



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Information received from Portugal on follow-up to the
concluding observations on its fifth periodic report***

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* The present document is being issued without formal editing.



1. Information on the implementation of the recommendations made by the Committee in paragraphs 33 (trafficking in persons), 37 (unaccompanied minors) and 41 (pretrial detention) of the concluding observations on the fifth periodic report of Portugal.

Paragraph 33. The State party should:

(a) **Ensure that cases of trafficking in persons are thoroughly investigated, that those responsible are prosecuted and, if found guilty, are sentenced appropriately, and that victims are provided with full reparation and appropriate protection and assistance;**

(b) **Provide adequate training to judges, prosecutors, law enforcement officials, immigration officers and staff working in all reception facilities, including on procedures for identifying victims of trafficking in persons;**

(c) **Ensure that victims of trafficking in persons have access to asylum procedures in which their potential needs can be determined.**

2. Portugal's legal system applies the principle of legality in criminal proceedings (and not the principle of opportunity), which means that there is an obligation to open an investigation/inquiry whenever there is a communication of a possible commission of a crime (*duty to investigate*) and that there is an obligation to prosecute whenever there is enough evidence that a person committed a crime (*duty to prosecute*).

3. This means that *every case of trafficking in persons* (or any other public crime, for that matter) is investigated thoroughly and that, if enough evidence is gathered, cases are prosecuted and go to trial and that, if found guilty, every accused person is sentenced accordingly. Victims are entitled to reparation, protection and assistance, in accordance to both Portuguese and EU legislation.

4. Since 2014, the Portuguese Immigration and Borders Service (SEF) has a unit dedicated to human trafficking.

5. In 2020 there were 13 cases of confirmed victims, in 2019, there were 78 cases and in 2018 there were 62 cases. While there were fewer cases in 2020, the numbers from previous years demonstrate a 26 % increase from 2018 to 2019. One aspect to bear in mind when analysing annual variations is that occurrences with multiple victims impact this data. Moreover, when reviewing data from 2017 to 2019, it is possible to conclude that the number of confirmed trafficking victims increased every year. This shows that to determine eventual trends, longer statistical series (not only annual variations) should, therefore, be taken into consideration.

6. In relation to the prosecution of suspected crimes of trafficking in human beings (THB), as well as any other crimes, data from first instance courts (*primeira instância*) pertaining to 2020 only becomes available in October 2021. This data will then be reviewed by the Observatory on Trafficking in Human Beings (OTSH), in close collaboration with the Directorate- General for Justice Policy.

7. OTSH data analysis indicates that between 2008 and 2019, a total of 112 defendants were convicted for the crime of THB, with the highest number of convictions in a single year being reached in 2018. In 2019, 14 defendants were convicted, an increase from 2016 and 2017.

8. Also noteworthy is the fact that in 2020, 20 residence permits were issued for trafficking victims, a number that has steadily increased since 2017, when 7 such permits were issued.

9. The Prosecutor General has issued [Directive 1/2021](#), addressed both at Prosecutors and criminal police bodies, providing, inter alia, that crimes of trafficking in persons shall be subject to evaluation, monitoring and follow up by her cabinet and the Office on Families, Young Persons and Children (GFCJ). Furthermore, this Directive contains functional instructions to Prosecutors, in light of their competences to direct criminal investigations, promote and protect the rights of victims of crime, including: that the initiation of investigations on trafficking-related crimes shall be promptly communicated to the Central Department of Criminal Investigation and Action (DCIAP) for coordination purposes;

particular attention shall be given to trafficking cases involving child victims, connected with the new phenomena of international migration or associated with the removal and/or use of organs; victims' testimony shall, as a rule, be previously recorded, as a measure to prevent re-victimisation and preserve their statements; cases of smuggling of migrants shall be specifically analysed in order to determine whether there is evidence of trafficking in persons; coordinator-prosecutors shall promote procedures for the early detection and reporting of trafficking-related crimes, working in conjunction with charities, migrant support facilities and the authority on labour conditions; whenever children or young persons are involved, the situation shall be immediately reported to prosecutors in family and child units and referral mechanisms shall be activated in order to promote the adoption of adequate measures, as required.

10. The adoption of this Directive has been recognized as a good practice by expert members of the CoE Group of Experts on Action against Trafficking in Human Beings (GRETA) during the third evaluation round of Portugal, in June 2021.

11. In order to undertake its role in evaluating, monitoring and following-up on trafficking, the Prosecutor General's Office has created a dedicated e-mail (monitorizaçao.traficodepessoas@pgr.pt) and a form that shall be filled as the investigation advances. Research has also been undertaken on compensation claims filed by public prosecution services on behalf of victims, as well as on the use of legal instruments to confiscate the proceeds of crime.

