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2024 Trafficking in Persons Report: Portugal

PORTUGAL (Tier 2)

The Government of Portugal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period; therefore Portugal remained on Tier 2. These efforts included investigating and prosecuting more suspected traffickers and identifying and assisting more “presumed” trafficking victims. The government continued delivering comprehensive training to a variety of officials and law enforcement continued participating in international investigations and operations, which resulted in the identification of possible victims and arrest of suspects. However, the government did not meet the minimum standards in several key areas. Gaps remained in victim identification – for at least the fourth consecutive year, the government did not report identifying any victims among the asylum-seeking population, comparatively few children and Portuguese nationals, and the number of “confirmed” victims remained low. Government approval for residence permits for presumed victims could sometimes take up to a year, limiting access to some victim assistance services after the initial recovery and reflection period. Following the government dissolving the Foreigner and Borders Service (SEF), including the specialized trafficking investigation unit, the government remained without a police unit specialized in trafficking crimes, which may hinder trafficking investigations. The government did not report full sentencing data for convicted traffickers. Compensation and restitution awarded to trafficking victims remained rare.

PRIORITIZED RECOMMENDATIONS:

Allow formal victim identification without requiring cooperation with law enforcement and by entities other than law enforcement officials,

including by civil society, social workers, and healthcare professionals. * Improve efforts to proactively identify trafficking victims, including Portuguese nationals, children, sex trafficking victims, and victims within the asylum-seeking population, by systematically training government officials to screen for trafficking among vulnerable groups. * Vigorously investigate and prosecute trafficking crimes and seek adequate penalties for convicted traffickers, which should involve significant prison terms, and ensure labor trafficking is pursued as such rather than a labor code violation. * Increase trafficking survivor access to restitution and compensation and increase prosecutors' efforts to systematically request restitution for survivors during criminal trials, including by training prosecutors and magistrates on victims' right to restitution. * Consistently enforce strong regulations and oversight of labor recruitment companies, including by enforcing the law prohibiting recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. * Allocate additional resources and capacity for investigators and labor inspectors and train law enforcement, prosecutors, and judicial officials on trafficking crimes. * Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked. * Adopt an anti-trafficking NAP and dedicate resources to its implementation. * Increase survivor input when forming policies, programs, and trainings. * Increase efforts to pursue financial crime investigations in tandem with human trafficking cases. * Re-establish a specialized trafficking investigation unit.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. Article 160 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other grave crimes, such as rape. Some child sex trafficking crimes could also be prosecuted under Article 175, which addressed "pimping" crimes; it prescribed penalties of one to 10 years' imprisonment. Article 159 prohibited slavery and prescribed penalties of five to 15 years' imprisonment.

In 2022, the most recent year available for finalized and published government statistics, the SEF and the Judiciary Police (PJ) initiated 140 human trafficking investigations. This was an increase compared with 93 in 2021, and 94 in 2020. The government reported 151 investigations initiated in prior years remained ongoing. Prosecutors initiated legal proceedings against 35 suspects in 2022 – 32 under trafficking statutes and three under non-trafficking statutes – an increase compared with 26 prosecutions in 2021 and 25 in 2020. Courts convicted 14 traffickers, compared with 17 convictions in 2021 and 13 in 2020. The government did not provide comprehensive sentencing data, which prevented comprehensive analysis on adequacy of penalties for convicted traffickers. In previous years, judges often issued fully suspended sentences or

issued fines, which undercut efforts to hold traffickers accountable, weakened deterrence, created potential security and safety concerns for victims, and was not equal to the seriousness of the crime. The government did not disaggregate between sex and labor trafficking for prosecutions and convictions. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes.

