Portuguese Republic

Excerpts from Criminal Code (Law No. 59/2007 on 4 September 2007, last amended by by Law No. 19/2013, 21 February – effective 23 March 2013)

Article 132 – Aggravated Murder

1. When death is produced under circumstances that reveal a special reprehensibility or perversity, the offender shall be punished with imprisonment from 12 to 25 years.
2. The following circumstances may reveal the special reprehensibility or perversity referred in the previous paragraph, namely, the circumstance that the agent:
(...)
(f) is determined by racial, religious, political hatred or based on the victim's colour, ethnic or national origin, sex, sexual orientation or gender identity;
(...)

Article 145 – Aggravated assault (serious bodily harm)

1. If the offenses to the physical integrity are produced under circumstances that reveal a special reprehensibility or perversity, the offender shall be punished:
 - a) With a prison sentence of up to 4 years in the case of Article 143 [simple assault/bodily harm];
 - b) With a prison sentence of 1 to 5 years in the case of paragraph 2 of Article 144-A [preparatory acts for female genital mutilation];
 - c) With a prison sentence of 3 to 12 years in the case of article 144 [serious assault/grievous bodily harm] and paragraph 1 of article 144-A [female genital mutilation].
2. The circumstances listed in **paragraph 2 of Article 132** are likely to reveal the offender's special reprehensibility or perversity, among others.

Article 240 – Discrimination and incitement to hatred and violence

1. (...)
2. Whoever, publicly, by any means intended for dissemination, namely through promotion, denial or gross trivialization of crimes of genocide, war or against peace and humanity:
 - a) **provokes acts of violence against a person or group of people because of their race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity or physical or mental disability;**
 - b) defames or insults a person or group of people because of their race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity or physical or mental disability;
 - c) **threatens a person or group of people because of their race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity or physical or mental disability;** or

d) incites violence or hatred against a person or group of people because of their race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity or physical or mental disability;
shall be punished with a prison sentence of 6 months to 5 years.

Article 252 – Impediment, disturbing or insulting act of worship

Whoever:

- a) **by means of violence or threat of harm** prevents or disrupts the legitimate exercise of religious worship, or
 - b) publicly vilifies an act of worship, religion or mock it;
- shall be punished with imprisonment up to 1 year or a fine of up to 120 days.