12. From 2020 to 2021, the Prosecutor General's Office has been working in partnership with the Observatory on Trafficking in Human Beings (OTSH), the Judiciary Police (PJ) and SEF to undertake a study on trafficking networks operating in Portugal.

13. In the area of Trafficking in Human Beings for Labour Exploitation and Forced Labour (TH-LE/FL), the Authority for Working Conditions (ACT) has been developing inspections actions of its own initiative and in collaboration with the Criminal Police Bodies (CPB) and with the proximity police (GNR and PSP). These actions have been carried out specifically to detect irregular situations in economic sectors that potentially harbour them, either by type of activity or by the characteristics of the workplaces. The following actions are an example of this:

- Intervention in the agricultural sector, since it is in this sector of activity that the worst conditions of labour exploitation have been detected, with the ACT having carried out, in 2019,¹ 24 inspection visits that allowed the verification of the working conditions of 302 workers (128 women and 174 men); and the
- Participation of ACT in EU-Wide Joint Action Days (JAD)² Europol to detect possible situations of Trafficking in Human Beings (THB) for the purposes of "labour exploitation", held from 8th to 14th April 2019, throughout the national territory, together with all the Regional Directorates of SEF.

14. To raise awareness among employers and workers, the ACT provides information on TH-LE/FL, through its telephone services and personal assistance in its 32 local services distributed throughout mainland Portugal.

15. The reinforcement of the commitment to informing and raising the awareness of vulnerable groups of workers has led the ACT to collaborate directly with municipalities and respective local communities, with the objective of disseminating the working conditions in force in Portugal (Rights and duties of workers, health and safety at work), focusing on the

¹ Data available from the 2019 Report on Trafficking in Human Beings in Portugal: https://www.otsh.mai.gov.pt/wp-content/uploads/OTSH-Relatorio_Anuual_TSH_2019-versao_final.pdf.

² The JAD is a concerted international intervention between labour inspectors and the CPB of respective countries involved, who carry out inspection activities aimed detecting and combating possible situations of labour exploitation in the context of the crime of TH-LE/FL. The intervention methodologies and activity sectors are freely chosen by the intervening countries, relying on the organisation and *intelligence* of Europol and on dates defined by it.

prevention of situations of labour exploitation and forced labour, namely in the context of human trafficking, with a view to promoting decent work.

16. The ACT has established for its inspectors training programmes on Human Trafficking for Labour Exploitation and Forced Labour in collaboration with the Commission for Citizenship and Gender Equality (CIG). ACT inspectors are regularly trained in THB topics, with a special focus on labour exploitation. The training (e-learning training for one day) has the collaboration of the Office of the Attorney-general of the Republic, the Judiciary Police, SEF, OTSH, CIG and of the Victim Support Association.

17. With the collaboration of these entities, the training of ACT aims to transmit a holistic view of the phenomenon to labour inspectors. The ILO's "Forced labour and trafficking in human beings: handbook for labour inspectors" defines guidelines for professional performance in this field. The Portuguese version/adaptation has a checklist with indicators of forced labour/human trafficking for situations of labour exploitation that should be used at the time of the initial inspection visit – investigations and collection of information and preparation of opinions.

18. In 2019, initial face-to-face training on human trafficking for labour exploitation / forced labour was delivered to 45 new labour inspectors and, in 2020, due to the COVID-19 pandemic situation, it was given to 80 new inspectors, through a webinar on the topic, hosted by the Observatory on Trafficking in Human Beings.

19. In 2020 and in 2021 the OTSH, alone or in collaboration with other stakeholders, conducted several training/awareness activities on Trafficking in Persons.

20. In 2020:

- Training Action held in Angola in collaboration with UNDOC/Human Trafficking and Migrant Smuggling Section (providing training materials);
- Training Sessions aimed at the National Republican Guard (GNR) within the context of their Course of Criminal Investigation (15 trainees). The training focused on the National Referral Mechanism and the indicators according to forms of exploitation, victim's rights and national support structures;
- In collaboration with ONG Movimento Democrático de Mulheres (MDM – Women Democratic Movement) and the High Commission for Migration (ACM, IP), the OTSH carried out 6 training actions for 163 professionals from several migrant support structures, including the National Centers for Migrants' Integration Support, the Local Centers for the Support of Immigrants' Integration, the Migrant Support Line (LAM) and Telephone Service (STT), Immigrant Associations and others. The training actions were meant to disseminate the App "Acting against Trafficking in Human Beings" and to increase the knowledge regarding the National Referral Mechanism.

