**Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences – input from Portugal**

**Note:** In the national legal system, slavery is one of the types of exploitation of the crime of Trafficking in Human Beings (Article no. 160 of the Criminal Code "Trafficking in Human Beings") and not the other way around, i.e. the concept of Trafficking in Human Beings includes several types of exploitation, including sexual exploitation, labor exploitation, begging, slavery, organ harvesting, or the exploitation of other criminal activities.

1. ***What are the main causes/drivers of homelessness in your country?***

Homelessness should be understood as a complex, multidimensional and multi-causal social problem, conditional on territory and context. According to the data collected through the "Survey on the Characterisation of People Experiencing Homelessness, as of 31st of December, 2021", the main causes of homelessness in mainland Portugal were, in a descending order of importance:

* Unemployment or job insecurity
* Alcohol or psychoactive substance dependence
* Lack of family support
* Mental health conditions
* Financial insufficiency associated to other reasons (excludes domestic violence)
* Insufficient social protection
* Eviction or unaffordability
* Other health conditions
* Desire for geographical mobility

The following data was received by the Observatory on Trafficking in Human Beings guided by the Ministry of Home Affairs (collected from two shelters for men, victims of trafficking of Human Beings managed by the NGOs Saúde em Português and Family Planning Association). There are cases of victims of Trafficking in Human Beings that were hosted while still in a situation of homelessness, who were referred to both shelters by Law Enforcement Agencies.

On an overall assessment of the alleged victims’ profiles (a sample of 32 persons) – registered between 2013 and 2022, data shows:

* Age Group: 32 adults.
* Sex: 32 men.
* Nationality: Portuguese (19), Romanian (8) – remaining 5 alleged victims’ nationalities were protected by statistical secrecy (2 were from EU countries and 3 were not).
* Purpose of Trafficking Exploitation: Labour exploitation (31) and for Labour and Forced Begging exploitation (1).

1. ***Is there evidence of persons experiencing homelessness (\*) being exploited in contemporary forms of slavery such as forced of bonded labour, worst forms of child labour, sexual exploitation which may amount to slavery and other forms of exploitation in your country?***

**a. Profiles of victims (e.g. age, sex, gender identity/sexual orientation, ethnicity, nationality, migration status, socio-economic status, race and any other features).**

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**b. Profiles of exploiters (e.g. criminal organizations; human traffickers; private businesses/employers, others);**

Regarding the exploiters, we were able to access information on their nationalities: Portuguese and Spanish and Romanian.

**c. Methods of recruitment of persons experiencing homelessness, including children in street situations;**

N/A

**d. Manifestation of exploitation (e.g. sexual exploitation and/or labour exploitation in various sectors such as agriculture, domestic work and construction, as well as criminal exploitation (e.g. forced begging, drug production/trafficking, theft, etc.), including their gender dimensions.**

In 2021 and 2022, Trafficking in Human Beings for the purpose of Labour Exploitation continued to be the most reported cause of Human Trafficking registered in the Observatory on Trafficking in Human Beings of the Ministry of Home Affairs.

Trafficking for the purpose of labour exploitation in the agriculture sector is the one with the highest number of annual claims and victims identified by the competent authorities.

In the context of labour exploitation in the agricultural sector, the Republican National Guard (GNR), along with other entities such as the Authority for the Work Conditions (ACT), Immigration and Boarders Service (SEF) and Social Security have carried out inspections to several companies in the agricultural sector, in order to detect possible situations of labour exploitation and trafficking in human beings, particularly in intensive agriculture farms, such as greenhouses and monocultures.

As an example, during 2022 (note: some data overlaps as some inspections are carried out jointly):

* SEF conducted 71 inspections at agricultural sites (45 conducted alone and 26 with other entities);
* GNR conducted 157 inspections at agricultural sites (144 alone and 13 with other entities).