Prosecutors noted difficulty in obtaining convictions for labor trafficking cases with an absence of force or violence; courts would often drop the trafficking charge and pursue crimes with more lenient penalties, which affected a victim's ability to obtain restitution. Judges often lacked sufficient knowledge regarding coercion, the severity of trafficking crimes, and sometimes conflated human trafficking with migrant smuggling; experts recommended increased training for judges hearing trafficking cases. In its 2022 report, GRETA expressed concern the number of prosecutions and convictions was low compared with the number of victims identified and stressed the failure to convict traffickers and the absence of effective, proportionate, and dissuasive penalties undermined efforts to combat trafficking and guarantee victims' access to justice. GRETA urged the government to increase its efforts to ensure it classified trafficking cases as such and to pursue financial crime investigations in tandem with human trafficking charges.

In October 2023, the government dissolved the SEF, including the specialized investigative trafficking unit, and transferred responsibility for investigating trafficking crimes to the PJ. The PJ had several teams that received special training to investigate trafficking; however, authorities and NGOs noted these units lacked sufficient resources, and there was no specialized trafficking investigation unit. Experts expressed concern insufficient resources and institutional instability hindered trafficking investigations. Experts also expressed concern the loss of the specialized investigation unit within the SEF resulted in a decentralization of institutional knowledge and functional expertise to adequately investigate trafficking crimes.

In 2022, law enforcement cooperated on four joint action days and three international operations, organized by INTERPOL and EUROPOL, and with the participation of dozens of countries, resulting in the identification of at least 807 potential victims, the arrest of at least 206 suspects, and the initiation of at least 288 new investigations across participating countries. SEF screened for potential trafficking victims at the Lisbon airport in 2022, and reported arresting at least three suspected traffickers through this proactive approach. However, in 2023, along with the disbanding of SEF, the specialized trafficking team at the airport was also dissolved; the government indicated there were plans to reconstitute the team but this had not been done by the end of this reporting period. In 2022, the government, in collaboration with government-funded civil society

organizations, organized and delivered 22 trainings to various law enforcement officials, government-funded multidisciplinary NGO teams, health care workers, immigration officials, consular officials, and other front-line officials on a variety of training topics, such as child trafficking and victim identification. The Prosecutor General's office provided guidelines for implementation of the law, including specific guidance for investigating and coordinating trafficking cases, victim interviewing, avoiding victim re-traumatization, and working with vulnerable groups like children and undocumented migrants.

PROTECTION

The government increased victim protection efforts. In 2022, authorities and government-funded NGOs initially classified 378 individuals as "possible" trafficking victims (358 in Portugal, 17 abroad, and three unknown); however, authorities only "confirmed" eight as trafficking victims after the conclusion of a criminal investigation. This compared with an initial 318 possible victims identified in 2021 and 227 in 2020. Comparatively few victims were confirmed as such, and since 2018, there has been a progressive and notable decrease in the number of confirmed trafficking victims – six confirmed victims in 2021, 13 in 2020, and 44 in both 2019 and 2018. Of the eight confirmed victims, all were adults; four were women; four were men; three were sex trafficking victims; five were labor trafficking victims; at least three were Portuguese nationals; and at least three were foreign nationals. Front-line responders, including police and NGOs, could identify and refer "presumed" victims to services, but only law enforcement officials or the national rapporteur could formally confirm an individual as a trafficking victim. Law enforcement officials were the primary body responsible for formal victim confirmation, while identification by the national rapporteur was typically only used in exceptional circumstances. In 2022, of the original 378 possible victims, NGOs identified 96 presumed victims, while an additional 145 victims with ongoing investigations continued as presumed victims, and the remaining victims were determined not to be trafficking victims – this totaled 241 presumed victims. Of the 241 presumed victims, at least 185 were presumed victims of labor trafficking (mostly in agriculture); at least eight were presumed sex trafficking victims; at least 22 were Portuguese; at least 18 were children and 219 were adults; and at least 150 were men and 51 were women. Eight confirmed victims and 241 presumed victims in 2022 was an overall increase, compared with six confirmed victims and 194 presumed victims in 2021. The majority of presumed victims were from India, Nepal, Morocco, and Portugal. The government required victims to interact with law enforcement to obtain formal victim identification; police, judges, and prosecutors determined whether to confirm a victim by analyzing evidence and the presence of trafficking indicators. NGOs and GRETA noted, in practice, formal identification of victims depended on the initiation of an investigation and the outcome of criminal proceedings. GRETA reported there was no timeline for authorities to confirm official victim status, and NGOs reported, due to