21. In 2021:

- The OTSH, the International Organization for Migration/Portugal and Lisbon's Multidisciplinary Team for the Assistance to Victims of Trafficking conducted awareness raising actions to respond to a request by Health Centers in the Loures and Odivelas Municipalities. The training was focused on the procedures health care providers should follow when interacting with a potential victim of human trafficking. In addition to Health Care providers, training was attended by professionals from the Portuguese Refugee Council, from the Commission for the Protection and Children and Youth, agents from the Public Security Police (PSP) and employees from the Loures Municipality;
- In collaboration with the Observatory of Migration, SEF and the University of Vigo, the OTSH delivered a Lecture on Trafficking for Labour Exploitation in a Webinar for Labour Inspector trainees (about 100 trainees and other professional attended this lecture);
- The OTSH and MDM conducted the following training actions:

- To the GNR/Territorial Command from Guard named “Human Trafficking: the importance of the GNR in the Prevention, Identification and Protection of Victims”. Beneficiaries: Territorial Commanders; Secondment officers; Military Criminal Investigation; Criminal Prevention and Community Policing officers;
- To GNR (Portalegre Training Centre, Queluz School and Figueira da Foz Training Centre). Training focused on the normative framework, the reality in Portugal and the National Referral System.

22. The Public Security Police (PSP) conducts specific training on Trafficking in Human Beings as follows:

- In the Proximity Policing Program (MIPP) there are two types of courses: one for trainers and another for the trainees. The trainers’ training totals 60 hours and includes a module of 3 hours on human trafficking. The trainees’ course totals 30 hours and one hour on human trafficking. There are over 1.000 police officers enrolled at the Proximity Policing Program. MIPP police officers are in the first line of intervention and victim support;
- Specific training on human trafficking. Since 2014, the PSP has trained 78 police officers in an 8-hour training course focused only on Human Trafficking;
- PSP officers receive 7 hours of specific training aimed at enhancing their knowledge and skills about migration, cultural diversity and intercultural dialogue. Training is conducted by ACM, I.P. in the context of the “*Juntos Por Todos*” (Together for All), a programme that promotes institutional cooperation to improve support for migrant citizens and minority groups. In 2020, 1039 Police Officers received this training.

23. Apart from the specific training, at the PSP police stations, police officers have access to the Immediate Intervention Kit for Criminal Police bodies (adapted to the Portuguese reality by the RAPVT – Network for support and protection to victims of trafficking) and the “First Aid Kit for Use by Law Enforcement First Responders in Addressing Human Trafficking”, developed by the United Nations. The PSP also distributed among its officers 10.500 Human Trafficking Victim Support pocket leaflets, with information on procedures for identification and support of victims of human trafficking. These tools are intended to ensure that agents coming across potential situations of trafficking in human beings, comply with the various international recommendations, in particular those of the Council of Europe.

24. In 2020, within the context of a joint action with the Ministry of Foreign Affairs (MNE), SEF conducted online training for 100 professionals from SEF and Consular Posts. In 2020, Investigation and Inspection trainees at SEF received training on the crime of trafficking in persons within the context of the subject of Criminal Law.

25. Judges and prosecutors are given proper training in their extensive training program after their admission following the public competitions. Even after completing their training program, there are workshops/conferences and e-learning platforms judges and prosecutors can attend, to further develop their skills.

26. The NGO Associação para o Planeamento da Família (APF – Family Planning Association), who specializes in assisting THB victims and runs 5 Specialized Multidisciplinary Teams (EME), also gives training. From 1st January to 31st December 2020, 43 training sessions were carried out and reached 1482 beneficiaries (police forces, social workers, health professionals and general public). These trainings are financed by the government and confer certification to professionals.

27. The NGO Saúde em Português (Health in Portuguese) also develops THB training projects for qualified professionals in the Central and Northern regions of Portugal. Training objectives are to qualify professionals with skills in THB prevention, combat and assistance and support to THB victims, to contribute to a more structured response in direct intervention with victims and to train professionals to disseminate information on human trafficking in their work contexts.

28. Key training topics cover:

- Knowing and problematizing THB;
- Protecting and supporting THB victims;
- Training methodologies in THB.

29. In 2020, this NGO developed 27 training actions for professionals from the social, education, justice, police, employment and health sectors and also to the general public, involving 544 participants.

30. SEF identifies potential victims of trafficking in person within the context of a criminal investigation, they will be able to access the mechanisms ensured by the RAPVT. When victims are identified within the context of administrative procedures, articles nr. 109 of Law 23/2007 of 4 July applies.

31. OTSH coordinated the working group that developed the “Protocol for the definition of procedures for the prevention, identification and protection of child victims of trafficking in human beings”.

32. The Protocol, which is understood as a Referral Mechanism, was developed within the framework of the Fourth Action Plan for the Prevention and Combat to Trafficking in Human Beings and the National Implementation Plan of the Global Migration Pact.

