LAW ENFORCEMENT AGENCIES AND
NGOs COOPERATION IN THE PREVENTION AND VICTIM ASSISTENCE
OF TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL
EXPLOITATION (THBSE)

Portuguese Report

COOP-TRAFF

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1- Introduction

In Portugal, Trafficking on Human Beings (THB) is only legally specified as a crime when it has the purpose of sexual exploitation, i.e. when related to prostitution activities, though the Portuguese law has special provisions in cases of THB against children. Luckily, Portuguese Penal Code provides for other crimes that judges can use to enforce the fight against THB such as pandering and abduction and servitude.

This kind of crime is traditionally investigated by the Portuguese Criminal Investigation Police, under the supervision of the Public Prosecutor. Since October 2006 Portuguese Borders Control Police ("Serviço de Estrangeiros e Fronteira”- SEF), start to have formal criminal investigation competencies on THB and also special responsibilities on the prevention of this criminal phenomenon and others related crimes.

As it'll be shown, Portugal's Criminal Police can receive and analyze all the information related to crimes of trafficking, but stores the resulting data in a database that is not yet ready to differentiate this kind of crimes, mainly due to the way the actual law works. THB related activities are mostly forced to be classified as abduction and pandering, and therefore mixed with other abductions and pandering unrelated to THB.

THB is an international phenomenon. The success of the investigations on this kind of crimes depends greatly on the common strategies applied by the different countries involved in the problem, and being able to articulate this common efforts, will also help to gain knowledge on the subject and thus develop prevention policies and judicial intervention in the area.

1 The information exposed in this report has been obtained from “A Study for Monitoring the International Trafficking of Human Beings for the Purpose of Sexual Exploitation in the EU Members States” (by Transcrime)
2- THBSE in Portugal

The phenomenon

The THBSE is a complex phenomenon in Portugal. It is possible to identify three main routes of trafficking of women each one related with countries with low social and economic conditions. The most important routes are from Brazil, and Eastern European countries. The aspects that characterize the trafficking cases from Africa are less known.

In these selected countries, the criminal organized groups related with THBSE fetch some support (complaisant individuals) in order to make easy the transportation. Organized groups contact with their victims directly, offering them jobs in Portugal. In some cases women know that both contact and job are linked with sexual activities (like night-clubs and dancing), but ignore links with prostitution. The transfer is made with the agreement of the victim.

Recruitment

Brazil

The complaisant individual from the victim's country of origin receives of money from organized groups in order to provide all the means necessary to get to Portugal, such as travelling tickets and legal documents, and as a payment for his or her services. Furthermore, victims are also given money, but just enough for making a telephone call or taking some transportation upon their arrival in Portugal. The complaisant person provides material support to the victim until the day of the departure to Portugal. Some of these recruiters are ex – prostitutes or individuals with some connection with the victims (e.g. acquaintances, colleagues).

The victims arrived from cities of the interior of Brazil like Goiás or Minas Gerais.

Eastern European Countries
The recruitment is made by Eastern organized groups (eastern “mafias”). These kind of
groups have connections with others types of crimes (e.g. violent criminality, drugs
trafficking). These groups use journal advertisements and have access to job agencies to
do the victims recruitment. The advertisements are related with jobs as housekeepers,
hotel receptionists, eldercare or dancing shows.

The majority of the victims arrive from countries like Russia or Ukraine. But it is
also possible to find in Portugal victims form countries like Romania, Bulgaria or
Moldavia.

Africa

The prostitution recruitment in this kind of countries can be promoted by the woman
family as a way to maintain their one survival, since these kinds of families’ lives in a
high level of poverty.

The recruiters have usually the same nationality as the victims and have an informal
organization.

The majority of the victims arrive from countries like Congo, Senegal, Angola, or
Nigeria.

Transportation

Brazil

In the majority of cases victim’s transportation from Brazil to Portugal is made by
plane. Traffickers use several European cities in order to avoid contact with Portugal’s
authorities, especially seizures at the airport. Paris and Madrid are the cities chosen by
the recruiters to transport the victims to Europe. Once in Europe, victims are transported
to Portugal in taxis or personal cars. Organized groups are helped by complaisant
persons who in most cases are hotel owners and taxi drivers. There’s no official
information on police corruption in Portugal.

These groups use legal procedures to register women as tourists. This way they
avoid using counterfeited documents. The transportation process lasts from two to four
days. During this period, women are usually not victimized.
Eastern European Countries
The victims’ transportation to Portugal is made by car or bus. The victims arrive from cities like Moscow or Kiev and are sending directly to Amsterdam or Rome. The transportation process to Portugal can last several months. During this period, women are usually forced to work as prostitutes in each arrived country.

