



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Reply from Portugal to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties

Third evaluation round

Thematic focus: Access to justice and effective remedies for
victims of trafficking in human beings

Reply submitted on 3 February 2020



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

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ASSUNTO: Third evaluation round of the Convention on Action against Trafficking in Human Beings by Portugal

The second report concerning the implementation of the Convention on Action against Trafficking in Human Beings by Portugal was adopted by GRETA at its 27th meeting (28 November - 2 December 2016).

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings adopted at the 20th meeting of the Committee of the Parties on 10 March 2017 the Recommendation CP(2017)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 request, for answer a questionnaire for evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties - third evaluation round.

In order to comply with this request for a third evaluation round of the Convention, which was adopted by GRETA in accordance with Rule 5 of the Rules of procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, please find attached information present 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 Citizenship and Equality

Rosa Monteiro

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

In criminal proceedings, and with regard to possible compensation based on the practice of crime, the law ensures that the judicial authorities and criminal police bodies inform any the person sustaining damage parties of the possibility of deducting a claim for civil compensation in criminal proceedings and of the formalities to be observed, as soon as possible. (Article 75^o of the Criminal Procedure Code).

On the other hand, under the terms of article 11^o of Act no. 130/2015, of 04 September (Victim's Statute), the victim is guaranteed, from his first contact with the competent authorities and officials, even before the submission of the complaint, access to the following information:

- a) The type of services or organizations you can turn to for support;
- b) The type of support you can receive;
- c) Where and how you can file a complaint;
- d) What are the procedures following the complaint and what is its role in the scope of the same;
- e) How and under what terms you can receive protection;
- f) To what extent and under what conditions do you have access to:
 - i) Legal advice;
 - ii) Legal aid; or
 - iii) Other forms of counselling;
- g) What are the requirements for your right to compensation;
- h) Under what conditions are entitled to interpretation and translation;
- i) What are the procedures for filing a complaint, if your rights are not respected by the competent authorities operating in the context of criminal proceedings;
- j) What special mechanisms can you use in Portugal to defend your interests, being resident in another State;
- k) How and under what conditions can the expenses incurred due to your participation in the criminal proceedings be reimbursed;
- l) Under what conditions are you entitled to notification of decisions issued in criminal proceedings.

You are also entitled to be provided with information on the development of the process and others, pursuant to paragraphs 4 to 10 of the same article.

By Amendment to the Code of Criminal Procedure (Act no. 48/2007 of 29 August 2007), Section 1 classifies Trafficking in Human Beings as:

- *Violent crime – Section 1 (j);*
- *Especially violent crime – Section 1 (l);*

➤ *Possibly, highly organised crime – Section 1 (m).*

Pursuant to Section 67-A, subsections 1(a) 1(b) and 3 of the Portuguese Code of Criminal Procedure (CPP), victims of violent crime and of especially violent crime are always considered **particularly vulnerable victims**;

Victims of THB are notified of their rights during their first contact with Criminal Police Bodies and/or the Public Prosecution Service.

At the Portuguese Criminal Police – Polícia Judiciária, the victim receives a document (a notification) printed in his/her native language and containing his/her rights and how those can be achieved, namely:

- ✓ The Right to Information (the right to free assistance and translation of the written confirmation of the complaint in a language the victim understands) – please compare an obligation which results from Section 92 (2) of the CPP and from Section 11 (3) of Act no. 130/2015 of 4 September 2015;
- ✓ The granting of the status of particularly vulnerable victim – please compare Section 20 of Act no. 130/2015 of 4 September 2015; https://dre.pt/web/guest/legislacao-consolidada/-/lc/106926276/202001231103/exportPdf/normal/1/cacheLevelPage?_LegislacaoConsolidada_WAR_drefrontofficeportlet_rp=indice
- ✓ That he/she has been recognised by the Portuguese Authorities as a victim of THB;
- ✓ That he/she may join the proceedings as a private prosecutor (active participation in the criminal proceedings), please compare sections 68 and 69 of the CPP;
- ✓ The delivery of a Certificate of the complaint (copy of the Report/Complaint, please compare Section 247 (7) of the CPP;
- ✓ The taking of a witness statement in a proper and private setting (Section 17 (1) of the Victim Status approved by Act no. 130/2015 of 4 September 2015);
- ✓ That his/her statement is taken by highly qualified investigators, aware of the best and most appropriate investigation techniques within this field;
- ✓ Information provided to the offended party regarding the request for civil indemnity, please compare Section 72 *et seq.* of the CPP, and the possibility to apply for advance payment of the compensation to victims of violent crime, please compare Section 247 (3) of the CPP and Act no. 104/2009 of 14 September 2009; https://dre.pt/web/guest/legislacao-consolidada/-/lc/70115590/202001231104/exportPdf/normal/1/cacheLevelPage?_LegislacaoConsolidada_WAR_drefrontofficeportlet_rp=indice
- ✓ He/she may be given a compensation as a remedy for damage suffered, please compare Section 82-A of the CPP and Section 16 of the Victim Status (Act no. 130/2015 of 4 September 2015);
- ✓ He/she is entitled to special protection measures, namely measures to prevent eye contact with the perpetrators and the provision of statements for future memory, please compare Section 21 of Act no. 130/2015 of 4 September 2015;
- ✓ The possibility of obtaining legal aid pursuant to Act no. 34/2004 of 29 July 2004 and Section 112 (4) of Act no. 23/2007 of 4 July 2007;
- ✓ The possibility of being granted a residence permit; of using an extended reflexion period (of over 30 days) before the Residence Permit is issued; of receiving interpretation and translation assistance; of obtaining resources to achieve a standard of living capable of ensuring his/her subsistence, access to medical, psychological and social assistance as well as legal support, which allow him/her to have a normal social life without the interference of perpetrators of the crimes he was a victim of; of access to education including official programmes designed to improve his/her professional skills as well as of support in preparing his/her assisted return to the country of origin, and return if he/she so wishes – Rights resulting from the application of Sections 109 to 115 of Act no. 23/2007 of 4 July 2007; https://dre.pt/web/guest/legislacao-consolidada/-/lc/121702387/202001231106/exportPdf/normal/1/cacheLevelPage?_LegislacaoConsolidada_WAR_drefrontofficeportlet_rp=indice
- ✓ To be immediately informed and sent to victim support specialized institutions and concerned technical support services (Emergency Multidisciplinary Teams);

- ✓ Children (under 18) in danger or in need of protection are sent to Child and Youth Protection Commissions, where they may be assigned a patron in case of conflicts of interest with their parents or legal representative – Act no. 147/99 of 1 September 1999;
- ✓ Restriction on publicity of the hearings and removal of the defendant from the hearing room during statements.

The Portuguese Immigration and Borders Service adopted the procedure of formally notifying a VOT of his/her rights during the referral. This is done through the notification of the set of rights that the victim has, all of them described in a notification that either is written in the VOT native language, or is translated to her with the help of an interpreter (vide annex to this report)

The Authority for Labour Conditions (ACT) as a state entity with competence to control labour relations and occupational safety and health, informs workers who are victims of labour exploitation and forced labour of their labour rights.

The ACT exercises other competences, some of which are directly linked to the promotion of working conditions through the preventive verification of labour rights or the availability of information on labour relations of potentially vulnerable people.

Every time a Multidisciplinary Team (EME) assists a THB victim, informing each person about their rights is one of the main focus, simultaneously with assessing most important needs and emotional stabilization.

When informing a victim of their rights, these teams also insure they understand every stage of the legal procedures ahead, entailed in a THB investigation. If the Multidisciplinary Team's professionals speak a language that the victim can understand, there is no need for a translator. When this not occurs, there are translators that can be mobilized to meet the victims. When this isn't a possibility, professionals from EMEs can also schedule a translation by phone call. EME's professionals also use material that contains information about victims' rights in several languages.

These are the different ways used to ensure that the victims will always be properly informed about their rights, what they can do and the legal and administrative proceedings to expect. The idea is to always try to decrease the communication barrier that can sometimes cause more discomfort to the victim.

Evidently the moment of referral, when a victim is first flagged, is a particularly sensitive moment, when different emotions and information have to be managed. In this sense it is important to know that, although this is one of the first stages of Multidisciplinary Teams' work, it is also an on-going work, which is developed, not only by EMEs, but also by THB Shelters professionals.

Police Forces also collaborate in these processes to ensure that all victims are properly informed.

Under the "Mercadoria Humana 3" project of Saúde em Português, special materials have been created for a different audience to inform about the phenomenon and the existing support/responses. Therefore, materials were produced for young people, vulnerable publics (homeless, unemployed, social benefits) and professionals. To extend this information to a wider audience (including victims or presumed victims), multilingual leaflets was translate in 10 languages and also Braille.

Concerning the CAP, during the initial process in the shelter, victims are informed of their rights. The internal regulation of CAP is handed over to the victim and is available in the following languages: Portuguese, Romanian, Ukrainian and Spanish.

In 2018 Saúde em Português integrated into this technical team a translator/social-cultural mediator. This technician ensures that languages barriers are minimized, which will allow overcoming linguistic and cultural barriers, contributing to the welfare of the victims, increasing the trust and integration degrees and reducing anxiety levels.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

- In the course of the criminal proceedings, Article 92º of the CPP determines that, when a person who does not know or does not speak the Portuguese language is to intervene, he is appointed, without charge to him, a suitable interpreter, even if the entity presiding over the act or any of the procedural participants know the language used.

An interpreter is also appointed when it becomes necessary to translate a document into a foreign language and is not accompanied by a certified translation.

The appointment of an interpreter takes place at all stages of the process and the latter may be appointed by a judicial or criminal police authority.

The moment the complaint is lodged, the victim is guaranteed the right to free assistance and the translation of the written confirmation of the complaint, in a language he understands, whenever he does not understand Portuguese. (article 11º, paragraph 3 of Act 130/2015).

- On the assistance by an interpreter and/or translation of any other documentation, please compare Article 112º (4) of Act no. 23/2007 of 4 July 2007.

During investigative procedures, it's mandatory that an interpreter provides translation services during all stages. Every time a VOT has to intervene in an ongoing investigation (as a witness, for instance), there has to be an interpreter present. If that requisite fails, the demarche in which the VOT took part is considered null and void.

For the purpose of gathering information from workers / potential victims of trafficking in persons presumed to be from other backgrounds, ACT schedules the availability of translators of languages and dialects spoken in specific foreign territories to the High Commissioner for Migration.

Concerning NGO, whenever the victim does not speak the Portuguese language or has a little knowledge, the social-cultural translator/mediator will be used to facilitate communication and to ensure that the information intends to be transmitted is effectively understood, to reduce anxiety levels and create a moment of confidence.

Support for translation/interpretation is provided in Russian, Romanian and English (if necessary) in person or by telephone. He also supports the translation of documents and facilitates communication between professionals and victims of different cultural backgrounds.

During the initial process in the shelter, victims are informed of their rights. The internal regulation of CAP is handed over to the victim and is available in the following languages: Portuguese, Romanian, Ukrainian and Spanish.

Often NGO specialized in THB, police forces and courts have specific funds to hire translators and interpreters. Apart from that, Portugal also has a hotline available to provide phone translations. Some languages are immediately available, and others require a previous appointment.

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

The right to access to justice and courts is a Constitutional right protected by Article 20º of the Constitution of the Portuguese Republic (Constituição da República Portuguesa, CRP) which establishes that the access to justice cannot be denied for reason of financial hardship. This constitutional right is effected by Act no. 34/2004, on the access to law and courts, to which Article 13º of the Victims' Statute – the transposition of Article 15º of the Directive THB – refers to.

The legal protection foreseen in Act no. 34/2004 is applicable to every Portuguese national, EU citizens, as well as foreigners and stateless people with a valid resident permit in an EU Member State. The right to legal protection of foreigners without a valid residence permit is recognised if the same right is recognised and afforded to Portuguese nationals by the law of such States.

This legal protection comprises two types of support to be provided by the State: legal advice and legal aid. Legal advice consists on technical support provided by lawyers in relation to specific legal issues and cases. In turn, legal aid covers different categories: exemption from judicial fees and other eventual expenses resulting from the proceedings; appointment of and payment to a lawyer; allocation of an Implementing Agent.

The purpose of Act no. 34/2004 is to ensure that no one is hindered or prevented from exercising their rights, namely the right to access to justice, because of their social or cultural condition, insufficient economic means and knowledge/education. Therefore, the right to legal advice and legal aid is dependent on certain circumstances, namely the financial situation of the applicant for legal advice and/or aid. In order to benefit from this right, the interested person needs to demonstrate that they are in a situation of economic insufficiency.

In the course of criminal proceedings, and as witnesses, victims can be accompanied by a lawyer, who informs them, when they deem necessary, of the rights they enjoy, without intervening in the investigation (article 132º, paragraphs 4 and 5).

The Victim Statute ensures the mandatory appointment of a lawyer in criminal proceedings when the victim is an unaccompanied child or when his interests and those of his parents, legal guardian or guardian are in conflict and even when the child with adequate maturity to request it from the court.

SEF Legal Assistance is provided by means of both legal advice and legal aid. The State ensures that the victim has access to free legal advice and, when necessary, to the subsequent legal aid, in accordance with Act no. 34/2004 of 29 July 2004 and Section 112 (4) of Act no. 23/2007;

Applications, certificates, as well as any other documents requested for the purposes of legal protection, are tax, fee and charge exempt;

Legal assistance may be sought by the person interested in its provision or by the Public Prosecution Service in representation of the concerned person;

- Legal aid has to be requested before the first procedural intervention;
- Children (under 18) in danger or in need of protection are sent to Child and Youth Protection Commissions, where they may be assigned a patron in case of conflicts of interest with their parents or legal representative – Act no. 147/99 of 1 September 1999.

Pursuant to the Labor Inspection Statute (Decree-Law No. 102/2000 of 02-06, Art. 11º) which defines the powers of labour inspectors, the inspector may - among other powers - exercise his activity:

- Visit and inspect any workplace, at any time of day or night and without prior notice, without prejudice to the provisions of criminal procedural law on home search;
- Obtain the collaboration and be accompanied by experts, public service technicians and representatives of trade unions and employers, with credentials issued by the inspection services, including the entity to be visited and the service to be performed;
- Interrogate the employer, workers and any other person in the workplace about any questions concerning the application of legal, regulatory or conventional provisions, alone or before witnesses, with the option of reducing statements in writing, without prejudice to the right to be assisted by a lawyer, as well as the provisions of criminal procedural law for defendants;
- Request the identification of the persons referred to in the previous paragraph, to be carried out in accordance with the general law.

Subsequent to the inspection intervention, ACT develops the necessary inspection procedures for the restoration of workers' labour law rights (labour relations and occupational safety and health). The labour inspector raises the infringements notices with the salary calculations made by the inspector which are executive in nature when unpaid and not challenged.

As a good practice, in 2018 Saúde em Português created an integrated response concerning to legal support, with the creation of a working group incorporating the CAP technical team and a legal advisor to inform, advise and clarify victims and ex-victims to the course of the various steps taken in the judicial process. As well as in the request for compensation from the State to victims of violent crimes. As legal advisor of CAP, it provides legal information and follow-up services to the victims and support in reporting specialized information to the technical team to better intervention at this level.