33. It was concluded in April 2021 and made public at the International Conference of Human Trafficking held on the May 25 within the context of the Portuguese Presidency of the Council of the European Union.

34. The Protocol’s main objectives include:

1. Creating procedures for the prevention, detection, identification, support and protection of children (presumed) victims of Trafficking in Persons;
2. Consolidating and reinforcing the mechanisms of coordination, cooperation and communication between the professionals involved throughout the various stages;
3. Guaranteeing the best interests of the child throughout all stages, namely avoiding situations of victimization or new trafficking.

35. The Protocol’s main operational objectives include:

1. To define a target group of professionals for whom it is intended and their degree of involvement, coordination and communication, in the stages of prevention, detection and protection;
2. To increase professionals’ awareness, training and information by promoting a proactive approach to the identification of children, paying special attention to unaccompanied and foreign children;
3. To define indicators to identify children (presumed) victims of THB.

36. To ensure the Referral Mechanism is operational, it includes the following tools (with associated flowcharts):

- Practical Tool # 1 – Guiding principles for children’s protective intervention;
- Practical Tool # 2 – General indicators and types of exploitation by indicators;
- Practical Tool # 3 – Detection in National Territory;
- Practical Tool # 4 – Detection at External Border Posts;
- Practice Tool # 5 – Procedures for assessment of child’s age;
- Practical Tool # 6 – Appointment of Tutor or Legal Representative;
- Practical Tool # 7 – Assistance, Sheltering, (Re) Integration and Assisted Return;
- Practical Tool # 8 – Rights of Children Victims of Trafficking in Persons;
- Practical Tool # 9 – Training Module.

37. To further optimize the intervention and avoid duplication of resources and interventions, the Referral Mechanism also integrates in its steps and procedures other instruments, such as the Protocol between the Directorate-General for Health and the SEF for the implementation of a warning and monitoring mechanism for children identified in the National Health Service, within the scope of the National Program for Child and Youth Health and the Health Action for Children and Youth at Risk.

38. The Portuguese Government issued Order number 138-E/2021, of 1 July, which approves new model documents that are given to victims proving their victim status or especially vulnerable victim status, including in cases of THB. These new instruments are the result of multi sectoral work, coordinated by the governmental department of citizenship and equality which is also in charge of coordinating 4th National Action Plan to Prevent and Combat Trafficking in Human Beings (2018–2021).

39. These new documents aim to:

1. Update the previous models considering newer legislation – in practice, this mismatch often led to victims being given two different documents with complementing information, which caused confusion and doubts;

2. Produce documents that are clearer, simpler and easier for the victims to understand. This is fundamental considering that, at the time of receiving the documents, the victim is in an especially 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.

40. These more accessible documents aim to 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.

3. Provide information on victimization areas that relate to specific rights, namely referring to THB, facilitation of irregular migration and terrorism, in the document pertaining to the especially vulnerable victim status.

41. As such, the Order contains three model documents of victim status according to the nature of the crime at stake:

- Victim status:
- Especially vulnerable victim status, with specificities pertaining to victims of:
 - (a) Domestic violence;
 - (b) THB and facilitation of illegal migration;
 - (c) Terrorism;
- Domestic violence victim status which is given in exceptional situations by the Commission for Citizenship and Gender Equality.

42. In practice, the information systems of the authorities which give the victim status will be able to issue for each victim his/her respective victim status document, corresponding to the specificities of his/her case. Therefore, with these new documents, victims will be able to better understand, access and exercise their rights, thus reinforcing their empowerment and protection.

43. Finally, it is also important to note that victim protection was and is ensured despite the pandemic situation related to the COVID-19. In this context, Portugal implemented various measures to reinforce the protection of victims, namely:

- Maintenance of the activities of all support services for Victims of Human Trafficking, with Specialized Multidisciplinary Teams (EME), in cooperation with the security forces, as well as with the Shelter and Protection Centers (CAP);
- Development of a set of Guidelines based on the recommendations of the Health Directorate (DGS) and with clarification regarding EME and CAP in terms of technical personnel;

- Adoption of protective measures in accordance with DGS' instructions and creation of specific rooms for quarantine situations;
- Implementation of a protocol between the Commission for Citizenship and Gender Equality (CIG) and the National Institute of Medical Emergency (INEM) to respond to suspect cases of COVID-19 in EME and CAP;
- Additionally, CIG jointly with the National Network for the Assistance to THB victims created and disseminated to all network services a flowchart on procedures upon suspicion of COVID-19 cases, to undergo a COVID-19 test;
- Definition of a mechanism for monitoring situations in CAP and EME, which allows weekly reporting to the CIG;
- Establishing partnerships with various entities and companies to ensure that all CAP continued to have access to essential goods and resources during the state of emergency and confinement periods;
- Creation of a special website dedicated to COVID-19 with all information namely on the support structures to THB victims;
- Production, translation in several languages and wide dissemination of information regarding COVID-19 aimed at several groups, namely migrants (vulnerability).