Africa
The victims’ transportation to Portugal is made by boat crossing the Mediterranean. The transportation process includes stopping in cities like Las Palmas, Ceuta, Melilla. Gibraltar is used to try to cross the Spanish border and than try to arrive to Portugal by Spain. The victims are submitted to maltreatments during all the transportation process.

Entrance
Victims came to Portugal mostly crossing the Portuguese/ Spanish border. They can arrive by plane or by car.

Brazil
If the victims arrive directly to Portugal by plane they usually go to airports like Lisbon, Oporto. If they arrive from others airports the Portuguese destination cities are usually Braga and Oporto.

Eastern European Countries
The victims arrive to Portugal and are forced to work as prostitutes on Portuguese cities like Lisbon or Oporto.

Africa
The victims’ transportation to Portugal is made by car through the Spanish border and the most important destination is Lisbon.

Exploitation
Once in Portugal, victims of trafficking most commonly suffer from sexual exploitation. The knowledge about the exploitation phase is based more in information about Brazilian victims. It is very difficult to have access to victims of Eastern European Countries since the organized groups have a high control of them. In the case
of the African victims, these women are from cultural reasons very obedient, even to the exploiters, which have the same nationality of them.

In most of the cases the criminals take away their documentation; retain them in isolated places and hire guardians in order to control them as well as with surveillance purposes.

Traffickers tell the victims that they owe them money for everything related to the trip, such as tickets, clothes, food, etc. but the amount of the debt is abnormally high. For instance: if the travel cost is €600, victims are told to owe €2,500. But criminals also make money by establishing punishment systems, e.g. if a victim spends more than 20 minutes with a client she has to pay €50 to the trafficker. Under these conditions, victims find it hard to settle their debts, and so they are bound to work hard for many months.

Victims suffer from social isolation, depression and anger. They usually attempt to escape in order to get back to their countries. Some times, they ask for help to the clients but rarely get a satisfactory response, and it's not uncommon that the same clients give information to the traffickers about it. In these cases women suffer physical penalties.

Exploitation takes place mainly at nightclubs and private apartments, in cities like Lisbon Oporto and also in cities of the interior of the country some of them near the border. In the main cities it is possible also to find some victims working on the streets under higher control from the exploiters.

The leaders of the Brazilian trafficking network are usually legal entrepreneurs. The leaders of the Eastern European networks are more associated with organized crime.

The period in each one is legally allowed to stay in Portugal as a tourist is three months; this is generally also the duration period of the exploitation process. During that period victims use their earnings exclusively for settling their debts. When the exploitation period ends, these women usually return to their country, but they never have any money left, so in order to pay for the trip, they have to go back to prostitution.

It's been estimated that each exploited woman generates for €150 to €400 per night, depending on the kind of business and the social status of the clients.
Suspects engaged in trafficking

Organized groups engaged in Trafficking on Human Beings in Portugal are small and have several recruiters in Brazil, Eastern Europe, or Africa and some other individuals working in Portugal. The latter usually work as taxi drivers who pick up women at some European airport and take them to Portugal, but they can also be in charge of gathering information, mainly through lawyers, about the arrangements necessary to make all the process legal.

Different groups or individuals, as described above, manage each phase of the Trafficking process. The recruitment and transportation activities are executed by international contacts usually from the victim’s country of origin (Brazil, Eastern Europe and Africa). The exploitation phase is in the hands of Portuguese citizens in case of Brazilian victims or criminal organized groups of the origin countries in the others cases. These criminal organized groups have connections with prostitution market in each country of destination. White males of Portuguese or Brazilian nationality, who legally own businesses such as nightclubs, discos, bars, etc, usually control the activities of these criminal groups. Those businesses are used for money laundering, particularly on the income derived from the sexual exploitation.

After an investigation that took place during 2003/2004, the Portuguese Criminal Investigation Police estimated a profit related to the exploitation phase of €20,000/25,000 per month (30 days/ per six women).

The victims

Typically, the recruited victims are 18-30 years old, unemployed, without any other economic support (family), have 2-3 children and live in rural areas or cities of interior of their countries. In Brazil most commonly they have a low education degree, but there have been found exceptions such as teachers, nurses or bank clerks. It is possible to identify the same characteristic in the African victims. The Eastern European victims have in general high level of education and they are attracted to the “occidental glamour”.

The majority of the victims are not prostitutes in their countries of origin.

The vulnerability factors are associated to victims of this kind of crime are: They have little expectations of finding better life conditions in their own countries and lack of a strong relationships (husband), though they are usually responsible of maintaining their own kids and/or other members of their families.

3- Prostitution in Portugal

Portugal’s policy on prostitution can be classified under the abolitionist model, since outdoor and indoor prostitution are neither prohibited nor regulated by the State. Prostitution is not prohibited or considered illegal, but it's not regulated as are regular jobs.

