



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2017)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal

*adopted at the 20th meeting of the Committee of the Parties
on 10 March 2017*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Portugal on 27 February 2008;

Recalling Committee of the Parties' Recommendation CP(2013)4 of 15 February 2013 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal and the report of the Portuguese authorities on measures taken to comply with this recommendation, submitted on 16 May 2015;

Having examined the second report concerning the implementation of the Convention by Portugal, adopted by GRETA at its 27th meeting (28 November - 2 December 2016), as well as the comments of the Portuguese Government received on 10 February 2017;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, including the adoption of an amended definition of trafficking in human beings and a list of aggravating circumstances, specifying the irrelevance of the victim's consent to the intended exploitation, and allowing the use of assets seized from traffickers to finance assistance and compensation of trafficked persons;
 - the setting up of the Network for Support and Protection of Victims of Trafficking, which brings together relevant governmental and non-governmental organisations, as well as a specialised Anti-Human Trafficking Unit within the Immigration and Border Service;
 - the efforts made to provide training to relevant professionals, in partnership with NGOs, and to expand the categories of staff targeted;

- the measures taken to prevent trafficking for the purpose of labour exploitation, to raise public awareness of human trafficking and assess the impact of campaigns, as well as to adopt social and economic measures targeting vulnerable groups, such as women, children, young people and migrants, which address the root causes of trafficking;
- the steps taken to improve identification and assistance to victims of trafficking, by reviewing the National Referral Mechanism, setting up additional multi-disciplinary teams across the country which are involved in the identification and provision of support to victims of trafficking, and opening two more shelters for victims of trafficking, including one for men;
- the continued efforts in the areas of data collection, research and international co-operation.

2. Recommends that the Portuguese authorities take measures to address the following issues for immediate action identified in GRETA's report:

- make efforts to improve the identification of, and assistance to, child victims of trafficking, in particular by:
 - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, by paying particular attention to migrant children and unaccompanied foreign minors;
 - providing further training and guidance to stakeholders (police, child protection authorities, social workers, NGOs) for the identification of child victims of trafficking for different forms of exploitation;
 - providing adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
 - taking steps to address the problem of unaccompanied minors disappearing by providing suitable safe accommodation and adequately trained supervisors or foster parents;
 - ensuring the timely appointment of guardians, including by reviewing the legal provisions in this regard;
 - ensuring long-term monitoring of the reintegration of child victims of trafficking;
- take steps to facilitate and guarantee access to compensation to victims of THB, in particular by:
 - enabling victims of trafficking to exercise their right to compensation, by making available free legal aid to support victims to claim compensation;
 - including victim compensation in training programmes for law enforcement officials, prosecutors and judges;
 - making full use of the existing legislation on the freezing and forfeiture of assets to secure compensation to victims of trafficking;
- establish repatriation programmes that ensure that the return of victims of human trafficking is preferably voluntary and is conducted with due regard to their rights, safety and dignity, including the right to *non-refoulement* and, in the case of children, by fully respecting the principle of the best interests of the child;
- take additional measures to ensure compliance with the principle of non-punishment of victims of human trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention, including the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the scope of the non-punishment provision;

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- take measures to ensure that human trafficking cases are investigated proactively, including financial investigations, prosecuted successfully and lead to effective, proportionate and dissuasive sanctions, including by:
 - issuing sentencing guidelines for human trafficking cases;
 - encouraging the development of specialisation among prosecutors and judges to deal with human trafficking cases;
 - addressing gaps in the legislation, the investigation and prosecution procedure, the protection of victims and witnesses, and the presentation of cases in court.
3. Requests the Government of Portugal to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **10 March 2018**.
4. Recommends that the Government of Portugal takes measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Portugal to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.