Paragraph 37. The State party should ensure that children and unaccompanied minors are not detained, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests as a primary consideration with regard to the duration and conditions of detention and their special need for care. It should ensure that the physical conditions in all immigration detention and reception centres are in conformity with international standards. It should also ensure that guarantees are in place to protect child asylum seekers, in particular unaccompanied children, ensuring that they have access to adequate education, health, social and psychological services, and legal aid, and that they are provided with a legal representative and/or guardian without delay.

44. The Portuguese Government is strongly committed to comply with international principles on the protection of children and unaccompanied minors (UAMs) human rights.

45. In this regard, the Portuguese Government has been receiving direct applications for international protection of children and UAMs, as well as welcoming UAMs through supported programs by the European Commission. In 2020, Portugal has received 96 applications for UAMs, an increase of 52% compared to 2019 and in 2021, 34 applications have already been filed.

46. UAMs are in a situation of special vulnerability and danger and all interventions to be carried out with these children are covered by the Law for the Protection of Children and Young Persons in Danger³ (LPCJP) which applies to all children and young persons who live or are in the national territory. They are considered children in a situation of special vulnerability and danger, as they "live on their own", which is one of the seven dangerous situations listed in the LPCJP.

47. SEF does not detain accompanied or unaccompanied minors at any of the border control posts. When children are accompanied, they will be housed together with their parents, or whomever might be exercising parental responsibilities, but, never in a situation of detention. The child remains with the parents in accordance to the principle of family unity.

48. Children arriving in the national territory with ages close to 18 years old may benefit from a protective intervention until the age of 25 years old, if this is the will of the young person expressly manifested within the respective promotion and protection judicial process. This guarantee results from the changes introduced to the LPCJP by Law No. 23/2017, of 23 May, with the child being considered to be a person under 18 years old or a person under 21 years old who requests the continuation of the intervention started before reaching the age of

³ Law no. 147/99, of 1st September.

18 years old, and also the person up to the age of 25 years old whenever they exist, and only while educational or vocational training processes last.

49. The entire intervention is also based on the general principles of the United Nations Convention on the Rights of the Child – *the best interests of the child, non-discrimination, the right to life, survival and development and the right to be heard*.

50. All UAM, when entering in the country, should benefit from a human rights based process, as provided in Articles 2 and 3 of LPCJP, including the promotion and protection of their rights to health, education and social security. To this end, two processes are opened, in parallel, to ensure the full protection of children and young persons:

- A Judicial Process of Promotion and Protection or Guardianship; and
- An Administrative Process for International Protection.

51. As a rule, this care for children and young persons is carried out in residential care homes. This reception is intended to ensure the effective exercise of rights and the satisfaction of their physical, psychological, emotional and social needs. The shelters have adequate facilities and equipment as well as a technical, educational and support team. In this context, an *Individual Intervention Plan* is developed for each child and young person to protect and promote their rights.

52. Admission to the National Health Service is complemented by a previous articulation with regional and local health structures that develop strategies to address all identified health needs. Among the strategies applied is the initial evaluation of the Health Status of the unaccompanied minors and their referral to the medical speciality required or the designation of a multidisciplinary health team that follows all dimensions of health and is in close communication with the special reception centres.

53. In accordance with [Decree Law 164/2019](#), of 25 October, in force since January 2020, residence units must have adequate facilities, equipment and staff to be able to provide the child with appropriate care, and are licenced taking into account the needs and profile of the children they are to accommodate. Upon admission, an individual intervention plan shall be adopted for each child, with the child's participation, containing a diagnostic of the child's situation in terms of individual development, well-being, health, education, socialisation, and community integration. It defines all strategies, programmes, and actions to be adopted in benefit of the child, as well as the necessary resources, entities involved, timeline and evaluation procedures. This plan shall guide all actions towards the child, taking his/her best interests as a primary consideration and ensuring the child's participation in its implementation. Such implementation shall be continually monitored, and the plan revised– or ceased, as necessary.

54. Furthermore, Decree-Law 164/2019 establishes that, in the cases of children with different linguistic, cultural, religious, and social backgrounds, their need for integration and the provision of the necessary resources, therefore, should be particularly accounted for. An institutionalised foreign child without residence permit is specifically entitled to be granted such permit and having proceedings initiated with the view to the acquisition of Portuguese citizenship.