Nevertheless, in practice social costumes generate restrictions de facto as to where prostitutes may work in the streets or as to whether or when they may work in brothel/club/window prostitution. Therefore, legally speaking prostitutes can work anywhere, though police is socially entitled to force them to leave certain areas. There is also a law that forbids renting an apartment with prostitution purposes.

Related to trafficking, Article 170 of the Portuguese Penal Code establishes from 6 months to 5 years of imprisonment as penalty for pimping. If victims are subjected to prostitution activities by being hoaxed, threatened or by means of violence, those found guilty of facilitating or promoting this kind of activities can be sentenced to from 1 to 8 years of imprisonment.

4- THBSE legal framework

The cases related to the crime of Trafficking on Human Beings for the purpose of sexual exploitation can be investigated by the Portuguese Criminal Investigation Police or by the Portuguese Borders Control Police (“Serviço de Estrangeiros e Fronteira”-

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2 The information about the prostitution section has been obtained from “Study on National Legislation on Prostitution and the Trafficking in Women and Children” (by Transcrime)
SEF) and prosecuted by the Public Prosecutor. Doesn't exist any special unit dedicated to investigate this kind of crimes exclusively.

The Criminal Investigation Police has divided these cases into two subgroups: Trafficking on Human Beings, investigated by the Department against Organized Crime (Dirección Central de Combate ao Banditismo); and pandering and trafficking of children, investigated by a specific department created specially in order to children sexual abuse cases. The Portuguese Borders Control Police have the departments of criminal investigation to work in this kind of criminal cases.

Furthermore, police forces organize strategically raids on nightclubs and bars. These raids are made at a national level with the participation of the different Portuguese law enforcement groups (Public Order, Criminal Investigation and Borders Control).

Concerning to legal provisions, in Portugal no criminal law refers to Trafficking on Human Beings alone specifically, or at least in those terms, but it is possible to identify in the Portuguese Penal Code two articles directly related to Trafficking on Human Beings for the purpose of sexual exploitation:

- **Article 169º**: Trafficking of human beings related solely to prostitution activities:
  - Any person whom by means of violence, threat, hoax, fraud or authority abuse, seduces, transports, or accommodates other persons for the purpose of prostitution or other sexual acts can be sentenced to from 2 to 8 years of imprisonment. The relationship between the suspect and the victim can be based on authority abuse from hierarchical, economic or work dependence. This law also considers the vulnerability factor of the victim.

- **Article 176º**: Pandering and Trafficking of Children. This crimes have several penalties:
- If the victims of prostitution are between the ages of 14 and 16 years old, the person who facilitates or promotes this kind of activity can be sentenced from 6 months to 5 years.

- If the prostitution activities occur with children under 16 years of age and if the victims are either from a foreign country or are nationals taken to a foreign country the exploiter can be sentenced from 1 to 8 years.

- If the victims are under 14 years of age and are submitted to professional or lucrative activities by being hoaxed/rusted, threatened or by means of violence, the person who facilitates or promotes these kinds of activities can be sentenced from 2 to 10 years. The relationship between the suspect and the potential victim can be based on hierarchic, economic or work dependence authority abuse. This law also considers the vulnerable conditions of the potential victim.

These two articles resulted from the revision of the Portuguese Penal Code made on 1995, and from some other actualizations implemented in 1998.

Penalties established on articles 169 and 176 can be augmented in application of article 177 of the Portuguese Penal Code, whenever the victim is related to the aggressor by family bonds, and/or is economically or hierarchically dependent on the offender.

Furthermore, other provisions exist in the Portuguese Penal Code, related to the phenomena of Trafficking on Human Beings: pandering (Article 170), abduction (Article 158), servitude (Article 159), and criminal association (Article 299).

Finally, Portugal has a Victim’s Protection Law.

5- Action plan against THBSE
The Portuguese State starts to develop since 2004 a combination of measures to create an action plan against THBSE. Those events have as principals’ goals:

1. To improve the scientific studies about the phenomenon of THBSE specially about the Portuguese reality;
2. To define a protection victims program related with THBSE. This programme must integrate different aspects related with the needs of this kind of victims as legal and financial support, health and psychological services and shelters.
3. To analyze and develop new legal measures to punish those kind of crimes.

To try to achieve those goals the Portuguese State create Multidisciplinary Platform called CAIM (Cooperation- Action-Investigation- global perspective) supported by the European Community (Program Equal II). This work platform joins together several governmental and non-governmental entities as the Ministry of Justice and the Ministry of the Interior, the Migrations International Organization, and the High Commissariat for the Minorities Integration and the Association for the Family Planning.

As a result of the CAIM project in Mach 2007 the Portuguese Government approves new official measures related with the crime of Trafficking of Human Beings:

1. I National Plan Against the Trafficking of Human Beings: this plan includes different types of trafficking (illegal immigration; traffic of human organs and sexual exploitation) and tries to define a system of knowledge, prevention, and intervention on the phenomenon. The definition of objective measures of combat against the traffic situations and the victim’s support are a priority of this plan. A creation of an evaluation and identification system of victims during the emergency phase is also under consideration on this National Plan. This plan must be implement between 2007 and 2010.

