



Building Inclusive Societies: A Study on Discrimination, Intolerance, and Violence

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Discrimination is a deep wound in modern societies: it is the act of treating someone differently, less favorably, or hostilely because of who that person is, their race, skin color, sex, gender identity, sexual orientation, nationality, social status, beliefs, health condition, or disability, among other traits. Essentially, discrimination denies the inherent dignity of every human being, it wounds their humanity at its most intimate level.

Although many believe discrimination is a thing of the past or limited to less developed societies, reality proves otherwise. It persists in multiple forms, from subtle microaggressions to brutal violence, perpetuating exclusion, suffering, and inequality. The tension between fundamental rights, such as dignity, equality, and freedom, and the persistence of discriminatory practices makes this subject urgent in public discourse.

Types of discrimination

Discrimination can take many shapes, and it's important to distinguish its main categories:

- 1. Direct discrimination:** When someone is treated less favorably than another in a comparable situation, due to a protected characteristic. For example, refusing to rent an apartment to someone because they lack Portuguese nationality, without any legitimate reason.
- 2. Indirect discrimination:** When a seemingly neutral rule, policy, or practice disproportionately affects a particular group, even if there's no discriminatory intent. For example, requiring a high level of fluency in a language for a role where it isn't strictly necessary, thereby excluding immigrants.
- 3. Harassment:** Behaviors such as insults, jokes, intimidation, aimed at people because of their identity (e.g., gender, sexuality, ethnicity, disability), creating a hostile, degrading, or humiliating environment.

- 4. Violence and hate crimes:** When discrimination escalates into physical, verbal, psychological, or institutional aggression. Hate crimes have a dual impact: immediate harm to the victim and a broader social message that a certain group is somehow unacceptable or lesser.

These different forms of discrimination often overlap. Harassment can escalate to violence, and indirect discrimination can reinforce stereotypes that legitimize direct discrimination. Violence, in this context, is understood as an intentional use of physical force or power, real or threatened, that results in or has a high likelihood of resulting in injury, death, psychological harm, developmental disability, or deprivation (World Health Organization, 2002).

Violence can be categorized into three main types based on the characteristics of the person responsible: self-inflicted violence, interpersonal violence, and collective violence. Self-inflicted violence includes suicidal thoughts and attempts, as well as self-harm behaviors. Interpersonal violence, the focus of this study, refers to violence within families, between intimate partners, or among individuals regardless of personal relationships. Collective violence encompasses social violence, such as hate crimes committed by organized groups, wars, and violent conflicts, as well as economic violence, which, driven by financial interests, disrupts the economic activity of a country, state, or city and deprives citizens of access to essential

Impact of discrimination

The effects on individuals are profound. Victims often endure deep emotional wounds: exclusion, shame, pain, and anxiety. Many experience isolation, depression, or even self-harm. On a collective level, discrimination erodes the foundations of human rights, dignity, equality, and mutual respect, undermining social cohesion.

When discrimination is tolerated by the state or institutionalized, for instance by the police or the judiciary, the message is clear: “some people are worth less than others.” This undermines the very idea of citizenship and belonging.

Discrimination in Portugal

Current Legal Framework

Portugal has several legal mechanisms to prevent and punish discrimination. For example, Law No. 46/2006 prohibits discrimination against persons with disabilities or those with aggravated health risks, defining direct, indirect discrimination and ensuring “positive discrimination” (affirmative action) to promote equality.

In the Portuguese Penal Code, Article 240 criminalizes “discrimination and incitement to hatred and violence”: organizing or participating in propaganda that promotes hatred against a protected group can lead to imprisonment. Moreover, when violent acts (e.g., assault, homicide) are motivated by discrimination, they are legally aggravated. There is also specific legislation addressing racism, xenophobia, intolerance, and other forms of discrimination, though many argue that a robust, clear “hate crime” legal framework is still lacking.

Legal Gaps and Challenges

Despite the existing laws, there are significant gaps:

- Portugal lacks a broad, autonomous legal definition of “hate crime” covering all types of discrimination (race, LGBTI+, religion, etc.).
- The Council of Europe’s ECRI warns about “significant gaps” in Portugal’s legislation and enforcement, noting that many discrimination complaints lead to no real consequences. ECRI also highlights a sharp rise in hate speech, especially targeting migrants, Roma communities, LGBTI people, and black individuals. According to the commission, anti-migrant rhetoric has become increasingly common in political debate, often fuelled by disinformation that links migrants to crime or portrays them as a burden to the social system. This growing xenophobia, particularly towards non-European migrants, shows how discrimination is not only a social issue but one that is being reinforced at the political level.
- APAV (Portuguese Victim Support Association) argues that Article 240 needs reform: it should apply even when discrimination doesn’t occur through public dissemination, because face-to-face discriminatory acts are equally harmful. The requirement of “means of public dissemination” in the crime’s definition excludes many interpersonal discriminatory situations.

