

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



CP(2015)11

**Report submitted by the Portuguese authorities  
on measures taken to comply with  
Committee of the Parties Recommendation CP(2013)4  
on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

Received on 16 February 2015

**Ce document n'est disponible qu'en anglais.**



Dear Ms Petya Nestorova,  
Executive Secretary of the Secretary of the Council of  
Europe, Convention on Action against Trafficking in Human  
Beings (GRETA)

Lisbon, 13 February 2015

**Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.**

On 15 February 2013, the Committee of the Parties adopted recommendation CP(2013)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

Pursuant to this recommendation, the Government of Portugal was requested to submit, by 15 February 2015, information on the measures taken to implement the proposals of the Group of Experts on Action against Trafficking in Human Beings (GRETA) listed in Appendix I of GRETA's report on the implementation of the Convention by Portugal (document GRETA(2012)17).

In order to comply with the follow up to the recommendations of the Committee of the Parties, please find attached information presented by the Government of Portugal, related to the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

Best regards,

Secretary of State for Parliamentary Affairs and Equality

Teresa Morais

**Committee of the Parties  
To the Council of Europe Convention  
on Action against Trafficking in Human**



**Recommendation CP(2013)4  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Portugal**

*adopted at the 10th meeting of the Committee of the Parties  
on 15 February 2013*

**Follow up to the recommendation of the Committee of the  
Parties on the implementation of the Council of Europe  
Convention on Action against Trafficking in Human Beings  
by Portugal.**

**Appendix I: List of GRETA's proposals**

**Definition of trafficking in human beings**

1. In order to be fully consistent with the definition of THB in the Convention, GRETA considers that the Portuguese authorities should explicitly include slavery and practices similar to slavery and servitude in the forms of exploitation resulting from human trafficking.

Law 60/2013 amended article 160 of the Penal Code (CP), gives full effect to this recommendation. Article 160° includes the situations of slavery.

However, it is important to underline that a slavery situation is not always associated with the crime of trafficking in persons.

In 2013, Portugal has modified the article 160.° (Trafficking in Persons) of the Penal Code due to the transposition of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2010/629/JHA.

However, it should be noted that many of contents in that Directive had already been duly welcomed into our domestic law and that the amendment to Article 160. ° of the Penal Code is in alignment with some of the recommendations expressed by the GRETA.

Presently, the definition of Trafficking in Persons is:

**Article 160° of the Penal Code**

**Trafficking in Persons**

1 - Whoever offers, delivers, entices, accepts, transports, lodges or shelters any person for the purpose of exploitation, including sexual exploitation, labour exploitation, forced begging, slavery, removal of organs or the exploitation of other criminal activities;

a)By violence, abduction or serious threat;

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

- b) By fraudulent ruse or manipulation;
- c) With abuse of authority resulting from a relationship of hierarchical, economic, work or family dependence;
- d) By taking advantage of the psychic incapacity or situation of special vulnerability of the victim; or
- e) Through obtaining consent from the person who has control over the victim;

will be punished with a prison term of from three to ten years.

2 - The same term is applied to someone who, through any means, incites, transports, proceeds to the lodging or shelter of a minor, or delivers, offers or accepts him/her for the purpose of exploitation, including sexual exploitation, labour exploitation, forced begging, slavery, removal of organs or the exploitation of other criminal activities;

3 - In the case set forth in the previous number, if the agent uses any of the means set forth in the subsections of no. 1 or acts professionally or with the intention of monetary gain, he/she will be punished with a prison term of from three to twelve years.

4-- The above penalties are aggravated in 1/3 (in their minimum and maximum) if the conduct mentioned has:

- a) Endangered the victim's life
- b) Been committed with special violence or has caused particularly serious harm to the victim;
- c) Been committed by public officials in the exercise of their duties;
- d) Been committed within the framework of a criminal organization; or
- e) As a result the suicide victim.

5 - Whoever, through payment or other compensation, offers, delivers, solicits or accepts a minor, or obtains or gives consent for his/her adoption, will be punished with a prison terms of from one to five years.

6- Whoever, having knowledge of the practice of the crime set forth in nos. 1 and 2, to use the services or organs of the victim, will be punished with a prison term of from one to five years, if a longer term is not suitable because of another legal provision.

7- Whoever retains conceals damages or destroys the identification or travel documents of a person who is a victim of the crime set forth in nos. 1 and 2 will be punished with a prison term of up to three years, if a longer term is not suitable because of another legal provision.

8-The victims consent regarding the crimes set forth in the previous numbers, doesn't exclude the wrongfulness of the act

2. GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions.

Portugal, in order to comply with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, changed the article of the Penal Code regarding trafficking in human beings (article 160. °) by Law n.° 60/2013, of 23th of August.

Nowadays, there is a specific and explicit stating in the article 160° (trafficking in persons) regarding the irrelevance of the consent of a victim of trafficking:

Article 160° of the Penal Code

Trafficking in Persons

(...)

8-The victims consent regarding the crimes set forth in the previous numbers, doesn't exclude the

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

wrongfulness of the act

### **Comprehensive approach and co-ordination**

3. GRETA considers that the Portuguese authorities should adapt their anti-trafficking policy to the current trends in THB, in particular by focusing more attention on trafficking for the purpose of labour exploitation and taking greater account of male and child victims who are not appropriately catered for under the current system.

Border and Immigration Service (SEF) has an anti-trafficking unit that implemented law enforcement actions and criminal investigation focused on detected traffic signs and confirmed in Portugal for victims of labor exploitation and children.

Labour Conditions Authority (ACT) with the collaboration of the Commission for Citizenship and Gender Equality (CIG) joined efforts to conceive a training module for labour inspectors focused on trafficking for labour exploitation.

In 2012, 92 labour inspectors attended a one day meeting session (24 men and 68 women).

In 2013, 217 inspectors attended a one day meeting session (67 men and 150 women). The training sessions (8) were held in Porto and Lisboa. The first session, in November 2012, in Porto, counted with the presence and opening words of the OSCE special representative and coordinator for Combat on trafficking in human beings, Maria Grazia Giammatinaro, which was visiting Portugal at the time.

At the end of each training day, a practical case (borderline situation) was given to the trainees and the checklist was tested so that it may resemble a real field situation.

Labour Conditions Authority (ACT) in the years 2012 and 2013 trained all the inspectors regarding human trafficking, with special focus on labor exploitation.

The Labour Conditions Authority (ACT), had again in 2014, a new training funded by the Commission for Citizenship and Gender Equality (CIG).

In November, 85 labour inspectors took this training from a public prosecutor and a border control police officer. It focused on instruments that labour inspectors may use whenever in presence of a THB situation. It was also addressed the possibility of public prosecutor using those instruments to support indictments or summon labour inspectors to testify in criminal procedures.

During the year of 2014, RAPVT (Network for Assistance and Protection to THB victims) developed 5 trainings in specific districts that have more vulnerability to a specific form of labor trafficking (picking olive). Those trainings were developed for frontline agents in each region (police forces, social workers; health professionals; NGO...)

Another example of the adaptation of Portugal anti-trafficking policy to the current trends is the national campaign launched on 18th of October of 2014.

The main target was labour exploitation, specially linked to agriculture (picking olives).

This campaign was broadcast on Radio; Regional Press; Mupis; Television; Cable Channels; Mupis at railways stations; News and broadcast advertising space and molls.

[This campaign is available at <http://www.cig.gov.pt/campanhas/apanhados-no-traffic-humano/>](http://www.cig.gov.pt/campanhas/apanhados-no-traffic-humano/)

During the year of 2013, was implemented a new Shelter Protection Centre and this shelter is exclusively for man victims of trafficking. During the first trimester of 2014 Portugal was implemented a new Shelter Protection Centre, this one for women.

So, during the year of 2014 Portugal has triplicate the shelter response to victims of trafficking.

Another example is the agreement signed between Family Planning Association (APF) and the Secretary of State for Parliamentary Affairs and Equality, which enables and sustains, since January 2014, the intervention carried out by four Specialized Regional Teams to assist victims of trafficking in human beings (EMEs North, Central Lisbon and Alentejo).

It is important to highlight that most of the cases that the teams provided technical support in signaling / identification and assistance to deal with trafficking in human beings were cases with the above mentioned features (labour exploitation). This outreach work and training of key actors in the model of national anti-TSH intervention has allowed the disclosure of these "new" forms operating in Portugal.

Also, several institutions which includes the Judicial Police (PJ), have conducted training activities for various organisms, which includes schools, in order to draw attention to the issue of trafficking in human beings for labor exploitation.

4. GRETA encourages the Portuguese authorities to continue this good practice, in keeping with the spirit of the Convention, which entails that co-ordinating bodies should be given the necessary authority to ensure effective co-ordination between public agencies.

The Commission for Citizenship and Gender Equality is responsible for coordinating activities in the National Action Plan. It is supported by a Working Group, involving all competent ministries, and three NGO's that were elected from the ones bellowing to the RAPVT (Network for Assistance and Protection to THB victims).

The working group supporting the coordinator entity is composed of the following members:

- a) The national rapporteur on trafficking in human beings;
- b) The team leader of the Observatory on Trafficking in Human Beings;
- c) One representative of the Presidency of the Council of Ministers;
- d) One representative of the Ministry of Foreign Affairs;
- e) One representative of the Ministry of Internal Affairs;
- f) One representative of the Ministry of Justice;
- g) One representative of the Ministry of Economy;
- h) One representative of the Ministry of Health;
- i) One representative of the Ministry of Education and Science;
- j) One representative of the Ministry of Solidarity, Employment and Social Security;
- k) One representative of the National Association of Portuguese Municipalities; (for the first time)
- l) Three representatives of non-governmental organizations forming the RAPVT, chosen among the respective members; (for the first time)
- m) One representative of the Portuguese Attorney General's Office, acting in accordance with the respective statutes and within the scope of its powers; (for the first time)
- n) One representative of the Superior Council of Magistracy, acting in accordance with the respective statutes and within the scope of its powers (for the first time)

The National Coordinator has the following responsibilities:

1. Draft the annual reports on the level of execution of the National Action Plan and report accordingly to the overseeing Government members;
2. Follow up and supervise the execution of the National Action Plan and responsible entities regarding their level of execution;
3. Promote research projects that may contribute towards a better understanding of the field of action;
4. Provide information, when requested, on legislative measures concerning the fight against human trafficking and the protection of victims of trafficking;
5. Develop an institutional contact network involving civil society, allowing for an individual follow-up of the known trafficking phenomena and the identification of their victims;

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

6. Establish contact with foreign and international peer entities regarding human trafficking;
  7. Promote and participate in developing national and international information networks and structures;
  8. Ensure the final assessment of the Plan's execution by an external entity.
5. GRETA invites the Portuguese authorities to continue strengthening links with NGOs, to involve them as fully as possible in the design, implementation, co-ordination and evaluation of national action plans and policies, and to allocate an appropriate level of funding to them.