2. Plan for the Integration of Immigrants in Portugal: This plan have as main goal to define the all the duties of the Portuguese State related with policies of reception and integration of immigrants and try to promote the participation of all the civil society through a partnership with the State to intervene in this kind of situations. Concerning the subject of THB this plan try to define a more strong support in legal aspects to these victims (e.g. definition of a status of “victim of traffic”) and new strategies of combat against the crime (criminal investigation strategies, a new program
of victims protection that include the support of the victims family in the origin country). The creation of special shelters to these types of victims and the definition of best practices in Law enforcement agencies, judiciary and NGOs cooperation are also priorities of this plan. Finally the plan defines also the importance to have a monitoring of the THB crimes with special attention to the sexual exploitation situations.

6- **Databases on THBSE:**

   a. **Victims:** In Portugal there are official and non-official statistic data systems about victims of trafficking and sexual exploitation, but they are not interconnected.

   b. **Offenders:** Three years ago, the Portuguese Criminal Investigation Police created an official and confidential database in electronic format known as the Integrated System of Criminal Investigation (SIIC). Though it is still suffering adjustments, it has become the main source of data for investigators.

The Criminal Investigation Police depends on the Public Prosecutor’s Office, so during the investigation phase, Public Prosecutor’s activities and the work made by criminal investigators are closely linked. Therefore, the data stored on SIIC comes mainly from, and is collected by, both public agencies, but the responsibility of processing the information relies solely on the Criminal Investigation Police Information Department.

SIIC variables, filled with information collected by the Criminal Investigation Police and the Judicial Offices, are:

- Judicial identification case number.
- Date of the investigation case.
- Date of the criminal incidents.
- Criminal investigation unit in charge.
- Related offences.
- Description of the incidents.
- Witnesses (name, gender and age)
- Victims (name, gender, age and profession)
- Offenders (name, gender and age, criminal and social history, nationality, related offences, profession, bank accounts, vehicles, phones, weapons, physical characteristics, aliases, identification documents)
- Places related with the criminal activities.
- Telephones.
- Identification of all the judicial procedures.
- Related with the case: vehicles, bank accounts, weapons, explosives, and organized groups.
- Documentation (related with the criminal activities)
- Criminal investigation case procedures.

The initial purpose was to use SIIC to help identify the diverse components of crimes related to Trafficking on Human Beings, but these components can only be introduced in the database as abduction crimes. Therefore, in order to enhance performance, it would be necessary to differentiate between regular abductions and those related to women exploitation.

But one of the most important limitations of the SIIC database, without a doubt, is that it only reflects the most serious offences related with each case. Minor offences are simply not shown.
c. *Data from the last five years* (Data from Portuguese Criminal Investigation Police – DCIPT/UNI, Polícia Judiciária- 2004 to 2006).

Table 1- Number of criminal investigations related with the crime of THBSE since 1\textsuperscript{st} January 2004.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Year</th>
<th></th>
<th></th>
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</thead>
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<tr>
<td></td>
<td>2004</td>
<td>2005</td>
<td>2006</td>
<td>Total</td>
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<td>Investigation</td>
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<td>34</td>
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<tr>
<td>Without enough information - Closed</td>
<td>26</td>
<td>24</td>
<td>8</td>
<td>58</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>63</strong></td>
<td><strong>68</strong></td>
<td><strong>58</strong></td>
<td><strong>189</strong></td>
</tr>
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Table 2 – Sources of information that instigate the accusation process

<table>
<thead>
<tr>
<th>Source of information</th>
<th>Year</th>
<th></th>
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<tr>
<td></td>
<td>2004</td>
<td>2005</td>
<td>2006</td>
<td></td>
</tr>
<tr>
<td>Acquaintances / neighbours</td>
<td>2</td>
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<td>Victims</td>
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<td>Anonymous</td>
<td>25</td>
<td>14</td>
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<td>50</td>
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<td>Family</td>
<td>0</td>
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<td>Others Police Forces</td>
<td>12</td>
<td>18</td>
<td>18</td>
<td>48</td>
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<tr>
<td>Without reference</td>
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<td>21</td>
<td>21</td>
<td>61</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>63</strong></td>
<td><strong>68</strong></td>
<td><strong>58</strong></td>
<td><strong>189</strong></td>
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</table>
Table 3 - Number of cases of THBSE worked by Portuguese Criminal Investigation police and others police forces

