



# Tropical tuna social risk profile

Forced labor, human trafficking, and hazardous  
child labor risks

Portugal Processing

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SEAFOOD SOCIAL RISK TOOL V2

## **Disclaimer**

The Seafood Social Risk Tool has been prepared for information purposes only, and is not intended to constitute business, legal, market, financial or investment advice. The Seafood Social Risk Tool is designed to serve as an informational resource and does not override legislation or internal policies or procedures. It is recommended that all users of the Seafood Social Risk Tool seek independent legal advice. The Monterey Bay Aquarium Foundation shall not be responsible to any party related to its use or interpretation of the information contained in the Seafood Social Risk Tool.

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# About the Seafood Social Risk Tool

The Seafood Social Risk Tool profiles seafood production systems around the world and identifies areas within those systems that are at higher risk of containing forced labor, human trafficking, and hazardous child labor to help businesses begin to focus their efforts to improve human rights and labor conditions.

The tool includes more than 80 indicators of risk based on publicly available evidence of forced labor, human trafficking, and hazardous child labor abuses in seafood supply chains as well as an analysis of information about risk factors correlated with these abuses. This information is packaged into risk profiles specified by species and country of origin designed to help businesses better identify the potential for human rights abuses in their supply chains so they can take the first steps toward improving conditions for seafood workers.

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The Seafood Social Risk Tool was created in partnership with the Monterey Bay Aquarium, Sustainable Fisheries Partnership, Liberty Shared, and a team of human rights experts.

Monterey Bay Aquarium's Seafood Watch program raises awareness of important ocean conservation issues and empowers seafood consumers and businesses to make choices for healthy oceans.

Sustainable Fisheries Partnership is a US-registered nonprofit that operates globally to rebuild depleted fish stocks and reduce the environmental and social impacts of fishing and fish farming. The organization works by engaging fishery stakeholders and seafood businesses throughout the supply chain to promote the sustainable production of seafood.

Liberty Shared aims to prevent human trafficking through legal advocacy, technological interventions, and strategic collaborations with NGOs, corporations, and financial institutions globally.

To learn more about Seafood Watch, to view our seafood recommendations, or to view the Seafood Social Risk Tool, [visit SeafoodWatch.org](https://www.seafoodwatch.org).

## Overview

Portugal is one of Europe's main canned seafood processing countries.<sup>i</sup> In 2018, the total income from fish processing in Portugal was valued at approximately US\$1.28 billion (€1,067 million).<sup>ii</sup> Portugal's fish processing industry employs over 7,000 people across 168 enterprises located mostly in the north and center of Portugal, according to 2017 data (4.8% of the EU total of 3,499 fish processing enterprises).<sup>iii</sup> The industry comprises three main sectors: cannery and preparation; fresh and frozen; and salting and drying.<sup>iv</sup> In 2018, these three sectors produced 220,000 Metric tons (Mt) of products.<sup>v</sup> The cannery and preparation sector produced around 48,000 Mt of prepared and preserved seafood in 2018, including 17,000 Mt of canned tuna.<sup>vi</sup> Other canned and prepared products produced in Portugal include mackerel (*Scomber spp.*), horse mackerel, and sardines.<sup>vii</sup> Portugal's fish processing industry is largely dependent on imports of raw materials for processing.<sup>viii</sup>

## Base risks of forced labor, human trafficking, and hazardous child labor in the country in general

Immigration and the presence of especially vulnerable migrants plays a reduced but still present role in the risk profile for trafficking and labor exploitation in Portugal. Migration trends in Portugal are dominated by outward migration and the country's geographic position means that it receives relatively small numbers of refugees and asylum seekers. But a desire to fill labor gaps and address an ageing, shrinking population has driven Portugal to encourage the inflow of migrants in recent years.<sup>ix</sup>

Portugal scores above average in Gallup's Migrant Acceptance Index but the Portuguese Government has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, reflecting a joint decision by all EU Member States not to ratify the Convention. Nevertheless, protections for migrant workers and their families appear to be strong, with migrant workers afforded the same labor and social rights as Portuguese nationals and both regular and irregular migrants and their families provided access to healthcare and education.<sup>x</sup>

Labor exploitation of both Portuguese nationals and migrant workers is known to occur. Industries identified as having higher risks of human trafficking and forced labor include agriculture, construction, and domestic service, with seasonal migrant workers found to be especially at risk of exploitation.<sup>xi</sup> The enforcement of anti-trafficking, forced labor, and child labor laws is good, but the country's efforts have declined in recent years and there is room for improvement.

# Adjusted risks of forced labor, human trafficking, and hazardous child labor in the country's seafood supply chain

There is a lack of information about Portugal's tuna processing workforce and related employment factors that makes it difficult to accurately assess the risk of forced labor, human trafficking, and hazardous child labor occurring in the sector. In contrast to seasonal industries like agriculture that have known occurrences of forced labor and human trafficking in Portugal, the proportion of migrant workers in Portugal's wider fish processing industry appears to be low. However, the fish processing workforce comprises mostly women who are similarly considered to be a more vulnerable part of the labor population. Data gaps for tuna processing represent an increased risk for businesses due to the unknown nature of the sector. Businesses should therefore employ rigorous due diligence procedures to assess risks on the ground and reduce the likelihood of unethical labor practices occurring.