During the elaboration of the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017, NGOs have been consulted through a formal procedure of public consultation and some of the suggestions of them here taken in account in the final drafting of the NAP.

In the NAP, NGOs are not only consulted but also have an active role in the decision-making process towards the measures contemplated and development of its activities

On that subject it is important to refer that in 2013 was signed a Protocol that creates the RAPVT (Network for Assistance and Protection to THB victims). It is a structure that brings together the governmental and non-governmental organizations working in Portugal, directly or indirectly, the issues of trafficking in human beings. Thus, the RAPVT (Network for Assistance and Protection to THB victims) guarantee, on the one hand, a better form of intervention, support and articulate a more organized and sustained on the problem of trafficking in human beings and, secondly, a better source of information for criminal investigation and the repression itself. This network congregates both governmental and non-governmental organizations and aims to create a platform for the implementation of new forms of intervention, through the enhancement of agent's skills, in order to promote a social reintegration of victims of trafficking.

The consolidation of RAPVT aims to implement new paradigms of intervention by strengthening the skills / the different agents of intervention and the improvement of organizational practices.

During the year of 2014 there were three meetings and it was established the RAPVT's activities plan, with several measures connected to the implementation of a new national referral system and also with the implementation of several training initiatives).

It is also important to highlight that three (3) NGO are included, as their representative, in the working group to the implementation of the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017 – III PNPCTSH.

Also it is important to highlight that all the member of the RAPVT participated actively in the update of the National Referral System. They have participated in the strategic planning of actions, in decision-making, as well as in the evaluation of the intervention carried out in relation to the measures and policies on this phenomenon in Portugal.

In 2013 was implemented a new shelter, specific for man victims of trafficking, which is run by a NGO and since March 2014, there is another shelter for woman victims of trafficking (regardless the type of exploitation) and their children, located in the south of Portugal. Both shelters are funded by the government and are part of the national network of shelters for THB victims.

Concerning allocating an appropriate level of funding to the NGO it is important to refer:

Through the general budget of the Portuguese State, under the budget for cooperation with NGOs / IPSS, the Institute of Social Security Social, IP, in 2014, financed the Association for Family Planning (APF) shelter for women and children victims of human trafficking at about € 105,000.00.

In the POPH ( Human Potential Operational Programme - National Strategic Reference Framework-EU Funds), it is important to highlight, during the years of 2013/2014, within the different typologies of the Priority 7 - Gender Equality, Portugal has support twenty five (25) NGO projects, in a total sum of 726.750€.

22 training sessions on THB were implemented (314 trainees were involved).

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

For the financial support of the two (2) shelters that were implemented during the years of 2013/2014 (one for women and the other for men), an amount of 355.382€ was given.

A memorandum of understanding (between the Secretary of State for Parliamentary Affairs and Equality and an NGO) was implemented, during the year of 2014, to cover the operation of the four (4) multidisciplinary teams. The total financial support was: 204,410€.

### **Training of relevant professionals**

6. GRETA considers that there is need for further investment in continuous training and awareness raising, in particular of law enforcement officials, prosecutors, judges, labour inspectors, social workers and staff members of NGOs likely to come into contact with victims of THB.

Portugal has on its agenda a clear commitment to strengthening public policies related to trafficking.

As foreseen in the second National Plan against Trafficking in Human Beings (2011-2013), the Labour Conditions Authority (ACT) with the collaboration of the Commission for Citizenship and Gender Equality (CIG) joined efforts to conceive a training module for labour inspectors focused on trafficking for labour exploitation.

As general objectives it aimed to:

- Identify the signaling, identification and integration of victims' process;
- Prevent crime of exploitation human trafficking for labour exploitation;
- Identify the inspective gesture in situations of human trafficking for labour exploitation; and
- Recognize forms of intervention and response assistance to victims of trafficking in human beings.

In 2012, 92 labour inspectors attended a one day meeting session (24 men and 68 women).

In 2013, 217 inspectors attended a one day meeting session (67 men and 150 women). The training sessions (8) were held in Porto and Lisboa. The first session, in November 2012, in Porto, counted with the presence and opening words of the OSCE special representative and coordinator for Combat on trafficking in human beings, Maria Grazia Giammatinaro that was visiting Portugal at the time.

At the end of each training day, a practical case (borderline situation) was given to the trainees and the checklist was tested so that it may resemble a real field situation.

Labour Conditions Authority (ACT) in the years 2012 and 2013 trained all the inspectors regarding human trafficking, with special focus on labor exploitation.

The Labour Conditions Authority (ACT), had again in 2014, a new training funded by the Secretary of State of Parliamentary Affairs and Equality. In November, 85 labour inspectors took this training from a public prosecutor and a border control police officer. It focused on instruments that labour inspectors may use whenever in presence of a THB situation. It was also addressed the possibility of public prosecutor using those instruments to support indictments or summon labour inspectors to testify in criminal procedures.

Following a protocol made between the Commission for Citizenship and Gender Equality (CIG) and the Centre for Judicial Studies (CEJ) signed in 2012, prosecutors and judges received training on trafficking in human beings issues in the context of their initial or in-service training provided by the Centre for Judicial Studies (CEJ). Two training connected to THB issues were made during 2013.

The first training entitled "Trafficking in Human Beings" and was held in Lisbon (June 6th, 2013)

The main purposes were:

Reflection on trafficking in human beings focused on the victim;

Analysis of the dynamics of investigation and trial, emphasizing the articulation and coordination between control and criminal investigation services

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.



This training was addressed to judges, prosecutors and other professionals in the forensic field.

An International Conference on Trafficking in Persons held in the Auditorium of the Center for Judicial Studies occurred on October 25 - 2013.

This training was addressed to Judges, Prosecutors and other professionals in the forensic field.

The objectives that guided this training were related to a reflection on human trafficking, a victim-centered approach and perception of the legal issues raised by legal type of crime of human trafficking - the legal text to your application. It had the participation of the OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings, Mrs Maria Grazia Giammarinaro and the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Mrs. Dettmeijer-Vermeulen.

On 31th October of 2014, an International Colloquium to Prevent and Fight on Trafficking in Persons was held in the Auditorium of the Center for Judicial Studies (CEJ).

This training was addressed to Judges, Prosecutors and other professionals in the forensic field.

The main purpose was exchange of knowledge on issues related to trafficking in human beings, in a multidisciplinary perspective. This Colloquium was attended Petya Nestorova –Secretary Executive of the Council of Europe Convention against trafficking in Human Beings and Nicolas Le Coz, President of the GRETA.

The Judicial Studies Center (CEJ) always includes trafficking in human beings in the Magistrates' training activities, in collaboration with the High Council of the Public Ministry and the High Council of the Judicial Magistrate.

Aiming to empower the professionals (20) of Intercultural Mediation Project in Public Services (MISP) of the High Commission for Immigration and Intercultural Dialogue (ACIDI) (at the present moment High Commission for Migration- ACM), 20 professionals had training from the Commission for Citizenship and Gender Equality (CIG) in the area of trafficking in human beings on 27th of September;

The Commission for Citizenship and Gender Equality (CIG) and High Commission for Immigration and Intercultural Dialogue (ACIDI) – (at the present moment High Commission for Migration- ACM) devised a training program on "Gender equality and gender violence," with duration of 17 hours, consisting of several modules, counting between them with one on human trafficking – October 3 – 11 technicians were involved;

On the 3rd of December of 2013 was developed a training "Support for Immigrant Victims and Human Trafficking" to representatives (13) of the city hall of Lisbon;

On the 26th of September of 2013, representatives (8) from the immigration NGO had training from the Commission for Citizenship and Gender Equality (CIG) in the area of trafficking in human;

Several gender awareness actions were developed by CIG with the issue of THB for the equality counselors of cities hall. During the year of 2013 were three initiatives:

March 2013 - Póvoa de Lanhoso

July 2013 - Vouzela

September 2013 - Figueira Castelo Rodrigo

Some gender awareness actions were developed by CIG (Commission for Citizenship and Gender Equality) with the issue of trafficking in human beings for the equality counselors of cities hall. During the year of 2014 there were two initiatives:

March – Vila Real

October – Ovar

During the year of 2014, RAPVT (Network for Assistance and Protection to THB victims) in the implementation of its 1st Action Plan), developed 5 trainings in specific districts that have more vulnerability to a specific form of labor trafficking (picking olive). Those trainings were developed for frontline agents in each the region (police forces, social workers; health professionals; NGO's...) - 2 cities in the north and in 3 cities in the south of Portugal. These cities were chosen after data evaluation.

During 2013/2014 there was a trafficking in human beings training addressed to the new 80 police investigators (Police funded). Also, in November and December 2014, took place several trainings on the new THB database, run by OTSH (Observatory on Trafficking in Human Beings), involving 20 PJ (Judicial Police) elements, and elements from other law enforcement agents and NGO.

Regarding law enforcement agents, it was approved a training manual with specific modules for inspectors who perform traffic control functions of people in the first border control line. Training provided to national airports in the first half of 2015;

In order to create a uniform module for forces and security services of the Ministry of Internal Affairs (MAI), thus seeking to have secured a common approach for organizations that contact with human trafficking victims, was held a first meeting of the MAI coordination group involving the National Guard, the Public Security Police and the Immigration and Border Services (SEF) in order to initiate the project.

Project "Common Look on Children" National Commission Protection of Children and Young People at Risk of Social Security, Immigration and Border Services (SEF) participated in D module on Begging and Child Trafficking, for the training of trainers in the Forces and Services Security.

As far as the Observatory on Trafficking in Human Beings (OTSH) concerns (either as coordinators or as partners) we highlight the following training and awareness raising initiatives:

- 1) In 2013 and with the support of CIG (Commission for Citizenship and Gender Equality) the OTSH coordinated the development of a *Booklet* and *Leaflet* on **Forced Begging**. This project had the participation of the Institute for Child Support (IAC), Caritas, National Commission for Protection of Children and Youth at Risk, Institute of Social Security, Portuguese Association for Victims Support, Commission for Citizenship and Gender Equality, National Republican Guard, Public Security Police, Judiciary Police, Border and Migration Police, UNICEF and Prosecutors Office.