- Limited resources and lack of trust in authorities: The Council of Europe’s ECRI expresses deep concern about racist violence and hate-motivated crimes in Portugal, highlighting that marginalized communities, including migrants, LGBTI+, Roma, and people of Black ethnicity, often experience discrimination and harassment in public spaces, such as restaurants and schools. The report points out that teachers, police officers, and magistrates lack adequate training to address bullying, hate incidents, and discrimination. Police investigations are often selective, and courts show a low rate of sanctions for racist crimes. Data underline the scale of the problem: in 2021, police investigated 150 cases of hate crimes, but only five led to prosecution, resulting in just three convictions. In 2023 alone, authorities received 347 complaints of discrimination and incitement to hatred, yet the vast majority didn’t lead to legal consequences. These shortcomings have eroded trust in the justice system, with many communities feeling that authorities do not take their complaints seriously, which reinforces the marginalization of vulnerable groups.
- Normalization of hate speech: hostile discourse, both online and offline, is increasingly normalized, even in political debates.
- Victim support: While APAV offers help (e.g., the Victim Support Line 116 006), many victims do not report due to fear, mistrust, or the belief that no meaningful action will follow.
- Recent data paints a worrying picture. According to official sources, “crimes of discrimination and incitement to hatred and violence” have increased by over 200% in five years.

Civic and Institutional Responses

Civil society is mobilizing: more than 24,000 citizens have signed a legislative initiative demanding a stronger legal framework to address discriminatory practices — in particular, removing the requirement that discrimination must be publicly disseminated to be considered a crime.

International bodies are also pressing Portugal. The ECRI made several recommendations: establishing standard protocols for law enforcement to handle hate crimes,

continuous training for police and judges, embedding human rights education in schools, and improving dialogue between authorities and marginalized communities (migrants, LGBTI+, black people, Roma).

Examples, Voices, and Testimonials

Discrimination affects people in ways that go far beyond legal definitions. Around the world, women continue to be treated as second-class citizens. In some countries, they cannot dress as they choose, drive, or work at night (China, Latvia, Madagascar). Discriminatory laws also affect family life, limiting a woman's right to marry, divorce, or remarry (Afghanistan, Malaysia, Niger, Sudan). When states ignore violence against women as if it were a private matter, they send a clear message that such violence is acceptable. The tragic case of Bhanwari Devi in India, who was raped by five men from a higher caste and later saw her aggressors acquitted because the court deemed it "impossible" for higher-caste men to harm a lower-caste woman, illustrates the devastating consequences of institutionalized discrimination.

In Portugal, personal experiences reflect similar patterns of marginalization. While Portuguese society is generally welcoming and open, there are persistent contradictions. Migrants are often blamed for crime and treated with xenophobia. Even within inclusive communities, homophobic remarks remain common in social interactions, and family attitudes can be openly dismissive: phrases like *"I'm not homophobic, but a child of mine being gay is such a shame"* or *"changing sex is against nature"* are still heard.

Children are not spared. A 9-year-old Brazilian boy in a public school in Cinfaes suffered such severe bullying that he had his fingers cut, yet educators reportedly treated it as normal and did not act, despite previous incidents and warnings. Police intervention was delayed because the incident was considered an "accident," a response likely different if the victim had been from another background. Similarly, children of African descent have reported being called ugly and told they did not deserve to be at school because of their skin color.

Marginalized adults also face systemic barriers. People experiencing homelessness or living in poverty often find it extremely difficult to secure employment, perpetuating a vicious cycle of exclusion. Their social and economic disadvantages make it harder to access opportunities, and discrimination reinforces these inequities daily.

These voices and testimonies show that discrimination is not abstract; it is lived, it is personal, and it affects access to education, work, safety, and dignity, even in societies that consider themselves open and inclusive.

How can we help combat discrimination?

- Create a mobile app or web portal allowing discrimination victims to report incidents in real time (anonymously if needed). These reports feed into a database managed by civil society and shared (safely) with authorities for mapping, analysis, and targeted interventions.
- Establish an ongoing training program in bias awareness, diversity, human rights, and hate crime investigation. Make it mandatory and integrate it into the career path for police and judiciary, and provide periodic refresher training.
- Introduce compulsory school modules on equality, discrimination, human rights, and intersectionality from an early age. Use interactive methods: theater, debates, art, and role-play.
- Make cultural and artistic campaigns like leveraging music, theater, film, photography, and exhibitions to give visibility to marginalized stories: migrants, LGBTI+, black people, and people with disabilities. Art humanizes and educates.
- Form neighborhood-level partnerships: NGOs, schools, community leaders, police, youth groups, to collaboratively prevent discrimination, support victims, and foster trust.
- Push for changes in the Penal Code: remove the requirement for “public dissemination” in article 240.º, broaden the definition of hate crime, and introduce reparative justice measures for victims (psychological support, compensation, mediation).
- Establish a permanent observatory, involving NGOs, academics, and state actors, to track discrimination complaints, hate crimes, enforcement statistics, and policy outcomes, and publish annual public reports.

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