55. In case the child is found at a border post and may seek or benefit from international protection, he or she will be appointed a representative, within protection proceedings, in order to enable the exercise of his/her rights and duties under such status. Under [Ministerial Order 103/2020](#), of 23 November, a single system has been established for persons seeking and benefiting from international protection, including UAMs, in order to enhance coordination among competent authorities. Border services shall be responsible for providing protection to UAMs until the request is admitted, while social security services shall ensure responses thereupon.

56. The reception of spontaneous UAMs happens through the Portuguese Council for Refugees, which has a specialised reception house to welcome and support subsequent integration responses adapted to each child, ensuring a multidisciplinary team to include psychological, social, and cultural support.

57. In 2019, according to the Annual Characterization Report of the Situation of Reception of Children and Youth (Report⁴ CASA 2019) produced by the Social Security Institute, 86 UAM were hosted, with a growth of 110% compared to the previous year (41). In this group of children and young persons, there were mostly young males (78%), aged 15 and over.

58. The 86 children and young persons entered the national territory by land (51%), a figure that increased in comparison to the previous year (39%), by air (41%), a figure that recorded a decrease compared to the previous year (44%), and by sea (2%). For 6% the means of entry was unknown. As in the previous year, the majority of children and young persons applied for international protection, with 9% awaiting a decision on their request for protection to benefit from refugee status or subsidiary protection. Undocumented accounted for 3%.

59. Complementarily, the Government has participated since 2015 in the European Union welcoming and responsibility-sharing effort on international protection. To this end, and within the scope of the Working Group for the European Agenda on Migration, it is worth mentioning the educational measures to integrate refugee children and young persons in the education system and guarantee free access to health care and social support.

60. Given the particular vulnerable situation of children in Greece, Member States were challenged in March 2020 by the European Commission to protect and welcome approximately 5.500 UAMs living in Greece. Portugal has committed to taking in up to 500 UAMs, besides the bilateral agreement already established with Greek authorities in this regard. Under this scheme, Portugal already received 100 UAMs: 72 in 2020 and 28 in 2021. Also, the Portuguese Government already confirmed its availability to receive 72 more children that are pending confirmation of travel dates by Greek Authorities.

61. Considering also that this challenge happened in the same period when the pandemic situation began, a Multidisciplinary Working Group was established, which designed a reception and integration model, based on Specialized Reception Houses, also contemplating the dimensions of child and youth protection. This model ensures psychological, social, and cultural support for subsequent integration, similar to the response for spontaneous UAMs.

62. The network of reception houses currently consists of 4 houses (there is a 5th house being prepared to integrate the network). These houses have multidisciplinary teams, adequately sized for the number of children and profiles, with psychologists, social workers, educators, and translators, according to linguistic needs. An initial multidisciplinary training plan was created, covering contributions from 13 public and private, national, and international organisations. These teams are also complemented by other professionals who guarantee medical follow-up, access to education, legal support, and other dimensions that may be relevant in the context of integration processes, always taking in consideration the UAMs well-being and their wishes, promoting their participation in the construction of their life plan.

63. Standard Operating Procedures have been established at the national level, in coordination with different authorities that participate in the integration process to ensure an integrated and comprehensive approach that secures protection throughout the process for the children.

64. This reception project is based on two phases: phase I, first line, with initial reception; and phase II, second line, with subsequent referral:

PHASE I | 1st LINE

- In this phase, the UAMs are provided with initial transitional residential care in Specialized Care Homes (SCH), created specifically for this project. In these SCH, a diagnostic assessment of individual needs is carried out and, accordingly, the respective referrals for subsequent responses are prepared and implemented;

⁴ The CASA Report, with data referring to 2020 is being prepared and its publication will be made possible after delivery to Parliament by the Government.

PHASE I Results (2020)

- UAMs were accepted, of which 64 in SCH, and 4 in residential care responses at Santa Casa da Misericórdia de Lisboa (SCML);
- The majority of young persons in care are male (66; 97%);
- The 16–17 age group is highly representative (51; 75%), with the weight of the age group 14–15 years old being residual (16; 23.5%);
- Countries of origin;
 - Afghanistan and Pakistan with 21 C/JENA, respectively (30.8%);
 - Egypt, with 8 C/JENA (11.7%);
 - Gambia, Iraq and Syria, with 3 C/JENA, respectively;
 - Palestine and Congo, with 2, respectively, and
 - Bangladesh, Iran, Angola, Mali, and Sierra Leone, with 1, respectively.
- It should be noted that 68 minors were joined by another 4 young persons (2 nationals from Pakistan, 1 from Congo and 1 from Somalia) who reached the age of majority before entering the national territory. These young persons could not be covered by the promotion and protection system and were received and supported under the relocation program for adults, which is the responsibility of the High Commission for Migration, IP;