<table>
<thead>
<tr>
<th>Year</th>
<th>GNR</th>
<th>INTERPOL</th>
<th>PSP</th>
<th>Brazilian Police</th>
<th>SEF</th>
<th>Total</th>
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<tr>
<td>2004</td>
<td>12</td>
<td>12</td>
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<td>2005</td>
<td>17</td>
<td>1</td>
<td>11</td>
<td></td>
<td>3</td>
<td>32</td>
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<td>2006</td>
<td>8</td>
<td>14</td>
<td></td>
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<td>37</td>
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<td>5</td>
<td>81</td>
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Note: GNR- National Republican Guard; PSP- Public Security Police; SEF- Portuguese Borders Control Police

Table 4- Other type of crimes related with THBSE:

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<tr>
<th>Most important offence committed</th>
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<th>2006</th>
<th>Total</th>
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<td>Threats</td>
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<tr>
<td>Criminal association</td>
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<td>1</td>
<td>2</td>
<td>5</td>
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<tr>
<td>Help to illegal immigration</td>
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<td>2</td>
<td>4</td>
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<tr>
<td>Fraud</td>
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<td></td>
<td>1</td>
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<tr>
<td>Extortion</td>
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<td>Pandering</td>
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<td>30</td>
<td>34</td>
<td>38</td>
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<td>Pandering and trafficking of childen</td>
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<td>2</td>
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<td>Physical Offences</td>
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<td>1</td>
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<td>Kidnapping</td>
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<tr>
<td>Robbery</td>
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<td>Hostage Taking</td>
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<td>16</td>
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<td>42</td>
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<tr>
<td>Others</td>
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<tr>
<td>Total</td>
<td></td>
<td>63</td>
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Table 5 – Offenders/ suspects/ victims Nationality data

<table>
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<tr>
<th>Nationality</th>
<th>Offenders</th>
<th>Suspects</th>
<th>Victims</th>
<th>Total</th>
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<td>South Africa</td>
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<td>Germany</td>
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<td>Angola</td>
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<tr>
<td>Brazil</td>
<td>36</td>
<td>19</td>
<td>41</td>
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<td>Cabo Verde</td>
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<tr>
<td>Colombia</td>
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</tr>
<tr>
<td>France</td>
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<tr>
<td>Moldavia</td>
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<td><strong>Total</strong></td>
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<td>89</td>
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Table 6 – Offenders/ suspects/ victims sex

<table>
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<th>SEX</th>
<th>F</th>
<th>M</th>
<th>Without reference</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Intervenient</strong></td>
<td></td>
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<td></td>
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<td>Offenders</td>
<td>53</td>
<td>75</td>
<td></td>
<td>128</td>
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<tr>
<td>Suspects</td>
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<td>146</td>
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<td>201</td>
</tr>
<tr>
<td>Victims</td>
<td>86</td>
<td>2</td>
<td></td>
<td>89</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>192</td>
<td>223</td>
<td>2</td>
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</tr>
</tbody>
</table>
Table 7 – Offenders/ suspects/ victims age

<table>
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<th>Age Range</th>
<th>Offenders</th>
<th>Suspects</th>
<th>Victims</th>
<th>Total</th>
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<td>0-10</td>
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<tr>
<td>11-20</td>
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<td>16</td>
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<tr>
<td>21-30</td>
<td>37</td>
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<td>31-40</td>
<td>39</td>
<td>50</td>
<td>16</td>
<td>105</td>
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<td>41-50</td>
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<td>51-60</td>
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<td>61-70</td>
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<td>S/Ref#</td>
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<td>10</td>
<td>87</td>
</tr>
<tr>
<td>Total</td>
<td>128</td>
<td>201</td>
<td>89</td>
<td>418</td>
</tr>
</tbody>
</table>

* These cases are related with pandering and children sexual abuse criminal cases.

7- Policies undertaken between countries of origin and destination

Since Brazil is the origin country of the majority of the THBSE victims in Portugal, the Portuguese Borders Control Police ("Serviço de Estrangeiros e Fronteiras" - SEF) has organized during 2006 with the Brazilian Government several working meetings about the subject of THB and Illegal Immigration. The most important goals of those meetings are to establish a cooperation system between the Republic of Portugal and Republic Federative of Brazil in the prevention and combat of THB crimes. From this working sessions Portugal and Brazil establish some guidelines on THB cooperation defined in the “Declaration of Cascais”. This cooperation includes sharing data about THB phenomenon and analyse legal measures in order to facilitate the criminal investigation of this kind of international crimes between the two countries.

Portugal start to work since 2004 on the problem of THBSE, but need to develop more legal and practical instruments to really improve the prevention and intervention competencies in this kind of phenomenon. The first step will be to integrate in the Portuguese law the recommendations of the European Community about THB.
Part 2- **Specific information about assistance and prevention on victims of THBSE.**

The description about the Portuguese reality on the subject of THBSE, which was presented on the first part of this report, defines four main important issues about the Portuguese state of art in this matter:

- Portugal has ratified the Council of Europe recommendations on THB and the ONU convention (Palermo, 1999) but need to implement this kind of recommendations on the legal and social Portuguese systems.
- In practical terms doesn’t exist in Portugal assistance and prevention systems specifically oriented to the THBSE situations.
- The legal tools are also not adequate to give an effective answer in terms of criminalization of this kind of phenomenon.
- It is necessary to develop cooperation rules in terms of police and judicial institutions in two different levels: national and international.