Considered essential, legal support is intended for the entire process of advice, information and clarification provided to the CAP victims to take various steps in the legal proceedings. As part of this support, we consider assisting with bureaucracy essential to ensure the rights of the victims.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

Article 15^o(2) of the Convention determines that victims of THB have the right to legal assistance and to free legal aid under the conditions provided by each Member State's internal law. In Portugal, the law that establishes the regime of access to Justice and the Courts (Act no. 34/2004, of 29 July), determines that foreigners who do not have a valid residence permit in a Member State of the European Union are entitled to legal aid insofar as it is granted to Portuguese citizens by the laws of their respective States.

Access to the law and to the courts is not subject to any limitations due to the victim's situation (art. 1st Act 34/2004, of 29 July).

The Victim Statute enshrined the right of all victims to free access to legal advice and, if necessary, to legal aid (art. 13^o Statute), in the cases established in Act 34/2004.

This law has not yet been amended accordingly, so these rights are conformed under the terms of article 7^o of Act 34/2004, which guarantees the right to legal protection for national and European Union citizens, as well as foreigners and stateless persons with a valid residence permit in a member state of the European Union.

Foreigners without a valid residence permit in a member state of the European Union are recognized the right to legal protection, insofar as it is attributed to the Portuguese by the laws of the respective states.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

As mentioned in the previous answer, the State enshrined the victim's right to free access to legal advice and, if necessary, legal aid (art. 13th Statute).

However, the exemption from procedural costs is guaranteed to victims of crimes of slavery and human trafficking when they intervene in the respective criminal proceedings, including in the claim for civil compensation (Decree Law 34/2008 of 26 February). https://dre.pt/web/guest/legislacao-consolidada/-/lc/121716275/202001231421/exportPdf/normal/1/cacheLevelPage?LegislacaoConsolidada_WAR_drefrontofficeportlet_rp=indice

Since the costs include charges for the payment of fees to a lawyer (Article 16 of the Judicial Costs Regulation), it is understood that, despite Act no. 34/2004 not having changed, that the appointment from being an unofficial lawyer to the victims, it takes place under the terms of Act no. 34/2004, that is, through an indication made directly by the Bar Association and without the need for Social Security intervention.

Act no. 34/2004:

https://dre.pt/web/guest/legislacao-consolidada/-/lc/117352413/202001231422/exportPdf/normal/1/cacheLevelPage?LegislacaoConsolidada_WAR_drefrontofficeportlet_rp=indice

If the infringement detected by ACT Labour Inspectors consists in the non-payment of amounts due to employees, the respective amount shall be determined by the labour inspectors and if the infringement consists in the non-payment of amounts due to the social security, the respective institution shall be made aware of the amount, and the amount shall be determined by the labour inspectors, which constitutes executive title.

Clearances are always made if the infraction results from situations of false self-employment, lack of mandatory communication to social security or undeclared work (article 7 of Decree Law 102/2000, of 02/06).

If the administrative condemnatory decision to impose a fine that is not settled within the legal deadline it becomes with the nature of an enforceable title (article 26º of Act 107/2009, of 14/09).

If there are salary calculations made by labour inspectors these also are an integral part of the notice of infraction.

In the event of non-voluntary payment of amounts due to workers and social security, the respective clearance made in the report or prior inquiry shall be enforceable, and the rules of the common enforcement procedure shall be applied for the payment of a certain amount.

If the deposit is not made the case will be referred to the competent court and the worker will be notified of the amounts cleared, indicating that the clearance is enforceable (article 16º of Decree Law 102/2000 of 02/06).

Regarding children victims of THB, Family Court assigns them a legal guardian, which is normally a Shelter professional that assists them with all these procedures.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

When lawyers register on the legal aid system they must indicate preferential areas of intervention, and not specific crimes. This means that when a victim of trafficking request legal aid and is assigned a lawyer, he/she is supposedly an expert on criminal law, but not necessarily on THB situations.

See also Law 34/2004 and Ordinance 10/2008, of January 3 - <https://dre.pt/application/file/a/386761>

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Exemption from procedural costs in criminal proceedings is legally guaranteed and does not imply the payment of any fee. The costs also include the payment of charges, which include the fees of an unofficial lawyer, so this appointment is also free for victims.

Besides the right to legal aid, prescribed by Article 13º of the Victims' Statute, victims of trafficking in human beings are also exempted from paying legal costs, according to Article 4º(1)(z) of the Litigation Costs Regulation.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

Persons sustaining the damage may submit a claim for civil damages in criminal proceedings against defendants or other civil liability.

In the event of a conviction, and if the civil claim has not been deducted, the court may of its own arbitrate an amount as compensation for the losses suffered. In the case of vulnerable victims, as is the case of victims of THB,

the establishment of compensation by the court is always mandatory (article 16º, paragraph 2 and 82º-A Code of Criminal Procedure).

In this context, the Public Prosecutor's Office always represents children who do not have a legal representative. They also have the legitimacy to represent victims who request their legal sponsorship, for claiming labour credits.

Under the terms of paragraph i) of article 4º of its new Statute, it is also responsible for defending and promoting the rights and interests of children, young people, the elderly, adults with reduced capacity, as well as other especially vulnerable people, under the terms of law, which may constitute a legitimate basis for the representation of all victims of THB in this area, insofar as the legal system recognizes them as especially vulnerable victims.

There is another mechanism victims might resort to: compensation by the State, Act no. 104/2009 that predicts the advance payment by the State in case of violent crimes, i.e., when the victim suffers serious damages to the physical or mental health that result from acts of violence, is due to the victims when certain requirements are met altogether, according to Article 2º(1): (a) the damage must have caused a permanent disability, a temporary and absolute disability to work during at least 30 days or death; (b) the crime must have caused a significant disorder on the quality of life of the victim or, in case of death, of the person who makes the request; (c) and there must have been no reparation of the damage after the sentence related to Articles 71º to 84º of the CPP or if it is reasonable to believe that the offender and civilly liable will not repair de damage, without being possible to obtain an effective and sufficient reparation from other source. Child victims or victims of crimes against sexual freedom and auto-determination may benefit from this regime even if the first requirement is not met and if exceptional and duly reason circumstances advise it.

This law also provides, in Article 2º(3), that this right to obtain an advanced payment of compensation prevails even when the identity of the author of the crime is not known, or, for some reason, it is not possible to accuse or convict this person. Finally, according to Article 2º(6), child victims or victims of crimes against sexual liberty and self-determination might beneficiate from this regime even if the first requirement is not met, if exceptional and duly justified circumstances so recommend.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

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 71º 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.

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

Compensations can be obtained through enforcement mechanisms on the defendant's assets, which can be apprehended with caution for this purpose (precautionary attachment).

The State may advance the payment of compensation, under the terms of Act No. 104/2009, of 14 September.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

The absence of the victim from national territory does not prevent him from exercising all his rights in criminal proceedings, provided he is represented for that purpose in the process.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Victims of THB for labour exploitation may, like other victims of the crime of THB for another purpose, deduct a claim for compensation for the damage suffered with the crime, under the terms of the above rules.

And they can also claim the payments due for the provision of work in their own labour lawsuit, sponsored by the Public Prosecutor, in the labour jurisdiction / Labour Courts, as long as they request it.

If the infringement detected by ACT Labour Inspectors consists in the non-payment of amounts due to employees, the labour inspectors shall determine the respective amount. And if the infringement consists in the non-payment of amounts due to the social security, the respective institution shall be made aware of the amount, and the amount shall be determined by the labour inspectors, which constitutes executive title.

Clearances are always made if the infraction results from situations of false self-employment, lack of mandatory communication to social security or undeclared work (article 7º of Decree Law 102/2000, of 02/06).

If the administrative condemnatory decision to impose a fine that is not settled within the legal deadline it becomes with the nature of an enforceable title (article 26º of Act 107/2009, of 14/09).

If there are salary calculations made by labour inspectors these also are an integral part of the notice of infraction.

In the event of non-voluntary payment of amounts due to workers and social security, the respective clearance made in the report or prior inquiry shall be enforceable, and the rules of the common enforcement procedure shall be applied for the payment of a certain amount.

If the deposit is not made the case will be referred to the competent court and the worker will be notified of the amounts cleared, indicating that the clearance is enforceable (article 16º of Decree Law 102/2000 of 02/06).

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

Article 28º of the Victims' Statute establishes that police authorities and judicial professionals who might enter in contact with victims shall receive general and specialised training, increasing their awareness regarding victims' needs and protection as well as promoting a non-discriminatory, respectful and professional handling of the cases.

In the 4th National Action Plan to Prevent and Combat Trafficking Human Beings (IV PAPCTSH 2018 -2021) - <https://www.cig.gov.pt/wp-content/uploads/2018/06/0254602552.pdf> - consider continuous investment in training and awareness, in particular of law enforcement officials, prosecutors, judges, labour inspectors, social workers and staff members of NGO.

EMEs provide training and awareness sessions all over the country to entities and professionals that may have contact and detect THB situations. Our goal is to reach as much as entities as possible and to make them aware of the need to guarantee human rights, and to take into consideration situations of vulnerability and fragility and also to understand emerging contexts of THB. Training lawyers, prosecutors, judges, and other legal professionals, is one of our main focuses of our advocacy work.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

This question has already been answered 3.1

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

There is a maximum amount fixed by law. Then it has to do with the damage suffered by the victim, using existing instruments, namely those of social security.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Claims for State compensation are submitted through an on-line form available at the Commission for the Protection of Victims (CPVC) website. CPVC is responsible for receiving, examining and deciding on claims for State compensation filed by victims of violent crimes and victims of domestic violence. All relevant supporting documentation can also be submitted via Internet, through the online-form or email.

It is possible for foreign victims to submit claims for State compensation. Under EU law, there is the possibility to file a claim and compensation in the origin country when none of these requirements have been made in the country where the crime and exploitation took place. In other words, if you are a victim of THB in Portugal and you return to your origin country and only proceed with the claim there, the authorities will refer to the authorities of the country where the crime took place. So, it's possible but never happened.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

If the victim ask for legal support, there is no costs and fees for the victims and also if they are support by an NGO. If the victims choose a lawyer on her own, she must support the costs and fees.

The state compensation don't has any taxation

The victim receiving compensation has no consequences for access to social security or other benefits.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

ii) Under Article 110º of the Penal Code, the following are declared lost to the State:

- a) The typical illicit products, considering as such all objects that have been produced by their practice; and
- b) The advantages of a typical unlawful fact, considering as such all things, rights or advantages that constitutes an economic advantage, directly or indirectly resulting from that fact, for the agent or for others.

The loss of the aforementioned products and advantages takes place even though they have been subject to eventual transformation or reinvestment, also covering any quantifiable gains that may have resulted from them. If the aforementioned products or advantages cannot be appropriated in kind, the loss is replaced by payment to the State of the respective value, and this substitution can operate at all times, even in the executive phase, with the limits provided for in article 112-Aº . This provision does not prejudice the rights of the victim.

Through Act no. 45/2011, of 24 June, an Asset Recovery Office (GRA) was created with the mission of identifying, locating and seizing assets or products related to crimes, internally and internationally. This Office is responsible for the financial or patrimonial investigation determined by the Public Prosecution Service, in the case of instruments, goods or products related to crimes punishable by imprisonment of 3 years or more, as is the case of the crime of trafficking in persons and depending on of their estimated value.

With the prior authorization of the Attorney General of the Republic, the GRA may proceed with the financial or patrimonial investigation, when the estimated economic value and the complexity of the investigation justify it.

Law no.45/2011: https://dre.pt/web/guest/legislacao-consolidada/-/lc/117639378/202001231438/exportPdf/normal/1/cacheLevelPage?LegislacaoConsolidada_WAR_drefrontofficeportlet_rp=indice

Section 1 (1) (n) and Section 7 et seq. of Act no. 5/2002 of 11 January 2002 provide for mechanisms to confiscate the benefits from activities relating to THB.

Act no. 5/2002 of 11 January 2002 - <https://dre.pt/application/file/a/582949>

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

Pursuant to article 130º, no. 2 of the Penal Code, victims / persons sustaining the damage may apply to the court to be attributed, up to the limit of their damage, any property or value that has been confiscated by the State.

Portuguese law establishes a special destination for goods recovered or declared lost in favour of the State related to the crime of trafficking in persons, establishing that the proceeds of the revenue from these goods revert to the coordinating entity of the National Action Plan to Prevent and Combat Trafficking in Human Beings (Commission for Citizenship and Gender Equality), support for actions, measures and programs to prevent trafficking in persons and to assist and protect their victims (article 17º nº 1 la. c), of Act nº 45/2011, of 24 June). It was not possible to collect data on the destination of goods in specific cases.

One of the measures of the current 4th National Plan to Prevent and Combat Trafficking Human Beings (IV PAPCTSH 2018 -2021) is to promote the effectiveness of this legal provision.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

The Portuguese penal legal system is based on the principle of legality, which determines the mandatory criminal prosecution of all criminal cases, for all crimes that prove to be fulfilled.

Thus, there is no "plea bargaining" figure or institute. The Portuguese legal system allow, under certain conditions, the non-presentation of the case to trial, with an injunction to the defendant during the investigation phase, namely through compensation to the person sustaining the damage. However, such institutes are only applicable to crimes punishable by imprisonment of no more than 5 years, and therefore are not applicable to crimes of trafficking in persons, punishable by higher penalties.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

The crime of Trafficking in Persons, pursuant to Act 96/2017 of 23.08, is a crime of priority prevention and investigation.

Act 96/2017 - <https://dre.pt/application/file/a/108039217>

As regards the investigation phase, data on the average duration of THB cases are not available.

However, the investigation of the crime of trafficking in persons has a priority nature, under the terms of Act No. 96/2017, of 23 August, which determines the treatment of these cases with priority over other non-priority or urgent cases.

The criminal procedural law also provides for a general mechanism for speeding up the proceedings of all cases that do not have a decision within the deadlines defined in the law for the respective procedural phase.

Average duration (months) of completed criminal cases in the first instance judicial courts (2016-2018)

Crime / Average duration	Year		
	2018	2017	2016
Trafficking in human beings	16	5	7

Notes:

a) The average duration of completed cases corresponds to the time between the date of the entry of the case and the date of the final decision (judgment, decision or order) in the respective instance, regardless of the final decision.

The average duration presented in this report corresponds to the total time of the proceedings, even if redistributed, that is, between the date of initiation of the proceedings in the court where the proceedings began and the date of termination of the proceedings in that or another court to which they were redistributed.

b) In these data are not counted the cases carried over, the joined, incorporated or integrated cases, those sent to another entity and cases with term "N.S." and modality of the term "N.S."

c) Since 2007, statistical data on cases in courts of 1st instance began to be collected from the computer system of the courts, therefore the dynamism of information is greater, through corrections that can be made to the data in said system.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

The abstract penalties provided for the crime of trafficking in persons in article 160^o of the Penal Code are high (from 3 years to 10 years in prison with the possibility of aggravating one third in the minimum and maximum limits in certain circumstances), and in accordance with the penalties provided for serious crimes in the Portuguese Penal Code.