insufficient resources for law enforcement and varying durations of related law enforcement proceedings, formal victim confirmation took a significant amount of time. While presumed victims could receive assistance from government-funded NGOs, such as shelter, the process by which they could obtain some of the same benefits as confirmed victims was not as clear nor timely; for example, under Article 109 of the Law 23/2007, presumed victims could still obtain, though were not entitled to, a residence permit, but the process was complex, and there were additional stipulations. However, civil society or the national rapporteur could petition for a residence permit on behalf of a victim who did not wish to interact with law enforcement. If law enforcement reclassified a trafficking crime as a non-trafficking crime during legal proceedings, victims remained presumed rather than confirmed. In its 2013, 2017, and 2022 reports, GRETA urged the government to ensure formal identification of trafficking victims did not depend, in practice, on their participation in criminal proceedings.

Gaps remained in victim identification; for at least the fourth consecutive year, the government did not report identifying any victims among the asylum-seeking population – presumed or confirmed – and comparatively few children and Portuguese nationals. In its 2022 report, GRETA noted organizations working with undocumented migrants and operating reception centers for asylum-seekers lacked knowledge of trafficking indicators, and there were no SOPs once victims were identified, all of which contributed to continued gaps in victim identification of this vulnerable population. GRETA recommended the government establish effective identification and referral procedures for international protection applicants, as well as systematic training for officials interacting with asylum seekers.

The government continued to utilize its NRM, which was widely used and distributed to all relevant front-line officials, including NGOs, social service workers, and health care workers. The government also continued to utilize its NRM specifically for child trafficking victims. Upon request, the Observatory on Trafficking of Human Beings (OTSH) continued to distribute checklists to front-line officials on identifying victims of sex and labor trafficking, including victims of forced begging and forced criminality. The government continued to provide a publicly available victim identification handbook to labor inspectors and other front-line officials. One of the five regional government-funded multidisciplinary NGO teams initially identified most victims. Upon encountering a possible victim, law enforcement personnel conducted an initial standardized risk assessment and systematically referred individuals deemed vulnerable or at risk one of the multidisciplinary NGO teams to receive specialized shelter and assistance. Collaboration and coordination between the multidisciplinary NGO teams and the police remained effective and ensured timely assistance to all victims. Multidisciplinary teams often

accompanied law enforcement on operations to provide immediate psychological, social, and legal assistance to any presumed victims.

In 2022 and 2023, the government maintained its funding amount for trafficking shelters, victim repatriation, and the multidisciplinary regional teams at €2 million (\$2.21 million), though an unknown portion of this amount was from the EU; an increase compared with €1.5 million (\$1.66 million) in 2021, 2020, and 2019. Multidisciplinary regional teams reported while funding was consistent, increased funding would improve victim assistance. Adult victims and their children had the right to shelter, health care, psycho-social and legal assistance, translation and interpretation services, a reintegration program, and education and employment training. The government provided 67 presumed victims with assistance and shelter in 2022; of those assisted, eight were Portuguese; 43 were men, 20 were women, and four were children (all girls); at least 55 were labor trafficking victims, including three forced begging victims, and at least eight were sex trafficking victims. This was an increase compared with 36 presumed victims assisted in 2021. Additionally, the government provided long-term care to 24 victims from prior years who remained in government shelters. In 2022, 57 presumed victims received medical assistance; 51 received psychological assistance; 40 received support with labor market integration; 39 received psycho-social care; 35 received legal services; 16 received training and education; and 10 received repatriation assistance. The government also enrolled eight labor trafficking victims in its reintegration program in 2022, which included accommodation in an independent apartment. The government had five government-funded NGO-operated shelters exclusively for all types of trafficking victims, including two for adult female victims and their minor children, two for adult male victims, and one for children. Multidisciplinary regional teams reported shelter availability was sufficient for the demand. Adult victims could leave the shelters at will unless authorities determined the victims' safety was at risk. Child victims received care under Portugal's child protection system or through its shelter for child trafficking victims, which could accommodate up to seven children.