These materials were launch in the Institute for Child Support (IAC) Conference "*Missing and Sexual Exploited Children*".

This activity resulted from the 2012 International Conference "*Domestic Servitude and Forced Begging: Invisible Forms of Trafficking for Labour Exploitation*", organized by the Observatory on Trafficking in Human Beings (OTSH) with the support of the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees (Portuguese Assembly of the Republic), the International Labour Organization (ILO), the International Organization for Migrations (IOM) and the Organization for Security and Co-operation in Europe (OSCE),

This International Conference had the participation of renowned national and international speakers (e.g. from OSCE, Anti-Slavery International, Council of the Baltic Sea States, ECPAT – UK and the Austrian National Coordinator on Combating Human Trafficking).

Within this Conference and jointly with Portuguese ILO the OTSH sponsored the translation into Portuguese and edition of the leaflet and Manual of the *Convention 189 – Decent Work for Domestic Workers* (widely disseminated in the Conference).

- 2) Annually, the Observatory on Trafficking in Human Beings (OTSH) is invited to present a session on trafficking in human beings in the framework of the **Promotion Course to Officials (National Republican Guard) / Unit Criminal Sciences - Institute for Military Studies**. The last one was on April 2014.

- 3) The OTSH was invited by **National Republican Guard School** for a Session on THB. 2014.
- 4) Presentation on the Conference promoted by the European Academy Law entitled “**Towards a More Comprehensive Approach - Directive 2011/36/EU, the EU Strategy and other EU-wide judicial instruments**”. Intended primarily for legal practitioners focused on the various legal tools available at EU level to counter the rising problem of THB and how they can effectively be used. 2014.
- 5) Participation on the Conference “*Sorrisos à prova de Mendicidade e outras formas de Exploração*”, pannel “**O Papel das Polícias e do Ministério Público**”, organized by the Public Security Policy. 2013.
- 6) Finally, the OTSH disseminates the **Flagging Card** to NGO's in order for them to distribute it in their own training and awareness raising initiatives.

**Note:** Please see in International Cooperation the project with CPLP (Community of Portuguese Language Countries).

The High Commission for Migrations (ACM I.P.'s) has focused on extending the number of teams target awareness and training activities in the area of human beings trafficking. To this end, Commission for Citizenship and Gender Equality (CIG) has provided training to several teams, including:

Intercultural mediators who daily meet and interact with foreigners and immigrants seeking the services of the National Immigrant Support Centres (CNAI) of Lisbon, Porto and Faro;

the personnel of the MISP - Intercultural Mediation in Public Services (MISP) - intercultural mediation project community approach, with the collaboration of public and private services, technical help of professionals in different areas and with community participation;

the personnel of “Programa Escolhas” - whose mission is to promote social inclusion of children and young people from vulnerable socio-economic contexts, for equal opportunities and strengthening social cohesion.

IAC (Institute for Child Support) participated in the project “European Cross-Actors Exchange Platform for Trafficked Children on Methodology Building for Prevention and Sustainable Inclusion - CATCH & SUSTAIN” (financed by the EC) and has been involved in the creation and implementation of a training toolkit that aims to training social workers, introducing preventive methods based on identification and risks assessment, empowerment and life-skills education approach and data collection through participatory research. It was tested to IAC's (Institute for Child Support) staff, in September 2014.

The APF(Family Planning Association), under the assistance carried out by 4 EMEs (Specialized Multidisciplinary Teams) has been developing actions (in) training along the law enforcement agents, technical / social, health professionals and NGO employees.

During 2014 APF (Family Planning Association), developed training sessions towards different target groups and within its different THB projects and services:

- 1) The Specialized Northern Multidisciplinary Team developed 45 training sessions that reached 2014 beneficiaries (police forces, social workers, journalists ...).
- 2) The Specialized Multidisciplinary Regional Team of Alentejo developed 4 awareness raising sessions with 5 hours duration each. 2 of these awareness raising were directed to Police Forces and the other 2 to technicians (social workers; health professionals; NGO's; etc.). In these sessions were covered 267 people

3) The Regional Specialized Multidisciplinary Team of Lisbon developed 5 training sessions in 2014, with 6 hours duration each. The target of 2 of those training sessions were Municipal Police and the other 3 were professional (police officers, social workers and NGO's employees and volunteers). In those sessions were covered 114 persons.

4) The Specialized Multidisciplinary Regional Team of Centro developed 11 training sessions which reached 332 beneficiaries: police forces, technicians (social workers; health professionals; NGO's; etc

5) With POPH (Human Potential Operational Programme) funds, the northern Delegation of APF (Family Planning Association) developed 3 training actions of 30 hours each. Two of them to police forces (15 elements of the GNR (Guarda Nacional Republicana) and 12 elements of the PSP (Polícia de Segurança Pública) and another to 15 social workers of NGOs that work directly or indirectly with trafficking in human beings.

6) APF (Family Planning Association) was present in multiple national seminars conducted by other organizations, always on the subject of the assistance of victims of trafficking in human beings in Portugal.

Under "Mãos (Re)Rorçadas", a project with beginning in September 2011 and end in August 2014, that aimed to inform, raise public awareness and promote social mobilization to the prevention and fighting of human trafficking, labour exploitation and discrimination related to gender vulnerability, the NGO OIKOS – Cooperação e Desenvolvimento - has streamlined 5 workshops designed to equip social leaders and professionals with skills for the recognition, management and referral of potential cases of human trafficking. These workshops involved 120 participants, which included law enforcement officials, social workers, labour inspectors and staff members of NGO. Also, under this project, a seminar about the new forms of human trafficking involving children was organized, with 38 participants, which included law enforcement officials, social workers and staff members of NGO. Finally, this project developed 11 workshops involving 207 participants, designed to empower the teaching population for the inclusion of the issue of THB in educational activities and curriculum. This project was supported, in all its costs, by Commission for Citizenship and Gender Equality (CIG), with funding from the POPH – (Operational Programme for Human Potential).

UMAR (Alternative and Response Women's Union) in 2014, under the project "CONNECT - Combat Organized crime's Networks and Expand Countries' Ties: horizontal Enhancing Cooperation Among Italy, Portugal and Romania in human trafficking", funded by the ISEC program (2007-2013) Prevention of and Fight against Crime (partnership between the Italian NGO CISS, the Romanian foundation Pro Prietenia Arad and the Portuguese NGO UMAR) UMAR co-organized the following workshops:

"Exchange of good practices in monitoring system" (Lisbon / Portugal - 23 and 24 July).

"Best practices on assistance and protection of Victims of human trafficking" Timisoara / Romania, 24 and 25 September). Present were 87 people).

Participation on an International conference "The fight against trafficking in human Beings in EU: Promoting Legal Cooperation and Victims' protection" under the research project "THB: COOPtoFIGHT - The fight against trafficking in human Beings in US : Promoting Legal Cooperation and Victims' protection ", funded by the Prevention of and Fight against Crime Programme of the European Union;

- 15.05.2014 (Palermo / Italy) - "Workshop with public administrators - Presentation of Activities in the field of THB - Focus on Identification, Assistance and Prosecution Practices in Portugal and Romania"; "Informal discussion and screening of materials to inform the public on the situation of THB in Portugal and Romania";

At 9 of December of 2014 (Lisbon) –Workshop "Challenges of Combating Trafficking in Human Beings within CPLP" at the Conference of Ministers of Justice of Portuguese Speaking Countries.

APAV ((Portuguese Association for Victim Support) has a network of 15 Victim Support Offices that provide qualified support for victims of all types of crime. The staff and an average of 300 volunteers per year that support victims of crime in APAV's network, receive appropriate training that focuses in different types of crime, including human trafficking.

## Data collection and research

7. GRETA welcomes the development of what is intended to be a comprehensive and coherent statistical system on THB and invites the Portuguese authorities to ensure that statistical data are collected from all the main actors. GRETA recalls that this should be accompanied by all the necessary measures to ensure respect for the rights of data subjects to personal data protection, including when NGOs working with victims of human trafficking are asked to provide information to feed into the national database.

The OTSH continues the consolidation of the national monitoring system (namely regarding its data provider's network) and the coordination of the European Project "Towards a Pan-European Monitoring System on Trafficking in Human Beings" (Pan-EU MoSy).

As far as the data provider's networks (ongoing activity) either framed by the *Memorandum of Understanding / Protocol for the adoption of the Trafficking in Human Beings Monitoring System* or by the RAPVT Protocol (2013), the **OTSH gathers data from 33 governmental and non-governmental organizations that act as primary sources**. They are:

- a) From Law enforcement agencies
  - a. National Republican Guard / Ministry of Internal Affairs
  - b. Public Security Police/ Ministry of Internal Affairs
  - c. Border and Migration Service/ Ministry of Internal Affairs
  - d. Judiciary Police/ Ministry of Justice
- b) From Inspectorate Authorities
  - a. Working Conditions Authority
  - b. Autoridade de Segurança Alimentar e Económica
- c) From Public Institutes
  - a. Alto Comissariado para as Migrações / Linha SOS Imigrante
  - b. Instituto de Segurança Social / Linha Nacional de Emergência Social
- d) From NGO's (civil and Religious)
  - a. Associação para o Planeamento da Família
    - i. Centro de Acolhimento e Proteção para Mulheres Vítimas de Tráfico e Seus Filhos Menores
    - ii. Equipas Multidisciplinares Especializadas do Norte, Centro, Lisboa e Alentejo
  - b. Associação ComuniDária
  - c. Associação Mulheres Contra a Violência
  - d. Associação Portuguesa de Apoio à Vítima
    - i. Centro de Acolhimento e Proteção para Mulheres Vítimas de Tráfico e seus Filhos Menores – SUL
  - e. Instituto de Apoio à Criança / Projeto Rua
  - f. Médicos do Mundo
  - g. Saúde em Português – Centro de Acolhimento e Proteção para Homens Vítimas de Tráfico de Seres Humanos
  - h. Serviço Jesuíta para os Refugiados
  - i. Agência Piaget para o Desenvolvimento
  - j. UMAR
  - k. Exército de Salvação de Lisboa

- l. Associação O Ninho
- m. Conselho Português para os Refugiados
- n. Cruz Vermelha Portuguesa
- o. Instituto de Apoio à Criança
- p. Congregação das Irmãs Adoradoras
- q. Obra Social das Irmãs Oblatas do Santíssimo Redentor
- r. Associação Maio Igualdade
- s. Movimento Democrático de Mulheres
- t. OIKOS – Cooperação e Desenvolvimento
- u. Olho Vivo

**As secondary sources:**

- v. Comissão para a Cidadania e Igualdade de Género
- w. Direção-Geral das Políticas de Justiça / Ministério da Justiça – criminal statistics
- x. Oficiais de Ligação e Oficiais de Ligação de Imigração – data on presumed Portuguese citizens trafficked abroad.
- y. Europol – through the Judiciary Police/ International Cooperation Unit - data on presumed Portuguese citizens trafficked abroad.
- z. IOM / Lisbon Office – Assessment in their international database regarding victims that have applied to the Voluntary Return Assistance Programme.