Portugal's reliance on imports of tuna for processing increases the risk of forced labor, human trafficking, and hazardous child labor through its supply chain. The actual risks vary depending on the country of origin. Significant at-risk imports highlighted by the Global Slavery Index (GSI)'s 2018 assessment of fishing risk include fish from Spain, Thailand, Ghana, and Papua New Guinea.<sup>xii,xiii</sup> These countries are among the top exporters of frozen yellowfin and skipjack tuna to Portugal since 2018.<sup>xiv</sup>

## Summary of evidence of forced labor, human trafficking, and hazardous child labor in the seafood supply chain

### Country-level indicators

- Migrants are subject to human trafficking and forced labor in agriculture, construction, and domestic service, as well as forced begging and forced criminal activity in Portugal. Domestic workers are also exploited in hospitality, agriculture, and domestic service, in Portugal and Spain. Both Portuguese and foreign victims are subject to sex trafficking within Portugal and Europe.

### Seafood industry-level Indicators

- No evidence was found linking Portugal's seafood industry directly to forced labor, human trafficking, and hazardous child labor or to ILO indicators of forced labor and hazardous child labor.

### Processing indicators

- No evidence was found linking Portugal's tuna processing industry directly to forced labor, human trafficking, and hazardous child labor or to ILO indicators of forced labor and hazardous child labor.

# Summary of factors that affect the likelihood of forced labor, human trafficking, and hazardous child labor in the seafood supply chain

## Factors that increase the likelihood

### Country-level indicators

- Portugal has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Portugal has not ratified Protocol 29 to the Forced Labour Convention.

### Seafood industry-level indicators

- Limited information was found for the seafood industry indicators.

### Processing indicators

- Portugal imports tuna from several countries identified as high or medium risk fishing countries by the 2018 Global Slavery Index.
- No information was found on tropical tuna processing workers and related employment factors.
- The cannery sector mainly employs women, who are more vulnerable to exploitation.

## Factors that decrease the likelihood

### Country-level indicators

- Portugal shows progress against each of the Human Development Index indicators for income, health, and education.
- Portugal's score for the Migrant Acceptance Index is higher than the regional score for the EU.
- The ILO Work in Fishing Convention No.188 came into force in Portugal in November 2020.
- Strong legal provisions for migrant workers and their families.
- Enforcement of anti-trafficking, forced labor, and child labor laws in Portugal is good.

### Seafood industry-level indicators

- There do not appear to be any legal impediments for fishers or seafood processing workers to access workers' unions.

### Processing indicators

- Secondary processing of tropical tuna is undertaken in Portugal, where it is processed into canned products.
- Evidence suggests that migrant workers comprise a small proportion of the workforce in Portugal's wider seafood processing industry.

## Processing and Trade

Portugal is the fourth largest tuna processor in Europe, behind Spain, Italy, and France.<sup>xv</sup> The country is reported to have 5-7 tuna processing plants, a similar number to that of Italy and France, but considerably less than Spain, which has more than 60 tuna processing plants.<sup>xvi</sup>

Portugal's tuna processing industry relies on imports of skipjack and yellowfin tuna loins for processing, with only low catches of tropical tuna reported.<sup>xvii</sup> In 2018, Portugal harvested 4,488 Mt bigeye tuna, 7,480 Mt skipjack tuna, and 646 Mt yellowfin tuna, with its total catch of tunas, bonitos, and billfishes amounting to 17,997 Mt.<sup>xviii</sup> Portugal is among the top importers of tuna for canning in the EU and is the fourth largest importer of frozen tuna in Europe, behind Spain, Italy, and France. In 2016, Portugal imported approximately US\$44 million (€37 million) of frozen tuna.<sup>xix</sup> Key supplying countries of frozen yellowfin tuna (HS code: 030342) to Portugal in 2020 included Spain and Suriname.<sup>xx</sup> Key supplying countries of frozen skipjack tuna (HS code: 030343) to Portugal in 2020 included Spain, France, and the Seychelles.<sup>xxi</sup>

In Portugal, canned seafood is mostly produced for export under brands like Santa Catarina, A Poveira and Ramirez.<sup>xxii</sup> The canning and preserved sector is concentrated in Matosinhos (northern Portugal), Peniche (central Portugal), and Olhão (southern Portugal).<sup>xxiii</sup> Prepared or preserved tuna accounts for 37% by value of Portugal's overall export of prepared or preserved fish.<sup>xxiv</sup> In 2020, Portugal exported 17,388 Mt of prepared or preserved tuna (HS Code 160414) worth US\$102,954 (approximately €86,4000).<sup>xxv</sup> The main destination country was Spain.<sup>xxvi</sup>

# Due Diligence for Tropical Tuna in Portugal

## Important Country-Specific Considerations

- Portugal is one of Europe’s main canned seafood processing countries, with the fish processing industry employing over 7,000 people, according to 2017 data.
- Migration trends in Portugal are dominated by outward migration, and protections for migrant workers and their families appear to be strong, with migrant workers afforded the same labor and social rights as Portuguese nationals.
- Spain, Thailand, Ghana, and Papua New Guinea are among the top exporters of frozen yellowfin and skipjack tuna to Portugal, countries that have been highlighted by the Global Slavery Index in 2018 as at-risk for forced labor in fishing activity.

## Suggested Due Diligence Priorities & Questions

### Policies

There are 168 fish processing enterprises in Portugal, representing 4.8% of the EU’s total number of fish processing enterprises. The significance of the tuna processing industry in Portugal means corporations may exercise considerable influence over supply chain operations.