In this part of the report it will be presented all the measures considered as important to build in Portugal a useful combat system against the THB, giving a special attention to the sexual exploitation context.

1. - **Prevention strategies to fight against THBSE**

In Portugal until now it is not possible to identify a specific prevention program on THBSE made either by governmental or non-governmental institutions. However it is possible to find some NGOs specialized on the intervention on victims of prostitution with some activities on prevention of THBSE. Since these NGOs are not specific to the context of THBSE their prevention activities on this matter are just made in special situations in relation with special contexts.

The media has dedicated some attention on the THBSE problem through several news on television, newspapers and specials reviews about the prostitution market in Portugal and the different Portuguese’s routes on traffic of Human Beings. The media has presented also an important role in the social and political discussion about the THBSE problem, because from the public opinion perspective this is not a main problem to the Portuguese society. The media had an important role in making the
Portuguese society to understand all the dangers related with the THB and prostitution context.

**Trafficking phase**

**Recruitment in countries in origin**

In Portugal the information concerning the problem of the recruitment of victims are mostly related with crimes like illegal immigration and illegal work.

The contacts and the information shared between the Portuguese and Brazilian police related with the identifications of the strategies of recruitment of Brazilian women is the most important work developed on prevention strategies.

Portugal needs to improve the prevention strategies about the crimes of THB, especially with the others origin countries. As can be seen on the first part of this report the Eastern European Countries and Africa are others important traffic routes to Portugal. It is important to have more specific information about women recruitment in those countries.

**Victims at risk**

Since Portugal can be identify as a destiny country to the victims of THBSE it is important to establish preventive strategies on the origin countries addressed to the target risk groups. To develop this kind of strategies Portugal and each origin country need to cooperate in terms establish data collection methodology about the victims profile on each reality and define the rules to share this information. The actions like informative campaigns should be addressed to each group on the origin and destiny countries. Also the especial training of the professionals that work on the contexts related with the THB can be an important approach to help to identify and intervene on these kinds of victims.

It is important to identify the Brazilian experience related with this subject:

- The University of Minas Gerais had developed a survey on the airports trying to identify the victims of THBSE. On this survey the sociologists and psychologists try to interview the women who came from European countries and show some of the risk characteristics. It is easier to interview these women when they came to Brazil after the trafficking experience, since it is more difficult to make their identification when
they go to the destiny country. This information is very important to have knowledge about the victims profile and about the way the routes of trafficking acts.

- The information obtain on the surveys is used to define the prevention strategies. On the Brazilian context the different professionals that work on the airport have training about THB based on the survey information and give special attention to women that have risk characteristics.

**Legal actors collaborating with organized crime**

In Portugal it is possible to identify several legal actors collaborating with the crimes of THB especially on cases of sexual exploitation. It is possible to identify some Portuguese nightclubs, private clubs and escort agencies owners related with women trafficking especially from Brazil.

It’s important to have a higher control on this kind of entertainment places since in the most cases the owners works with legal advice and knows how to be out of the police and judiciary intervention. It is necessary to have more legal tool to intervene on this kind of criminal target groups and to organize a high control system on the field by the different institutions related with the intervention on the THB problem.

The legal registration of the specific places related with the practice of prostitution can be one of the strategies to help on the THB intervention.

The adjustment of the penalties related with those crimes can be also other way to intervene and control the collaboration of these legal actors. The police actions with the support of undercover operations can be another way of intervention in these cases.

**Exploitation phase**

**Border control**

The characteristics of the Portuguese terrestrial borders make easily the entrance in Portugal of victims of THB since all the borders are internal borders shared with Spain. Since those internal borders are more open borders in order to prevent the situations of THB it is very important to have a more straight cooperation between border and law enforcement authorities. The implementation of the recommendations of the Council of
Europe and the sharing of best practice in this kind of cooperation measures should be considered on the Portuguese programme against the THB.

**Hot spots entries**

In the first place it is necessary to have a clear identification of the hot spots entries of victims of THB to Portugal in relation with the origin country. The Portuguese monitoring will be important to achieve to this goal. These hot spots places are mainly the Portuguese airports but also the airports form Madrid, Paris, and Amsterdam. The Portuguese consulates can be also another places where it is possible to find potential victims.

The clear identification of these hot spots places are very important to implement preventive programs giving information about the THB problem to these potential victims on those places. That kind of actions depends on the cooperation of the origin and destiny countries, and also from the specific training of the professionals who works on those places on the subject of THB. The cooperation on those cases can be at governmental level but also through the ONGs specialized on THB.