Following our methodology, the **OTSH produces 3 trimestral reports (reserved) and one Annual Report**. In 2014, the OTSH consolidated an analysis model in order to allow future comparisons between annual reports. Overall the model presents:

- % variation on the total of registers, registers in Portugal (Portuguese and foreigner presume victims) and registers abroad (Portuguese presumed victims) regarding the previous year.
- Tables with all forms of exploitation (with data or no data associated), disaggregated by variables (such as sex, nationality, age group, forms of recruitment...).

Although this new model, the OTSH has maintained the following core dimensions:

- Overall assessment
- THB in Portugal
  - o Minors
  - o Adult
    - By type of register status (presumed VoT, identified VoT, NGO's flagging...)
- THB Abroad
  - o Minors
  - o Adult
    - By type of register status (presumed VoT, identified VoT, NGO's flagging...)
- Assistance and Protection
- Criminal Statistics
- Recommendations

In the next Annual Report (referring to 2014), the OTSH in **collaboration with the National Rapporteur** is going contact *the Informal Group on National Rapporteurs (European Commission)* in order to gather statistical data and/or qualitative information on presumed Portuguese citizens trafficked abroad

The OTSH recalls that the National Monitoring system does not collect personal data on VoT no matter who is the data provider. Consequently, even in the circumstances of NGOs working with victims of human trafficking are asked to provide information to feed into the national database this type of data it is not require. The reason is that the national database is for statistical purposes and not case management and thus personal information are not of importance to the understanding of the phenomena.

**Regarding the European project “PAN-EU MoSy”:**

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

- With the participation of the Ministries of Interior of Portugal, Austria, Bulgaria and Cyprus and with an Advisory Board with representatives of OSCE, Europol, Frontex, ICPMD, IOM/Lisbon, and the Austrian Institute For International Affairs, amongst others,
- The project main objective is to provide countries with an efficient monitoring system on THB. This is achieved through the execution of 3 operational objectives:
  - o To deliver customized technical solutions and to improve the capacity of the partners capabilities to collect THB data, build up their national system and network of data providers and support them to analyze the data in a collaborative network environment;
  - o To develop a common system to support all the partners to analyze data at a transnational level, namely by sharing geo-statistical data among them by using the same indicators;
    - Output (at present time): a first version of the system software was delivered to all partners and members of the Advisory Board. This was preceded by the development of the System and the Spatial Data and Services Infrastructure requisites and design: “Requirements Document” and “Analysis Document”.
  - o To extend the project to other relevant countries of origin, transit and destination in the EU and neighboring countries by presenting its outputs as Good Practices to be adopted.
    - Output (at present time): The OTSH has signed a Collaboration Protocol with the Department for Fighting Trafficking in Human Beings (DFTHB), Ministry of Security, from Bosnia and Herzegovina. The objective of this Collaboration Protocol is to define the general framework of agreement between the Parties, with the aim of improving the Ministry of Security of Bosnia and Herzegovina data collection mechanism’s in line with the on-going development of the Pan-EU MoSy.

We have already held two meetings - one in Lisbon and the 2<sup>nd</sup> in the Europol headquarters (The Hague) - both in 2013 – related to ““Kick-off: Steering Committee meeting” and ““Steering Committee meeting on the development and systems implementation”. “Data Collection Management System and GIS Platform” and “Manuals on database and web mapping usage” are ongoing and the OTSH is now preparing the “Training of national stakeholders and beneficiaries” (during November 2014).

The MoSy system is expected to be fully implemented in January 2015. New countries can entered afterwards.

Some statistical data for the period 2008-2013 (last revision October 2014):

- Portugal continues to be primarily a destination country or foreigner victims. There are also flagged and identified situations of origin and transit.
- Between 2008 and September 2014, 1.010 presumed victims were flagged by Law Enforcement Agencies, and NGO’s / Other Entities. Overall, the majority of registers comes from Law Enforcement Agencies (79%), although 2013 shows an increase of reporting from NGO’s.
- From the 1.010, 308 registers refers to 2013, year where we observe an increase of registers of +146% (comparing to 2012), with focus on registers of presumed victims in Portugal (+269%).
- From the cases that resulted in criminal investigation, up until September 2014, there were **277 victims of trafficking in persons confirmed by the competent law enforcement agencies**. We recall that as there are registers still in investigation, this number is to increase.
  - o Considering the identified victims in Portugal (Portuguese and foreigners citizens) – 229 victims:
    - 17 were minors and 208 adults (in 4 registers, the age is unknown).
    - Minors: the majority is female (16) and victims of sexual exploitation (12). The other forms of exploitation and victims’ sex are protected under statistical secrecy. The majority is from Romania (11) - other nationalities are protected under statistical secrecy.
    - Adults: 76 females and 132 males. The main exploitation form is labor exploitation,

with 163 victims, followed by sexual exploitation with 41 victims<sup>1</sup>. In which concerns to nationality, 142 victims are Romanian, 28 Brazilian, 16 Mozambican and 14 Portuguese – others nationalities are protected under statistical secrecy.

- Considering Identified Portuguese victims abroad – 48 victims:
  - 43 adult victims - in the other 5 registers the age is unknown or protected under statistical secrecy. From these, 40 male and 3 female.
  - 44 were victims of labor exploitation (other registers are protected under statistical secrecy). The main country of destiny is Spain, with 41 registers.

Other relevant information considering 'Data Collection':

- Informal participation in the European Project "*TRAFSTAT: Project on improving the collection of European statistics on trafficking in human beings: Tools for the validation and utilization of EU statistics on human trafficking*"
- Information on the Portuguese model sent to:
  - *KOK e.V. (Network against trafficking in women and violence against migrant women)*, in cooperation with the German Federal Ministry of Family Affairs, Senior Citizens, Women and Youth – BMFSFJ
  - Military Police from the State of São Paulo / Brazil – through the Judiciary Police / International Cooperation Unit.

Each year, shelters for victims of trafficking presents a report to the Commission for Citizenship and Gender Equality (CIG) with data of shelters, signalizations and general characteristics of victims and victimization trajectories.

Quarterly the shelters and the 4 EME send to OTSH signaling guidelines relating to proceedings in which intervened.

Finally, also on a quarterly basis the 4 EMEs and the shelters send to CIG an activity report which contains data about the number of signalizations / identification and assistance to potential victims of trafficking.

8. GRETA invites the Portuguese authorities to continue conducting and supporting research on THB issues, including when such studies are carried out by Portuguese civil society, as an important source of information for future policy measures. Areas where research is needed in order to shed more light on the extent of the problem of THB include trafficking within Portugal, trafficking for the purpose of labour exploitation and trafficking in children.

A study financed by the Commission for Citizenship and Gender Equality was implemented, developed by Universidade do Minho, entitled: *Trafficking in persons: From signaling to criminal conviction*

This study, which was based on the analysis of processes of criminal processing and speeches of judicial operators involved in this procedure, sought to address one of the recommendations to Portugal by GRETA (2013): conduct empirical studies to understand the factors that explain the low rate of convictions for the crime of trafficking in persons. Its main contribution, although it is an exploratory study, is to know the universe of proceedings initiated in Portugal for the crime of trafficking in persons from 2007 to 2013; describe the number of convictions for trafficking in persons and the nature of the crimes in which there were convictions, and specially understand the characteristics of process of criminal procedures leading to conviction for this crime or its fragmentation or filing. At the same time, the number of convicts and victims of the crime of trafficking in persons, the type and extent of legal damages and also the compensation awarded to the victims were identified.

---

<sup>1</sup> There are more 4 victims identified for Sexual Exploitation (in Portugal), but whose age is unknown.

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.



The OTSH has signed **protocols aiming at the promotion of research and knowledge** with the following entities:

- Universities Research Centers:
  - o Centre for Research and Studies in Sociology
  - o Human Rights Centre from the University of Coimbra
- International Organizations:
  - o International Labour Organization/Lisbon Office
  - o IOM /Lisbon Office

During 2014, the OTSH has also signed protocols with the following Universities - Interns:

- Institut du Droit de la Paix et du Développement - Faculté de Droit International et Européen de l'Université de Nice Sophia-Antipolis / Curso de Mestrado *Sécurité internationale, Défense, Intelligence économique*
- Universidade Nova de Lisboa / Curso de Mestrado de *Gestão do Território*

The OTSH as also participated in some activities of the project “Improving Monitoring and Protection Systems against Child Trafficking and Exploitation” IMPACT (2013-2014). This project was implemented by four partner organizations in Cyprus, Greece, Italy and Portugal between September 2012 and February 2014. The project partners are the Centre for the Advancement of Research & Development in Educational Technology (CARDET) in Cyprus, the Family and Childcare Centre (KMOP) in Greece, Defence for Children International (DCI) in Italy, and the Centre for Social Intervention Studies (CESIS) in Portugal.

The OTSH is starting to prepare a study on labour exploitation on the region of Alentejo (foreseen to 2015).

UMAR's participation in the focus group session held on 21.05.2014, under the ReSAurSE project: Reviewing social auditing practices to combat exploitative brokering in Southern Europe coordinated by FPCE the University of Coimbra.

## **International co-operation**

9. GRETA invites the Portuguese authorities to continue to explore possibilities for international co-operation, particularly as regards protecting and assisting victims of human trafficking and prosecuting traffickers.

With regard to international police cooperation, the mechanism is properly defined and linked with liaison officers from different countries, streamlining the contact between the police of these states, given that held numerous international actions where the theme was addressed effectively TSH. Furthermore it should be noted that even with regard to cooperation between OPC's and NGO's, international, measures are being taken to strengthen cooperation ties.