1. Does the company have corporate policies addressing forced labor, human trafficking, and hazardous child labor? If so, do corporate policies support suppliers’ abilities to reduce forced labor, human trafficking, and hazardous child labor in their operations?
2. What strategies or objectives been developed to incentivize buying practices that reduce the prevalence of forced labor, human trafficking, and hazardous child labor?
3. To what extent are corporate policies on forced labor, human trafficking, and hazardous child labor enforced in the supply chain? Is the prohibition of forced labor, human trafficking and hazardous child labor written into contracts with suppliers? Do suppliers have explicit procedures in place to prevent the occurrence of forced labor, human trafficking, and hazardous child labor? If so, what are they?
4. Do suppliers know what to do or where to go if they find that there is forced labor, human trafficking or hazardous child labor in their operations? What verification mechanisms exist to enforce corporate policies on forced labor, human trafficking and hazardous child labor?

### **Worker Demographics and Complaints Mechanisms**

No information on the tropical tuna processing workforce, related employment factors, or complaints mechanisms was found.

1. What proportion of workers are considered low-skilled in the work environment?
2. What is the proportion of temporary and contract workers to permanent workers?
3. What is the proportion of women in the workforce? Are women in managerial roles?
4. Are there procedures to document, track, and resolve workplace grievances and complaints?

### **Processing Activities**

Portugal's reliance on imports of tuna for processing increases the risk of forced labor, human trafficking, and hazardous child labor through its supply chain, though risks vary depending on the tuna's country of origin.

1. Do you know where processing companies are sourcing their tuna inputs? Is there traceability back to the vessel, and do you know what working conditions are like on the vessel?
2. Does the processing company own or control its suppliers? How do processing companies monitor working conditions in suppliers' operations?

## Portugal: Country-level indicators

Indicator	Description	Sources
Poverty levels in a country	<p>Human Development Index</p> <p>HDI Value (2019): 0.864</p> <p>HDI rank (2019): 38</p> <p>Portugal's HDI value for 2019 places it in the 'very high human development' category and positions it 38<sup>th</sup> out of 189 countries and territories. Portugal's HDI value for 2019 is below the average of 0.900 for countries in the Organisation for Economic Co-operation and Development (OECD). Portugal shows progress against each of the HDI indicators for income, health, and education from 1990 to 2019. However, when Portugal's HDI value is discounted for inequality, it falls to 0.761, a loss of 11.9% due to inequality in the distribution of the HDI dimension indices. The average loss due to inequality for very high HDI countries is 10.9% and for OECD is 12.1.7%.</p>	<p><a href="#">UNDP Human Development Index (HDI)</a></p> <p>UNDP Global Human Development Indicators <a href="#">Country Profile: Portugal</a></p>
	Poverty headcount ratio at national poverty line (% of population): 17.2 (2018)	<a href="#">World Bank</a>
	Global Hunger Index (2020): Not rated.	<a href="#">Global Hunger Index (GHI)</a>
Country's position in the regional economic power system	<p>Comparing HDI ranking to other countries in the region:</p> <p>Portugal</p> <p>HDI Value (2019): 0.864</p> <p>HDI rank (2019): 38</p> <p>Neighboring countries:</p> <p>Spain</p>	<p><a href="#">UNDP Human Development Index (HDI)</a></p>

Indicator	Description	Sources
	<p>HDI Value (2019): 0.904</p> <p>HDI rank (2019): 25</p> <p>France</p> <p>HDI Value (2019): 0.901</p> <p>HDI rank (2019): 26</p>	
	<p>Comparing its recent economic growth to the general economic growth rates in the region:</p> <p>Portugal’s annual GDP growth rate decreased from 2.80% in 2017 to 2.16% in 2019, slightly higher than that of its neighbor country Spain.</p> <p>Portugal</p> <p>GDP Growth (annual %): 2.23 (2019)</p> <p>Neighboring countries:</p> <p>Spain</p> <p>GDP Growth (annual %): 1.95 (2019)</p> <p>France</p> <p>GDP Growth (annual %): 1.5 (2019)</p>	<p><a href="#"><u>World Bank Databank figures on annual economic growth</u></a></p>
	<p>Migration data</p> <p>The net migration rate (immigrants minus emigrants per 1,000 population) for Portugal is -0.6 (2020).</p>	<p><a href="#"><u>IOM Migration Data Portal.</u></a></p>
	<p>Regional migration trends and patterns:</p> <p>Portugal is primarily a source country for migrants and migration trends are dominated by emigration. Nevertheless, Portugal is also a destination and transit country for migrants, with immigration notably</p>	<p><a href="#"><u>Caritas Portuguesa, 2019, Common Home: Migration and Development in Portugal</u></a></p>

Indicator	Description	Sources
	<p>increasing in the last few years. <a href="#">Caritas Portuguesa, 2019</a></p> <p>Migration trends in Portugal are linked to the economy and employment, with emigration rates correlating heavily with unemployment rates. Following the global financial crisis and economic recession of 2008 and 2010, emigration from Portugal increased to the highest rate recorded since the 1960s. From 1960 to 2010, the total number of emigrants born in Portugal and living abroad more than doubled. Europe is now a key destination for Portuguese emigrants. The number of Portuguese emigrants residing in Europe increased by nine times from 165,000 in 1960 to over 1.5 million people in 2010. The percentage of the Portuguese emigrant population living in Europe as a proportion of the total Portuguese emigrant population increased from 16% in 1960 to 67% in 2010. <a href="#">Pires, R.P., 2019</a></p> <p>By 2014, the estimated population of Portuguese emigrants (first and second generation) living in Europe had increased to about 1.7 million people. Among the top destinations for Portuguese emigrants are France, Switzerland, Spain, the UK, and Luxembourg. <a href="#">Caritas Portuguesa, 2019</a></p> <p>In contrast to its high emigration rate, Portugal has one of the lowest inflows of migrants (as a percentage of the population) in the EU. <a href="#">Pires, R.P., 2019</a></p> <p>Portuguese immigration is characterized by “seasonal immigration in agriculture or tourism; temporary (although medium-term) immigration that characterises the growing student migration; and long-term immigration typical of labour migration, which includes family reunification.” <a href="#">Caritas Portuguesa, 2019 (pg. 20)</a></p>	<p><a href="#">Pires R.P., 2019, Portuguese Emigration Today. In: Pereira C., Azevedo J. (eds) New and Old Routes of Portuguese Emigration. IMISCOE Research Series. Springer, Cham</a></p> <p><a href="#">World Economic Forum, 15 August 2019, 'Portugal wants its emigrants back – so it’s paying them to return'</a></p> <p><a href="#">South China Morning Post, 2 July 2018, 'Welcome to Portugal, the European country desperate for migrants because its population is shrinking'</a></p> <p><a href="#">OECD, 2019, International Migration Outlook 2019: Portugal</a></p> <p><a href="#">European Commission, 2019, Portugal EMN Country Factsheet</a></p>