The criteria for choosing and applying the concrete penalty obey the normative criteria set out in Portuguese criminal law - Articles 70^o to 79^o of the Penal Code, depending on the fault of the agent and the prevention requirements, taking into account all circumstances that, not being part of the type of crime, testify in favour of the agent or against him, considering, namely:

- a) The degree of unlawfulness of the fact, the manner of its execution and the seriousness of its consequences, as well as the degree of violation of the duties imposed on the agent;
- b) The intensity of fraud or negligence;
- c) The feelings expressed in the commission of the crime and the purposes or reasons that determined it;
- d) The personal conditions of the agent and his economic situation;
- e) Conduct prior to and after the fact, especially when it is intended to repair the consequences of the crime;
- f) The lack of preparation to maintain a lawful conduct, manifested in the fact, when that lack should be censured through the application of the penalty.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

The VOT is a witness in a criminal procedure. It can also become a civil part, and demand during the trial phase an indemnisation for the damages suffered during the exploitation process (both physical and psychological).

The Criminal Procedure Code (art. 67^o-A) recognizes the victim, as such, as the subject of rights to information, assistance, protection and active participation in the criminal process.

It can also become an assistant in the process and assume the procedural rights that the law ensures in this capacity (articles 68^o and 69^o), being able, for the purpose, to benefit from the exemption of costs and sponsorship by a lawyer.

Especially vulnerable victims have the right to be accompanied by a person they trust, including Victim Support Technicians.

In some situations, particularly in the case of victims of trafficking, female, for sexual exploitation, Act No. 61/91, of 13 August, admits that NGOs can become assistants and even assume responsibility for representation of victims to deduct a Civil Compensation Request (article 12^o).

Act No 61/91, of 13 August - <https://dre.pt/application/file/a/676127>

Multidisciplinary Teams aim to accompany each THB victim in all the criminal proceedings related to their particular cause. Their goal is precisely to advocate for victims' rights during all these proceedings, with all relevant stakeholders (police forces, lawyers, judges, public prosecutors, etc..), and to create opportunities for each victim to have a voice during each criminal phase, always making sure their safety is never at stake. Naturally this entails a very articulate work with all these stakeholders who take a very important role in making everything happen in the least traumatizing way and with the most respect for victims' rights, exploitation pasts and personal views. The role of EMEs and Shelters' professionals is to be a constant reminder of these aspects and advocate for their significance, and also to emphasize the importance of preventing further victimisation. To this extent, these professional teams are always available to be present every time a THB victim is enquired by

police forces has a meeting with a lawyer, or a hearing with a judge (naturally with each victim consent and at their request).

Nonetheless legal aid is not provided by NGO, but by assigned lawyers, as mentioned above.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

The Portuguese penal legal system is based on the principle of legality, all news of crime give rise to the opening of a case.

If at the end of the inquiry stage, the victim does not agree with the Public Prosecutor's decision to close the case on lack of evidence, he/she can request the opening of the examination stage. The examination stage is therefore a stage where the grounds for the decision are discussed and where both the victim and the defendant can submit evidence which, for whatever reason, was not taken into account in the investigation stage, such as new witnesses or documents. In this stage, a judge will review the evidence gathered during the inquiry stage, any other evidence which they understand should be obtained, or which is submitted at this stage and which they considers relevant. At the end of this discussion, the judge decides whether or not to confirm the Public Prosecutor's decision in the investigation stage. If the examining judge decides to dismiss the case, the defendant will not go to trial. This decision is called a non-indictment decision and may be appealed.

Article 2º(3) of the Act No. 104/2009, determines that even if the identity of the perpetrator is unknown or for another reason he/she cannot be charged or convicted, the victim is entitled to obtain compensation by the State.

Victims of human trafficking can file complaints with the Portuguese Ombudsman (Provedor de Justiça) or other human rights institutions in the same terms as any other citizen. The Portuguese Ombudsman has a support line specific for children.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

Trafficking in Human Beings is a public crime — it is sufficient that someone reports the matter to the police or judicial authorities for criminal proceedings to be initiated.

The procedural rights of victims in criminal proceedings are not limited due to the circumstances mentioned. And the Victim Statute (art. 3º) ensures the principle of equality between all victims, regardless of ancestry, nationality, social status, sex, ethnicity, race, language, age, religion, disability, political or ideological convictions, sexual orientation, culture and educational level.

Irrespective of their status in Portugal, victims of trafficking have the right to address the national authorities as every other citizen. However, the police have the obligation to communicate to the Portuguese Immigration and Borders Service (*Serviço de Estrangeiros e Fronteiras* – SEF) of the existence of any irregular migrants. Being a victim of trafficking, and since SEF has competence in THB situations, there should not be any negative consequences to come from this and the victim should be immediately referred to support and protection mechanisms.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Yes, the law provides for the State's civil liability for damages caused by its agents in the exercise of their functions, by action or omission, when the legal assumptions of such responsibility are verified.
There are no known concrete cases based on human trafficking.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

The training of magistrates in the area of human trafficking is part of the permanent and mandatory training of public prosecutors.

At least one training course on the subject is carried out every year by the Centre for Judicial Studies, in collaboration with the High Council of the Public Prosecution Service.

In the period under review, from 2016 to 2019, these specific actions were attended by more than 500 public prosecutors.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

The structure of the legal classification of the Trafficking in Human Beings' offence, set forth and punished in article 160⁹ of the Criminal Code, insofar as it requires that the victim be exploited by means which undermine his or her liberty, dignity, physical integrity, that is to say, by means of serious threat, violence, abduction, deception, fraudulent manoeuvre, abuse of authority, exploitation of psychological incapacity, exploitation of a particular vulnerability and by obtaining the consent of the person that has control over the victim, in principle, excludes the unlawfulness of the acts committed under those circumstances which could, *per se*, constitute offences.

It is, of course, for the Court to assess each individual case.

This question was already answered in the previous GRETA report.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Victims' rights are not limited by the fact that can be simultaneously argued in a case.

The two procedural statutes are independent and parallel and are not mutually exclusive or jeopardize. Therefore, the circumstance of being accused does not affect any indemnity rights that may have right.

And from labour legislation point of view, there are no obstructions.

8. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

In Portugal there is a witness protection regime (Act no. 93/99 of 14 June 1999) — an effective protection system for:

- Victims
- Witnesses
- Suspects who collaborate

According to Portuguese law, especially through the legal provisions established in the Victim Statute and the Witness Protection Law, THB victims are considered to be of special vulnerability. In this perspective, according to the result of the assessment of their protection needs, which is carried out by the criminal police bodies and / or the Public Prosecutor, the following special protective dimension is recognized:

- a) The victim's inquiries must be carried out by the same person, if the victim so wishes;
- b) The questioning of victims, unless carried out by a public prosecutor or judge, must be carried out by a person of the same sex as the victim;
- c) Measures to avoid visual contact between victims and defendants, namely during the testimony, through the use of appropriate technological means;
- d) Provision of declarations for "*memória futura*";
- e) Exclusion of publicity from audiences;
- f) The provision of statements or testimony that must take place in a public procedural act or subject to contradiction takes place with concealment of the image or with distortion of the voice, or both, in order to avoid the recognition of the witness;
- g) The right to be accompanied by a social service technician or another person specially qualified to accompany them and, if necessary, to provide victims or witnesses with the necessary psychological support by a specialized technician.
- h) The witness may benefit from specific security measures, namely from the following:
 - h.1) Indication, in the process, of residence different from the usual residence or that does not coincide with the places of domicile provided for in civil law;
 - h.2) Have assured transportation in a vehicle provided by the State to be able to intervene in a procedural act;
 - h.3) Have a compartment, possibly monitored and safely, in the judicial or police facilities to which has to travel and in which can remain without the company of other actors in the process;
 - h.4) To benefit from police protection, extended to family members, the person who lives with in conditions similar to those of the spouses or to other people who are close to them;
 - h.4) To have in prison a regime that allows to be isolated from other prisoners and be transported in a different vehicle;
 - h.5) Change of the physical place of habitual residence;
 - h.6) Temporary removal from the family or the closed social group in which it is inserted.

The protection measures can be suggested by the criminal police bodies to the Public Prosecutor's Office, which decides or promotes their application to the Court, in cases where the competence falls exclusively to them. The victim is also granted the right to request them.

Law no. 93/99:

https://dre.pt/web/guest/legislacao-consolidada-/lc/71060576/202001231506/exportPdf/normal/1/cacheLevelPage?LegislacaoConsolidada_WAR_drefrontofficeportlet_rp=indice

Police operations include experienced interpreters and competent staff that provide more pressing emotional, psychological, social, legal and humanitarian support (in many circumstances this assistance can be provided with the collaboration of Emergency Multidisciplinary Teams, which are part of the **Regional Network for Support and Protection of Victims of THB** — a humanised, person's needs-driven approach;

THB victims are also protected directly by the State through the Shelter and Protection Centres, which work together with the PJ [Criminal Investigation Police], SEF [Portuguese Immigration and Border Service] and MP [Public Prosecution Service];

— Under the directive of the Prosecutor General's Office 1/2017, urgent coercive measures should apply to perpetrators of THB crimes.

Apart from the mechanisms entailed by the law, there are also those entailed by our National Referral System, like specific Shelters for victims of THB. In these Shelters victims not only have access to all the services they need, as they are protected against potential retaliation during or after legal proceedings. These Shelters are safe houses, with confidential addresses and the access to their premises is highly limited, exactly because one of their main goals is to keep victims of THB safe.

It is important to notice that when a signalling happens, a risk evaluation is made by Multidisciplinary teams in close collaboration with the police and in cases where the evaluation of the risk changes (for example if there is a threat or the location of the Shelter is compromised), the victim is considered not safe and it transferred somewhere else where safety is guaranteed.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

According to Portuguese law, and if the victim does not wish to withdraw from the process, the victim has the right to be informed about measures involving deprivation of liberty of the perpetrator, the effective sentence of imprisonment and the date the perpetrator will be released.

Its part of support services to inform the victims that request our help, about all the procedures related with the criminal justice system. Under this, every communication that involves the court can be done directly from services, especially in what regards the request for this kind of information. When the victims are in the shelter and protection center, or even supported by a victim support scheme (VSS) the professionals responsible for the shelter or the VSS, articulate directly with the entities in charge of the process.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

Victims of trafficking are considered especially vulnerable - cfr artº 67º - A, nº 3 and artº 1º, al. j), l) m) of the CPP, since the crime of trafficking in persons is part of the concepts of "violent crime" and "especially violent crime" and "highly organized -).

Thus, and in addition to the measures that can be applied in the context of witness protection, already mentioned in 8.1, the law ensures several mechanisms for the referred purpose:

- a) in the case of prosecution for the crime of human organs trafficking, trafficking in persons, or against sexual freedom and self-determination, procedural acts are, as a rule, excluding advertising (Article 87º (3) and 4º CPP).
- b) It is prohibited, under penalty of incurring the crime of disobedience, to publicize, by any means, the identity of victims of crimes of human organ trafficking, human trafficking, against sexual freedom and self-determination, unless the victim clearly allows revealing her identity or if the crime is committed through the media (article 88º, no. 2, al.c, of the CPP).

As far as child victim, it is always forbidden to disclose information to the public that may lead to the identification of a child victim, under penalty of its agents incurring the crime of disobedience. (Article 22º of Act 130/2015)

c) The law also provides for the use of declarations for “*memória futura*” (article 271º of the CPP), a procedure applied, as a rule, to cases of human trafficking, taking into account the extreme vulnerability of the victims, their mobility and tendency towards threats;

d) Special regime for granting a residence permit, which will be maintained as long as there is a risk that the victim, his or her relatives or persons who have close relations with him are the object of threats or offenses practiced by trafficking agents (Dec. Law 368/2007, of November 5); <https://dre.pt/application/file/a/629346>

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

There is no data available to answer the first part of the question. In addition, according to Portuguese law, the witness protection rules mentioned in the answer to question 8.1 are applicable to THB victims.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

The articulation between the criminal police bodies and the Public Ministry with the NGO is carried out through formal protocols or through contacts based on good functional and close articulation practices.

Whenever needed, Shelters for victims of THB always have the possibility to ask for protection to the police force investigating the THB case. Apart from that, the fact that Shelters' addresses are unknown ensures extra protection. To this end, it is also important that none of the information regarding the victims' current location (not even the NGO name) is written in the criminal file (so that perpetrator's lawyer may never access or share this kind of information).

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

According to Portuguese law, in particular the Victim Statute and the Witness Protection Law, children and young people (persons aged up to 18 years) are always considered victims of special vulnerability. This statute recognizes, in addition to the measures and rights listed in the answer to question 8.1, the following rights:

1 - All child victims have the right to be heard in criminal proceedings, and for this purpose, their age and maturity must be taken into account.

2 - In the event of no conflict of interest, the child may be accompanied by his parents, by the legal representative or by those who have *de facto* custody during the testimony.

3 - To have a lawyer appointed by the court, in case of conflict of interests between the victim and its parents (or legal guardian or of those who have *de facto* custody), and also if the child with the appropriate maturity asks the court to do so.

5 - Information that could lead to the identification of a child victim should not be disclosed to the public, under penalty of its agents incurring the crime of disobedience.

6 - If the victim's age is uncertain and there are reasons to believe that it is a child, it is assumed, for the purposes of applying the regime provided for her, that the victim is a child.

Interviews with children are, in some police departments and in the Public Prosecutor's Office, held in spaces that are physically designed to better accommodate them, and can be accompanied by specialized technicians. This always occurs in statements for “*memória futura*”, an act that aims to prevent the repetition of their statements, including at the trial hearing, avoiding re-victimization.

This is a legal mechanism provided in the article 271.º of the Portuguese Criminal Procedure Code and article 24.º of the Victim's Statute, in which the victim's testimony is recorded in an early stage of the criminal trial, so the court can use the recording throughout the rest of the trial. Therefore, the number of hearings is limited, preventing the re-victimization effect on the child.

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

The Asset Recovery Office (G.R.A.) in Portugal operates under the Polícia Judiciária [Criminal Investigation Police] — Act no. 45/2011 of 24 June 2011 — article 17:

“The proceeds of the revenue of property related to offences of trafficking in human beings reverts to the coordinating entity of the National Plan against Trafficking in Human Beings and is intended to support actions, measures and prevention programmes concerning trafficking in human beings, as well as support to, and protection of its victims”.

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

The right to compensation is a procedural right of the victims established and ruled by article 75º of the Procedural Criminal Code. International cooperation related with this right implies the possibility of transmission of the decision that recognised the right to a certain amount as compensation, in view of its recognition and execution in a foreign country, v.g the one where the victim is currently living. Framework decision 2005/214/JHA, that has been transposed by Act 93/2009 enables for the transmission in view of execution of decisions that imposed compensation at the benefit of victims (article 1º, b ii).