- a) Under the multi-year political cycle of the European Union to combat organized criminals groups in relation to the plan EMPACT ((European Multidisciplinary Platform Against Criminal Threats) and in particular the level of the Operational Action Plan 2014 on Trafficking in Human Beings, SEF (Immigration and Border Service) is actively involved in its planning and implementation;

- b) The Immigration and Border Service (SEF) participated in Subproject EMPACT ETUTU involving criminal police of 9 member states of the European Union, under the leadership of the Bundeskriminalamt (BKA) of Germany and coordination of Europol, which had as its central objective the Human Trafficking for sexual exploitation of Nigerian citizens by Nigerian criminal organizations, focused on air routes of transit and destination countries on street prostitution. As a result, identified more than 460 foreign citizens from West Africa, (mostly women have been identified). This allowed a large volume of information exchange by international cooperation channels which allowed the prosecution of trafficking nets involved in human trafficking in Europe and the protection and assistance to victims of trafficking.
- c) it was signed in Lisbon, on July 28, 2014, the Cooperation Protocol between the Ministry of Internal Affairs of the Government of the Portuguese Republic and the Ministry of Internal Affairs of the Republic of Guinea-Bissau on cooperation at the operational and technical level on management of migration and border control, in particular in border control areas and monitoring and research in the areas of illegal immigration and human trafficking, among others.

Within the framework of the **cooperation with the Community of Portuguese Speaking Countries (CPLP)** / Project "United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners":

- In 2012: With the support of the Community of Portuguese Language Countries (CPLP), the Observatory on Trafficking in Human Beings (OTSH) organized a Training Week in Lisbon for Criminal Justice practitioners from all portuguese speaking countries (Portugal, Brazil, Angola, Cape Verde, Guinea-Bissau, Mozambique, São Tomé and Príncipe and East Timor). 36 professionals were trained. The main goal was to provide these professionals with training skills in order to replicate this training in their own organizations.
- In 2014 the Observatory on Trafficking in Human Beings (OTSH) was contacted to support the organization (namely with materials and trainees) of a similar action in Cape-Verde that occurred between June and July (almost 40 persons trained - also from NGO's). Currently the OTSH is supporting a training action in Brazil that will happen this November (40 persons to be trained). Furthermore, is preparing a training action in São Tomé e Príncipe (in close partnership with their Prosecutors Officer and with Portuguese partners) that will happen no later than February 2015. Other initiatives in CPLP countries are thought to happen (estimative of 30 persons to be trained).

The OTSH participated in the national meeting/consultation organized by P&D Factor, IOM / Lisbon Office and Instituto Camões / Ministry of Foreign Affairs - discussion on the **Migration and Development new Millennium Objectives'**. 2014.

Jointly with the National Rapporteur, the Observatory on Trafficking in Human Beings (OTSH) continues to be present in the meetings of the Informal Group of National Rapporteurs and Equivalent Mechanisms (European Commission) and to reply to all requests.

As far as participation in European projects (as partners – formal or associated), the OTSH highlights:

- a) Co-organization with the Portuguese NGO UMAR of the international workshop *Portuguese Referral Mechanism and Monitoring System on THB* – Framework of Project CONNECT (Combat Organized crime's Networks and Expand Countries' Ties Enhancing horizontal cooperation among Italy, Portugal and Romania in human trafficking).
- b) "Trafficking in Human Beings - contribute to raise the awareness on potential victims of trafficking for forced labour in high risk sectors". Coordinated by the Portuguese Association for Victims Support (APAV) and with the participation of: Tavistock Institute of Human Relations (TIHR) (UK); Brottsoffermyndigheten/Crime Victim Compensation and Support Authority (CVCSA) (SE); Soros Foundation Romania (RO); Border and Migration Police (Portugal); Labour Authority Conditions (Portugal); OTSH (Portugal) General of Portuguese Workers - CGTP-IN; La Strada International

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

(NL)

- c) "THB: COOPtoFIGHT - The fight against trafficking in human beings in EU: promoting legal cooperation and victims' protection" - coordinated by Centre of Social Studies/University of Coimbra and with the participation of: Institute of Public Affairs (PL); University of Oradea, Research Centre on Identity and Migration Issues (RCIMI) (Ro); Università Cattolica del Sacro Cuore - Transcrime (IT); ULB-Perelman Centre for Legal Philosophy (BG); Universidade Carlos III de Madrid (SP).
- d) "European Cross-Actors Exchange Platform For Trafficked Children On Methodology Building For Prevention And Sustainable Inclusion (Catch & Sustain)" - coordinated by the European Federation for Street Children and with the participation of: Institute for Child Support (Portugal), Public Security Police (Portugal) and DGRS (Portugal); IDC (IT); Synergia (IT); MdS (IT); TPD (PL); PPP (UK); ED ECAV (SL); Smile of the child (GR); KOPIN (MT).

As far as the dissemination of the National Strategy on THB, the OTSH highlights:

- National information on the EU Anti-Trafficking website
- National information in the European Crime Prevention Network THB website
  - o In 2014 and under the Italian Presidency the European Crime Prevention Award (ECPA) theme is "Prevention on Trafficking in Human Beings". The ECPA is a contest which aims to reward the best European crime prevention project. Alongside with the National Coordinator, the OTSH actively disseminated this award and was a member of the national Jury (selection of the national project and best practice project – to be presented this December in Rome, Italy).

CARE is a project implemented by the International Organization for Migration (IOM) with the support of the Commission for Citizenship and Gender Equality - CIG (Portugal), the Ministry of Foreign Affairs (France), the Foreign and Commonwealth Office (United Kingdom), the Federal Ministry of the Interior (Austria), the Criminal Intelligence Service (Austria), and the Office of the General Prosecutor (Spain).

Primarily funded by the European Return Fund, the project aims to provide flexible and tailored assistance helping returning Victims of Trafficking from Portugal, Austria, France, Spain and the United Kingdom to resettle in their home countries/ communities.

More specifically, the project implements a coordinated and integrated approach for the delivery of pre-departure, post-arrival and reintegration assistance for Victims of Trafficking. This includes a comprehensive support based on their individual needs allowing them to go through the transition period as smoothly as possible, reducing the risk of being re-trafficked.

The project will assist up to 130 Victims of Trafficking, including 10 minors, and will adopt a victim-centered approach.

Since September 2013, Portuguese Association for Victim Support (APAV) is developing Project Briseis – Fight against Human Trafficking for Forced Labour, a project co-financed by the European Commission (DG Home Affairs/Prevention and Fight against Crime). The main objective is to engage the private sector in the fight against human trafficking for forced labour and to prevent the victimization of vulnerable groups. Among the activities that are being developed within this project, an awareness raising campaign is being carried out through the internet ([www.naoaotrafico.pt](http://www.naoaotrafico.pt)) and media resources, such as TV and radio spots, raising awareness of the unemployed towards the risks of being recruited by traffickers.

## **Awareness raising and education**

10. GRETA encourages the Portuguese authorities to continue their awareness-raising efforts and to launch new campaigns and/or support those organised by civil society. GRETA considers that future awareness-raising actions should be designed on the basis of an assessment of previous measures and should target identified needs.

Portugal launched a national campaign on 18th of October of 2013 and the main targets were sexual exploitation, labour exploitation and begging. This campaign was broadcast on Radio; Regional Press; Mupis; Television; Cable Channels; Mupis at railways stations; News and broadcast advertising space and molls.

The campaign had the following insertions:

Radio - 399 insertions; Press - 8 insertions; ATM - 1.235 positions for 2 weeks.

Mupis - 89 for 2 weeks.

In addition there were insertions in TV, Radio and Press that were not quantified.

In December of 2013 was broadcast a documentary related to trafficking of human beings. This initiative was integrated in one of the measures of the II National Plan against Trafficking in Human Beings

Portugal launched a national campaign on 18th of October of 2014 and the main target was labour exploitation, specially linked to agriculture (picking olives). This campaign was broadcast on Radio; Regional Press; Mupis; Television; Cable Channels; Mupis at railways stations; News and broadcast advertising space and molls.

The National Campaign against Trafficking in Human Beings results from an investment of € 224,051.00. (2014 campaign).

TV was the largest investment made.

Radio and the ATM network were the second and the third largest advertising investment for this campaign

Between 18th of October to the 23th of October, there were 107 Spot TV Inserts

In the subway there were 10 Mupis exposed

In the bus network, 203 faces were disseminated (in the rear ends and sides of the bus- Lisbon and Porto).

Between 18th of October and 31 of October there were 85 Spot Radio insertions.

In the ATM net there were 1126 insertions

There were Mupis placed in the network of trains and molls

The High Commission for Migration (ACM) has collaborated with the Commission for Citizenship and Gender Equality (CIG) in the dissemination of materials related to the campaigns carried out annually. To make accessible and intelligible content of the produced materials has also contributed to the implementation of translations into different languages like English, French, Russian, Romanian.

– Through the previously mentioned “CATCH & SUSTAIN” project, Child Care Institute (IAC) has been involved in the creation and implementation of an anti-THB intervention programme targeted to children in risk of THB. It was tested by IAC to boys and girls from 11 to 16 years old.

Immigration and Border Service (SEF) organized two conferences, one on April on Migration Seasonal held in Beja and another in May on Human Trafficking and Transnational Crime held in Lisbon.

The OTSH highlights several initiatives connected to awareness raising and education: to former homeless men and women; to the African Students Association / Law Faculty for a debate session, to a immigrant NGO for a debate on THB and a debate in the Central Mosque of Lisbon.

The Family Planning Association (APF) in its trafficking in human beings (THB) project: "Pass the Word", financed by European funds (POPH) has carried out in five districts of the Northern Region of the country since December 2012, awareness-raising actions with the schools with young people aged between 15 and 30 on the prevention of THB (828 young beneficiaries) yet within the scope of this project have been developed various campaigns which are example the contest and exhibition "preventing Trafficking in Human Beings "(photography, video and document) or online campaign "traficado" which reached over 1,000 views through the participation of young people.

Also note the campaign carried out by the SOS project THB Lisbon: "Restricted Campaign" in which we developed a video and a brochure disseminated to both the partners and the community at large (POPH / NSRF).

The EME (Multidisciplinary Team) North is developing a campaign information on THB for sexual exploitation in Porto for taxi drivers, to signaling possible situations of trafficking.

Under "Mãos (Re)Forçadas", a project that began in September 2011 and ended in August 2014, that aimed to inform, raise public awareness and promote social mobilization to the prevention and fighting of human trafficking, labour exploitation and discrimination related to gender vulnerability, the NGO OIKOS – Cooperação e Desenvolvimento - streamlined 61 information sessions, aiming at preventing youth involvement in situations of THB, which involved 2032 young participants, and 3 art workshops on the subject, which involved 121 young participants.