Indicator	Description	Sources
	<p>When the financial crisis prompted many young and qualified people to leave the country, Portugal was left with a lack of skilled workers, and an ageing, shrinking population. As a result, the Portuguese Government actively sought to encourage emigrants to return. <a href="#">World Economic Forum, 15 August 2019</a></p> <p>Portugal’s efforts to encourage inward migration to counteract a declining population have been somewhat successful and in 2017, Portugal registered a positive migration balance (immigrants minus emigrants) for the first time in six years. <a href="#">South China Morning Post, 2 July 20 18</a></p> <p>In 2017, Portugal received 40,000 new immigrants, 20.6% more than in 2016. <a href="#">OECD, 2019</a></p> <p>The number of immigrants residing in Portugal in 2017 was reported to be over 421,000. The ten most represented nationalities were Brazil, Cape Verde, Ukraine, Romania, China, UK, Angola, France, Guinea-Bissau, and Italy. New migrant communities, including Moroccan, Nepalese, and Thai communities, have also emerged in southern Portugal in response to the demand for labor. More than 68% of immigrants reside in the Lisbon Metropolitan Area and the Algarve Region. <a href="#">Caritas Portuguesa, 2019</a></p> <p>Portugal’s geographic positioning means that it has played a small role in the European migration crisis and the country received the lowest number of asylum applications of EU countries before the crisis. Most asylum seekers came from Syria, Eritrea, and Ukraine. Portugal is relatively unprepared to deal with refugees and as a result, the social inclusion of refugees has been adversely affected. With that being said, the Government has been amenable to receiving refugees. <a href="#">Caritas Portuguesa, 2019</a></p>	

Indicator	Description	Sources
	<p>In 2019, Portugal received 1,735 first-time asylum applications, accounting for 0.14% of the EU total. The top nationalities of first-time asylum applications in that year were Angola, Gambia, Guinea-Bissau, Guinea, and Venezuela. <a href="#">European Commission, 2019</a></p>	
	<p>Known human trafficking routes:</p> <p>The US Department of State’s 2021 Trafficking in Persons (TIP) Report identifies Portugal as a destination country for trafficking victims from West Africa, Eastern Europe, Asia, and, to a lesser extent, Latin America. According to the report, most trafficking victims come from India, Moldova, Pakistan and Romania. Portugal is also a transit country for victims trafficked into Europe for sex trafficking and forced labor.</p>	<p>US Department of State, 2021 <a href="#">Trafficking in Persons (TIP) Report</a></p>
<p>Governance practices and systems in a country (measured through indexes)</p>	<p>WGI (2019) Percentile rank -</p> <p>Voice and Accountability: 89.16</p> <p>Political Stability and Absence of Violence: 90.95</p> <p>Government Effectiveness: 84.13</p> <p>Regulatory Quality: 77.88</p> <p>Rule of Law: 84.62</p> <p>Control of Corruption: 77.40</p> <p>Portugal ranks consistently in the top quartiles for all indicators. The country rankings are above those for the regional averages for Europe and Central Asia.</p> <p>Note: Percentile rank among all countries ranges from 0 (lowest) to 100 (highest) rank, where the higher the percentiles, the better the governance.</p>	<p><a href="#">World Governance Indicators (WGI)</a></p>
	<p>Corruption Perception Index (2020) –</p>	<p><a href="#">Transparency International</a></p>

Indicator	Description	Sources
	<p>Score: 61/100</p> <p>Rank: 33/180 countries and territories</p> <p>More than two-thirds of countries score below 50 on this year’s CPI, with an average score of just 43. Portugal’s score of 61 places it above the global average and positions it 33<sup>rd</sup> out of 180 countries and territories.</p> <p>Portugal scores similarly to that of nearby countries France and Spain, which score 69 and 62, respectively, and to the regional average for Western Europe and the EU, which is 66.</p> <p>Note: Based on 0 = Highly Corrupt, 100 = Very Clean.</p>	<p><u>Corruption Perception Index (CPI)</u></p>
	<p>Basel Anti-Money Laundering Index (2020)</p> <p>Rank: 128/141 countries</p> <p>Overall score: 3.66/10</p> <p>Portugal is ranked among the lower risk group of countries for money laundering and terrorist financing and scores similarly to nearby countries Spain (3.66/10) and France (3.92/10).</p> <p>Note: Ranking is out of 141 countries; top possible score is 0 (low risk,), lowest score is 10 (high risk).</p>	<p><u>Basel Anti-Money Laundering (AML) Index</u></p>
	<p>Global Rights Index (2021) –</p> <p>Rating: 2 (Repeated violations of rights)</p> <p>The ITUC Global Rights Index places Portugal above the regional average rating of 2.51 for Europe. Nearby countries France and Spain also received a rating of 2.</p> <p>Note: Countries are ranked from 1 to 5+, where five plus corresponds to “no guarantee of rights due to the</p>	<p>International Trade Union Conference (ITUC) <u>Global Rights Index (GRI) 2021</u></p>

