

## **What is Incitement to Violence?**

Incitement to violence refers to any content that by any means leads to the commit of a crime, by direct incitement or by approving or supporting another crime committed in the past. In this context, all contents related with terrorist propaganda are included.

## **How is Incitement to violence criminalized?**

*Penal Code*  
**SECTION II**  
*Crimes against public peace*

*Article 297<sup>o</sup>*  
*Public incitement to a crime*

1 – Who, in a public meeting, through the media, by spreading of a writing or by any other means of technical reproduction leads or incites to the practice of a definitive crime will be punished with imprisonment for a term up to 3 years or by fine, if any more serious penalty cannot be declared by imposition of any other legal legislation,

2 – It is also correspondingly applicable the number 2 of the article 295.

*Article 298<sup>o</sup>*  
*Public apology of a crime*

1 – Who, in a public meeting, through the media, by spreading of a writing or by any other means of technical reproduction rewards or praises another person for having committed a crime, creating the possibility that another crime of the same species will be committed, will be

punished with imprisonment for a term up to 6 years or by 60 days of fine, if any more serious penalty cannot be declared by imposition of any other legal legislation,

2 – It is also correspondingly applicable the number 2 of the article 295.

*Article 299º*

*Criminal Association*

1 – Who promotes or creates a group, organization or association with aims to the practice of one or more crimes will be punished with imprisonment for a term up to 5 years.

2 – With the same sentence will be punished a person who takes part in such groups, organizations or associations or anyone who supports by supplying weapons, ammunition, instruments of crime, guarding the meetings places or by helping in the recruitment of new members.

3 – Who commands or leads the groups, organizations or associations mentioned in the previous numbers will be punished with imprisonment for a term from 2 years up to 8 years.

4 – The referred penalties can be lightened or don't be taken into practice if the person stops or make any serious effort into stopping the groups, organization or association activities or if he/she reports the existence of them to the authorities in order for them to stop the practice of that crime.

5 – Regarding this article it is considered to exist a group, association or organization when it is constituted by at least 3 persons acting together towards the same goal by a period of time.

**Documents:**

- [Lei n.º 52/2003](#)

[Lei de combate ao terrorismo \(em cumprimento da Decisão Quadro n.º 2002/475/JAI, do Conselho, de 13 de Junho\) - alterada pela Lei n.º 59/2007, de 4 de Setembro que altera o Código Penal](#)

- [European Union Agency for Fundamental Rights](#)