Also, the "Mãos Esforçadas" exhibition, about new forms of slave labour, was presented in the infrastructures of five public schools and in two institutions open to the general public. In turn, the development of the art workshops resulted in the publication of three fanzines on THB and in the presentation of a play and an art exhibition by the students involved. Finally, a cycle of films on Trafficking in Human Beings and Labour Exploitation was promoted.

This project was supported, in all its costs, by CIG – Comissão para a Cidadania e Igualdade de Género (Commission for Citizenship and Gender Equality), with funding from the POPH – (Operational Programme for Human Potential).

UMAR, through the "ISI", funded by the CIG / POPH developed, during 2013/2014, 10 awareness sessions among public in general and students".

In 2013, UMAR hosted a stage - under the Youth in Action / Youth in Action program - to develop the project "Youth's Experiences working on Trafficking prevention: best practices' exchange and mobility." This was a bilateral initiative to support the exchange of best practices between the Italian NGO CISS and UMAR. Purpose of this stage was to hold a joint initiative to prevent and fight against TSH, by carrying out an awareness campaign in two schools for the sharing of knowledge about the reality of TSH

Within the project "RiiiM" was produced the poster "Here you are safe" for the LGBT migrant victims of human trafficking and domestic violence and asylum seekers. The poster was produced by ILGA (International Lesbian and Gay Association) Portugal (partner of the project "RiiiM") and has been distributed mainly from associations with contact with migrants and asylum seekers, CNAIs, CLAIIs, criminal police. Under this project was also produced / published the "Manual of procedures for networks of integrated intervention, intersectoral and multidisciplinary in combating domestic violence and human trafficking."

Since September 2013, Portuguese Association for Victim Support (APAV) is developing *Project Briseis – Fight against Human Trafficking for Forced Labour*, a project co-financed by the European Commission (DG Home Affairs/Prevention and Fight against Crime). This project is being developed with the following partner countries: UK, Sweden and Romania. The main objective of this project is to engage the private sector in the fight against human trafficking for forced labour and to prevent the victimization of vulnerable groups. Among the activities that are being developed within this project, an awareness raising campaign is being carried out through the internet ([www.naoaotrafico.pt](http://www.naoaotrafico.pt)) and media resources, such as TV and

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

radio spots, raising awareness of the unemployed towards the risks of being recruited by traffickers.

## **Measures to discourage demand**

11. GRETA considers that the Portuguese authorities should continue their efforts to discourage demand for services provided by victims of THB.

We would like to recall that our Penal Code, in its article 160º, entirely dedicated to trafficking in persons, criminalizes those who knowingly, use the services provided by a victim with 1 to 5 years imprisonment. This is an important milestone and even at EU level is intended to be implemented (with the Directive 2011/36/EU).

Also, it is important to refer that the national campaign against the Trafficking in Human Beings launched in 2014 was demonstrative of this: addresses the issue of the employer, including for labor exploitation.

Immigration and Border Service (SEF) has promoted awareness campaigns targeting producers and producer associations in high risk areas of trafficking in human beings for labor exploitation, seeking to discourage, for example, practices associated with the use of intermediaries and references unable to carry out this activity in Portugal. These actions on the ground, outside the scope of supervision, enable knowledge update arrested on phenomenon of trends in its different dimensions - to recruit alternative hand labor and periods of production cycles associated with a particular production, and prevention practices and qualified risk behavior.

The Family Planning Association (APF) is an entity that is conducting training activities directed to entities professionals as business centers and commercial / industrial associations to draw attention to the hiring of potential victims of trafficking, including for labor exploitation (these actions were defined in the plan action of RAPVT for 2014 in districts marked with a higher prevalence of this phenomenon).

Project Briseis' main objective is to engage the private sector in the fight against human trafficking for forced labour. The awareness raising campaign and the other activities that are being developed, such as the training of representatives of the private sector, aim to discourage the demand and to increase the identification of forced workers.

## **Social, economic and other measures for groups vulnerable to THB**

12. GRETA considers that the authorities should step up the implementation of economic and social measures which address the underlying causes of THB (economic and social situation, lack of education, unemployment, etc.) and, as much as possible, make the necessary human and financial resources available to them.

Through the services provided in the National Immigrant Support Centres (CNAI) are given answers to some of the difficulties experienced by immigrants in their integration process in Portugal. The National Immigrant Support Centres (CNAI) are composed of different offices, each the responsibility of certain public institutions, others the responsibility of the High Commission for Migrations (ACM), created to give specialized scope response.

Currently in National Immigrant Support Centre (CNAI) Lisbon, are the following institutions located: Immigration and Border Service (SEF), Social Security (SS), Authority for Working Conditions (ACT), Central Registry (CRC), Ministry of Education (ME) and the Ministry of Health (MS).

In addition to the institutions, CNAI also have specialized offices, created by High Commission for Migration (ACM), which aim to provide support and information in diverse and specific areas. They are: the Support Office Family Reunification (GARF), the Office of Legal Immigrant Support (Gaji), the Social Support Office (GAS), the Housing Support Office (GAH), the Office of Employment Support (with two

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

recent strands, a coordination of GIP Immigrant Network - Professional Integration Office - and another specializing in Entrepreneurship area), the Office of Immigrant Support Consumer (GAIC) and the Support Rating Office (GAQ).

The Choices Program with the mission to promote social inclusion of children and young people between 6 and 24 years, from more vulnerable socio-economic contexts aims to equal opportunities and strengthening social cohesion. Having a local diagnostic base, the projects are made up of different organizations that work in a consortium of logic, which define its intervention around five priority measures: school inclusion and non-formal education; vocational training and employability; civic and community participation; digital inclusion; entrepreneurship and training.

## **Border measures and measures to enable legal immigration**

13. GRETA considers that the authorities should continue their efforts to detect cases of THB when carrying out border checks.

In the light of information gathered by Immigration and Border Service (SEF) were triggered in 2014 cases of trafficking in Human Beings detection mechanisms in the control of movement of persons at air borders of the Portuguese airports involving minors originating from Angola and destination to other Member States of the European Union - in particular France and the UK.

The Immigration and Border Service (SEF) detected cases at Lisbon and Porto Airports, involving a total of 9 children. These initiatives resulted in the arrest of five suspected foreign nationals of child trafficking. This led to the issuing of warnings and changing exchange procedures and internal information analysis in SEF - involving the border posts, the Unit Directorate of Anti Human Trafficking Central Research and Liaison Officer with the Embassy of Portugal in Angola, and the prosecution of the cases detected.

Is ongoing an investigation on an organized network of human trafficking for sexual exploitation of Nigerian women, some of whom are minors, that are using improperly the legal frame of portuguese protection system.

In both cases international cooperation mechanisms were activated. In resulting from ongoing investigations was addressed invitation to the Executive Secretary of the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) of Nigeria, Mrs. Beatrice Jedy-Agba, to visit SEF, to be initiated discussions for the establishment of a memorandum of understanding allowing the exchange of experience and knowledge in the fight against Trafficking in Human Beings.

14. GRETA also invites the authorities to provide training to consular staff on THB issues to make it easier for them to detect risks of THB during the visa application procedure.

The training courses provided to Portuguese diplomats include the subject of human trafficking. Currently training for consular agents takes place in two ways: e-learning training on visas in general; complemented by continuous monitoring of employees who support the positions and giving specific recommendations on situations / concrete issues, which include those relating to human trafficking.

Every year the Diplomatic Institute from the Portuguese Ministry of Foreign Affairs organizes a training course for diplomats assigned to be posted abroad. The program of this course includes the subject of human trafficking, notably training on visa granting and forms of identifying fraud and illicit networks. During this training, model-questions and real examples are provided. On an annual basis, consular staff have also access to on line courses on visa granting and all aspects related, including practices for identifying fraud and illegal networks, including on human trafficking.

Moreover, a representative from the Ministry of Foreign Affairs attended the OSCE meeting on "Guidelines and Challenges: How to prevent domestic servitude in diplomatic households", held in December 9, 2014, in Vienna. The report and the conclusions of this meeting as well as the electronic version of the OSCE handbook on "How to prevent human trafficking for domestic servitude in diplomatic

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

households and protect private domestic workers” were transmitted to the Portuguese representations abroad and distributed to relevant departments in the MFA.

The Ministry of Foreign Affairs is studying options to reinforce training on human trafficking in the courses for diplomats assigned to be posted abroad and for new diplomats, including the matter of domestic servitude in diplomatic households.

At the present moment is being prepared a training manual with specific modules for Inspectors of the Immigration and Border Service (SEF) performing official functions of Immigration Liaison (OLI) from the Portuguese diplomatic representations - Brazil, Angola, Senegal, Guinea-Bissau, Cape Verde, Moscow. Training scheduled for the second half of 2015.

## **Identification of victims of trafficking in human beings**

15. GRETA urges the Portuguese authorities to:

- ensure that in practice the formal identification of victims is dissociated from their participation in the investigation and court proceedings;

It is important to refer that formal identification can be dissociated from their participation in the investigation and court proceedings. In fact, even a residence permit can be given by the Decree-Law no. 368/2007, of 5th November. This Law preconizes that an authorization of residence may be granted to a victim of trafficking of persons when is unable to co-operate with the authorities. That occurs when the personal circumstances of the victim with regard to his/her situations of vulnerability of his/her family members or people with whom he/she has close relationships justify it.

With increasing frequency, the law enforcement agents, contact and request the presence and collaboration of the Multidisciplinary Teams during the preparation of a police intervention. This is a factor that enhances a call to victims based on their fundamental rights and in making free and informed decision of the same.

This aim is not always possible, however, it may be accomplished using special means of protection, existing such as the Witness Protection Law (Law 93/99 of 14th July, regulated by Decree 190/2003 of 22th August

- review the indicators used for the purposes of reporting and identification of victims, so that they cover every possible situation;
- ensure that all stakeholders in the identification of victims of trafficking adopt a more proactive approach and step up their outreach work so that victims are identified more efficiently;

Portugal has, since November of 2014, an update of the national referral system, with the dissemination of some products:

A “Guidelines for the first level Identification of victims of trafficking” and three practical tools for identification of victims:

Forced begging and illicit activities

Labour exploitation

Sexual exploitation

Flowchart

All these practical tools, as well as the Guidelines (translated and adapted to the portuguese reality and that have been developed in the context of the project “Development of Common Guidelines and Procedures on Identification of Victims of Human Trafficking” - financial support from the Prevention of and Fight against Crime Programme of the European Union/European Commission), were published and

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.



distributed among all relevant stakeholders that are involved in the process of signaling and identification of victims of trafficking.