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

The experience of Portugal on JITs is poor and according with statistics obtained no JIT has been organised to improve the investigation and prosecution of THB cases. Financial investigations on the investigation of THB have been mostly national, no specific international cooperation tools have been used. However it has been possible to identify at least one THB case for sexual exploitation, pending in the Central Department of Criminal Investigation in Lisbon, in the frame of which a coordination meeting was held in Eurojust, between romanian and portuguese judicial authorities, with the objective of setting up a potential JIT. The JIT was not put in place due to the very incipient phase of the romanian investigation but a EIO was sent to Romania in order to identify bank accounts and assets belonging to the suspects, of romanian origin. This EIO has not been totally executed at present time.

Some investigations, by way of example, that made use of international cooperation mechanisms, via Interpol, Europol and the setting up of informal joint teams:

Case-file 1496/15.1T9SNT: Operation “CORDA BAMBA” – Trafficking in Human Beings for the purpose of labour and sexual exploitation: the perpetrators lured persons living in Romania to work in Portugal in agricultural holdings and exploited women for prostitution purposes.

Trial: 14 persons were convicted for several crimes, namely Conspiracy, Procuring and Trafficking in Human Beings, being sentenced to effective prison terms ranging from **5 to 16 years**.

Case-file 576/14.5GEALR: Operation “KATMANDU” – Trafficking in Human Beings for the purpose of labour exploitation: the perpetrators recruited workers from Nepal, India, Pakistan, Bangladesh, Thailand, Philippines to work in agriculture;

Trial: 22 persons were convicted and sentenced to prison terms ranging from **5 to 10 years** and 13 legal persons were sentenced to dissolution;

Case-file 685/13.8JACBR: Operation “LUSAR” – the perpetrators lured Portuguese workers to attractive agricultural works in the Spanish territory: five Portuguese perpetrators were arrested.

In an ongoing case of THB for the purpose of sexual exploitation, the Portuguese Immigration and Borders has several operational meetings with Romania and Spain representatives. During the action day, 2 police officers from Romania took part in the arrests, searches and witness interviewing in Portugal. No JIT was created.

In recent years, ACT has been participating in the Joint Action Day, which is characterized as a concerted international intervention between labour inspectors and the national OPCs and from the respective intervening countries, which develops inspections aimed at detecting and combating eventual situations of labour exploitation in the context of the crime of TSH. Intervention methodologies and sectors of activity are freely chosen by the intervening countries, relying on Europol's organization and intelligence and on dates defined by Europol.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

The requests and European Investigation Order identified include information on bank accounts and therefore might be related with some financial investigation. However it is not possible to assure that it was its only or main purpose. The numbers are the following: mutual legal assistance issued (to Brasil): 2; mutual legal assistance received: 0; European Investigation Order issued: 7; European Investigation Order received: 6.

An European Investigative Order was issued to Romania. The investigation is now reaching its final steps, and 7 men are under preventive arrest. (Case file 20/18.9ZRCBR, Operation “El Pibe”)

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

All forms of cooperation approved and used in the European Union space of cooperation have been useful in order to get evidence or arrest and surrender alleged traffickers, in this field of work as well as others. The recent European Investigation Order that applied rules similar to the European Arrest Warrant to the procedures of getting evidence is a good example. In fact the use of forms, the admission of simplified procedures, the introduction of delays and of direct channels for communication are all factors that contribute, in a very clear way, for procedures to run faster and for evidence to be gathered in a more valid way. Also the strengthening of networks of cooperation, in other environment of cooperation, has been useful. As an example in one THB case for children exploitation, pending in the Department of Criminal investigation in Lisbon, an urgent judicial request was sent to Angola, through direct contacts between Central Authorities of both Portugal and Angola, in order to preserve and obtain images of surveillance cameras in Luanda's Airport. The request was sent by e-mail and almost immediately executed by Angolan authorities and the CD with the relevant footages, was brought to Portugal by Portuguese law enforcement agents.

An European Investigative Order was sent to France, in a case of THB of Angolan children, pending in the Department of Criminal investigation in Lisbon, in order to obtain possible evidence of links of the suspect to a wider organisation, eventually based in that country, where he has a visa permit.

The forms of International cooperation that have proved to be particularly helpful during THB investigations were:

a) EUROPOL (cross check requests, information requests, background checking requests, operational meetings, mobile offices and Europol staff deployments during action days, analytical support, etc);

b) ILOs – either Portuguese ILOs deployed in other countries, or the ones deployed by their countries in Portugal.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

IOM's office in Portugal in cooperation with the Portuguese Government provides assistance with voluntary return and reintegration through the Assisted Voluntary Return and Reintegration programme - ARVoRe VI in Portuguese.

This programme aims to support - in a humane, dignified, and sustainable way - migrants in a vulnerable situation living in Portugal, who wish to return to their country of origin or third countries that are willing to receive them, but do not have the necessary means to afford the journey.

Under this programme, also applicable to victims of trafficking, applicants will be able to receive advice on return as well as logistical support at the travel level and, upon individual examination of each case, support for reintegration into their country of origin.

The programme is co-funded by the Asylum, Migration and Integration Fund (AMIF) and the Portuguese Immigration and Borders Service (SEF). The ARVoRe VI programme depends on the cooperation and participation of a vast number of stakeholders, namely, migrants themselves, the Portuguese Government, the Portuguese Immigration and Borders Service (SEF), a network of local partners around the country, National and Local Migrants Support Centres (CNAIM and CLAIM), as well as migrants' countries of origin. Partnerships formed between IOM and the different national and international stakeholders are fundamental for an effective implementation of the ARVoRe VI programme – from the pre-departure stage to the re-integration.

The Voluntary Return in the context of Portugal is framed under article 139, from the Law no. 23/2007, approving the legal system governing the entry, stay, exit and expulsion of foreigners in Portugal.

It is important also to highlight that EMEs manage a specific amount of funds for the return of European trafficking victims

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

A VOT has equal access to justice and effective measures, irrespectively of their immigration status and form of exploitation.

Also, one of the rights of a THB victim is to have his/her residence status resolved upon request. A VOT will be granted a residence permit. During an investigation, a VOT will be granted a residence permit as prescribed by the art. 9 109. 9 of the Act 23/2007. If refusing to cooperate, there are other forms of granting a residence permit, for instance according to the stipulated by the Decree Law n. 9 368/2007

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

The State has the fundamental constitutional task of promoting equality between women and men as an integral part of the promotion of human rights, namely in civil, cultural, economic, political and social rights and obligations of women and men, equal in value and dignity as human beings. The obligation to ensure respect for this equality in the conduct of public affairs stems from the recognition of the right to equality.

Portugal has developed numerous actions to eliminate direct and indirect discrimination based on sex and to ensure that men and women enjoy the same rights, in law and in fact, in all sector and at all levels. In this way, one the priorities are the efforts in Equality and non-discrimination under the law and access to justice.

Portugal has a *National Strategy for Equality and non Discrimination – Portugal+Equal –(2018-2021)* supported by three Action Plans that define strategic objectives and specific non-discrimination issues related to equality between women and men, preventing and combating all forms of violence against women, gender violence and domestic violence, and combating discrimination because of sexual orientation, identity and expression of gender, and sexual characteristics.

National Strategy: <https://dre.pt/application/file/a/115360102>

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

In 2015, Portugal adopted officially the Directive 2012/29/EU, transposing it to its national law (Act n.9 130/2015).

In Portugal, and regarding the access to justice and the exercise of their rights, children are considered especially vulnerable victims because of their young age.

Especially vulnerable victims and, particularly, children victims, including those who are victims of THB, can have access to:

- 1) special protective measures when contacting with the criminal justice system, such as:
 - a) inquiries conducted by the same person during all the procedures;
 - b) avoiding any kind of contact with the perpetrator by using, for example, videoconference systems;
 - c) recorded statements to be used throughout the trial; and
 - d) closed-door hearings.
- 2) some rights allowed to children, like:
 - a) right to be heard;

- b) right to be accompanied by their parents or legal guardian, except if there is any conflict of interests (example: the perpetrators are the victims' parents);
- c) right to be accompanied by a qualified professional during the hearing, to ensure the child feels secure and calm throughout the testimony;
- d) the possibility for the children to have a lawyer appointed by the court, in case of conflict of interests between the victim and its parents (or legal guardian), and also if the child asks the court to do so;
- e) no information or data about the children victim can be revealed in any way, particularly by the press or media.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

The National Action Plan to Prevent and Combat Trafficking in Human Beings (2018-2021) has a specific chapter regarding this issue.

One of the main strategic objectives is to reinforce the fight against organized crime networks, namely dismantle the business model and dismantle the trafficking chain

As a specific objective this Plan intend to promote the prevention and fight against THB by economic operators throughout the value and supply chain, and at the level of public procurement

Some of the specific measures are:

- Raising awareness of companies on the topic of THB;
- Guidelines "Prevention of Trafficking in Human Beings in Supply Chains Through Government Practices and Measures" doc. 2018 Tentative Work Plan of the Office of the Special Representative and Coordinator for Combatting Trafficking in Human Beings translated into Portuguese;
- Creation of a guide of good practices in the field of TSH for Public Administration in the scope of the application of the Public Contracts Code;

The RSO.PT network, of which ACT is part, has been conducting business briefing sessions each year with a view to clarifying and informing about the phenomenon of trafficking in human beings for labour exploitation / forced labour in companies and subcontractors-networks.

The Network, above all the "Socially Responsible Procurement" subgroup aims to share knowledge, reflect and disseminate good practices of Social Responsibility in the Procurement (hiring) area.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);

A new trend was noticed in Portugal, involving Chinese citizens (from Taiwan) both as suspects and as victims. The victims are lured with a good job offer abroad, with a vague description, and taken in small groups to a European country. There, and under a 90 days period (their touristic visa deadline), they are coerced to contact other Chinese citizens, via communication apps, posing as police or other state authorities, demanding personal data and money so the victims are not prosecuted for their (made up) "crimes". Our investigation resulted in freeing 16 presumable victims and arresting 3 suspects.

Between 2016 and 2018 the Observatory on Trafficking in Human Beings received 641 registers (Table 1) (for Methodological clarifications please go to "Part III – Statistics on THB").

Table 1 – Annual distribution and percentage of the registers by Law Enforcement Agencies and By NGO's/Other bodies, per classification (2016-2018)

Year of register Classification	2016	2017	2018	TOTAL	%
<i>Pending/In Investigation</i>	7	6	29	42	8,6%
<i>Confirmed</i>	134	60	59	253	51,7%
<i>Non Confirmed</i>	67	60	67	194	39,7%
<i>Subtotal</i>	208	126	155	489	100%
<i>Flagged by NGO's/other bodies</i>	37	37	33	107	70,4%
<i>Non Considered by NGO's/Other bodies</i>	18	12	15	45	29,6%
<i>Subtotal</i>	55	49	48	152	100%
TOTAL	263	175	203	641	-

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

From the **489** registers by Law Enforcement Agencies, and at the time of the last data update, the classification is:

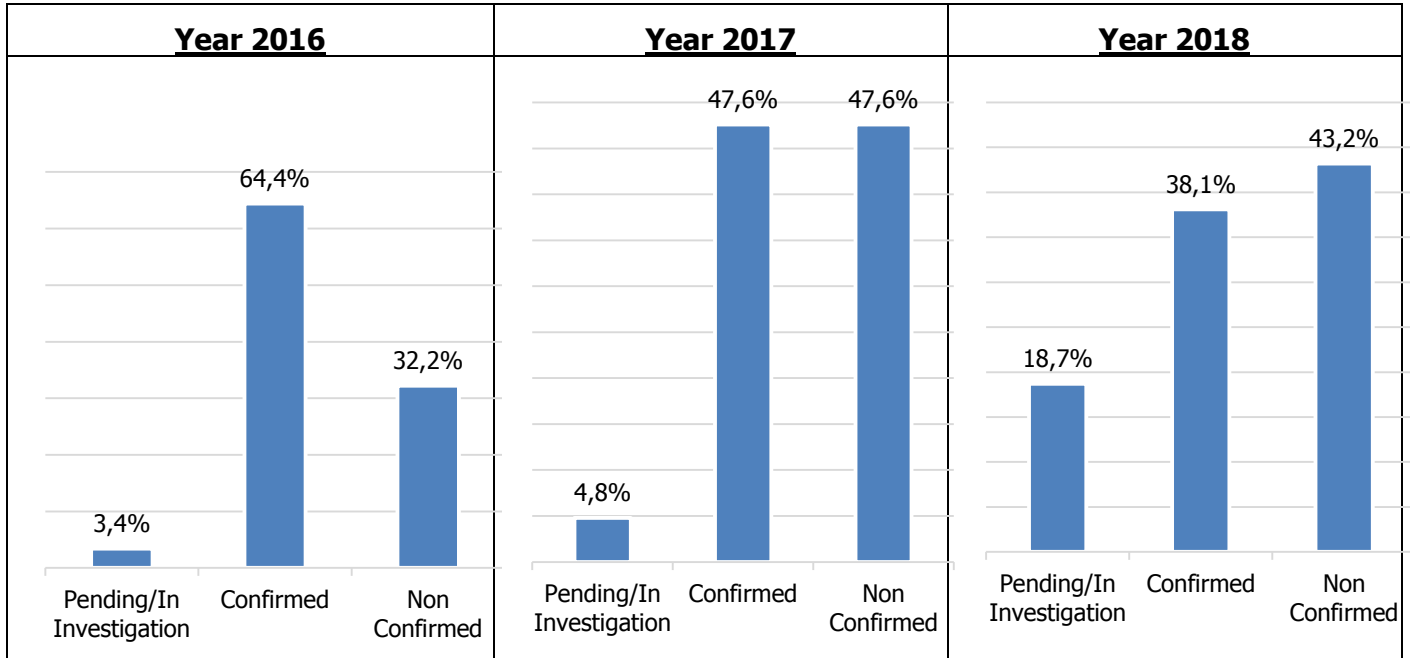
- 8,6% (42) are classified as "Pending in Investigation";
- 51,7% (253) are classified as "Confirmed";
- 39,7% (194) are classified as "Non Confirmed".

From the **152** that were registered by NGO's/Other bodies, the classification is:

- 70,4% (107) are classified as "Flagged by NGO's/Other bodies";
- 29,6% (45) are classified as "Non Considered by NGO's/Other bodies".