Indicator	Description	Sources
	breakdown of the law” and 1 corresponds to “sporadic violations of rights”.	
Education and general literacy levels in a country	<p>Adult literacy rates, among the population aged 15 years and older (2018): 96.14%</p> <p>Adult female literacy rate (2018): 95.07%</p> <p>Adult male literacy rate (2018): 97.35%</p> <p>Comparison to neighboring countries:</p> <p>Spain (2018) 98.44%</p> <p>France - No data</p>	<a href="#">World Bank Open Data</a>
	<p>Primary school completion rates (2018): 99.57%</p> <p>Primary completion rates, female (% of relevant age group) (2018): 99.45%</p> <p>Primary completion rates, male (% of relevant age group) (2018): 99.68%</p> <p>Comparison to neighboring countries:</p> <p>Spain (2018) 98.53%</p> <p>France (2000) 92.93%</p>	<a href="#">World Bank Open Data</a>
	<p>Lower secondary education completion rates (2018): 94.89%</p> <p>Lower secondary completion rates, female (% of relevant age group) (2018): 98.04%</p> <p>Lower secondary completion rates, male (% of relevant age group) (2018): 91.91%</p> <p>Comparison to neighboring countries:</p>	<a href="#">World Bank Open Data</a>

Indicator	Description	Sources
	Spain (2018) 97.79%  France (2018) 99.67%	
	School enrolment, tertiary (2018): 65.66% gross  School enrolment, tertiary, female (2018): 70.01% gross  School enrolment, tertiary, male (2018): 61.29% gross  Comparison to neighboring countries:  Spain (2018) 91.11%  France (2018) 67.63%	<a href="#">World Bank Open Data</a>
Attitudes towards migrant workers in a country's population	Migrant Acceptance Index – Portugal: 6.65/9  Portugal's score of 6.65 out of 9 indicates that indicates that the population in Portugal is more accepting of migrants than on average for all countries assessed, with a world score of 5.29 out of 9.  Portugal's score is close to that of nearby country France, but notably below that of Spain:  Spain: 7.44/9  France: 6.46/9  Additionally, Portugal's score for the Migrant Acceptance Index is greater than that of the regional score for the European Union, which is 5.29 out of 9.  Note: Based on 138 countries surveyed in 2016; U.S. surveyed in 2017; top possible score is 9.0.	<a href="#">Gallup Migrant Acceptance Index</a>
Legislation and regulation to protect migrant workers	Coverage of legal provisions under the labor laws  Portugal has signed or ratified the main international human rights instruments regarding protection of	<a href="#">UN Treaty Body Database</a>

Indicator	Description	Sources
	<p>migrants’ rights, except for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. <a href="#">UN Treaty Body Database</a></p> <p>The country’s non-ratification of the Convention is reflective of a wider EU decision by all Member States not to ratify it. As such, ratification would require EU-level coordination. <a href="#">Committee on the Elimination of Racial Discrimination, October 2015</a></p> <p>Despite this, legal provisions for migrant workers and their families appear to be strong in Portugal.</p> <p>In its 2015 Periodic Report to the UN Committee on the Elimination of Racial Discrimination, Portugal states that “the fact that Portugal is not party to this Convention does not mean that the rights of migrant workers are not protected in Portugal. These rights are also covered by other international treaties and by the European Convention of Human Rights that Portugal is a party to and that apply to all migrant workers without exception...The realisation of the rights of migrants and their families is, indeed, a priority for Portugal and their rights are also protected by European and national laws.” <a href="#">Committee on the Elimination of Racial Discrimination, October 2015</a> (pg. 34)</p> <p>Additionally, the report states,” Portugal has been often internationally recognized as one of the leading countries in integration policies and in the protection of the human rights of migrants and their families.” <a href="#">Committee on the Elimination of Racial Discrimination, October 2015</a> (pg. 8)</p> <p>The right of foreign citizens to equality are enshrined in Articles 13 and 15 of the_Constitutional Law no. 1/2005, of August 12. Article 15 states that no person may be” privileged, favoured, prejudiced, deprived of any right</p>	<p><a href="#">Committee on the Elimination of Racial Discrimination, October 2015, Consideration of reports submitted by States parties under article 9 of the Convention Fifteenth to seventeenth periodic reports of States parties due in 2015 Portugal*</a></p> <p><a href="#">Constitutional Law no. 1/2005, of August 12</a></p> <p><a href="#">Caritas Portuguesa, 2019, Common Home: Migration and Development in Portugal</a></p>

Indicator	Description	Sources
	<p>or exempted from any duty on the basis of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation”.</p> <p>Additionally, Article 15 on foreigners, stateless persons, and European citizens, states” Foreigners and stateless persons who find themselves or who reside in Portugal enjoy the same rights and are subject to the same duties as Portuguese citizens.” <a href="#">Constitutional Law no. 1/2005, of August 12</a></p>	
	<p>Access to social protection, health, and education</p> <p>Migrant workers in Portugal are afforded the same labor and social rights as Portuguese nationals, with some exceptions, for example, in relation to political rights. Regular migrant workers have the same rights to access social security as Portuguese nationals. Migrant workers that have contributed to the social security system are entitled to benefits, including unemployment benefits, while migrant workers that are not eligible to receive such benefits may be able to access non-contributory assistance programs. Regardless of their legal and employment status, migrants are supported by other mechanisms including social housing, emergency care, and access to education for children. <a href="#">Caritas Portuguesa, 2019</a></p> <p>Both regular and irregular migrants have access to health care. Children, pregnant women, asylum seekers, refugees and their families can access health care for free, regardless of their legal status. <a href="#">Human Rights Council, May 2019</a></p> <p>Migrant children also benefit from free access to education, regardless of their immigration status. Portuguese legislation offers migrant children additional protections to enable them to access education and health care. Specifically, Portugal has</p>	<p><a href="#">Caritas Portuguesa, 2019, Common Home: Migration and Development in Portugal</a></p> <p><a href="#">Human Rights Council, May 2019, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Portugal</a></p> <p><a href="#">Committee on the Elimination of Racial Discrimination, October 2015, Consideration of reports submitted by States parties under article 9 of the Convention Fifteenth to seventeenth periodic reports of</a></p>