The law entitled victims to a recovery and reflection period of 30 to 60 days, during which they could decide whether to participate in criminal proceedings. During the recovery and reflection period, victims had access to emergency medical treatment, psychological assistance, protection, interpretation, and legal assistance. The law also entitled victims to a one-year residence permit if they chose to participate in criminal proceedings or had a personal situation regarding their security, health, family situation, or vulnerability; authorities could renew this permit indefinitely. Though most identified presumed victims were undocumented, in 2022, the government only issued five temporary residence permits to victims, predominantly for labor trafficking. Waiting periods for obtaining a residence permit could be a year or longer, which could result in victims missing important judicial deadlines. The

government reported presumed and confirmed victims had access to services regardless of their participation in criminal proceeding; however, civil society noted outside the recovery and reflection period, access to legal aid, health services, and work permits without a residence permit – which could sometimes take a year to obtain – was particularly challenging for undocumented presumed trafficking victims. In its 2022 report, GRETA urged the government to ensure trafficking victims could benefit, in practice and in a timely manner, from the right to obtain a residence permit.

Law 130/2015 entitled all trafficking victims to a special status that guaranteed the use of specialized interview rooms by trained experts. Courts permitted some crime victims to testify by deposition or video conference and was required for children. The law entitled victims to psychological assistance during interviews and accompaniment by a trusted person, as well as access to interpreters. The law allowed for the victim's identity to remain concealed during trial and for the defendant to be removed from court during the victim's testimony. The government reported systematically informing victims of their rights to free legal aid, to be accompanied by a lawyer at any time, to claim damages or request compensation in accordance with the law, and to interpretation. In its 2022 report, GRETA urged the government to take further steps to ensure all victims, including third-country nationals, could effectively access legal assistance and legal aid at an early stage – as soon as there were reasonable grounds for victim identification – by reviewing the eligibility criteria, and ensuring decisions were made in a timely manner.

The government continued to lack comprehensive data on restitution, damages, and compensation awarded to victims, which GRETA recommended the government rectify. Prosecutors were not required to systematically request restitution during trials. The government reported at least five victim received restitution in 2022. Portuguese law allowed victims to file civil suits against traffickers, but the government did not report whether any victims filed such suits in 2022. Victims could also seek compensation from the government if the convicted trafficker was unable to pay the awarded damages or restitution; however, the government only reported providing such compensation to one trafficking victim and GRETA noted this rarely occurred. In its 2022 report, GRETA recommended the government increase its efforts to guarantee effective access to restitution and compensation for trafficking victims; increase its efforts to ensure confiscation of traffickers' assets as compensation for victims; and increase training on victims' access to compensation to legal practitioners, prosecutors, and the judiciary. GRETA reported the lack of a specific provision in Portuguese law protecting victims from being inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked could leave them vulnerable to prosecution. Although rare, NGOs continued to report instances where the government prosecuted trafficking victims for unlawful acts committed as

a direct result of being trafficked, which resulted in their unwillingness to participate in criminal proceedings.

