

Status of Human Rights in Portugal for the 47th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Portuguese Republic (Portugal) for the 47th session of the Universal Periodic Review (UPR).

Background

2. Portugal is a country in southwestern Europe that borders the Atlantic Ocean and has an estimated population of 10.5 million people.¹ Portugal is predominantly Christian, with 79% of the population identifying as Roman Catholic, 2% as Protestant, 2% belong to other Christian denominations, and 14% identify as belonging to no religion.²

3. Portugal's last UPR was held on May 8, 2019.³ As a result of the review, Portugal received 245 recommendations, 231 of which it supported.⁴ It was recommended by Nigeria, and supported by Portugal, that the government “[c]ontinue with its efforts to protect the rights of migrants, combat human trafficking and protect the rights of victims of human trafficking.”⁵ It was further recommended by Colombia, and supported by Portugal, that the government “[p]ursue efforts to combat trafficking in persons, ensuring that perpetrators are prosecuted and that victims receive specialized treatment aimed at the full restoration of their rights.”⁶ There were no recommendations made regarding religious freedom.

Legal Framework

4. Human trafficking is criminalized under Portugal's Penal Code. Article 160 of the Penal Code prescribes the punishment of three to ten years in prison for “[w]hoever offers, delivers, enlists, encourages, accepts, transports, lodges or accommodates persons for the purpose of exploitation, including sexual exploitation, exploitation of work, begging, slavery, extraction of organs or the exploitation of other activities”⁷

5. Furthermore, Portugal is a party to the International Covenant on Civil and Political Rights (ICCPR).⁸ According to Article 8 of the ICCPR, “[n]o one shall be held in slavery;

¹ *Portugal*, BRITANNICA (Feb. 21, 2024), <https://www.britannica.com/place/Portugal>.

² *Id.*

³ *Universal Periodic Review – Portugal*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/pt-index> (last visited Jan. 16, 2023).

⁴ *Portugal Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/PT/Infographics3rdCycle_Portugal.pdf (last visited Jan. 16, 2023).

⁵ OHCHR, UPR of Portugal (3rd Cycle – 33rd Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/PT/UPR33_Portugal_Thematic_List_of_Recommendations_E.docx (last visited Jan. 16, 2023).

⁶ *Id.*

⁷ PENAL CODE OF PORTUGAL art. 160, <https://antislaverylaw.ac.uk/country/portugal/>.

⁸ *Ratification Status for Portugal*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx (last visited Jan. 18, 2023).

slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”⁹

6. Portugal is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁰ Under Article 9 section 1 of this protocol:

I. States Parties shall establish comprehensive policies, programmes and other measures:

- (a) To prevent and combat trafficking in persons; and
- (b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹¹

Human Trafficking

7. Portugal serves primarily as a destination country for human trafficking. The majority of human trafficking cases involve trafficking for labor exploitation.¹² Traffickers take advantage of Portugal’s demand for cheap labor and exploit the country’s lax visa regulations to lure in and take advantage of migrants from South Asia, Latin America, and Eastern Europe.¹³ Portuguese investigators say that victims are typically poor migrants who are brought to Portugal by human trafficking rings who promise them jobs.¹⁴ However, once arriving in Portugal, they are stripped of their identification paperwork and their pay is confiscated.¹⁵ Further, these victims are often forced into grim and overcrowded living quarters with few, if any, amenities.¹⁶

8. This problem appears to be growing in Portugal. From 2020-2021, there was a 40% increase in human trafficking cases.¹⁷ From 2016-2020, authorities identified 1,152 victims of human trafficking.¹⁸ This means that on average, 288 victims are identified each year. This

⁹ International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁰ *Chapter XVIII Penal Matters: 12 a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18 (Jan. 18, 2024, 10:16 AM).

¹¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9 § 1. *Adopted* on Nov. 15, 2000, 2237 U.N.T.S. 319, https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch_xviii_12_ap.pdf.

¹² *Portugal*, GLOBAL ORGANIZED CRIME INDEX, <https://ocindex.net/country/portugal> (last visited Jan. 19, 2023).

¹³ Ana P. Santos, *Hundreds of Alleged Victims of Migrant Labor Exploitation Found in Portugal*, INFO MIGRANTS (June 6, 2022), <https://www.infomigrants.net/en/post/49867/hundreds-of-alleged-victims-of-migrant-labor-exploitation-found-in-portugal>.

¹⁴ Catarina Demy & Miguel Pereira, *Hundreds of Labour Exploitation Victims Found Near Lisbon*, REUTERS (June 21, 2023), <https://www.reuters.com/world/uk/hundreds-labour-exploitation-victims-found-near-lisbon-2023-06-21/>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Human Trafficking Cases up by 40%*, THE PORTUGAL NEWS (Mar. 18, 2022), <https://www.theportugalnews.com/news/2022-03-18/human-trafficking-cases-up-by-40/65890>.

¹⁸ *Hundreds of Portuguese Police Raid Farms in Human Trafficking Crackdown*, REUTERS (Nov. 21, 2023), <https://www.reuters.com/world/europe/hundreds-portuguese-police-raid-farms-human-trafficking-crackdown-2023-11-21/>.

trend continued in 2021 when 273 victims of human trafficking were identified.¹⁹ As will be shown below, in 2023, these numbers increased. In the month of June alone, 290 victims of human trafficking were identified and at least 100 in November. So, since the 2021 statistics, it seems Portugal's human trafficking problem has increased exponentially.