Indicator	Description	Sources
	<p>implemented "a firewall between immigration enforcement and public services such as health care and education institutions. This means that the database (managed by the High Commission for Migration) with the identification of undocumented children who attend education or healthcare institutions is confidential and cannot be transmitted to immigration enforcement authorities. This avoids cases of non-enrolment of undocumented children at school due to fear of being denounced to the immigration authorities." <a href="#">Committee on the Elimination of Racial Discrimination, October 2015</a> (pg. 9)</p> <p>Despite having a strong framework in place to protect migrant workers, the rights of migrant workers are not necessarily always met due to discrimination and other obstacles. A 2019 report by Caritas Portuguesa, a social-focused charity, highlights the discrimination and exploitation of migrant workers, including workers originating from Africa and Asia. Migrant workers are often employed in positions for which they are overqualified, often have less job security, and are at greater risk of experiencing poverty than Portuguese nationals. Meanwhile, constraining factors such as administrative delays, language barriers, and regional differences in resources, can sometimes hinder the ability of migrants to access state services like social security. <a href="#">Caritas Portuguesa, 2019</a></p>	<p><a href="#">States parties due in 2015 Portugal*</a></p>
	<p>Bilateral MOUs or other agreements specifically designed to protect migrant workers</p> <p>Portugal has bilateral agreements in place with several former Portuguese colonies to address labor migration and human trafficking, including:</p> <p>A bilateral labor migration agreement with Cape Verde has been in place since 1997.</p>	<p><a href="#">Caritas Portuguesa, 2019, Common Home: Migration and Development in Portugal</a></p>

Indicator	Description	Sources
	A bilateral agreement with Brazil was signed on 11 June 2003 to regularize irregular Brazilian workers in Portugal and Portuguese irregular workers in Brazil.	
Ratification of relevant international conventions and domestication of conventions into a national legal framework (Forced labor, human trafficking, and hazardous child labor)	Convention No. 29 – In Force	<u>Forced Labour Convention, 1930 (No. 29)</u>
	Convention No. 105 – In Force	<u>Abolition of Forced Labour Convention, 1957 (No. 105)</u>
	Convention No. 138 – In Force	<u>Minimum Age Convention, 1973 (No. 138)</u>
	Convention No. 182 – In Force	<u>Worst Forms of Child Labour Convention, 1999 (No. 182)</u>
	Protocol 29 – Not Ratified	<u>Protocol of 2014 to the Forced Labour Convention, 1930 (P29)</u>
	Palermo Protocol - Ratified	<u>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations</u>

Indicator	Description	Sources
		<a href="#">Convention against Transnational Organized Crime</a> (the ‘Palermo Protocol’)
	Convention No. 188 – In Force	<a href="#">ILO Convention 188 on Work in Fishing</a> ;
	PSMA – Party to the PSMA (as an EU Member State)	<a href="#">The FAO Port State Measures Agreement (PSMA)</a>
	<p>Domestication into national legislation.</p> <p>Sex trafficking and labor trafficking is criminalized under Article 160 of the penal code, which prescribes penalties of three to 10 years’ imprisonment. In addition, Article 159 prohibits slavery, for which it prescribes penalties of five to 15 years’ imprisonment. <a href="#">USDOS TIP Report 2021</a></p> <p>The minimum age for work is 16 years, increasing to 18 years for overtime, night work, and hazardous work. <a href="#">USDOS Country Report 2020</a></p>	<p><a href="#">US Department of State, 2021, Trafficking in Persons (TIP) Report</a></p> <p><a href="#">USDOS, 2021, 2020 Country Reports on Human Rights Practices: Portugal</a></p>
Regulation of recruitment	<p>Country’s government-sanctioned oversight mechanisms (regulations, accreditation schemes, inspection, etc.) of recruitment agents</p> <p>Portugal has ratified the ILO convention ‘C181 - Private Employment Agencies Convention, 1997 (No. 181)’, which provides for the regulation of recruitment through private employment agencies for all categories of workers except seafarers.</p>	<a href="#">ILO NORMLEX, ‘C181 - Private Employment Agencies Convention, 1997 (No. 181)</a>
Enforcement of legislation for forced labor, human trafficking, hazardous child labor, migrant	Reliable evidence suggests that Portugal is effective at enforcing anti-trafficking, forced labor, and child labor laws, though its efforts have lessened in recent years	US Department of State, 2021 <a href="#">Trafficking in Persons (TIP) Report</a>