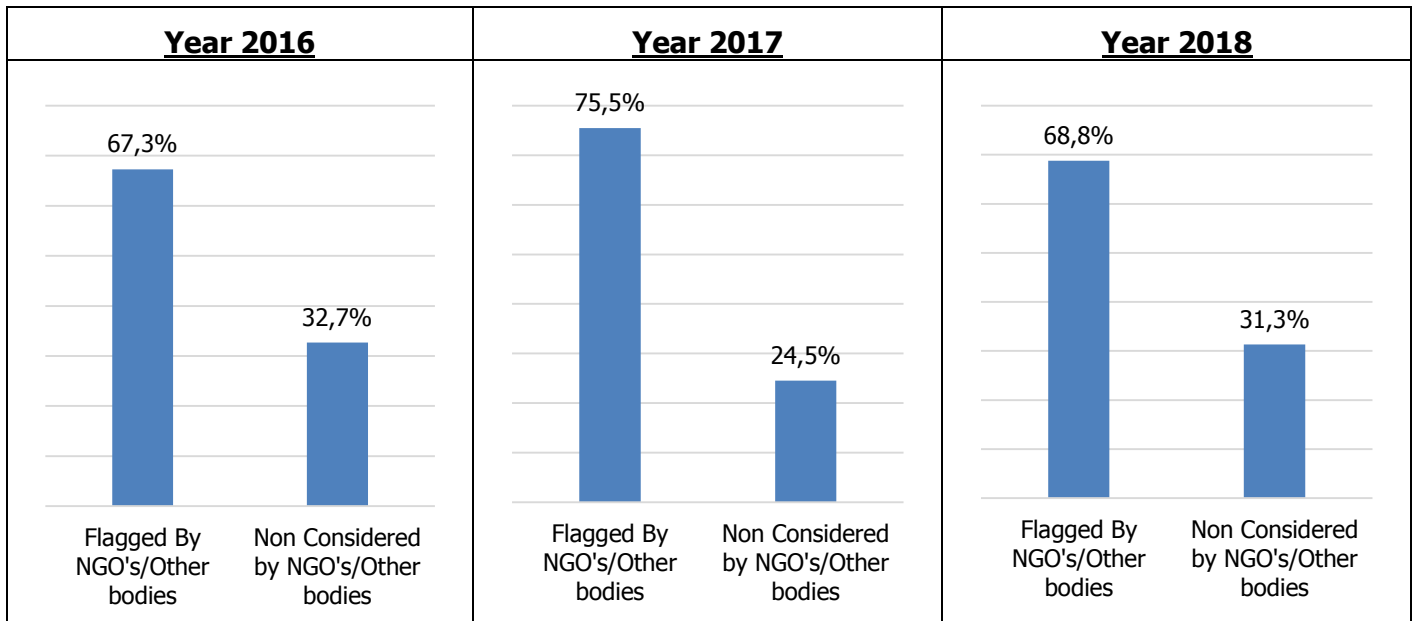
Examining the percentage of the registers' classification by source, per year (Graphic 1 and 2):

Graphic 1 – Annual distribution of the registers by Law Enforcement Agencies, per classification (2016-2018)



Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs
Data last update: July of 2019

Graphic 2 – Annual distribution of the registers by NGO's/Other bodies, per classification (2016-2018)



Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs
Data last update: July of 2019

Both lines of data presentation/analysis demonstrate the following:

Law Enforcement Registers:

- Between 2016-2018, the majority are "Confirmed" (51,7%) (Table 1);
- Annual assessment (Graphic 1):

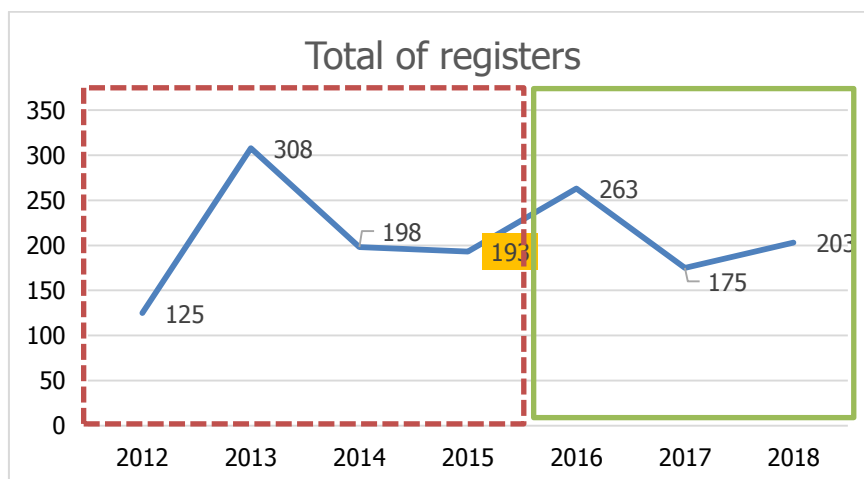
- In 2016, 64,4% were "Confirmed";
- In 2017 there is an equal percentage of registers classified as "Confirmed" and "Non Confirmed" (47,6%). Nonetheless, there are still registers classified as "Pending/In investigation" (4,8%);
- Finally, and being 2018 the last year of report the percentage of registers regarding ongoing investigations is higher (18,7%). Presently, 2018 has a higher percentage of "Non Confirmed" registers (43,2%) if compared to other years. Nonetheless, 38,1% were at the last data update "Confirmed".

NGO's/Other bodies registers:

- Between 2016-2018, the large majority are "Flagged by NGO's/Other bodies" (70,4%) (Table 1);
- Annual assessment (Graphic 2):
 - The percentage of registers considered as presumed victims of THB (*Flagged*) are higher than the ones "Non Considered".

For the purposes of assessing trends, and taking into account the data reported to the Second Evaluation, the annual distribution of the total of registers shows the following (Graphic 3):

Graphic 3 – Annual distribution of the total of registers (2016-2018)



Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs
Data last update: July of 2019

- Considering the last year of reporting (Second Evaluation – 2015: N= 193), 2016 recorded an increase of registers (plus 70).
- In 2017 a decrease (minus 88 registers),
- Followed by an increase in 2018 (plus 28 registers).

As mentioned in the previous Report, the annual increase or decrease of registers, the prevalence of specific forms of exploitation, citizenships, amongst other categories,

Are influenced by several factors linked to the crime of THB such as:

- Socio-economical and territorial dynamics, besides the capacity of front-line professionals to detect THB (the importance of training and consolidation of the Referral Mechanisms).

Besides analysing the sociodemographic features of (presumed) victims, the Observatory on Trafficking in Human Beings created three categories of the Event - *Occurrence* – in which the number of (presumed) victims are counted in association to it:

- "Small occurrence" (less than 10 victims);

- "Medium occurrence" (10 to 20 victims);
- "Big occurrence" (more than 20 victims).

Consequently, the existence in a given year of "Big Occurrences" has a direct impact on annual statistics.

As far as the purpose of THB, these occurrences are mostly observed in trafficking for labour exploitation (agriculture), either in Portugal or abroad, and in some years having as victim's specific citizenships (e.g. Nepalese and Romanian).

This rational is observable in 2016.

From the 263 registers, 208 had as source Law Enforcement Agencies (representing an increase of 107 compared to 2015). From this 208:

- 134 victims were "Confirmed" out of which 81 associated to three "Big Occurrences":
 - 1 with 23 victims associated (17,2% of the total of 134);
 - 1 with 27 victims associated (20,1% of the total of 134);
 - 1 with 31 victims associated (23,1% of the total of 134);

In a scenario where these registers were not confirmed, the total number of confirmed victims would have dropped to 53.

In 2017, no "Big Occurrence" was registered.

In 2018, from the 203 registers, 155 had as source Law Enforcement Agencies (representing an increase of 29 compared to 2017). Out of this 155:

- 59 were "Confirmed" and 26 were associated to one "Big Occurrence" (44,1% of the total of 59);

In a scenario where these were not confirm, the total number of confirmed victims would have dropped to 33.

Therefore, 'emerging trends' must be contextualized in a broader analytical framework involving internal and external variables to the crime of THB.

CITIZENHSIP

Table 2 – Trend Assessment: Indicator "Citizenship"

Indicator	Second Report	Trend	3rd Evaluation (1)
<u>Citizenship</u>	<i>Mostly EU nationals – highest statistical representation of Romanian citizens (associated to "Big Occurrences").</i>	Regularity in region but difference in citizenship	Mostly EU nationals – highest statistical representation of Portuguese citizens, followed by Romanian citizens (thus, EU citizens). Each of these 2 citizenships: <ul style="list-style-type: none"> ➤ <u>Portuguese</u>: there are no "Big Occurrences" but instead an annual incidence of (presumed) victims reported mostly concerning trafficking abroad (Spain as the main country of destination). ➤ <u>Romanian</u>: 77 of which 29 associated to a "Confirmed" "Big Occurrence" in 2016.

(1) Sample (402): Aggregation of "Confirmed", "Pending/In investigation" and "Flagged by NGO's/Other bodies" registers.

Between 2016 and 2018, 33 different citizenships were register (not counted: 2 registers in which the (presumed) victims have double citizenship and 6 registers in which data is still unknown).

If the **unit of analysis is the number of countries per continent**, the prevalence is found in the African Continent with 15 countries. The European Continent has 7 countries registered (4 are EU countries – Portugal, Romania, Bulgaria and Poland); Asia has 6 countries; America has 5 countries.

If the **unit of analysis is the number of victims per country**, the prevalence is in Portuguese citizens (93 – 23,1% of the sample), Romanian citizens (77 – 19,2% of the sample), Moldovan citizens (51 – 12,7% of the sample), and in Nepalese citizens (42 – 10,4% of the sample) (Table 3).

Table 3 – Annual distribution (presumed) victims registered by citizenship

Citizenship	2016	2017	2018	Total	%	Trend	
Portuguese	46	13	34	93	23,1%		
Romanian	41	30	6	77	19,2%		
Bulgarian	11	0	0	11	2,7%		
Brazilian	6	5	3	14	3,5%		
Argentinian	0	...	0	...	0,2%		
Nepalese	40	...	0	42	10,4%		
Nigerian	7	7	0	14	3,5%		
Moldovan	0	13	38	51	12,7%		
Pakistani	5	0	...	1	6	1,5%	
Chinese	0	...	0	0,2%	
Indian	3	0	4	7	1,7%		
Filipino	3	0	0	3	0,7%		
Polish	...	2	0	0,5%	
Ivorian	...	0	0,5%	
Ecuadorean	...	0	0	0,2%	
Malian	...	5	0	6	1,5%		
Guyanese	...	0	0	0,2%	
Guinea-Bissau	...	...	...	3	0,7%	
Congolese (R.D.)	...	7	4	12	3,0%		
Ukrainean	...	0	...	3	0,7%		
Sierra Leonean	...	0	0,5%	
São Tomé and Príncipe	...	...	...	3	0,7%	

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

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Table 3 – Annual distribution (presumed) victims registered by citizenship (cont.)

Citizenship	2016	2017	2018	Total	%	Trend
Cape Verdian	0	...	0	...	0,2%	
Gambian	0	6	0	6	1,5%	
Ghanaian	0	...	0	...	0,2%	
Guinea-Conakri	0	3	...	5	1,2%	
Angolan	...	...	15	18	4,5%	
Senegalese	0	...	0	...	0,2%	
Bangladeshi	...	0	...	3	0,7%	
Venezuelan	0	...	0	...	0,2%	
Albanian	0	0	...	...	0,2%	
Gabon	0	0	...	...	0,2%	
Zimbabwean	0	0	...	...	0,2%	
Double citizenship	0	...	...	...	0,5%	
Unknown	3	...	...	6	1,5%	
Total	178	103	121	402	100%	

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

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Sample (402): Aggregation of "Confirmed", "Pending/In investigation" and "Flagged by NGO's/Other bodies" registers.

Moreover, from Table 3 it is identified the following trend for the period considered:

- Although Romanian citizens are the 2nd most reported there is a decline of registers in the considered timeframe;
- Bulgarian victims (11) only reported in 1 year, and 9 are associated to 1 single occurrence;
- The largely report of Nepalese citizens are in 2016 (40) and associated to 2 occurrences: 1 with 17 victims and another with 23 victims;
- Starting from 2017 it is seen an increase of registers regarding (presumed) victims from Moldova.

COUNTRY TIPOLOGY





Table 4 – Trend Assessment: Indicator “Country Typology”

Indicator	Second Report	Trend	3 rd Evaluation (1)
<u>Country typology</u>	<i>Portugal maintains primarily the status of a destination country for identified victims of THB.</i>	Regularity	Portugal is primarily a country of Destination (251 – 62,4%).

(1) Sample (402): Aggregation of “Confirmed”, “Pending/In investigation” and “Flagged by NGO’s/Other bodies” registers.

Between 2016 and 2018, Portugal was primarily registered as a country of Destination (251 – 62,4%), followed by country of Origin subtype “Abroad” (54 – 13,4%), country of Transit (50 – 12,4%) and country of Origin subtype “Domestic” (47 – 11,7%) (Table 5):

Table 5 – Annual distribution of registers by country typology

Country Typology	2016	2017	2018	Total	%	Trend
Country of Destination	126	61	64	251	62,4%	
Country of Transit	5	27	18	50	12,4%	
Country of Origin - Domestic	25	12	10	47	11,7%	
Country of Origin - Abroad	22	3	29	54	13,4%	
Total	178	103	121	402	100,0%	

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

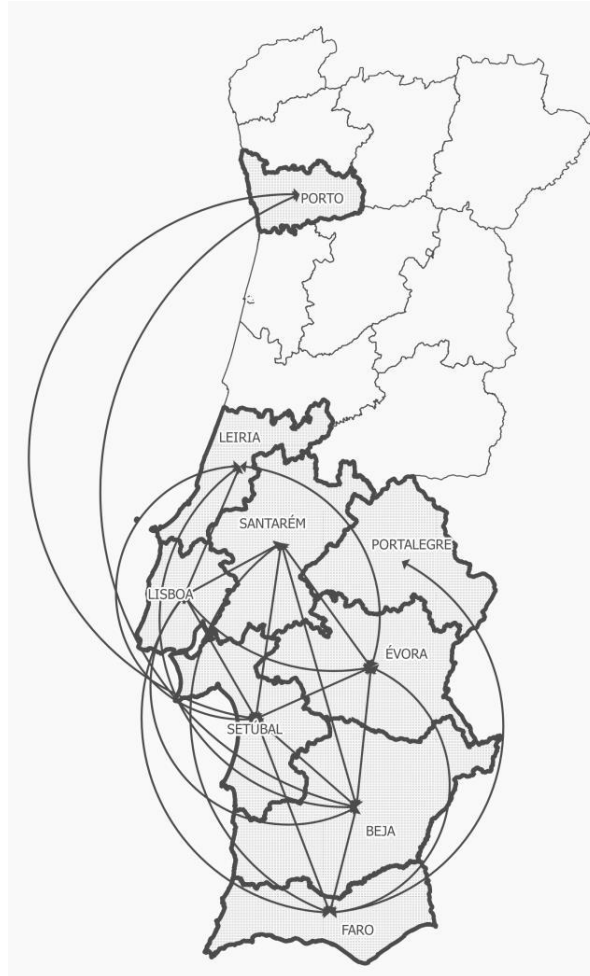
Data last update: July of 2019

Sample (402): Aggregation of “Confirmed”, “Pending/In investigation” and “Flagged by NGO’s/Other bodies” registers.

Following the above-mentioned reasons for the increase/decrease in annual registers, a longitudinal analysis presents the following main conclusions regarding the high number of registers in “Country of Destination/2016”:

- It is link to three “Big occurrences” (as mentioned above).
- One occurrence involved 23 confirmed Nepalese victims in THB for the purpose of Labour exploitation in agriculture;
- Other involved victims from several Hindustani countries (e.g. Nepal, India, Bangladesh, Pakistan), also in THB for the purpose of Labour exploitation in agriculture. In this particular case, the available data showed the known mobility and rotation of victims within the territory (not only between municipalities of the same district, but also between districts) (Cartogram 1):

Cartogram 1 – 2016 Occurrence in THB for Labour Exploitation – Mobility and rotation



→ Other involved mainly Romanian citizens mostly in THB for the purpose of Labour exploitation (also present sexual exploitation and sexual and labour exploitation).