9. In November 2023, the Portuguese police raided farms in the southern Alentejo region, which resulted in the arrest of twenty-eight suspected human traffickers.²⁰ The traffickers exploited at least 100 individuals from Romania, Moldova, Ukraine, India, Senegal, and Pakistan, with false promises of jobs to work as farmhands.²¹ The victims were promised they would make between 800 and 1,000 euros a month, but only received between 100 and 250 euros.²² Further, authorities found the victims living in severely overcrowded conditions.²³

10. In June 2023, Portuguese police arrested four individuals who were exploiting migrant workers.²⁴ In addition to the arrests, police found 243 victims who were working in a warehouse harvesting shellfish.²⁵ All of the victims were migrants.²⁶

11. That same month authorities rescued forty-seven human trafficking victims, thirty-six of whom were minors, from a football training center in northern Portugal.²⁷ The victims were all male and came from countries in Africa, Asia, and South America.²⁸ Two Portuguese nationals and five companies are being investigated for their role in trafficking these individuals.²⁹

12. In November 2022, police arrested thirty-five individuals who were alleged to be human traffickers.³⁰ The suspects were between the ages of twenty-two and fifty-eight and exploited immigrants for labor.³¹ The victims were recruited to work on farms in Portugal and were from Romania, Moldova, India, Senegal, Pakistan, Morocco, and Algeria.³²

13. In November 2021, two individuals transported a victim from Mozambique to Portugal after promising that the individual would have a job and be able to attend school.³³

¹⁹ *Human Trafficking in Portugal*, THE PORTUGAL NEWS (May 28, 2022),

<https://www.theportugalnews.com/news/2022-05-28/human-trafficking-in-portugal/67390>.

²⁰ *Hundreds of Portuguese Police Raid Farms in Human Trafficking Crackdown*, *supra* note 18.

²¹ *Id.*

²² Alyssa Mcmurtry, *Portuguese Police Arrest 28 for Exploiting Agricultural Migrant Workers*, ANADOLU AGENCY (Nov. 21, 2023), <https://www.aa.com.tr/en/europe/portuguese-police-arrest-28-for-exploiting-agricultural-migrant-workers/3060930#:~:text=In%20massive%20police%20operation%2C%20at%20least%20100%20migrants%20freed%20from%20inhumane%20conditions&text=In%20a%20massive%20police%20operation,the%20southern%20Baixo%20Alentejo%20region>.

²³ *Id.*

²⁴ Ana P. Santos, *Hundreds of Alleged Victims of Migrant Labor Exploitation Found in Portugal*, INFO MIGRANTS (June 22, 2023), <https://www.infomigrants.net/en/post/49867/hundreds-of-alleged-victims-of-migrant-labor-exploitation-found-in-portugal>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Portugal: 47 Footballers Victims of Human Trafficking Released*, AFRICA NEWS (June 15, 2023), <https://www.africanews.com/2023/06/15/portugal-47-footballers-victim-of-human-trafficking-released/>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Portugal: Strong Evidence of Human Trafficking Against 35 Criminals*, MACAU NEWS AGENCY (Nov. 24, 2022), <https://www.macaubusiness.com/portugal-strong-evidence-of-human-trafficking-against-35-criminals/>.

³¹ *Id.*

³² *Id.*

³³ *Arrests for Human Trafficking*, JUDICIAL POLICE (Nov. 28, 2022), <https://www.policiajudiciaria.pt/detencoes-por-traffic-de-pessoas-3/>.

The victim was a twenty-nine-year-old woman who was stripped of her documents and forced to work sixteen hours a day making only fifty euros a month.³⁴

14. Portugal has stepped up its efforts to prevent human trafficking and forced labor by conducting raids, particularly in the agriculture sector.³⁵ The government is also working with NGOs to provide foreign victims with shelter for thirty to sixty days, where they can decide whether or not they want to work with authorities to track down their traffickers.³⁶ Victims that decide to stay and help authorities are then offered a residence permit in Portugal so they can assist authorities in their investigation and prosecution.³⁷ Victims who decide not to participate are then returned to their home country.³⁸

15. The government has acknowledged that more work needs to be done to fully address the problem. Acasio Perieira, the president of the Portuguese Immigration and Border Service, has called the problem “out of control.”³⁹ Despite the fact that hundreds of victims have been identified over the past few years, Portuguese authorities believe that those numbers represent only a fraction of human trafficking victims in the country, as many more go undiscovered.⁴⁰ In response to this problem, the government unanimously approved proposals to the 2024 State Budget to strengthen its capacity to combat human trafficking.⁴¹ These new proposals included allocating more resources to prevent and combat human trafficking “through systematic specialised training for all the agents involved.”⁴² This will allow relevant agencies to coordinate and centralize collecting of data regarding human trafficking and improve the ability for those agencies to identify victims.⁴³ Further, because many of the victims are exploited individuals from foreign countries, the proposals also include “information campaigns and awareness-raising actions aimed at immigrant citizens who have recently arrived in Portugal to inform them about the risks of exploitation that they may be victims of.”⁴⁴

Recommendations

16. It is encouraging to see Portugal’s efforts and concern surrounding human trafficking, especially its efforts work with NGOs. It is also promising that Portugal realizes the depth of the problem and the need to address it. Portugal understands that, to combat human trafficking, increased resources must be allocated to authorities and that the government must utilize awareness campaigns to educate the population on the dangers of human trafficking. We encourage Portugal to continue its efforts to combat the growing problem of human trafficking and forced labor in the country.

³⁴ *Id.*

³⁵ Emma Wallis, *Human Trafficking on the Rise in Portugal*, INFO MIGRANTS (Feb. 15, 2019), <https://www.infomigrants.net/en/post/15188/human-trafficking-on-the-rise-in-portugal>.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Portugal: More Resources for Combatting Human Trafficking*, MACAU BUSINESS (Nov. 24, 2023), <https://www.macaubusiness.com/portugal-more-resources-for-combatting-human-trafficking/>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*