Indicator	Description	Sources
worker protections, recruitment and working conditions	<p>The US Department of State’s 2021 Trafficking in Persons assigns Portugal a Tier 2 TIP Ranking, a decline from Tier 1 in 2020, stating “The Government of Portugal does not meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.” (p. 461)</p> <p>In 2019, the Portuguese Government decreased its law enforcement efforts, initiating only 63 trafficking investigations compared to 118 in 2018 and 103 in 2017. Trafficking convictions also decreased from 25 in 2018 to three in 2019, with an average prison sentence given of twelve years.</p> <p>In 2020, during the COVID-19 pandemic, enforcement efforts decreased further. A total of 82 new trafficking investigations were opened in 2020, including 40 for labor trafficking, however, no trafficking convictions were reported.</p> <p>Additional deficiencies noted include the lack of a specific legal provision to protect trafficking victims from prosecution for illegal acts committed under coercion by traffickers. Additionally, the report notes a need for Portugal to strengthen monitoring and regulation of labor recruitment companies.</p>	<a href="#">US Department of State, 2020, Trafficking in Persons (TIP) Report</a>
	<p>With regards to child labor, the USDOS reports that Portugal effectively enforces child labor laws, with child labor only occurring in “very limited cases”. Resources and inspections are described as “adequate”.</p>	<a href="#">USDOS, 2021, 2020 Country Reports on Human Rights Practices: Portugal</a>
	<p>The 2018 Global Slavery Index (GSI) rates the Portuguese Government’s response to Modern Slavery as ‘BBB’.</p> <p>Est. no. of people living in modern slavery: 26,000</p> <p>Prevalence Index Rank: 120/167</p>	<a href="#">Global Slavery Index 2018 Country Data for Portugal</a>  <a href="#">Global Slavery Index 2018 Methodology</a>

Indicator	Description	Sources
	<p>Vulnerability to Modern Slavery: 8.49/100</p> <p>Government Response Rating: BBB</p> <p><a href="#">Global Slavery Index 2018 Country Data for Portugal</a></p> <p>The GSI methodology states a Government Response Rating of BBB indicates that “The government has implemented key components of a holistic response to some forms of modern slavery, with victim support services, a strong criminal justice response, evidence of coordination and collaboration, and protections in place for vulnerable populations. Governments may be beginning to address slavery in supply chains of government procurement, or of businesses operating within their territory. There may be evidence that some government policies and practices may criminalise and/or cause victims to be deported.” <a href="#">Global Slavery Index 2018 Methodology</a></p> <p>Note: The GSI ranks government responses from AAA (very comprehensive response) to D (very inadequate), and a higher rating on the GSI is assumed to mean lower risk by the SSRT.</p>	
	<p>Portugal’s 2019 report to the Human Rights Council states that the country’s fourth national action plan to combat trafficking (2018-2021) includes measures to increase awareness of trafficking, ensure victims have access to their rights, and promote the fight against organized crime networks. Additionally, the report states that the Immigration and Border Service (SEF) has established an anti-trafficking unit within its Central Directorate for Investigation that includes prevention and investigation. <a href="#">Human Rights Council, May 2019, National Report</a></p> <p>Information from 2019 indicates that SEF also increased the number of raids in recent years with a</p>	<p><a href="#">Human Rights Council, May 2019, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Portugal</a></p> <p><a href="#">Caritas Portuguesa, 2019, Common Home: Migration and</a></p>

Indicator	Description	Sources
	focus on rural agricultural businesses employing seasonal workers. <a href="#">Caritas Portuguesa, 2019</a>	<a href="#">Development in Portugal</a>
	<p>Comments adopted by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) highlight positive actions taken by the Portuguese Government as well as challenges that persist in tackling trafficking and forced labor:</p> <ul style="list-style-type: none"> <li>• “In its previous comments, the Committee welcomed the action taken by the Government to combat trafficking in persons...”</li> <li>• “The Committee notes that the UGT [General Workers’ Union] expresses concerns about the regular identification of cases of workers, mainly foreign, in situations of labour exploitation.”</li> <li>• “The Committee encourages the Government to continue its efforts with regard to the identification of victims of trafficking for purposes of both sexual and labour exploitation, and to ensure that appropriate protection and assistance is provided to such victims.” <a href="#">Direct Request (CEACR) - adopted 2019, published 109th ILC session (2021)</a></li> <li>• “In its previous comments, the Committee welcomed the measures taken by the Government to combat trafficking in persons, which bear witness to its commitment and will to adapt the institutional and legislative framework to the complexity of the issue.”</li> <li>• “The Committee welcomes the fact that the efforts made to strengthen the resources and investigation capacity of law enforcement bodies have resulted in the prosecution and conviction of certain persons responsible for the crime of trafficking in persons, in accordance with section 160 of the Penal Code. However, the Committee notes the Government’s</li> </ul>	<p><a href="#">Direct Request (CEACR) - adopted 2019, published 109th ILC session (2021)</a></p> <p><a href="#">Direct Request (CEACR) - adopted 2017, published 107th ILC session (2018)</a></p>

Indicator	Description	Sources
	<p>indication, based among others on the conclusions of the OTSH report of April 2016, that both the identification of victims and investigations are encountering difficulties. In this regard, the Government refers to the fact that victims do not self-identify as victims, are not aware of their rights and fear reprisals. The authorities are also confronted with organized crime, the use of new technologies, the rapid removal of victims (across borders and within the country) and the capacity of the perpetrators to adapt.” <a href="#">Direct Request (CEACR) - adopted 2017, published 107th ILC session (2018)</a></p>	
<p>Evidence of forced labor, human trafficking, and hazardous child labor in the country</p>	<p>Trafficking and forced labor victims from overseas are exploited in Portugal in agriculture, construction, and domestic service. Children from Eastern Europe are exploited in forced begging and forced criminal activity. Portuguese victims are also exploited in restaurants, agriculture, and domestic service, in Portugal and in Spain. Both Portuguese and foreign victims are subject to sex trafficking within Portugal and Europe.</p>	<p><a href="#">US Department of State, 2021, Trafficking in Persons (TIP) Report</a></p> <p>USDOS, 2021, 2020 Country Reports on Human Rights Practices: Portugal</p>