PURPOSE OF THB

Table 6 – Trend Assessment: Indicator “Purpose of THB”

Indicator	Second Report	Trend	3 rd Evaluation (1)
<u>Purpose of TSH</u>	<i>The 2 main forms of trafficking were for the purpose of Labour exploitation and Sexual exploitation.</i>	Regularity	The majority of registers report Trafficking for Labour exploitation (253 – 62,9%). The second type of THB more reported was for the purpose of Sexual exploitation (52 – 12,9%).

- (1) Sample (402): Aggregation of “Confirmed”, “Pending/In investigation” and “Flagged by NGO’s/Other bodies” registers.

Trafficking for the purpose of Labour exploitation remains the most registered. This fact is link to the sector of exploitation – mostly in agriculture – that requires a larger amount of work force if compared to others (Table 7).

Table 7 – Annual distribution of (presumed) victims registered by purpose of THB

Purpose of THB	2016	2017	2018	Total	%	Trend		
Labour	137	35	81	253	62,9%			
Sexual	21	18	13	52	12,9%			
Adoption	...	1	...	2	4	7	1,7%	
Forced Begging	...	2	9	0	11	2,7%		
Practice of Criminal Activities	...	2	...	1	0	3	0,7%	
Slavery	0	0	...	1	...	1	0,2%	
Labor and Slavery	4	...	2	0	6	1,5%		
Labor and Forced Begging	0	...	1	0	...	1	0,2%	
Labor and Sexual	...	1	0	0	...	1	0,2%	
Forced Begging and Practice of criminal activities	0	...	2	0	...	2	0,5%	
Forced Begging and Pregnancy/coercion for adoption	0	...	1	0	...	1	0,2%	
Pregnancy/coercion for adoption	...	...	1	0	...	1	0,2%	
Sexual, Forced Begging, Slavery and Practice of criminal activities	0	...	1	0	...	1	0,2%	
Other /Unknown	10	30	22	62	15,4%			
Total	178	103	121	402	100%			

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

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Sample (402): Aggregation of “Confirmed”, “Pending/In investigation” and “Flagged by NGO’s/Other bodies” registers.

RECRUITMENT METHODS

Regarding **recruitment methods**, and for the available data, the majority had as basis a **job offer** (in some cases linked to the proposal of an “attractive” remuneration and regularization in national territory).

The **means used** (that differ accordingly to the occurrence) were via media/newspapers, recruitment agencies, and direct contact (family, friends or unknown person).

To a lesser extent, the use of the Internet (e.g. Facebook) both in THB for the purpose of sexual, and Labour exploitation.

Taking into consideration the potential usage of the Internet, the Observatory on Trafficking in Human Beings cooperated with the NGO “Movimento Democrático de Mulheres” (MDM) in the development of a **free download App** for smartphones named “**Acting against Trafficking in Human Beings**” (ACT) (work in progress – 1st version launched in 2019).

This App is going to be available in Portuguese, English, Spanish, Russian, Romanian, and French. With several tabs, it provides information on:

- General overview of what is THB;
- Legal framework;
- Main indicators;
- Contacts for the assistance and support to THB victims;
- How to prevent;
- Main resources;
- How to denounce.

The main objective of this App is to act as a digital tool to support professionals on the identification and assistance to THB victims in the framework of the National Referral System as well as to act as a tool to be used by the civil society, by specific groups such as students and potential vulnerable groups.




VULNERABLE GROUPS

Taking into account the prevalence of THB for Labour exploitation (mostly EU and non-EU male victims) and the increase of registers of children, these are identify as two vulnerable groups.

GENDER DIMENSION

Observing the Gender Dimension, the bulk of registers report to (presume) male victims (243 – 60,4%).

Table 8 – Annual distribution of (presumed) registered victims by sex

Sex	2016	2017	2018	Total	%	Trend		
Female	52	61	43	156	38,8%			
Male	125	40	78	243	60,4%			
Unknown	...	1	...	2	0	3	0,7%	
Total	178	103	121	402	100%			

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

Sign (...) data protect by statistical confidentiality

Sample (402): Aggregation of “Confirmed”, “Pending/In investigation” and “Flagged by NGO’s/Other bodies” registers.

To assess this dimension, the variable "Sex" is crossed with "Age Group", "Citizenship" and "Purpose of THB".

→ **Sex and Age Group** (Table 9 and 10):

Independently of the sex, the **majority of (presumed) victims are adults** victims: 66,7% in female and 90,1% in male. Nonetheless, the **percentage of children is higher within female** (presumed) victims (32,7%) if compared to (presumed) male victims (9,5%). Also of notice is 2017 year where almost half of the registers of female (presumed) victims are children (total of registers 61 | Children: 29).

In spite of not being statistically representative within (presumed) male victims the annual number of registers concerning children as been increasing: 2016 (3), 2017 (7), 2018 (13).

Table 9 – Annual distribution of (presumed) registered female victims by age group							Table 10 – Annual distribution of (presumed) registered male victims by age group						
Female							Male						
Age	2016	2017	2018	Total	%	Trend	Age	2016	2017	2018	Total	%	Trend
Children	6	29	16	51	32,7%		Children	3	7	13	23	9,5%	
Adult	45	32	27	104	66,7%		Adult	121	33	65	219	90,1%	
Unknown	...	0	0	...	0,6%		Unknown	...	0	0	...	0,4%	
Total	52	61	43	156	100%		Total	125	40	78	243	100%	

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

Sign (...) data protect by statistical confidentiality

Sample (402): Aggregation of "Confirmed", "Pending/In investigation" and "Flagged by NGO's/Other bodies" registers.

→ **Sex and Purpose of THB¹** (Table 11):

There is a **dependency between the two variables**.

Taking into consideration the two main purposes of THB:

- Within the total of registers of **THB for the purpose of Labour exploitation with data on sex (251)**, the prevalence is found in **male victims (82,9%)**;
- Within the total of registers of **THB for the purpose of Sexual Exploitation with data on sex (52)**, the prevalence is found in **female victims (92,3%)**.

Table 11 – Total of registers on THB for the purpose of labour and of Sexual exploitation per sex



Sex	Female	Male	Total	% Female	% Male	Total %
THB						
Labour	43	208	251	17,1%	82,9%	100%
Sexual	48	4	52	92,3%	7,7%	100%
TOTAL	91	212	303			

¹¹ Note: The total amounts of THB in Table 10 and 11 are equal to Table 7 in "THB for Sexual Exploitation" and differ in the total for "THB for Labour Exploitation" as in this form/Table 6 are counted two registers that while knowing the purpose of exploitation the data for "Sex" is still not known.

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs
Data last update: July of 2019



Bellow, Table 12 and 13 presents the annual distribution of registered victims per sex and in each, by the two main forms of THB: Labour and Sexual.

Table 12 – Annual distribution of (presumed) registered Female victims by THB for Sexual and for Labour Exploitation

THB	2016	2017	2018	Total	%	Trend
Sexual	20	18	10	48	52,7%	
Labour	20	6	17	43	47,3%	
Total	40	24	27	91	100%	

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs
Sign (...) data protect by statistical confidentiality

Table 13 – Annual distribution of (presumed) registered Male victims by THB for Sexual and for Labour Exploitation

THB	2016	2017	2018	Total	%	Trend
Sexual	...	0	3	4	1,9%	
Labour	116	28	64	208	98,1%	
Total	117	28	67	212	100%	

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs
Data last update: July of 2019
Sign (...) data protect by statistical confidentiality

→ **Sex and Citizenship:**

There are citizenships where it is visible a higher percentage of (presumed) victims accordingly to their sex. Some examples:

- Prevalence of (presumed) male victims:
 - Portuguese (77 out of 93)
 - Moldavan (41 out of 51)
 - Nepalese (40 out of 42)
 - Brazilian (10 out of 14)
 - Bulgarian (7 out of 11)
 - Pakistani (5 out of 6)
- Prevalence of (presumed) female victims:
 - Mali (5 out of 6)
 - Congolese (D.R.) (9 out of 12)
 - In some cases, all registered victims are female:
 - Nigerian
 - Guinea-Conakry

Lastly, on the **nexus between gender and THB** the Observatory on Trafficking in Human Beings has done in January 2020 a Thematic Statistical Bulletin analysing data on "Confirmed Victims" (2008-2018) – "*The Gender Dimension on Trafficking in Human Beings*".

CHILD TRAFFICKING

Between 2016 and 2018, the Observatory on Trafficking in Human Beings received **74 registers** regarding **Child Trafficking**. As seen in "Part III – Statistics on THB", the registers classification is:

- 32 were "Confirmed";
- 16 are "Pending/In investigation";
- 26 were "Flagged by NGO's/Other bodies".

Taking into account the **GRETA's Recommendation** "*Providing adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training*" ("*Recommendation CP(2017)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal*"),


In 2018 a Shelter for children victims of THB was created – managed by Akto: Human Rights and Democracy (Non-Profit Association and Non-Governmental Organization for Development).

In that same year, the **Observatory signed a Cooperation Protocol with Akto** in compliance with the measures of the 4th National Action Plan for Preventing and Combating THB, namely: Strategic Objective "1. Strengthen the knowledge, and inform and raise awareness on the issue of THB", Specific Objective "1.1. Ensure quality information on THB, broken down by sex, including statistical data", Measure "1.1.1. Monitor and develop information material on THB", Indicator "Protocol with the Shelter and Protection Centre for Minors for the provision of data".

Resuming to the statistical dimension of child trafficking:

- Noticing the annual distribution it is visible an increase of 27 registers in 2017, and although the decrease in 2018 there is an increase of registers regarding children between 2016 and 2018 (Table 14).

Table 14 – Annual distribution of the registers "Children" (2016-2018)

Children	2016	2017	2018	Total	Trend
Nº of registers	9	36	29	74	

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs
Data last update: July of 2019

Disaggregating the 74 registers by main indicator, the great majority are:

- **Sex: Female** (51) – Male (23);
- **Citizenship: Foreigner** (Portuguese citizens = 6). The 3 most representative citizenships are:
 - Angolan (15)
 - Romanian (13)
 - Congolese (D.R.) (10)
- **Purpose of exploitation: Undefined/Unknown** (43); Forced Begging (8); Adoption (7); Sexual (7); Labour (4); Practice of Criminal Activities (1); Forced Begging and Practice of Criminal Activities (2) Forced Begging and Pregnancy/coercion for adoption (1); Sexual, Forced Begging, Slavery and Practice of criminal activities (1).
- **Country Typology: Portugal as country of Transit** (41), followed by country of Destination (24) and by country of Origin (9).

On in-depth analysis, in some occurrences it is observed an intersection regarding citizenships and age in what we designated "Mixed Groups".

In such cases, this line of monitoring enhances the knowledge on the crime (modus operandi of THB) going beyond the information gained by the sociodemographic profile.

As examples:

- 1) Statistically, Bulgarian citizenship is not representative. However, the register of a Bulgarian child is counted in a criminal investigation concerning a group with 8 adult victims. This case exemplifies children recruited and exploited with family members (mother and father).
- 2) The same logic applied to a Moldovan victim. The register is counted in a criminal investigation concerning a group with 36 adult victims (registers from 2017 and 2018). This case presents another intersection as it includes victims from Moldavia and from Romania.
- 3) The example of mixed citizenships within the same group/event is also observed in a criminal investigation with child victims from Congo (D.R.), from Senegal, from Gambia and from Mali.
- 4) From the 8 registers of THB for the purpose of Forced Begging, 7 are from the same occurrence involving 7 confirmed victims from Romania. Therefore, the statistical weight of this type of exploitation as well as of Romanian children is influenced by this specific event.

- the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);
- the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);
- the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);
- recent case law concerning THB for different forms of exploitation.

THB For the purpose of labour exploitation in the agricultural sector – the Portuguese Immigration and Borders Service has several ongoing cases. We provide an example of a recent investigation:

- During 2018 and 2019, an Organized Crime Group was investigated for suspicions of human trafficking. Several Romanian nationals were members of the Organized Crime Group that had a family nature. The Organized Crime Group was involved in all stages of trafficking – recruitment, transportation, accommodation and exploitation. Several arrests were made, and during the operation day, 6 arrests were made. 6 offenders are still under preventive arrest. The formal accusation was issued during July 2019. A financial investigation was also concluded, and all the assets of the Organized Crime Group were seized, based on the fact that they were obtained by means of an illicit activity. More than 52 victims were referred, all of Moldovan nationality. We are currently waiting for the trial (case file 63/17.6GECUB, operation “Masline”)

An example of a recent convicted case:

- During 2017, an Organized Crime Group composed of both national and Nepalese citizens was convicted of THB for the purpose of labour exploitation on the agricultural sector. The victims were all of Nepalese nationality – all of them stayed in Portugal and were granted protection (and a residence permit). Three arrests were made during the action day. The three men were sentenced to 13, 14 and 14 years of imprisonment. The sentence was confirmed by a superior court, after the defendants appealed. The victims were granted an indemnisation, based on the single fact that they were confirmed as a THB victim – no physical or psychological harm had to be proven. The case file was 14/16.9ZCLSB, operation “Pokhara”.

On Trafficking in Human Beings for the purpose of sexual exploitation:

Ongoing case:

- During 2019, an investigation was started on THB for the purpose of sexual exploitation. The Organized Crime Group (composed by Romanian nationals) operated under a mafia style structure, with a leader, several right hand man and workers. All the victims were of Romanian nationality, and refused any kind of protection. During the action day, 7 arrests were made. All of the defendants wait for the conclusion of the investigation under preventive arrest.

An example of a recently convicted investigation:

- Under the case file n.º 1212/17.3PELSB, “Operation Vicky”, two individuals were investigated, suspects of THB for the purpose of sexual exploitation. The suspects were a married Portuguese couple, and the complaint

was presented by a Brazilian woman, forced into prostitution from December 2016 until September 2017, when she finally ran, without any personal documents and any money (both the money and her passport were in possession of the criminals). 15 women were later identified, working as prostitutes in apartments rented by the suspects.

The suspects was convicted of a crime of THB for the purpose of sexual exploitation, 14 crimes of pimping (one of them aggravated, with regard to the victims age), 5 crimes of migrant smuggling, 1 crime of fraud, 1 crime of abuse of trust and 1 crime of sexual coercion (attempted).

The defendants were convicted to 14 and 15 years of imprisonment.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- take further steps in the area of preventing trafficking for the purpose of labour exploitation;

In the framework of the Local Safety Audit, the Observatory on Trafficking in Human Beings with the Specialized Multidisciplinary Team from Alentejo, gave in the last years Training Action in the framework of the "Local Safety Audit – Serpa" to front-line professionals.

These trainings main aim was to provide knowledge on the THB indicators and the National Referral Mechanism on a region (Alentejo) with a high prevalence of THB for the purpose of labour exploitation of EU and lately of 3rd country victims.