The most recent trends show that workers are recruited to carry out work in seasonal campaigns, such as olive, chestnut, fruit or vegetable harvesting, in the countries of origin or residence countries, but also using the so-call “word of mouth” method already in National Territory. Also, as a means of recruitment, the promise of legalization and subsequent application to a residence permit or promise of permanent work contracts. The victims are transported to the farms where they start working and live with little to no basic conditions, becoming dependent on their employers.

Due to the geographic extension of the places where they are placed to work – usually located in the interior of the Alentejo region or in the west coast of the country – have, frequently, very difficult access surrounding, making their detection by the entities even more burdensome.

At the time of the release of Observatory’s report (“Trafficking in Human Beings 2021 Report” ), the data was retracted until January 31st 2022 for a valid sample of 200 registers (80% of them where on THB for labour exploitation, out of which 74% in agriculture sector).

A territorial analysis of the abovementioned data shows that in 2021 73% of alleged victims of THB for the purpose of labour exploitation where registered in the Alentejo region, out of which 99% in the agriculture sector.

Regarding data on alleged victims sheltered, 2021 data shows and increase of alleged THB victims assisted: 23 in 2020 and 36 in 2021. The majority were men (23) and the majority of them were flagged as victims of trafficking for labour exploitation (all men sheltered – 23 | 7 female sheltered out of 13).

Moreover, on the protection and inclusion dimension, out of the 18 Residence Permits issued to victims during 2021 (Article no. 109 of the Act that approves the legal framework of entry, permanence, exit and removal of foreigners into and out of national territory) the majority (14) were given to victims of THB for labour exploitation.

A brief profile of the alleged victims of THB for the purpose of labour exploitation in 2022 is:

* Mostly adults (179) and male (118).
* Main citizenships: Nepal (40); Morocco (22); India (22); Pakistan (12); and Algeria (10).

1. ***Is there evidence of homelessness being a consequence of contemporary forms of slavery in your country (i.e., domestic/foreign victims being made homeless after sexual and/or labour exploitation)? If so, please explain further.***

The fight against all forms of trafficking, slavery and exploitation is done through a multidisciplinary team, that includes the Authority for Working Conditions (ACT) and the police authorities. This team carries out recognition, identification, and monitoring efforts, identifies persons in the utmost vulnerable situations, refers them to available and suitable social services and reports them to the Public Prosecutor's Office.

As previously mentioned, the evidence shows a special vulnerability of homeless persons to the recruitment for THB for labour exploitation purposes. Also, there are references of alleged victims sheltered that were flagged after a human trafficking situation ended and that were in a situation of homelessness.

1. ***Are there examples of positive measures taken by your Government to prevent persons experiencing homelessness or at risk of homelessness, including children in street situations or discharged from child or foster care, from being subjected to contemporary forms of slavery? If so, please provide details, which may include, but are not limited to, development/ implementation of legislative, policy and institutional frameworks, material/financial support, and promotion of access to housing, education/training, decent work, health/public services, as well as justice and remedies.***

Portugal adopted, at the end of 2021, the **National Strategy to Combat Poverty 2021-2030** (RCM nº184/2021 of 29th December), which is an instrument that aims to achieve a multidimensional and crosswise approach through public policies bound for the eradication of poverty. This strategy defines six priorities of intervention, in close articulation with the European Pillar of Social Rights and with the United Nations Agenda 2030 on Sustainable Development Goals:

1. Reducing poverty among children and young people and their families;
2. Promote the full integration of young adults into society and the systemic reduction of their risk of poverty;
3. Boost employment and qualification as factors in the elimination of poverty;
4. Strengthen public policies for social inclusion, promote and improve the societal integration and social protection of the most disadvantaged people and groups;
5. Ensure territorial cohesion and local development;
6. Make combating poverty a national goal;

The design of the National Strategy to Combat Poverty 2021-2030 is duly interlocked with other existing strategies, plans and programmes, whose areas of action intersect. This occurs, particularly, the National Strategy for the Integration of People in Homelessness Situation 2017-2023 (Resolution of the Council of Ministers no. 107/2017 of 25th of July), which includes three axes of intervention: i) promoting knowledge of the phenomenon of people experiencing homelessness, information, awareness, and education; ii) promoting the integration of people experiencing homelessness; iii) coordinating, monitoring and evaluating of the national strategy.