These documents can be found at: <http://www.cig.gov.pt/2015/01/novas-publicacoes-cig-sobre-trafficco-de-seres-humanos/>

It is also important to highlight some other material that was implemented in the recent past:

Leaflet for Victims of Trafficking - Their rights, in particular related to compensation.

Translation and technical review of the “First Aid Kit for use by Law Enforcement Responders in Addressing Human Trafficking” - UNODC

- step up victim identification training for front-line professionals (particularly members of the police, labour inspectors, social workers, health professionals and NGO staff).

In order to provide a proactive approach focused on identifying and protecting victims of human trafficking and respect for human rights, the Border and Immigration Service (SEF) created in April 2013 to Anti Human Trafficking Unit, as part of the Service Research Center Directorate Foreigners and Borders. This specialized unit of SEF is composed of professionals with recognized experience, high technical competence and expert, and its guided activity as part of the collection and processing of information from various sources, in making contact with NGOs and different national working groups and International, prevention, training and combat Trafficking in Human Beings.

Regarding the above points, the CIG/OTSH mentions:

- 3<sup>rd</sup> Edition of the Flagging card on THB Victims (2014). This 2<sup>nd</sup> edition differs from the previous ones as it has the updated contacts from all the Multidisciplinary Teams and the new definition of THB according to the alteration of the Penal Code (article 160. °) in consequence of the transposition of the EU Directive 36/2011. This card aims to help professionals in flagging presume VoT, by presenting a set of indicators (namely on children) and who to contact in case of suspicion.
  - o In 1 month, 1.700 cards were already distributed (law enforcement agencies and NGO's).

APF has conducted training for the first line agents in combat and assistance to victims of trafficking (PSP, GNR, NGOs, social workers, CPCJ (Protection Commissions of Children and Youngsters in Danger), social security, health professionals).

16. GRETA also considers that the Portuguese authorities should strengthen the multi-disciplinary approach to victim identification, by building on the experience of the multi-disciplinary team run by the Family Planning Association (APF) and by setting up similar multi-disciplinary teams in other parts of the country.

A multidisciplinary team was created by the NGO “Saúde em Português” to support male victims.

The 4 EME (Multidisciplinary Specialize Teams - APF), results of approved applications to POPH (Human Potential Operational Programme) started in November 2012, as implementation of Measure 33° of the Second National Plan to Combat Trafficking in Human Beings in response to the needs identified by the main actors of the signaling model, identification and integration of TSH victims, and taking into account the data of reports .

Ended the Community Funds, since January 2014 that these four teams are financially support through grants from the Santa Casa da Misericórdia, under the Agreement signed between the Secretary of State for Parliamentary Affairs and Equality and the APF.

The work in close coordination and cooperation with each other and directly with the mechanisms and national and international structures, the intervention of these 4 teams (North, Centre, Lisbon and

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

Alentejo) covers virtually the entire continental territory. Its action ensures mobility and territorial proximity to the level of technical support responses in signaling / identification of potential victims and the different supports that underlie the integration or assisted return.

Having engaged in the promotion of knowledge and awareness of the THB, these teams empower at the regional level, professionals from direct and indirect activities throughout the different stages of the national referral model.

To facilitate communication and closer partnerships to combat this phenomenon were also reinforced by the creation under the assistance of 4 EME, Networks victim assistance at regional level, which are part of governmental and non-governmental organizations with direct and indirect intervention on the phenomenon.

Similarly to what has been the response to Portugal European Union guidelines and directives, this intervention is another best practice with potential replication in other member states. Note that there have been calls to introduce this type of intervention in other countries (eg The Human Trafficking Foundation - Britain)

The intervention of these four teams is already ensured till the end of 2015, which allows:

- i) awareness, information and prevention of the community at large or by public especially vulnerable;
- ii) the training of a significant and necessary number of professionals with a regional intervention in the services and security forces, the protection of children and young people, health, education, or social action;
- iii) specialized social support in conjunction with the security forces and the courts, to a sustained intervention, consolidated with the rights of victims.

## **Assistance measures**

17. GRETA considers that the Portuguese authorities should reassess trafficking trends in Portugal and provide appropriate and safe accommodation throughout the country's territory for victims of trafficking, including for men and children.

During the year of 2013, was implemented a new Shelter Protection Centre and this shelter is exclusively for man victims of trafficking. During the first trimester of 2014 was implemented a new Shelter Protection Centre, this one for women. So, during the year of 2014 Portugal has triplicated the response to Victims of trafficking.

In those Shelter Protection Centers, children are also sheltered, when they are accompanied with their mothers, or when they are near eighteen years old.

In Portugal, children victims of trafficking are protected according to the Law 147/99, Law for the Protection of Children and Youngsters in Danger. A trafficking victim aged under 18 receives assistance in the same way as any child in danger.

This Law also defines child trafficking as a dangerous situation for any child in Portugal, as well situations that can be caused by this type of crime, such as child begging/mendacity. The law establishes that all the institutions and organizations responsible for child and youngsters intervention (ex: health centers, law enforcement forces, schools, etc) have to work in close cooperation on the prevention or on the rehabilitation of trafficking situations.

There are three levels of intervention: at local level (public and private institutions), by Local Commissions for the Protection of Children and Youngsters, or at judicial level, with the public prosecutor's office intervening in more complex cases.

The Third National Plan to Prevent and Combat Trafficking in Human Beings also contains measures aims to prevent and protect child trafficking:

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

- Developing action protocols for the prevention, detection and protection of child victims of trafficking;
- Implementing standardized and specific referral protocols of care for child victims of trafficking, in hospital system and primary health care (Health Action for Children and Youth at Risk).

The National Commission for the Protection of Children and Youngsters at Risk is organizing, in partnership with Security Forces and the Immigration and Border Service, training courses for professionals which specific contents on child trafficking.

18. GRETA urges the Portuguese authorities to step up the assistance provided to trafficking victims, and in particular to:

- ensure that the services available are adapted to the specific needs of trafficking victims and that minimum standards are guaranteed when victims of trafficking are accommodated in structures not specifically designed for such victims;

As soon as a potential victim is signalized, all the support is provided for them.

Victims of trafficking have the right to subsistence, access to a suitable and urgent medical treatment, psychological assistance, protection, translation and interpretation services, as well as juridical services under the stipulations of the law. Foreign victims have the same access to care as domestic trafficking victims. The Shelters Protections Centers provides support to women and men identified as victims of trafficking, regardless nationality, age, religion, ethnicity, sexual orientation, disability, marital status, political orientation or socio-economic aspects. This support is also extended to minor children of the victims.

- when assistance is delegated to NGOs as service providers, ensure that adequate human and financial resources are allocated to guarantee that the necessary assistance is provided to all victims;

Through the general budget of the Portuguese State, under the budget for cooperation with NGOs / IPSS, the Institute of Social Security Social, IP, in 2013, financed the Association for Family Planning (APF) shelter for women and children victims of human trafficking at about € 105,000.00.

In 2013 was implemented a new shelter for male victims that is run by an NGO “Saúde em Português.” Since March 2014, APAV manages a shelter for woman victims of human trafficking (regardless the type of exploitation) and their children, located in the south of Portugal. Both shelters are the funded by the Secretary of State of Parliamentary Affairs and Equality and are part of the national network of shelters for THB victims. In both shelter victims receive multidisciplinary support by a team of professionals with different backgrounds and language skills, who received appropriate training on THB.

For the financial support of this new two (2) shelters (one for women and the other for men), an amount of 355.382€ was given.

In the POPH ( Human Potential Operational Programme - National Strategic Reference Framework-EU Funds), it is important to highlight, during the years of 2013/2014, within the different typologies of the Priority 7 - Gender Equality, Portugal has support twenty five (25) NGO projects, in a total sum of 726.750€.

22 training sessions on THB were implemented (314 trainees were involved).

A memorandum of understanding (between the Secretary of State for Parliamentary Affairs and Equality and an NGO) was implemented, during the year of 2014, to cover the operation of the four (4) multidisciplinary teams. The total financial support was: 204,410€.

- improve the assistance system for child victims of trafficking with regard to accommodation and The introduction of medium and long-term support programmes appropriate to children's needs.

In Portugal, children victims of trafficking are protected according to the Law 147/99, Law for the Protection of Children and Youngsters in Danger. A trafficking victim aged under 18 receives assistance in the same way as any child in danger.

This Law also defines child trafficking as a dangerous situation for any child in Portugal, as well situations that can be caused by this type of crime, such as child begging/mendacity. The law establishes that all the institutions and organizations responsible for child and youngsters intervention (ex: health centers, law enforcement forces, schools, etc) have to work in close cooperation on the prevention or on the rehabilitation of trafficking situations.

There are three levels of intervention: at local level (public and private institutions), by Local Commissions for the Protection of Children and Youngsters, or at judicial level, with the public prosecutor's office intervening in more complex cases.

The Third National Plan to Prevent and Combat Trafficking in Human Beings also contains measures aims to prevent and protect child trafficking:

- Developing action protocols for the prevention, detection and protection of child victims of trafficking;
- Implementing standardized and specific referral protocols of care for child victims of trafficking, in hospital system and primary health care (Health Action for Children and Youth at Risk).

The National Commission for the Protection of Children and Youngsters at Risk is organizing, in partnership with Security Forces and the Immigration and Border Service, training courses for professionals which specific contents on child trafficking.

19. GRETA also invites the authorities to continue providing regular training to all professionals responsible for implementing assistance measures for victims of trafficking.

One of the main concerns regarding the Portuguese policy towards trafficking is training. That's why, in each of the National Plan against trafficking, a specific strategic area was (is) connected to training.

In the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017 we have the third area specially related to this issue: *Education, Training and Qualification*.

*To see more relevant information, please consult answer 6*

## **Recovery and reflection period**

20. GRETA welcomes the provision by the Portuguese authorities of a period longer than the minimum of 30 days envisaged in the Convention and urges the Portuguese authorities to ensure that victims of trafficking are systematically informed of the possibility of being given a recovery and reflection period and are effectively granted such a period.

A leaflet notification was prepared about the rights of victims under the immigration legislation. The leaflet notification was translated to English and French and is currently in preparation for its translation into

---

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

Spanish, Mandarin and Russian. This leaflet includes specific information regarding the reflection period and the residence permit

### **Residence permit**

21. GRETA invites the Portuguese authorities to ensure that victims of trafficking can fully benefit from their right to obtain a renewable residence permit, particularly when they are unable to co-operate with the authorities.

