

Portugal

Trafficking in Persons Report 2015

Department of State, United States of America

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Portugal (Tier 1)

Portugal is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Trafficking victims identified in Portugal are primarily from Africa and Eastern Europe, and—to a lesser extent—Latin America and Asia. Foreign victims of forced labor are exploited in agriculture and domestic service. Foreign women and children, mostly from Africa and Eastern Europe, are subjected to sex trafficking in Portugal. Portuguese women and children are exploited in sex trafficking within the country. Portuguese victims, primarily men, are subjected to forced labor in restaurants, agriculture, and domestic work in Portugal and Spain. Portuguese victims have also been subjected to forced labor and sex trafficking in other countries, mostly in Europe. Children from Eastern Europe, including those of Roma descent, are subjected to forced begging and forced criminal activity in Portugal, often by their families. Authorities report traffickers bring women and children, many from African countries, to Portugal and claim asylum before bringing victims to other European countries to be exploited in trafficking.

The Government of Portugal fully complies with the minimum standards for the elimination of trafficking. Government-provided data demonstrated increased accountability for labor and sex traffickers. The government funded three NGO-operated shelters and multidisciplinary teams to assist victims. While authorities have increased efforts to identify labor trafficking victims and hold labor traffickers accountable, the government identified few sex trafficking victims in 2014. Cases of third-party prostitution of Portuguese children were not always treated as child sex trafficking. Authorities identified a decreased number of potential and confirmed trafficking victims compared with the previous year.

Recommendations for Portugal:

Continue to increase efforts to investigate and prosecute trafficking offenses and convict traffickers, issuing sufficiently dissuasive sentences; release guidance for law enforcement, justice officials, and service providers clarifying third-party prostitution of children is child sex trafficking; implement required and systematic training for all police, prosecutors, and judges to increase trafficking investigations and victim identification and to encourage the use of trafficking laws for convictions with dissuasive sentences; increase and document use of victim services, such as shelters and residence permits; provide specialized shelter and assistance for child trafficking victims, including Portuguese child sex trafficking victims; continue to train immigration and social workers, law enforcement, labor inspectors, and NGOs on victim identification and referral; and continue to conduct trafficking awareness raising campaigns on forced labor and sex trafficking.

Prosecution

The government strengthened law enforcement efforts. Portugal prohibits all forms of sex and labor trafficking through Article 160 of the penal code, which prescribes penalties of three to 12 years'

imprisonment—penalties sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 160 also encompasses illegal adoption and organ removal. In addition, Article 159 prohibits slavery and prescribes penalties of five to 15 years' imprisonment, and Article 175 prohibits the prostitution of children, with penalties of one to 10 years' imprisonment.

For the first time, Portuguese authorities reported data on law enforcement efforts from the previous calendar year, including the number of convictions. In 2014, the government investigated 44 potential trafficking cases involving 55 alleged offenders. Authorities did not report how many cases involved forced labor. The government did not report the total number of trafficking prosecutions initiated in 2014, though prosecutors charged at least five defendants in three labor trafficking cases. Authorities reported convicting 36 traffickers in 2014: 10 labor traffickers and 10 sex traffickers under Article 160 and 16 traffickers under Article 159. Sentences ranged from one year and three months' imprisonment to 12 years' imprisonment, and 10 traffickers received suspended sentences, including all but one individual convicted of labor trafficking under Article 160. These convictions were not final due to appeals lodged by defendants. In comparison, the government reported convicting nine traffickers in 2013, four of which received suspended sentences; authorities did not report the outcomes for an additional 20 defendants in trafficking court cases completed in 2013. Portuguese authorities also investigated and prosecuted human trafficking as other crimes, such as pimping, criminal association, or abetting legal aliens, for which a lesser burden of proof is required and convictions were easier to obtain. Experts identified a need for increased training for local law enforcement and judges, who sometimes categorized trafficking as other crimes, such as domestic violence or pimping. Press reports indicated child sex traffickers were convicted under pimping statutes in 2014. Authorities provided anti-trafficking training to front-line responders, including police officers, labor inspectors, and social workers. The government did not report any investigations, prosecutions, or convictions of officials for alleged complicity in trafficking-related offenses.

Protection

The government maintained victim protection efforts, though the number of potential and confirmed victims identified decreased significantly compared with the previous year. Authorities identified 26 potential victims and 20 confirmed victims in 2014. In comparison, in 2013, the government reported 299 potential victims identified within Portugal; six potential Portuguese victims abroad; and 119 confirmed victims (initially reported as 45 confirmed victims in early 2014), all but three exploited in labor trafficking. The 20 confirmed victims of trafficking in 2014 included 12 men in forced labor, five women in forced labor, and two women in sex trafficking. Any front-line responders can refer potential victims of trafficking to services, but only border and migration and judiciary police or prosecutors can confirm trafficking victims. Based on the low number of child victims identified during the year and press coverage of law enforcement efforts and convictions for pimping of children, some children in prostitution were likely not identified as trafficking victims. In 2014, authorities published and distributed guidelines and practical tools for government officials and NGOs on victim identification.

The government provided 204,000 euro (\$248,000) in 2014 to an NGO to operate four multidisciplinary teams in different regions in Portugal to assist victims and engage in training and awareness activities in partnership with government officials. Confirmed victims had the right to shelter, health, psycho-social, legal, translation and interpretation, and other services. Authorities reported 10 victims received assistance; it is unclear why the other victims did not. There were three government-funded, NGO-run temporary shelters available for victims: one for adult male victims and two for female victims and their children, including one opened in 2014. Authorities did not report how many victims stayed at these

shelters in 2014, and the shelters were reportedly undersubscribed. The government reported providing almost 500,000 euro (\$608,000) for the shelters in 2014. Child victims of trafficking received services under the framework of the child protection system. Authorities did not report how many child victims of third-party prostitution were assisted in 2014. An NGO reported partnering with the city of Lisbon to provide some victims of sexual exploitation and sex trafficking with employment assistance. The government offered victims a reflection period of up to 60 days, during which victims could recover before deciding whether to cooperate with law enforcement. The law also provided for a one-year residence permit for victims cooperating with law enforcement or based on a personal situation; this permit could be renewed for one year. One victim was issued a residence permit in 2014, compared with two victims receiving permits in 2013. Authorities reported most confirmed victims identified in 2014 returned to their home countries; it was unclear if these victims refused to cooperate with law enforcement or did not want to remain in Portugal. NGOs and law enforcement reported some victims were hesitant to speak with authorities. Comprehensive witness protection was guaranteed to victims who assisted in trials. It was unclear how many victims received compensation from their traffickers, but two victims received some compensation from the government. There were no reports of victims being penalized for unlawful acts committed as a result of being subjected to trafficking.

Prevention

The government maintained trafficking prevention efforts. The government implemented its third national action plan for 2014-2017 and maintained a multi-stakeholder anti-trafficking network, including a national rapporteur, representatives from various government agencies, and three NGOs. Authorities provided assessments of government anti-trafficking efforts online. The government funded and conducted prevention efforts, including an awareness campaign focused on labor trafficking linked to agriculture. Portuguese law penalized individuals who paid children for commercial sex acts in an effort to reduce the demand for commercial sex, but authorities did not demonstrate efforts to reduce the demand for forced labor. There were no reports of Portuguese citizens engaging in child sex tourism abroad during the year. The government provided anti-trafficking training or guidance for its diplomatic personnel.