As a result, Portugal has been carrying out a national diagnosis, raising awareness and performing training actions that aim at empowering individuals to detect, intervene, and to adopt preventive measures. The teams of non-governmental organizations have been called to join the Local Nucleus for Planning and Intervention on Homelessness (NPISA’s) and to integrate the coordination/intervention network spread throughout all national territory.

It is also worth noting that the Ministry for Labour and Social Security (MTSSS), within the framework of its responsibilities to the International Labour Organization, is the **National Focal Point for the Tripartite Declaration of Principles on Multinational Enterprises and Social Policy of this Organization**. Moreover, in the Portuguese Labour Code, Law no. 28/2016 of 23 August on combating modern forms of forced labour was the eleventh amendment to the Labour Code, the fifth amendment to the legal regime for the promotion of safety and health at work, and the third amendment to the legal regime for the exercise and licensing of private placement agencies and temporary work companies.

Regarding children, it is also noted that Portugal adopted in 2020, the **National Strategy for the Rights of the Child 2021-2024**, approved by the Resolution of the Council of Ministers no. 112/2020 of 27th November. Following the approval of this strategy the biannual plan 2021/2022 structured in five priorities was defined, which included the concern for "preventing and combating violence against children and young people" (priority 4).

The Ministry of Home Affairs, in the framework of the **“Local Safety Audits”** implemented, in 2017, a program involving the Municipality of Serpa, alongside other relevant governmental agencies (namely Law Enforcement, Labour Inspectorate, the High Commission for Migration, Health professionals, amongst others) and non-governmental organizations.

In 2019, in the framework on the **“Local Safety Audit of Serpa”** and in compliance with a measure of the Fourth Action Plan for the Prevention and Combat of Trafficking in Human Beings and the National Plan for Implementation of the Global Compact for Safe, Orderly and Regular Migration, the Observatory on Trafficking in Human Being and the Specialized Multidisciplinary Team for the Assistance to Trafficking in Human Beings victims’ of Alentejo ministered a Training Action for first-line professionals.

The “Local Safety Audit of Serpa” (parallel to the work developed by Law Enforcement Agencies and Labour Inspectors) produced and disseminated the leaflets "I am an Agricultural Worker - How should the stay in Portugal be?” with a set of information to support and protect seasonal migrant workers from exploitative practices such as Trafficking in Persons, that was translated to four languages (English, Nepalese, Pakistani and Romanian).

This information tool for the prevention and combat includes:

* “Who should I contact?” – contact list;
* “Do you know that?” - Direct phrases that explain what is trafficking in human beings (e.g. working conditions / undeclared work);
* “What shall I do?” - set of indicators for the prevention and protection of worker (e.g. working conditions, protection of personal identification documents, support measures, namely medical;

**Awareness-raising actions in the agricultural sector:** Carried out by the Specialized Teams on Community Policing and seeks to establish contact and a relationship of trust between the GNR and seasonal workers.

The **“National Plan for Implementation of the Global Compact for Safe, Orderly and Regular Migration”** was approved in August 2019 via a Resolution from the Council of Ministers.

**Training actions focused on trafficking in persons for the purpose of labour exploitation** provided by the Observatory on Trafficking in Human Beings/Ministry of Home Affairs (alone or in cooperation with other bodies):

* National Republican Guard/Territorial Command of Beja (Alentejo): 1 training action. Total: 16 trainees.
* Authority for the Work Conditions: 2 training actions. Total: around 170 trainees.
* Customs and Police Cooperation Centres (CCPA): 3 training actions. Total: around 33 trainees.

**New models of documents proving the attribution of victims’ status and especially vulnerable victims’ status (2021).** This latest includes victims of trafficking in human beings (Order nº. 138-E/2021) – translated into English. This status is given by the judicial authorities or by Law Enforcement.