PREVENTION

The government maintained prevention efforts. The government's multi-stakeholder anti-trafficking network, the Support and Protection Network for Victims of Trafficking (RAPVT), met an unknown number of times in 2023 and was led by the national rapporteur on trafficking; RAPVT included representatives from various central and local government agencies and three NGOs. The government's NAP expired in 2021; officials reported having a draft NAP (2023-2026) but did not adopt it by the end of the reporting period. The government continued publishing several annual reports on human trafficking and funded two studies on trafficking, specifically analyzing gender and the costs of trafficking. In addition to regional awareness campaigns, the government reported launching a national awareness campaign in October 2023, targeting citizens at sporting events. Most awareness-raising material was available online for public access. Each of the five multidisciplinary government-funded NGO teams operated a hotline, available 24 hours a day and in several languages, and the government continued to operate a general hotline for children in danger; additionally, a government-funded NGO operated a shelter and protection center phone line. The government did not report the number of cases initiated or victim identified from calls to the various hotlines.

The government required temporary employment agencies to obtain a license to operate and prohibited them from charging a recruitment or placement fee to workers. Though illegal under Portuguese law, law enforcement asserted the imposition of recruitment fees still frequently occurred and could increase worker's vulnerability to debt bondage. Portuguese law criminalized passport withholding and contract switching. Law enforcement noted difficulty in pursuing cases against subcontractors or intermediary companies, particularly in the agricultural sector; subcontractors would often close their business and re-open under another name. The government reported foreign workers were able to change employers without prior government permission, which may have decreased their vulnerability to trafficking. Fraudulent labor recruitment remained a concern, but the government took some effective law enforcement steps against several businesses in 2022, including the arrest and prosecution of several traffickers. However, efforts were not comprehensive nor proportional with the suspected scale. GRETA noted a need to strengthen monitoring and regulation of temporary employment and recruitment agencies, especially those employing and recruiting domestic workers. Labor inspectors did not have the authority to identify victims, a dedicated budget, or staff to detect labor trafficking cases, but could refer suspected labor trafficking cases to the police. In its 2022 report, GRETA urged the government to take further measures to prevent and combat labor trafficking by addressing legislative gaps relating to

subcontracting companies, strengthening labor inspections, and continuing to raise awareness. Labor inspectors frequently conducted joint inspections with SEF when foreign workers were present; however, fear of deportation may have deterred undocumented potential victims from engaging with law enforcement. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Portugal, and traffickers exploit victims from Portugal abroad. Authorities report traffickers facilitate the transfer of asylum-seeking women and children, many from West Africa, to Portugal; traffickers obtain false documents before moving them to other European countries for sex trafficking. Sub-Saharan trafficking networks sometimes use Portugal as a route into the Schengen area to exploit children for both sex trafficking and forced labor. Traffickers increasingly exploit victims in labor trafficking from Bangladesh, India, and Pakistan via debt-bondage. Traffickers often use fraudulent recruitment methods to exploit Portuguese victims in restaurants, agriculture, and domestic service, primarily in Portugal and Spain. Labor traffickers exploit foreign victims in agriculture, construction, and domestic service; seasonal migrant workers are especially vulnerable to trafficking. Labor traffickers sometimes exploit soccer players through fraudulent recruitment; these victims are often children and young adults, primarily from South America and Africa. Traffickers transport victims to farms located in the interior of the Alentejo region or the Douro Valley, where they are comparatively isolated. Traffickers exploit children from Eastern Europe, including Romani children for forced begging and forced criminal activity in Portugal. Refugees, predominantly women and children fleeing Russia's full-scale invasion of Ukraine, are vulnerable to trafficking. Organized criminal groups exploit undocumented migrants from Southeast Asia in labor trafficking in shellfish harvesting. In 2023, the government signed an agreement with Cuba to bring 300 Cuban medical professionals to Portugal; however, there was no confirmation as to whether these individuals ever arrived or if protections were put in place to ensure they would not be forced to work by the Cuban government. Media, civil society, and local political leaders voiced concern about allegations of forced labor in Cuba's labor export program, and experts urged the government of Portugal to adopt appropriate safeguards to protect vulnerable government-affiliated Cuban workers to mitigate exploitation and trafficking. According to an NGO, a Portuguese public institution – indirectly operated by the government – and an international organization previously funded Cuban workers in Guinea-Bissau who may have been forced to work by the Cuban government; the government confirmed the program ended in 2021.

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