In recent months all new labour inspectors received training for trafficking in human beings. There were 3 training courses (2 in Lisbon and 1 in Porto).

Several initiatives were carryout by NGO. Examples:

During 2016 and 2018 Oikos – Cooperação e Desenvolvimento implemented some activities in the area of preventing trafficking for the purpose of labour exploitation, namely:

- Awareness sessions addressing the preventing trafficking for the purpose of labour exploitation directed to students of different levels of education: basic, secondary, professional and university. These sessions aimed to inform these young people about secure job search in order to prevent eventual trafficking for labour exploitation.
- Information workshops for teachers to raise awareness of trafficking for labor exploitation. These sessions were intended to enable teachers to make students aware of these topics by dynamizing the awareness sessions mentioned in the previous section themselves. Some of these teachers even formed a core of citizenship education that ensures continuity of school-based activities beyond Oikos' projects.
- A district school awareness campaign in the area of preventing trafficking for the purpose of labour exploitation. This campaign involved 52 schools of basic and secondary levels of education and reached 29.804 students. The campaign was carried out at the time of the European Day against Trafficking in Human Beings on 18 October 2018 and was based on the promotion of 2 main activities: Exhibition of a set of posters with messages alluding to human trafficking and labour exploitation in all participating schools and conducting classes about this theme simultaneously.
- Development of artistic expression workshops with youth associations on thematic trafficking for labour exploitation. These workshops were implemented during various sessions during which the young people created artistic products that were later presented to civil society: a theatre piece, a photographic exhibition, a painted mural and a video about the theme.
- Creation of technical /pedagogical resources: pedagogical kit composed by a manual and activities about trafficking and labour exploitation to be used by teachers with their students of secondary level;
- Informative backpacks with some advice on preventing trafficking in persons and labour exploitation, and some useful contacts in case of danger

All these activities were developed under the project “(In)Forma-te sobre o Tráfico de Seres Humanos e Exploração Laboral” /“(In)Form against trafficking persons and labour exploitation”, co-financed by: Programa Operacional Inclusão e Emprego (POISE), Portugal 2020 and Fundo Social Europeu da União Europeia, by management of Comissão para a Cidadania e Igualdade de Género (CIG) between 2016 and 2018.

Alongside the response of shelter and protection for Human Trafficking Victims, Saúde em Português, has been focusing on awareness and information projects, in particular, Mercadoria Humana 3 (2016-2019), Mercadoria Humana 4 (2019-2022) e Mercadoria Humana #Norte (2019-2021) - Awareness projects on Human Trafficking as well as, has invested in the formation of strategic audiences

- increase efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the private sector;
- make efforts to improve the prevention of child trafficking, and the identification of, and assistance to, child victims of trafficking, including the timely appointment of guardians;

The 4th Action Plan for the Prevention and Combat to Trafficking in Human Beings (2018-2021) introduced as a Measure the development of a Protocol for the definition of procedures for the prevention, identification and protection of child victims of trafficking in human beings (work in progress).

This Protocol aims to be a national referral mechanism targeting children victims of trafficking, and will include a training module. The work-in-group responsible for its development integrates governmental and non-governmental entities, namely:

- the National Rapporteur, the Observatory on Trafficking in Human Beings, the National Republican Guard, the Public Security Police, the Immigration and Border Service, the Judiciary Police, the Shelter for Children (Akto), the Ministry of Health, the National Commission for the Promotion of the Rights and Protection of Children and Youth, and the Prosecutors Office/ Cabinet of Family, Children and Youngsters.

The final version will be validated in the framework of the Network for Support and Protection of Victims of Trafficking (RAPVT).

Besides being considered in the 4th Action Plan it is also a part of the following policy documents:

- The 2019 Annual Activity Plan of the National Commission for Human Rights.
- The National Implementation Plan of the Global Migration Pact.

As far as research, in 2017 the Observatory on Trafficking in Human Beings conducted the Bulletin “Statistics on Child Trafficking in Portugal 2008-2016”. This activity was a measure considered within the 2017 Strategic Human Rights Action Plan from the Portuguese National Human Rights Committee.

- ensure that all presumed foreign victims of trafficking, including EU/EEA nationals, are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period;

An important right under the VOT statute is the reflexion right. As soon as referred, a VOT is informed of the right to a reflexion period of no less than 30 days (that can be extended up to 60 days and eventually renewed, in the case of the VOT is a minor). The reflexion period is automatically granted from that moment on. During that period, all needed assistance is available, in the terms stipulated by the National Referral Mechanism.

- take steps to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, particularly when they are unable to co-operate with the authorities;

According to the Decree Law n.º 368/2007, <https://dre.pt/application/file/a/629346> a VOT, even unable or unwilling to cooperate with the authorities can be granted a residence permit. The Sole art.º of the said Decree-Law stipulates that a residence permit can be issued to VOT that:

- a) fear for their safety and the safety of their family members;
- b) fear for their health and the health of their relatives;
- c) have a frail familiar situation;
- d) are found to be vulnerable under any attending circumstance.

This residence permit can be granted based on a proposal made by the national TBH Rapporteur, the police and judicial authorities. The need to protection – and therefore the renewal of the residence permit is allowed as long as the victim and the victim's family need protection.

- establish repatriation programmes that ensure that the return of victims of human trafficking is preferably voluntary and is conducted with due regard to their rights, safety and dignity, including the right to *non-refoulement* and, in the case of children, by fully respecting the principle of the best interests of the child.

See answer 10.5

Part III - Statistics on THB

14. Please provide the following statistics, **per year starting with 2016**, where available disaggregated as indicated below:

Methodological note done by the Observatory on Trafficking in Human Beings/Ministry of Home Affairs:

The Observatory on Trafficking in Human Beings (OTSH) collects data and information (both quantitative and qualitative) from a broad network of governmental, non-governmental (NGO's) and intergovernmental organizations.

The registers of presumed victims of Trafficking in Human Beings (THB) – according to the definition of the crime (Article 160 of the Penal Code – "Trafficking in Persons"), and of specific indicators (such as the ones included in the OTSH's "Flagging Card on Victims of Trafficking in Human Beings") – is carried out by the Criminal Policies Bodies (OPCs), NGO's/Other bodies.

In the case of registers made by the OPCs, these are classified as:

- "Pending/In Investigation" – in case there is evidence of trafficking in persons, but a conclusive evaluation has not yet been made;
- "Confirmed" or "Non-confirmed" – in case there is an evaluation resulting from the criminal investigation phase.
 - In this context, the number of confirmed victims is always a subtotal of the number of registers from the competent OPC.

The registers by NGO's/other bodies occurs in situations where the case has not been reported to law enforcement agencies (for example, due to the victim's refusal to do so). These registers are classified as:

- "Flagged by NGO's/other bodies" – in case there is evidence of trafficking in persons;
- "Non-considered by NGO's/other bodies" – in case there is a subsequent evaluation resulting from the follow-up of the situation.

In any case, the classification is assign by the registering source.

We should also note that information for statistical purposes provided by the registering sources to the OTSH does not include the personal data of the (presumed) victims of trafficking. Similarly, the aggregated data compiled and published by the OTSH omit results in which the total is less than 3 units (data protected by statistical confidentiality).

Data presented in the bellow tables are a result of an update conducted in July of 2019 (assessment of "Pending/In Investigation" registers to check if the classification changed to either "Confirmed" or "Non Confirmed").

On a final note concerning data, and more specifically data exchange, following the work developed during 2018, in 2019 the Observatory on Trafficking in Human Beings and IOM agreed, via a Protocol of Cooperation, to share human trafficking data to improve the evidence available to combat the crime. This sharing is in the framework of the Counter-Trafficking Data Collaborative (CTDC), becoming Portugal the first governmental partner contributing data to the platform.

- Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Number of Confirmed victims						
		Number	2016	2017	2018	Total
			134	60	59	253
SEX	<i>Female</i>		23	31	18	72
	<i>Male</i>		111	29	41	181
		Subtotal...	134	60	59	253
AGE GROUP	<i>Children</i>		4	18	10	32
	<i>Adult</i>		130	42	49	221
		Subtotal...	134	60	59	253
NATIONALITY	<i>EU Member States</i>	<i>Portuguese</i>	34	...	11	47
		<i>Romanian</i>	31	22	...	55
		<i>Bulgarian</i>	11	0	0	11
	<i>3^d Countries Nationals</i>	<i>Moldovan</i>	0	13	35	48
		<i>Ukrainian</i>	...	0	0	...
		<i>Nepalese</i>	40	0	0	40
		<i>Pakistani</i>	5	0	0	5
		<i>Chinese</i>	0	...	0	...
		<i>Indian</i>	3	0	...	4
		<i>Bangladeshi</i>	...	0	0	...
		<i>Filipino</i>	...	0	0	...
		<i>Brazilian</i>	3	4	...	9
		<i>Nigerian</i>	...	3	0	4
		<i>Angolan</i>	...	0	5	6
		<i>Guinea-Bissau</i>	0	...	0	...
		<i>Guinea-Conakry</i>	0	...	0	...
		<i>Malian</i>	...	5	0	6
		<i>Congolese (D.R.)</i>	0	3	0	3
		<i>Gambian</i>	0	3	0	3
		<i>Ghanaian</i>	0	...	0	...
<i>São Tomé and Príncipe</i>	...	0	0	...		
<i>Senegalese</i>	0	...	0	...		
		<i>Double citizenship</i>	0	0	...	...
		<i>Unknown</i>	0	0	...	...
		Subtotal...	134	60	59	253
FORM OF EXPLOITATION	<i>Sexual</i>		4	6	5	15
	<i>Labour</i>		124	27	48	199
	<i>Forced begging</i>		...	7	0	8
	<i>Practice of Criminal Activities</i>		...	0	0	...
	<i>Adoption</i>		0	0	4	4
	<i>Labour and Sexual</i>		...	0	0	...
	<i>Labour and Slavery</i>		...	0	0	...
		<i>Other/Unknown</i>	...	20	...	24
		Subtotal...	134	60	59	253
TERRITORIALITY OF OCCURENCE	<i>Internal</i>	<i>Origin</i>	15	...	0	16
		<i>Destination</i>	99	41	41	181
	<i>Transit</i>		...	17	5	23
	<i>Transnational</i>		19	...	13	33
		Subtotal...	134	60	59	253

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

Sign ... Data protected by statistical confidentiality

Number of Presumed victims "Pending/In Investigation"							
		Number	2016	2017	2018	Total	
			7	6	29	42	
SEX		<i>Female</i>	6	3	12	21	
		<i>Male</i>	...	3	17	21	
		Subtotal...	7	6	29	42	
AGE GROUP		<i>Children</i>	3	3	10	16	
		<i>Adult</i>	4	3	19	26	
		Subtotal...	7	6	29	42	
NATIONALITY	<i>EU Member States</i>	<i>Portuguese</i>	...	...	7	11
		<i>Romanian</i>	...	...	3	5
	<i>3rd Countries Nationals</i>	<i>Moldovan</i>	0	0	...	...
		<i>Ukrainian</i>	0	0	...	...
		<i>Ivorian</i>	...	0	...	...
		<i>Guinea-Bissau</i>	...	0	...	...
		<i>Congolese (D.R.)</i>	...	0	0	...	
		<i>Sierra Leonean</i>	...	0	0	...	
		<i>Gambian</i>	0	3	0	3	
		<i>Angolan</i>	0	0	9	9	
		<i>São Tomé and Príncipe</i>	0	0	...	...
		<i>Bangladeshi</i>	0	0	...	...
	<i>Indian</i>	0	0	3	3		
		Subtotal...	7	6	29	42	
FORM OF EXPLOITATION		<i>Labour</i>	0	...	15	16	
		<i>Sexual</i>	0	...	...	3
		<i>Forced begging</i>	...	...	0	...
		<i>Other/Unknown</i>	6	3	12	21	
		Subtotal...	7	6	29	42	
TERRITORIALITY OF OCCURENCE	<i>Internal</i>	<i>Origin</i>	...	...	6	9
		<i>Destination</i>	...	...	15	17
	<i>Transit</i>			4	3	6	13
	<i>Transnational</i>			0	3
		Subtotal...	7	6	29	42	

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

Sign ... Data protected by statistical confidentiality

Number of Presumed victims "Flagged by NGO's/Other bodies"						
		Number	2016	2017	2018	Total
			37	37	23	97
SEX		<i>Female</i>	23	27	13	63
		<i>Male</i>	13	8	10	31
		<i>Unknown</i>	...	...	0	3
		Subtotal...	37	37	23	97
AGE GROUP		<i>Children</i>	...	15	9	26
		<i>Adult</i>	33	20	14	67
		<i>Unknown</i>	...	...	0	4
		Subtotal...	37	37	23	97
NATIONALITY	<i>EU Member States</i>	<i>Portuguese</i>	10	9	6	25
		<i>Romanian</i>	9	7	...	17
		<i>Polish</i>	...	0	0	...
	<i>3^d Countries Nationals</i>	<i>Moldovan</i>	0	0	...	...
		<i>Ukrainian</i>	0	0	...	...
		<i>Albanian</i>	0	0	...	...
		<i>Brazilian</i>	3	...	...	5
		<i>Ecuadorean</i>	...	0	0	...
		<i>Guyanese</i>	...	0	0	...
		<i>Nigerian</i>	6	4	0	10
		<i>Filipino</i>	...	0	0	...
		<i>Angolan</i>	0	...	...	3
		<i>Congolese (D.R.)</i>	0	4	4	8
		<i>Nepalese</i>	0	...	0	...
		<i>Pakistani</i>	0	0	...	...
		<i>Guinea-Conakry</i>	0	...	...	4
		<i>Cape Verdean</i>	0	...	0	...
		<i>Argentinean</i>	0	...	0	...
		<i>São Tomé and Príncipe</i>	0	...	0	...
		<i>Gabon</i>	0	0	...	...
	<i>Sierra Leonean</i>	0	0	...	...
<i>Zimbabwean</i>	0	0	...	...
<i>Venezuelan</i>	0	...	0	...		
	<i>Double citizenship</i>	0	...	0	...	
	<i>Unknown</i>	3	...	0	4	
		Subtotal...	37	37	23	97
FORM OF EXPLOITATION		<i>Labour</i>	13	7	8	28
		<i>Sexual</i>	17	11	6	34
		<i>Adoption</i>	...	...	0	3
		<i>Forced Begging</i>	0	...	0	...
		<i>Practice of criminal Activities</i>	...	...	0	...
		<i>Slavery</i>	0	0	...	...
		<i>Labour and Slavery</i>	3	...	0	5
		<i>Labor and Forced Begging</i>	0	...	0	...
		<i>Forced Begging and Practice of criminal activities</i>	0	...	0	...
		<i>Forced Begging and Pregnancy/coercion for adoption</i>	0	...	0	...
		<i>Pregnancy/coercion for adoption</i>	0	...	0	...
		<i>Sexual, Forced Begging, Slavery and Practice of criminal activities</i>	0	...	0	...
		<i>Other/Unknown</i>	...	7	8	17
		Subtotal...	37	37	23	97
TERRITORIALITY OF OCCURENCE	<i>Internal</i>	<i>Origin</i>	8	10	4	22
		<i>Destination</i>	26	19	8	53
		<i>Transit</i>	0	7	7	14

	<i>Transnational</i>	3	...	4	8
Subtotal...		37	37	23	97

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

Sign ... Data protected by statistical confidentiality

Number of Presumed victims "Flagged by Foreign Law Enforcement"						
		Number	2016	2017	2018	Total
			0	0	10	10
SEX		<i>Female</i>	0	0	0	0
		<i>Male</i>	0	0	10	10
		Subtotal...	0	0	10	10
AGE GROUP		<i>Children</i>	0	0	0	0
		<i>Adult</i>	0	0	10	10
		Subtotal...	0	0	10	10
NATIONALITY	<i>EU Member States</i>	<i>Portuguese</i>	0	0	10	10
		Subtotal...	0	0	10	10
FORM OF EXPLOITATION		<i>Labour</i>	0	0	10	10
		Subtotal...	0	0	10	10
TERRITORIALITY OF OCCURENCE	<i>Internal</i>	<i>Origin</i>	0	0	0	0
		<i>Destination</i>	0	0	0	0
	<i>Transit</i>		0	0	0	0
	<i>Transnational</i>		0	0	10	10
		Subtotal...	0	0	10	10

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

Sign ... Data protected by statistical confidentiality

- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

Note: The sample for the bellow table is the aggregated number of (presumed) victims who have received assistance at the time of release of the OTSH annuals reports.