PHASE I Results (2021, until the end of May)

- 28 UAMs were sheltered, 17 of which in SCH, 9 in SCML residential care responses and 2 in a care home existing in the residential care system:
 - Prevalence of young males (28; 100%);
 - The 16–17 age group highly representative (22;78.5%), with the 14–15 age group being residual (6; 21.5%);
- Countries of origin:
 - Afghanistan (16; 57%);
 - Bangladesh (5; 17.8%);
 - Pakistan (4; 14.2%);
 - With lesser expression there are young nationals from Somalia, Iran and Gambia (1, respectively);

PHASE II | 2nd LINE

- At this stage, UAMs is subsequently referred to other responses of the promotion and protection system:
 - In natural living environment: support for independent living;
 - In placement settings: foster families, independent living flats or, residually, other residential care facilities;

PHASE II Results

- Referral of 19 young persons (19.7% compared to 96 UAMs) to subsequent responses of the promotion and protection system for children and young persons: 5 to autonomous apartments, 10 the natural life environment and 4 for residential homes.

65. Throughout the integration program, regular meetings of the multidisciplinary team guarantee the monitoring and evaluation of the entire process, ensuring the systematic collecting of information from minors and the entities involved. This monitoring process is done within the Single Operating Group, as abovementioned, in a working sub-group constituted to create adequate and child-friendly responses, namely in areas such as Health, Education, Professional Training, Socialization, and Community Integration for refugee

children. By doing so, it is safeguarded that the measures activated to protect children are in line with fundamental rights, fulfilling the best interests of the child, as advocated by the Portuguese State.

66. The Constitution of the Portuguese Republic recognizes the rights to education and health for all. That is why, even during the pandemic, Portugal was able to set up a new welcoming and integration plan that already provided safety networks for 100 UAMs.

67. With the objective of deepening efforts to promote the best interests of the child at all times, and in light of the Order by the Minister of Home Affairs, signed on 31 July 2020, which approved the General and Internal Regulation of the Temporary Installation Centers and equivalent Facilities (*Espaços Equiparados a Centros de Instalação Temporária*), and specially according to its article 20, children are never to be detained. When a child enters national territory unaccompanied, family courts and the local Commission for the Protection of Children and Young Persons (CPCJ) are informed; the child is then referred to an adequate facility, but always by court order and never as a result of an administrative decision by SEF.

68. In addition to these safeguards, Portugal has recently concluded and launched the “Protocol for the definition of procedures for the prevention, identification and protection of child victims of trafficking in human beings”, a document that seeks to consolidate and further reinforce coordination, cooperation and communication among professionals that work in the prevention, detection and protection of children (presumed) victims of TSH.

69. Intended for professionals, the Protocol places the best interests of the child at the center of action. It provides a framework for professionals to deal with potential child victims of trafficking, responding to their special needs and preventing revictimization or re-trafficking.

70. Physical copies of the Protocol are currently being printed and will be disseminated among professionals.

71. Furthermore, the OTSH has concluded a Training Module that will serve as the basis for the internal training that will be carried out by partner entities.

72. At the beginning of September, the main partner entities involved in the implementation of the Protocol (OTSH, the Criminal Police Bodies, Commission for the Protection of Children and Youth, the Public Prosecution Service, etc.) have scheduled a meeting to constitute a monitoring group, define a dissemination and a training plan.

73. Also, the documents produced by the National Commission for the Promotion of Rights and Protection of Children and Youth (CNPDPJ) also contribute to the improvement of the intervention with UAM in Portugal: (i) the informative brochure “An age assessment that respects the rights of Child⁵” (2019); (ii) “Benchmark⁶ of Good Practices for Strengthening Children’s Participation in the Promotion and Protection of their Rights”; and (iii) the “Thematic Glossary of Child Protection Systems and the Promotion of their Rights, with focusing on the participation and hearing of the child in contexts of special vulnerability”⁶.

⁵ This brochure arose from the Council of Europe Project as a result of the need to create materials in child-friendly language to ensure the right of children to be informed in advance of age assessment processes. Brochure available online in Portuguese, English and French languages: <https://www.cnpdpj.gov.pt/cnpdpj2>.

⁶ Both the Referential and the Glossary resulted from a bilateral Portugal-Norway initiative, coordinated by the CNPDPCJ and funded by the EEA Grants Bilateral Relations Fund. Available online in Portuguese and English languages: <https://www.cnpdpj.gov.pt/no-contexto-das-relacoes-bilaterais>.