The Decree-Law no. 368/2007, of 5th November preconizes that an authorization of residence may be granted to a victim of trafficking of persons when is unable to co-operate with the authorities.

The right to obtain a renewable residence permit is possible when the personal circumstances of the victim with regard to his/her situations of vulnerability of his/her family members or people with whom he/she has close relationships justify it.

Notification was prepared about the rights of victims under the immigration legislation. The leaflet was translated to English and French and is currently in preparation for its translation into Spanish, Mandarin and Russian. This leaflet includes specific information regarding the reflection period and the residence permit

### **Compensation and legal redress**

22. GRETA urges the Portuguese authorities to ensure that victims of trafficking are made aware of the right to compensation and of the procedures to follow, and can effectively enjoy this right in practice, particularly through access to legal assistance in this respect.

Portuguese legislation provides for two forms of compensation of victims. The first is through criminal proceedings where the victim can deduct civil claim against the offender (civil action in criminal proceedings included according to Article 71<sup>o</sup> of the Code of Criminal Procedure). In a judicial hearing, the crime being proved, the Court condemns the criminal to repair the damage caused to the victim.

A second hypothesis arises from the possibility of the perpetrator does not have financial means that allow him/her to compensate the victim. In such cases, the victim shall submit a request to the Committee that after reviewing the request, assigns to the victim a part of the amount of the compensation to which the perpetrator was sentenced in court. In more severe cases, where the victim suffered severe damages, that put him/her in a situation of Severe Economic Deprivation, the victim can immediately apply for compensation by the State, so that he/she can quickly rearrange his/her life.

The Protection Commission to Crimes Victims only has data on the victims that did not obtain compensation from the perpetrators and that asked the State to pay such compensation. There are no data available on victims that had their rights defended in Court and that managed to obtain compensation from the perpetrators.

In the year 2014, there were two victims who made that request to the State. One of them did it after the final judgment. In this case, the criminal manifestly did not have the means to compensate the victim, and the State, at the victim's request, assumed the payment of 50% of the damages established by the court.

The second case occurred to a foreign victim that managed to escape from a trafficking network and got institutionalized in a shelter and was in a situation of Severe Economic Deprivation and requested support to this Committee. This support was fully granted and the victim was awarded with an amount equivalent to the national minimum wage, paid monthly, for a period of one year.

It was prepared a brochure on the Law of compensation for victims as a way to better inform their rights, this brochure is in 5 languages, English, Portuguese, Romanian, Russian and French.

A leaflet was prepared in English regarding the rights of victims under the immigration legislation. The leaflet was translated to English and French and is currently in preparation for its translation into Spanish, Mandarin and Russian.

UMAR, under the project "RiiiM" (No. 084166/2012/977), funded by the CIG / POPH translated into Portuguese and published the brochure "COMP.ACT\_Guidelines on behalf of trafficked persons in order to compensation "(UMAR)

## **Repatriation and return of victims**

23. GRETA considers that the Portuguese authorities should determine whether the existing assisted voluntary return provisions are appropriate for victims of trafficking, who constitute a specific group of candidates for return, and should take additional measures to:

- ensure that victims of trafficking effectively have access to return and repatriation procedures which take due account of the individual's rights, security and dignity and make it possible to prevent re-trafficking;
- develop co-operation with countries to which trafficking victims return, in order to conduct an appropriate assessment of the risks, ensure victims' safety on their return and improve their reintegration.

The Border and Immigration Service (SEF) is actively participating in Project CARE - IOM. In the case of victims of the European Union continues to verify the absence of a specific and a program specifically for these victims of trafficking, mostly for labor exploitation from Romania and Bulgaria.

- The Voluntary Assisted Return Programme is included in the National Referral Mechanism.

In cases of repatriation/ return the shelters articulated with consulates, embassies, social security, Portuguese NGOs and foreign entities to provide social support, health, financial support and security to this return. Regarding the victims of EU countries, although there isn't any specific return programme, there is a solid articulation between the authorities/National Rapporteurs in each country.

## **Substantive criminal law**

24. In order to be fully consistent with the Convention, GRETA considers that the Portuguese authorities should include as aggravating circumstances all situations envisaged under Article 24 of the Convention.

Article 160<sup>o</sup> of the Criminal Code was amended by Law No. 60/2013 of 23 August, with a view to attain a clearer alignment of the typical elements of the trafficking offence with the international instruments by which Portugal is bound. For that purpose consideration was taken of the definition of trafficking provided for by Directive 2011/36/EU of the European Parliament and of the Council, by the Council of Europe Convention on Action against Trafficking in Human Beings and by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

## **Non-punishment of victims of human trafficking**

25. GRETA invites the Portuguese authorities to clarify the situation through the adoption of a provision on non-punishment of victims of trafficking for their involvement in unlawful activities to the extent that they were compelled to do so or, at the very least, by issuing guidance to public prosecutors advising them on the steps to be taken when prosecuting suspects who might be victims of trafficking.

We do not have the criminal procedural law the principle of opportunity. However, we have alternative

Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal.

mechanisms to the trial that can lead to the end of proceedings regarding the victim (provisional suspension, use of the general mechanisms of Excuses), and that, as a rule, are used.

The Prosecutor General's Office (PGR) try by all means to sensitize prosecutors to this issue and, to that end, has designated a magistrate of the Investigation and Prosecution Department of Lisbon (DIAP) to participate in the Conference organized by OSCE, held in Strasbourg on 9 and 10 of October 2014 on the topic .

The summary of this seminar, prepared by the participant magistrate, was disseminated by all prosecutors through SIMP (internal information system for the public prosecutor).

### **Investigation, prosecution and procedural law**

26. GRETA invites the Portuguese authorities to harmonise the legislation related to special investigation techniques.

With the latest amendment of Law n. ° 101/2001, of 25th of August, (by Law n. ° 60/2013, of 23th of August) undercover actions for the purpose of preventing and detecting criminal agents were made possible for the crime of trafficking in persons.

With the recent amendment of Law n. ° 5/2002, of 11th January (by Law n. ° 60/2013, of 23th of August), trafficking in persons was included in the list of crimes where a special legal framework for the collection of evidence, breach of confidentiality and loss of property to the State is foreseen.

The crime of trafficking in persons is treated in our criminal procedural law in parallel with organized and economic and financial crime.

27. GRETA considers that the Portuguese authorities should take steps to guarantee the effective application of the legal provisions concerning the confiscation of traffickers' assets.

Portugal has an Asset Recovery Office (ARO), Law n°45/2011, of 24th June, that has been changed by the Law 60/2013, of 23rd of August. It states that the use of seized and confiscated funds and the proceeds from trafficking in persons can be channeled to support victims' assistance and protection programs. Some legislation has been adapted in order to promote more efficient investigation tools for law enforcement agents.

28. GRETA urges the Portuguese authorities to take steps to identify gaps in the investigation procedure and the presentation to cases in courts, *inter alia*, with a view to ensuring that human trafficking offences are effectively investigated and prosecuted, leading to proportionate and dissuasive sanctions.

This is a constant concern and, therefore, is also the subject of training of prosecutors, the actions of the Judicial Study center (CEJ), in collaboration with the Prosecutor General's Office (PGR).

Following a protocol made between the Commission for Citizenship and Gender Equality (CIG) and the Centre for Judicial Studies (CEJ) signed in 2012, prosecutors and judges received training on THB issues in the context of their initial or in-service training provided by the Centre for Judicial Studies (CEJ). Two training connected to THB issues were made during 2013.

The first training entitled "Trafficking in Human Beings" and was held in Lisbon (June 6th, 2013)

The main purposes were:

Reflection on trafficking in human beings focused on the victim;

Analysis of the dynamics of investigation and trial, emphasizing the articulation and coordination between control and criminal investigation services

This training was addressed to judges, prosecutors and other professionals in the forensic field.

An International Conference on Trafficking in Persons held in the Auditorium of the Center for Judicial Studies occurred on October 25<sup>th</sup> of 2013.

This training was addressed to Judges, Prosecutors and other professionals in the forensic field.

The objectives that guided this training were related to a reflection on human trafficking, a victim-centered approach and perception of the legal issues raised by legal type of crime of human trafficking - the legal text to your application. It had the participation of the OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings, Mrs Maria Grazia Giammarinaro and the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Mrs. Dettmeijer-Vermeulen

On October 31<sup>th</sup> of 2014, an International Colloquium to Prevent and Fight on Trafficking in Persons was held in the Auditorium of the Center for Judicial Studies.

This training was addressed to Judges, Prosecutors and other professionals in the forensic field.

The main purpose was exchange of knowledge on issues related to trafficking in human beings, in a multidisciplinary perspective. This Colloquium was attended Petya Nestorova –Secretary Executive of the Council of Europe Convention against trafficking in Human Beings and Nicolas Le Coz, President of the GRETA.

29. Furthermore, GRETA considers that there is need for improvement of the knowledge and sensitivity of judges, prosecutors, investigators and lawyers about THB and victims' rights. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking, to assist and protect them, and to secure convictions of traffickers.

It is going to be implemented a Manual of Criminal Investigation, a partnership to be established between the SEF, PJ and the PGR, based on the UNODC manual.

This Manual will give a powerful tool for law enforcement agents, improving their practical and operational activities.

Training and qualification of professionals who intervene in matters of trafficking and their increasing specialization are essential. In the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017, a specific chapter defines several measures to continue reinforce the training of relevant agents in order to identify, assist and protect victims of trafficking.

So, Portugal has on its agenda, a full commitment to reinforce this area - qualification and capacity building of professionals intervening in preventing and combating trafficking in human beings.

We can highlight some of the measures that are define in the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017:

#### Strategic Area 2 – Education, Training and Qualification

*22) To develop training programmes for magistrates;*

*23) To develop training modules for magistrates delivered online, using remote training techniques;*

*24) To promote uniform initial and continuous training for all security forces and services on prevention, investigation and methods to assist victims of the crime of trafficking in persons;*

*25) To promote specific training for border protection inspectors;*



*26) To promote initial and/or continuous training on trafficking for the purposes of labour and sexual exploitation for inspectors of working conditions;*

*27) To promote initial and/or continuous training for technicians who have contact with the reality of trafficking in human beings, namely social and health technicians;*

*28) To promote training for technicians from civil society organizations engaged in interventions for victims of trafficking in human beings.*