



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

**Recommendation CP/Rec(2022)06
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Portugal**

*adopted at the 30th meeting of the Committee of the Parties
on 17 June 2022*

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2017)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal and the report of the Portuguese authorities on measures taken to comply with this recommendation, submitted on 8 March 2018;

Having examined the third report concerning the implementation of the Convention by Portugal, adopted by GRETA at its 43rd meeting (28 March - 1 April 2022), as well as the comments of the Portuguese Government received on 20 May 2022;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Portugal;

Welcoming the measures taken and progress achieved by the Portuguese authorities in implementing the Convention, and in particular:

- the adoption of the fourth National Action Plan for Preventing and Combating Trafficking in Human Beings (2018-2021), expressly referring to GRETA's previous recommendations;
- the setting up of a new National Referral Mechanism (NRM) for child victims of human trafficking;

- the increased number of multi-disciplinary teams for the support and protection of victims of trafficking;
- the increased capacity to accommodate victims of trafficking, including the opening of a specialised shelter for child victims and the setting up of two long-term centres facilitating victims' reintegration and recovery;
- the adoption of the Directive No. 1/2021 of the General Prosecutor Office, providing specific guidance for investigating cases of trafficking in human beings and the protection of victims;
- the engagement in international co-operation in the investigation and prosecution of trafficking in human beings.

A. Recommends that the Government of Portugal take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. Take further steps to ensure that:
 - all victims, including third-country nationals, can effectively access legal assistance and legal aid, by reviewing the eligibility criteria, as well as by ensuring that the Social Security Institute decides on requests for legal aid in a timely manner and that residence permit requests are processed in a timely manner;
 - legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of human trafficking and legal aid is provided to victims of trafficking before they make an official statement (paragraph 65);
2. Step up efforts to guarantee effective access to compensation for victims of trafficking, in line with Article 15 of the Convention, including by:
 - enabling victims of trafficking to effectively exercise their right to obtain compensation from perpetrators, by making full use of the legislation and, in particular, Article 82 of the CPC and Article 130, paragraph 2, of the CC, as well as the legislation on the freezing and forfeiture of assets and international co-operation and by ensuring legal support for victims in proceedings to enforce compensation claims awarded;
 - enabling victims of trafficking to effectively exercise their right to obtain state compensation, by reviewing the criteria for obtaining it (in particular, the criterion of temporary or permanent work incapacity of at least 30 days), ensuring victims' access to legal aid when submitting applications to the Commission for the Protection of Victims of Violent Crimes and reducing the length of the procedure;
 - improving training programmes on THB and on victims' access to compensation for legal practitioners, prosecutors and the judiciary, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB (paragraph 89);
3. Take additional measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the non-punishment provision (paragraph 111);
4. Pay more attention to the interface between asylum and human trafficking, and in particular:
 - set up effective procedures on the identification of victims of trafficking among applicants for international protection and their referral to assistance;

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

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- provide systematic training and guidance to staff working at immigration detention facilities and asylum seekers accommodation centres, including social workers, medical and other staff, on the identification of victims of trafficking and the procedures to be followed;
 - ensure that potential THB victims who are in immigration detention facilities and asylum seekers accommodation centres are provided with legal assistance, beyond the one year's time-limit established by the Protocol signed by the Immigration and Border Service (SEF), the Ministry of Justice and the National Bar Association (paragraph 177);
5. Take further steps to:
- ensure that victims of trafficking can benefit in practice and in a timely manner from the right to obtain a residence permit, when their personal situation warrants it or when they are co-operating with the authorities in criminal investigations or proceedings and their presence in Portugal is required for this purpose, in accordance with Article 14(1) of the Convention;
 - ensure that child victims are issued such residence permits, in accordance with the best interests of the child, pursuant to Article 14(2) of the Convention (paragraph 201).

B. Recommends that the Portuguese authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Portugal to report to the Committee of the Parties on the measures taken to comply with this recommendation by **17 June 2024**.

D. Invites the Government of Portugal to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.