These new documents aim to:

* Produce documents that are clearer, simpler, and easier for the victims to understand. This is fundamental considering that at that time victims are in an fragile situation, often unable to understand complex legal language and information about their rights. For this purpose, the documents were revised by specialized services to convert legal and procedural technical language into clear language.
* Ensure that the victims themselves can understand and use the information that is given. This allows them to fully exercise their rights (and duties), be aware of all steps in the support process, and reduce doubts and fears. Therefore, the purpose is to empower the victims themselves.
* On January 2023, the Observatory on Trafficking in Human Beings and the Coordination of the Specialized Multidisciplinary Teams for the Assistance of Victims of Trafficking, with the support of the High Commission for Migration provided an Informative Session to several organizations working with migrants.

Regarding the prevention and protection strategies for child trafficking, in 2021 Portugal launched the **“Protocol for the definition of procedures for the Prevention, Detection and Protection of children (presumed) victims of trafficking in human beings – National Referral System (NRM)”.**

* Between October 2022 up until February 2023, the Observatory on Trafficking in Human Beings and other governmental and non-governmental bodies, in partnership with the Public Security Police (PSP), trained PSP officials on this Protocol/National Referral System.
* In 2018, Portugal opened a specific shelter for child victims of trafficking in human beings, managed by the NGO Akto – Human Rights and Democracy.

This NRM was developed by a **Multidisciplinary Group** (governmental, non-governmental and intergovernmental organizations) and validated by all organizations of the National Network for the Assistance and Protection to Victims of Trafficking (RAPVT).

* The objectives of this NRM, which complements the general NRM, are:
* To create procedures for the prevention, detection, identification, supports and protection of children (presumed) victims of trafficking in human beings;
* To consolidate and reinforce the mechanisms of coordination, cooperation and communication between the professionals involved throughout the various stages;
* To guarantee the child's best interest throughout all stages, namely avoiding situations of victimization or new trafficking.

The Portuguese version of this **NRM** is available at https://www.otsh.mai.gov.pt/wp-content/uploads/Sistema-de-referenciacao-nacional-de-criancas-presumiveis-vitimas-de-trafico-de-seres-humanos\_versao-2021.pdf

1. ***Are there examples of positive measures implemented by civil society organisations or other non-governmental stakeholders in protecting and promoting the rights of persons experiencing homelessness or at risk of homelessness and in preventing them from being victimised in contemporary forms of slavery?  If so, please provide details.***

Non-governmental organisations participate in the implementation of National Strategy for the Integration of People in Homelessness Situation 2017-2023. For example, they are part of the various Local Nucleus for Planning and Intervention in Homelessness (NPISA’s).

1. Some **examples of projects or good practices and challenges** in place with public entities and the civil society:

**Signalling, planning and integration**

* **HOMELESS PLANNING AND INTEGRATION CENTER (NPISA)**. It aims at optimizing the equipment network, and the integrated intervention of all agents in the city who work with and for the homeless population. Structure created within the scope of the Lisbon Social Network is coordinated by the Lisbon City Council in partnership with the Lisbon District Centre - Social Security Institute, and Santa Casa da Misericórdia of Lisbon (SCML). At NPISA's headquarters, there is the Care Unit for the Homeless (UAPSA), which ensures individualized social assistance and follow-up.

<https://www.lisboa.pt/fileadmin/cidade_temas/direitos_sociais/documentos/city_for_all_people.pdf>

**Social Inclusion**

* **É UMA RUA, Lisbon South Central**, was implemented **i**n 2016 by *Crescer na Maior***[[1]](#footnote-1)**, Community Intervention Association. The main goal is to ensure a response for people who are in a homeless situation, in a restricted area in of the city of Lisbon. This Municipal Program adopted the strategy of dividing the City of Lisbon, into 4 targeted areas, in which different entities act.

<https://crescer.org/en/projects/e-uma-rua-lisbon-south-central/>

* **LEGOS** is a project for social inclusion in the Algarve region. Includes an innovative local approach to social development to help people who are at risk of social exclusion and homeless.