Number of Confirmed + Presumed + Flagged victims who received assistance						
		Number	2016	2017	2018	Total
			92	69	86	247
SEX		<i>Female</i>	29	47	37	113
		<i>Male</i>	63	22	49	134
		Subtotal...	92	69	86	247
AGE GROUP		<i>Children</i>	11	30	25	66
		<i>Adult</i>	81	39	61	181
		Subtotal...	92	69	86	247
NATIONALITY	<i>EU Member States</i>	<i>Portuguese</i>	23	9	9	41
		<i>Romanian</i>	7	9	6	22
		<i>Bulgarian</i>	9	0	0	9
		<i>Polish</i>	...	0	0	...
	<i>3rd Countries Nationals</i>	<i>Moldovan</i>	0	...	28	30
		<i>Ukrainian</i>	3	0	...	4

		<i>Albanian</i>	0	0	...	...
		<i>Nepalese</i>	29	...	0	30
		<i>Angolan</i>	...	3	15	19
		<i>Nigerian</i>	5	7	3	15
		<i>Congolese (D.R.)</i>	...	8	4	13
		<i>Brazilian</i>	...	5	4	11
		<i>Gambian</i>	0	6	0	6
		<i>Malian</i>	...	5	0	6
		<i>Guinea-Conakry</i>	0	3	...	5
		<i>Guinea-Bissau</i>	...	3	...	6
		<i>São Tomé and Príncipe</i>	...	...	...	3
		<i>Bangladeshi</i>	...	0	...	4
		<i>Ivorian</i>	...	0	...	...
		<i>Filipino</i>	...	0	0	...
		<i>Sierra Leonean</i>	...	0	...	...
		<i>Argentinean</i>	0	...	0	...
		<i>Cape Verdean</i>	0	...	0	...
		<i>Chinese</i>	0	...	0	...
		<i>Ecuadorean</i>	...	0	0	...
		<i>Ghanaian</i>	0	...	0	...
		<i>Guyanese</i>	...	0	0	...
		<i>Indian</i>	0	0	...	...
		<i>Pakistani</i>	0	0	..	...
		<i>Senegalese</i>	0	...	0	...
		<i>Zimbabwean</i>	0	0	...	...
		<i>Colombian</i>	0	0	...	...
		<i>Paraguayan</i>	0	0	...	...
		<i>Canadian</i>	0	..	0	...
		<i>Double citizenship</i>	0	...	...	...
		Subtotal...	92	69	86	247
FORM OF EXPLOITATION		<i>Labour</i>	65	11	45	121
		<i>Sexual</i>	10	16	17	43
		<i>Forced Begging</i>	3	...	0	5
		<i>Adoption</i>	...	...	0	3
		<i>Practice of criminal activities</i>	...	0	0	...
		<i>Slavery</i>	0	0	...	...
		<i>Labour and Slavery</i>	4	...	0	6
		<i>Labour and Sexual</i>	0	0	...	...
		<i>Forced Begging and Practice of criminal activities</i>	0	...	0	...
		<i>Sexual, Forced Begging, Slavery and Practice of criminal activities</i>	0	...	0	...
		<i>Pregnancy/coercion for adoption</i>	0	...	0	...
		<i>Other/Unknown</i>	8	33	21	62
		Subtotal...	92	69	86	247
TERRITORIALITY OF OCCURENCE	<i>Internal</i>	<i>Origin</i>	11	7	6	24
		<i>Destination</i>	63	28	52	143
		<i>Transit</i>	5	31	21	57
		<i>Transnational</i>	13	3	7	23
		Subtotal...	92	69	86	247

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Sign ... Data protected by statistical confidentiality

- Number of child victims of THB who were appointed legal guardians.

The registration of promotion and protection procedures does not identify the sources of danger to which the child is subject, so it is not possible to identify cases of trafficking. However, all children detected in Portugal who are presumed victims of trafficking are subject to a promotion and protection procedure. Within the scope of this procedure and, in addition to other possible protective measures that prove to be appropriate, they are placed in residential care, which is responsible for their custody and protection, and the Director of the Establishment is responsible for their legal representation, under the terms of the law.

- Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).

Number of victims (Confirmed and Pending/In Investigation) granted a Recovery and Reflection Period					
Number		2016	2017	2018	Total
		32	59	51	142
SEX	<i>Female</i>	4	32	21	57
	<i>Male</i>	28	27	30	85
Subtotal...		32	59	51	142
AGE	<i>Children</i>	3	18	16	37
	<i>Adult</i>	29	41	35	105
Subtotal		32	59	51	142
NATIONALITY	<i>Romanian</i>	...	23	...	25
	<i>Moldovan</i>	0	13	27	40
	<i>Ukrainian</i>	...	0	..	...
	<i>Brazilian</i>	3	4	...	9
	<i>Nepalese</i>	23	0	0	23
	<i>Malian</i>	...	5	0	6
	<i>Angolan</i>	...	0	14	15
	<i>São Tomé and Príncipe</i>	...	0	0	...
	<i>Congolese (D.R.)</i>	0	3	0	3
	<i>Nigerian</i>	...	3	0	4
	<i>Gambian</i>	0	3	0	3
	<i>Senegalese</i>	0	...	0	...
	<i>Chinese</i>	0	...	0	...
	<i>Ghanaian</i>	0	...	0	...
	<i>Guinea-Bissau</i>	0	...	...	...
	<i>Guinea-Conakry</i>	0	...	0	...
	<i>Indian</i>	0	0	3	3
<i>Ivorian</i>	0	0	...	...
<i>Double citizenship</i>	0	0	...	...
Subtotal...		32	59	51	142
FORM OF EXPLOITATION	<i>Labour</i>	29	25	33	87
	<i>Sexual</i>	...	7	5	13
	<i>Forced Begging</i>	...	7	0	8
	<i>Unknown</i>	...	20	13	34
Subtotal...		32	59	51	142

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs

Data last update: July of 2019

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- Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).

Number of victims granted a Residence Permit (Article 109.º)					
Number		2016	2017	2018	Total
			31	7	9	47
SEX	<i>Female</i>	...	0	5	6
	<i>Male</i>	30	7	4	41
Subtotal...		31	7	9	47
AGE	<i>Children</i>	0	0	...	...
	<i>Adult</i>	31	7	8	46
Subtotal		31	7	9	47
NATIONALITY	<i>Nepalese</i>	23	0	0	23
	<i>Nigerian</i>	3	0	...	4
	<i>Brazilian</i>	...	7	5	14
	<i>Angolan</i>	0	0	...	...
	<i>São Tomé and Príncipe</i>	...	0	0	...
	<i>South African</i>	...	0	0	...
	<i>Ukraine</i>	...	0	0	...
	<i>Moldovan</i>	0	0	...	...
Subtotal...		31	7	9	47
FORM OF EXPLOITATION	<i>Labour</i>	31	4	5	40
	<i>Sexual</i>	0	0	4	4
	<i>Unknown</i>	0	3	0	3
Subtotal...		31	7	9	47

Source: Observatory on Trafficking in Human Beings/Ministry of Home Affairs | Immigration and Borders Service

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- Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).
- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.
- Number of victims of THB who received free legal aid.
- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).

Number of victims – Assisted and Voluntary Return					
Number		2016	2017	2018	Total
			12	4	6	22
SEX	<i>Female</i>	6	3	4	13

	<i>Male</i>	6	...	...	9
	Subtotal...	12	4	6	22
AGE	<i>Children</i>	...	0	0	...
	<i>Adult</i>	10	4	6	20
	Subtotal	12	4	6	22
CONTRY OF DESTINATION	<i>Bulgarian</i>	8	0	0	8
	<i>Brazilian</i>	...	...	...	4
	<i>Angolan</i>	...	0	0	...
	<i>Portuguese</i>	...	...	0	...
	<i>Romanian</i>	0	...	3	4
	<i>Chinese</i>	0	...	0	...
	<i>Albanese</i>	0	0	...	...
	<i>Moldovan</i>	0	0	...	...
	Subtotal...	12	4	6	22
FORM OF EXPLOITATION	<i>Labour and Sexual</i>	...	0	0	...
	<i>Sexual</i>	...	...	3	6
	<i>Labour</i>	10	...	3	15
	Subtotal...	12	4	6	22

Source: IOM/Lisbon Office and Association for Family Planning.
Sign ... Data protected by statistical confidentiality

- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).

N.º crimes	Year		
Crime	2018	2017	2016
Trafficking in human beings	57	40	51

Last update: 31-10-2019

- Note: It is not possible to disaggregate the statistical figures by purpose of trafficking, knowing; however, they refer, for the most part, to trafficking crimes for labour exploitation or sexual exploitation. It is not possible, for now, to provide data on the number of victims involved in the investigations. (Possibly in a posterior phase.

Public Prosecution Service: During the period in question, the following number of investigation cases was initiated:

Year 2016 - 83 new investigations started
Year of 2017- 103 new investigations started
2018 - 114 new investigations started
Year 2019 - 180 new investigations started

- Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).

Defendants in criminal cases in the first instance judicial courts

N° defendants Crime	Year		
	2018	2017	2016
Trafficking in human beings	52	10	19

Notes:

- a) The counting of the defendants takes into account the most serious crime for which they were accused.
- b) It does not include cases carried over to another court or entity for the purpose of continuing therein, as well as those joined, merged or joined in other proceedings pending before the same court.
- c) Since 2007, statistical data on cases in courts of 1st instance began to be collected from the computer system of the courts, therefore the dynamism of information is greater, through corrections that can be made to the data in said system.

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Public Prosecution Service: See note above on data disaggregated by type of exploitation.

During the period in question, the following prosecutions were deducted each year:

Year 2016 - At least 9 prosecutions have been deducted, against 62 defendants, and 15 legal persons. The purpose of trafficking was mostly constituted by labour exploitation.

Year 2017- At least 12 prosecutions have been deducted against 32 defendants for THB for labour and sexual exploitation.

Year of 2018- At least 9 prosecutions have been deducted, against 16 defendants and 2 legal persons, for crimes of trafficking for labour and sexual exploitation.

Year 2019 - Deducted at least 8 prosecutions against 19 defendants for trafficking for labour, sexual exploitation and for adoption.

- Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).

Convicted in criminal cases in the first instance judicial courts, by sex

N° convicts Crime	Sex	Year		
		2018	2017	2016
Trafficking in human beings	Male	19	5	8
	Female	6	2	2
Total		25	7	10

Notes:

- a) The counting of the defendants takes into account the most serious crime for which they were convicted.
- b) Cases carried over, remitted to another entity, joined and incorporated or integrated are

not counted.

c) Since 2007, statistical data on cases in courts of 1st instance began to be collected from the computer system of the courts, therefore the dynamism of information is greater, through corrections that can be made to the data in said system.

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Convicted in criminal cases in the first instance judicial courts, by age group

N° convicts		Year		
Crime	Age group	2018	2017	2016
Trafficking in human beings		25	7	10
	Between 18 e 20 years	0	0	0
	Between 21 e 29 years	5	2	3
	Between 30 e 39 years	7	4	5
	Between 40 e 49 years	9	1	1
	Between 50 e 64 years	3	0	1
	Equal or higher than 65 years	1	0	0
Total		25	7	10

Notes:

a) The counting of the defendants takes into account the most serious crime for which they were convicted.

b) Cases carried over, remitted to another entity, joined and incorporated or integrated are not counted.

c) Since 2007, statistical data on cases in courts of 1st instance began to be collected from the computer system of the courts, therefore the dynamism of information is greater, through corrections that can be made to the data in said system.

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➤ Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.

Convicted in criminal cases in the first instance judicial courts, by nationality

N° convicts		Year		
Crime	Country of nationality	2018	2017	2016
Trafficking in human beings		25	7	10
	Portugal	6	4	4
	Brasil
	Bulgaria
	Israel
	Nepal
	Nigéria	4
	Romania	14
	Ukraine

Total	25	7	10
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Notes:

- a) The counting of the defendants takes into account the most serious crime for which they were convicted.
- b) Cases carried over, remitted to another entity, joined and incorporated or integrated are not counted.
- c) Since 2007, statistical data on cases in courts of 1st instance began to be collected from the computer system of the courts, therefore the dynamism of information is greater, through corrections that can be made to the data in said system.

.. Void result or under statistical confidentiality

Last update: 31-10-2019

Convicted in criminal cases in the first instance judicial courts, by penalties applied

N° convicts Crime	Penalties applied	Year		
		2018	2017	2016
		25	7	10
Trafficking in human beings	Suspended imprisonment	..	..	..
	Effective imprisonment	20	4	4
	Suspended imprisonment with behaviour rules	..	..	..
	Suspended imprisonment with disciplinary rules	4	..	3
	Non specific	..	..	..
Total		25	7	10

Notes:

- a) The counting of the defendants takes into account the most serious crime for which they were convicted.
- b) Cases carried over, remitted to another entity, joined and incorporated or integrated are not counted.
- c) Since 2007, statistical data on cases in courts of 1st instance began to be collected from the computer system of the courts, therefore the dynamism of information is greater, through corrections that can be made to the data in said system.

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Last update:

31-10-2019

- Number of judgments in THB cases resulting in the confiscation of assets.
- Number of convictions of legal entities for THB.

Legal persons convicted in criminal cases in the first instance judicial courts

N° convicts Crime (nivel 1)	Type of person	Year		
		2018	2017	2016
Trafficking in human beings	Legal persons	5	..	..

Notes:

a) The counting of the defendants takes into account the most serious crime for which they were convicted.

b) Cases carried over, remitted to another entity, joined and incorporated or integrated are not counted.

c) Since 2007, statistical data on cases in courts of 1st instance began to be collected from the computer system of the courts, therefore the dynamism of information is greater, through corrections that can be made to the data in said system.

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