**Administrative controls over private sector (vulnerable sector) and Economic control (money laundering, money transfer…)**

It is possible to identify in Portugal a higher administrative and economic control specifically on the entertainment sector oriented to nightclubs or bars but the Portuguese law give some chances to the owners to have some legal tools to not be catches by the legal system from problem related with administrative or economic illegal actions that can be committed by them. To change this scenario it is necessary to have a broader reformulation of the legal system.

**Administrative controls over prostitution market**

Since in Portugal the prostitution is neither prohibited nor regulated by the State new intervention on THB has open a social discussion about the prostitution market and their formal control. One of the most important discussed measures is the legalization of the prostitution market. The legalization of this phenomenon gives the possibility of formal registration of the women who works on the prostitution market and to have the
chance to give formal health support to this risk group. With those conditions it is easier to identify potential victims of THB and to define assistance and protection programs.

Promotion of clients’ responsibility and awareness

In Portugal doesn’t exist any legal punishment related with prostitution clients that have awareness of women who are victims of THB. The I National Plan Against the Trafficking of Human Beings presents as measure of combat to the THB to punish the clients that have awareness of this kind of situation on penalties of 1 to 5 years of prison.

2. - Protection and Assistance of victims

From the point of view of the protection and assistance of victims of THBSE, Portugal doesn’t have any governmental or non-governmental ONG specialized on this kind of victims. In Portugal the system of protection and assistance on victims are made by non-governmental organizations. These organizations have some financial support from the Portuguese government and the support of the European Community programs. It is important to inform that the most part of Portuguese NGOs are oriented to the domestic violence against women.

Portugal has a main non-governmental Victims Support Organization - APAV- (Portuguese Association of Victims Support). This organization has a general level of intervention but in reality they have more programs of prevention and assistance related with victims of domestic violence, and some intervention on illegal immigration and illegal work. The APAV doesn’t have any special program on victims of THBSE. When this organization has any cases on the THBSE context it intervenes in the same way they do to the other type of victims.

The NGOs specialized on prostitution victims have some contact with THB problem. Those organizations try to help the THB victims with the same programs they have to the others victims. From the point of view of those NGOs it is very difficult to identify prostitutes’ victims of TBH because they have afraid to look for help. When they contact those organizations they look for legal advices related with documentations (e.g. legal permission to stay in Portugal) but they don’t admit to be victims of trafficking.
The Congregation “Sisters Adoradoras” is the only ONG in Portugal with some experience on prevention and assistance on victims of trafficking related with the prostitution market. This congregation has several shelters on Spain, receives, and helps victims of trafficking for sexual exploitation. The information related with the work of this congregation is limited because the Portuguese coordinator refuses to participate on this project despite their partnership task on the present research.

The Portuguese police have also a role on dealing with protection and assistance of THBSE victims. The Portuguese police intervention is related with specific cases that are in investigation phase. It is necessary to improve the cooperation between the Portuguese ONGs and the police forces on cases of human trafficking. The main problem is related with the sharing of information, which from the police point of view is defined as confidential.

**Victim’s detection**

The victim’s identification is mostly made by the NGOs related with victims support on general or to prostitutes specifically. On the implementation of the NGOs information programs about legal and social support based on a direct contact made between the NGOs volunteer to prostitutes, mainly working on the streets some times it is possible to identify some women who are victims of trafficking.

Other sources of victim’s identification are based on the police operations made on nightclubs, clubs, and bars. Some of those operations are an organization between the Criminal Investigation Police and the Borders Control Police and their goal is to identify persons who live illegally on Portugal and are potentially victims of sexual exploitation or illegal work. Those police operations are also a way to identify criminal organization groups.

The Portuguese Borders Control Police have also some work done on victim’s detection on the Portuguese’s airports through the screening of women who comes from countries like Brazil. This work is made in collaboration with Brazilian Police.

To facilitate the victim’s identification the I National Plan Against the Trafficking of Human Beings presents has a priority an itinerant team to give support to these victims. This is an important tool to collect information on trafficking and on victims of this kind of crime.
The Ministries of Labour and Interior can make another important action through a more serious control of the legality on employment and stay documentation in Portugal.

Information to victims

It is important to have specific ONGs on cases of THB, since this kind of situations need special knowledge and answer from the point of view of the legal, health and psychological needs of these victims.

Shelter

The first shelter especially organized for victims of THB is officially working since March 2007 and is a result from the work developed from the CAIM project. This shelter has conditions to receive women signalized as victims of trafficking and to assistance to theirs social integration process or to help on theirs return to the origin country in a safety way. The shelter gives also psychological, legal, and social assistance to these victims.