Paragraph 41. Recalling its previous recommendations (CCPR/C/PRT/CO/4, para. 9), the State party should take further steps to ensure that pretrial detention is used only as a measure of last resort and for the shortest possible time, in line with the provisions of the Covenant, and that it is reviewed on a regular basis. The State party should continue promoting non-custodial alternative measures and apply the measures in a systematic manner, and it should reduce the length of investigations and legal procedures to improve judicial efficiency.

74. Pre-trial detention in Portugal has been, and continues to be, an exceptional measure, used only in last resort in those cases when least restrictive measures are not adequate, sufficient and proportional to the circumstances of the case; it is applicable only when there is strong evidence of the practice of a crime punished with a minimum of three years of imprisonment, and its maximum duration is subject to strict limitations under the Code on Criminal Procedure.

75. Requirements for the application of pre-trial detention must be reviewed every three months and in relevant procedural phases, as well as whenever new evidence shows that such requirements have changed, at the request of public prosecution or *ex officio* by court.

76. The pretrial detention can only be applied if one of the following requisites is met:

- (a) Fleeing or risk of fleeing the authorities;
- (b) A risk of disrupting the inquiry/investigation, namely the acquisition, preservation or veracity of the evidence, or
- (c) a risk of disturbing the peace or continuing the criminal activity (on the basis of the nature or circumstances of the crime or of the character of the accused person).

77. Public prosecution authorities, at the local and regional levels, have been issuing orders of service and recommendations in order to ensure the adequate handling of cases with pre-trial detainees, and in particular to guarantee that the maximum duration of pre-trial detention is not exceeded and that the deadlines for mandatory review of this measure are met. Examples of best practice in this regard include the elaboration of lists to identify court cases with pre-trial detainees and clearly signal relevant procedural details, and the use of digital tools for this purpose.

78. Information on public staff competitions for:

(a) The admission and training of new Judges and Public Prosecutors on an annual basis since 2016:

- 2012 = 80 vacancies;
- 2014 = 40 vacancies;
- 2016 = 84 vacancies;
- 2017 = 126 vacancies;
- 2018 = 98 vacancies;
- 2019 = 110 vacancies;
- 2020 = 105 vacancies;
- 2021 = 105 vacancies;

(b) The admission and training of new inspectors for the Criminal Police:

- 2015 = 120 vacancies;
- 2019 = 100 vacancies.

79. These competitions were launched to address staff shortages, which allow to reduce the length of investigations and legal procedures and improve judicial efficiency.

80. It should also be noted that, in the context of the ongoing Covid-19 pandemic, [Act 9/2020](#), of 10 April, has mandated an exceptional revision scheme of pre-trial detention cases, which is still in place. Under this scheme, the requisites for the application of pre-trial

detention must be reviewed, in particular, in the case of defendants above 65 years of age with physical or mental illness or a degree of autonomy incompatible with the stay in prison in the context of the pandemic.

81. Public prosecution authorities have been issuing hierarchical instruments to accelerate and facilitate the speedy implementation of Act 9/2020. The Prosecutor General, for instance, has issued two Directives in this regard, the last of which is Directive 2/2021/PGR, instructing public prosecutors to, inter alia, carefully reassess the necessity, adequacy and proportionality of the application of this measure, especially in light of particular risks for the health and lives of detainees, taking into account all relevant circumstances of the case. If warranted, pre-trial detention may be replaced in these cases with house arrest, if necessary combined with the use of electronic surveillance devices. Public prosecutors shall prioritise the exceptional revision of pre-trial detention in those cases where there is indication that the defendant has any physical or mental illness or degree of autonomy incompatible with the regular stay in prison in the context of a pandemic. Until now this Act benefited more than 2000 inmates (1716 pardons and 839 exceptional release from prison with monitored house arrest).

82. It should also be noted that the period of remand in custody shall be considered as service of sentence should the defendant be convicted, including in another criminal procedure.

83. Finally, the Code of Criminal Procedure establishes deadlines for the duration of criminal investigations, the expiration of which must be reported to a higher prosecutorial authority. Once the prescribed deadline has expired, a mechanism of procedural acceleration can be activated, either *ex officio* or at the request of the defendant, a party assisting public prosecution or civil parties. During criminal investigations, it is incumbent upon the Prosecutor General to make a determination of procedural acceleration, establishing a deadline for the termination of investigations. The Prosecutor General may also propose or decide on the application of such disciplinary, managerial and organisational measures as may be necessary.

84. The Military Detention Facility has been striving towards the compliance of the legal requirements, in order that prison inmates can benefit from an “exceptional exit permit”, giving them the possibility to comply with the remaining jail time in their residence. More specifically, after the official publication of the legal act Lei number 9/2020, four of the detainees benefitted from this prerogative, which corresponds to 17% of the prison population in the Military Detention Facility.