<https://portugal2020.pt/legos-projeto-inovador-para-a-inclusao-social-no-algarve/>

1. **Housing, Training and Social Reintegration**

* **PORTO SENTIDO**, project conceptualizes a wide range of responses, suited to the needs of the homeless population, helping them in the process of social reintegration, considering all dimensions of the person, through an intervention based on a humanist vision, holistic and participatory, having as a goal the reintegration and full autonomy of the person who lived in a homeless situation.

<https://inovacaosocial.portugal2020.pt/project/porto-sentido-2/>

Website Project: <http://www.saom.pt/>

* **SER CASA BARREIRO**, the Ser Casa Barreiro project has as its main goal the social and professional inclusion of people experiencing or at risk of homelessness. This project will be based on a multidisciplinary team comprising a co-ordinator at municipality of Barreiro. This team will be responsible for case management (as defined in ENIPSSA), will run a support office with various activities, and will implement a housing first model, always in articulation with NPISA Barreiro.

<https://www.cm-barreiro.pt/municipio/camara-municipal-do-barreiro/projetos-financiados/ser->casa-barreiro-insercao-de-pessoas-em-situacao-de-sem-abrigo

1. **Housing Solutions**

* **É UMA CASA Project**, Mouraria Housing First was implemented by *Crescer na Maior* in January 2013, within the framework of the Community Development Plan of Mouraria. The results were so impressively positive that this project began to encompass the parish of Santa Maria Maior. Subsequently, it stepped up and has currently extended to the entire city of Lisbon, with the name of É UMA CASA, Lisboa Housing first.

<https://crescer.org/en/projects/e-uma-casa-lisbon-housing-first/>

1. **Employment**

* **PLATAFORMA + EMPREGO** promotes the employability of homeless persons, acting as an assessment and credibility agent for them for companies and monitoring their employment. It collaborates with the Institute of Employment and Professional Training in promoting and streamlining training with a view to improving personal, social and professional skills.

<https://inovacaosocial.portugal2020.pt/project/plataforma-emprego/>

Website project: <http://www.plataformamaisemprego.pt/>

* **É UMA MESA[[2]](#footnote-2)** is a project that aims to be an innovative response in employability for the homeless population and extremely vulnerable persons in the city of Lisbon by run *Crescer na Maior*, community intervention association.

<https://crescer.org/project/e-uma-mesa/>

* **É UM RESTAURANTE,** is a restaurant where the service is provided by people who have previously experienced homelessness. It is a project with a strong social impact, where 75 people living in vulnerable situations are integrated each year, by giving them the tools for their inclusion in the labour market.

<https://crescer.org/en/project/e-um-restaurante/>

1. ***What are remaining challenges – in law and practice - in preventing persons experiencing homelessness from being subjected to contemporary forms of slavery and to prevent and eliminate homelessness in accordance with Sustainable Development Goal 11.1 and international human rights law?***

Strengthen general social awareness and call for rapid signposting of situations to enable prompt and appropriate intervention.

1. ***What practical recommendations would you propose to overcome these ongoing challenges?***

Promote the adoption and implementation of prevention strategies and measures.

1. Crescer na Maior - website: <https://crescer.org/en/the-association-3/>. [↑](#footnote-ref-1)
2. 1. *Crescer na Maior*, community intervention association was distinguished with the Silver Prize for the new project *É UMA MESA*, awarded by [Feantsa – Working Together to End Homelessness in Europe](https://www.facebook.com/FEANTSA/?__cft__%5b0%5d=AZWZYOc2t2M0B67Ykc0n0GDG_hcnZeFh-kgWR7WFLVijbeRxjAKGfY3aeg7d9dsjrOPAPV3G5Nj_0g6vyLb4_pGMep-rhaEBk_Qbyn_oPkY3a7TPjcqvQoKy6vA7uUV4SAWui7_QhcsZsu1YRJARXSb-IKnKrvXcrKSibNb787JCJECU2O8aSYkQGrVC0a_N2RA&__tn__=kK-R).“*É Uma Mesa*” ESF funded project.

   [↑](#footnote-ref-2)