Provision of legal documents and of residence and work permit

The I National Plan Against the Trafficking of Human Beings include the provision of legal documents and residence and work permit to victims of THB, even if the victims doesn’t agree on a collaboration with the legal institutions. The new changes on the Portuguese legislation have also special penalties to situations as the occultation of the victims’ identification documents (3 years of prison maximum).

Witness protection and assistance in court

The Concerning the THB problem the Portuguese Plan for the Integration of Immigrants has as main goal to develop a new program of victims’ protection that includes the support of the victims’ family in the origin country. In this Plan the women have an access to a “reflexion period “(six months) in terms of theirs participation on judiciary system as witness of THB crime on the Portuguese courts. The implementation of those measures depends also on changes discussed on the new Portuguese Penal Code.
Provision of short time assistance, assisted return and compensation

Portugal doesn’t have any short time assistance for victims of Trafficking. The I National Plan Against the Trafficking of Human Beings give more attention to needs like an evaluation and identification of a system of victims during the emergency phase.

In Portugal the victims of THB can have a financial support to return to theirs origin countries. The financial support is the same that can be given to others types of victims (e.g. illegal workers). The Migrations International Organization and the High Commissariat sustain this financial support for the Minorities Integration in association with the Ministry of the Interior.

In Portugal it is possible to find some legal support to victims’ compensation but just in cases of victims of violent crimes. THB is not including in this kind of victims definition. Even at European level the inclusion of the THB victims on the recommendations about prevention and assistance to victims of crime is something very recent (2006). In these recommendations it is possible to find a compensation scheme that can be applied to all kind of victims not just to victims of violent crimes. In this subject it is also important to have in consideration the special recommendations about THB ratified by the ministers of the Council of Europe. The new Portuguese Plan on THB has in consideration all this European recommendations. The definition of a status of “victim of traffic” can be a very important strategy to intervene on subjects like compensation of victims. In the cases of victims of trafficking the compensation scheme could be defined as an “integration income” to support the victims on theirs social inclusion.

Considering that the compensation can be something important to the THB victims this scheme of support cannot be based on State financial resources. It is important to analyse the good practices in this kind of subject presented by others countries who have compensation schemes based on social and community resources even if those schemes are related with others types of victims.

Long-term assistance

In Portugal it is not possible to identify a long-term assistance to victims of any type of crimes. Since the I National Plan Against the Trafficking of Human Beings gives more attention to needs like an evaluation and identification of a system of victims
during the emergency phase the aspects related with the long-term assistance are not the first priority of this plan.

Monitoring phenomena of THBSE

The I National Plan Against the Trafficking of Human Beings presents as an important goal to try to develop a database with information concerning the accusations on trafficking situations. This data base should be use by the police forces with criminal investigation competences on THB and can have an important contribution to the victims identification since this can be a way to received and organize the information related with the identification of victims. The development of a monitoring program in Portugal will start on July 2007. This monitoring will be very important for all the actors that collaborate on the prevention of THB and protection/assistance of theirs victims.

Part III- Best practices in Law enforcement agencies, judiciary and NGOs cooperation.

Portugal starts since 2004 to define some specific guidelines on the prevention and protection/assistance to victims of THBSE. The first governmental Plan against the Trafficking of Human Beings approved on March 2007 is the first standards to develop a program to intervene on prevention, and protection/assistance of victims of THBSE. This plan tries to define strategies of cooperation between all the actors on this process. It is important to Portugal to share all the experience of others European countries with best practice on prevention and protection/assistance to victims of THBSE and also about theirs internal (national) and external (International) cooperation strategies.

The best practice on THB cooperation must identify several aspects: victims’ identification strategies; offenders’ identifications; prevention system; coordination of resources between all the governmental and non governmental participants; qualification of the working staff in each organization.

The Plan for the Integration of Immigrants in Portugal approved on March 2007 has also an important role on the intervention of THB situations since is a goal of this plan to try to define policies of reception and integration of immigrants and to promote the
participation of all the civil society to intervene in general trafficking contexts. The characterization of a more strong victims support in legal aspects and new strategies of combat against the THB crime through the definition of best practices in Law enforcement agencies, judiciary and NGOs cooperation are also priorities of this plan. The international cooperation between the judiciary and police systems and others entities like Eurojust, Europol or Interpol is also another priority of this plan.

In order to make this cooperation more effective it is important to discuss best practice on National and International level. Those activities could be implemented through several levels of cooperation between governmental and non-governmental experts, researchers, media, and law enforcement workers. The best practices could be discussed on conferences, seminars and training sessions. It could be also made some cooperation on research and assessment of the prevention and intervention programs in order to obtain high standards on the combat of THB and on the protection of victims on THB.

**Final notes:** The information presented on this report was obtain from several sources:
1. ONGs: APAV and Irmãs Oblatas; CESIS; 2. Police Forces: Policia Judiciária (DCCB and DCIPT/UNI) ; SEF; 3. CAIM Project.