Table 1: Portugal - Country-level indicators

## Portugal: Seafood industry-level indicators

Indicator	Description	Sources
Direct evidence of Forced labor, human trafficking, and hazardous child labor	None found.	
ILO indicators of forced labor and <a href="#">ILO R190 definition of hazardous child labor</a>	None found.	
Fishing, aquaculture and processing regulations and policies	<p>The ILO NATLEX database lists 15 acts and regulations relating specifically to fishers, including legislation regarding pay, occupational health and safety on board fishing vessels, and employment contracts.</p> <p>The 2018 Global Slavery Index (GSI) for fishing:</p> <ul style="list-style-type: none"> <li>• National Fisheries Policy (catch outside EEZ, distant water fishing, and subsidies) <ul style="list-style-type: none"> <li>○ Medium Risk</li> </ul> </li> <li>• Wealth and Institutional Capacity (GDP per capita, value landed per fisher, and unreported landings) <ul style="list-style-type: none"> <li>○ Medium Risk.</li> </ul> </li> </ul>	<a href="#">ILO NATLEX Database</a>  <a href="#">Global Slavery Index (GSI) 2018 - Fishing</a>
Enforcement and implementation of industry-specific regulations and policies	Unknown	
Access to workplaces for third-party monitors (trade union representatives, on-board observers, etc.)	Unknown.	

Indicator	Description	Sources
Worker access to a functional grievance mechanism	Unknown.	
Access to join a trade union	There do not appear to be any legal impediments for fishers or seafood processing workers to form and join unions and no evidence of violations related to the seafood industry was found. Overall, access to workers' unions in Portugal is rated relatively well by the Global Rights Index, with a rating of 2 out of 5 (5 being worst) standing for repeated violations of rights reported (see country-level indicators).	
Participation in voluntary schemes and implementation of comprehensive corporate policies and strategies to combat forced labor, human trafficking, and hazardous child labor	Unknown.	

Table 2: Portugal - Seafood industry-level indicators

## Portugal: Processing indicators

Indicator	Description	Sources
Direct evidence of forced labor, human trafficking, and hazardous child labor	None found.	
ILO indicators of forced labor and ILO R190 definition of hazardous child labor	None found.	
Processing Characteristics	<p>Processing stage</p> <p>Secondary processing of tuna is undertaken in Portugal, with tuna processed into canned products</p>	<p>Scientific, Economic and Technical Committee for Fisheries (STECF), 2019, <a href="#">Economic report of the EU fish processing sector 2019 (STECF-19-15)</a></p>
	<p>Consolidation and vertical integration</p> <p>Information specific to the tuna processing industry was not identified. In 2017, there were 168 fish processing enterprises in Portugal, an increase from the previous reporting year but a notable decrease in number of enterprises from 203 in 2008.</p> <p>Data from 2015 for Portugal’s wider fish processing industry shows that the industry mainly comprised micro, small and medium-sized enterprises. Micro companies (with less than 10 employees) accounted for around 40% of employees and income in the industry.</p> <p>Income in fish processing industry by company size in 2015:</p> <ul style="list-style-type: none"> <li>• Micro enterprises (&lt;10 employees) - 40%</li> <li>• Small enterprises (11 to 49 employees) - 32%</li> </ul>	<p>Scientific, Economic and Technical Committee for Fisheries (STECF), 2019, <a href="#">Economic report of the EU fish processing sector 2019 (STECF-19-15)</a></p> <p>Scientific, Economic and Technical Committee for Fisheries (STECF), 2018, <a href="#">Economic report of the EU fish processing sector 2017 (STECF-17-16)</a></p>

	<ul style="list-style-type: none"> <li>• Medium enterprises (50 to 249 employees) - 25%</li> <li>• Large enterprises (&gt;250 employees) - 3%.</li> </ul>	
	<p>Domestic versus export</p> <p>Portugal’s fish cannery and preparation sector primarily produces for export rather than domestic consumption.</p>	<p>Scientific, Economic and Technical Committee for Fisheries (STECF), 2019, <a href="#">Economic report of the EU fish processing sector 2019 (STEF-19-15)</a></p>
Workforce Characteristics	Skilled versus low-skilled – Unknown.	
	<p>The proportion of women in the workforce</p> <p>Information specific to tuna processing was not identified. But the latest available data from 2015 indicates that women comprise around two-thirds of the total workforce in Portugal’s wider fish processing industry.</p> <p>Employment in fish processing industry by gender in 2015:</p> <ul style="list-style-type: none"> <li>• Total employment in fish processing industry - 7,148</li> <li>• Percentage of male workers - 33%</li> <li>• Percentage of female workers - 67%.</li> </ul> <p>The reliance on women in the fish processing workforce is reflected in the cannery sector, which traditionally employs mostly women.</p>	<p>Scientific, Economic and Technical Committee for Fisheries (STECF), 2018, <a href="#">Economic report of the EU fish processing sector 2017 (STEF-17-16)</a></p>
	<p>The proportion of migrant versus local workers</p> <p>The proportion of migrant versus local labor in the tuna processing industry is unknown. In Portugal’s wider seafood industry, non-local labor predominantly comprises nationals of non-EU Member States and is</p>	<p><a href="#">European Commission, June 2016, Study on the employment of non-</a></p>

	<p>concentrated in the catching sub-sector. A case study of Olhão, an important fishing port with a concentration of canning and preserving processing operations in southern Portugal, found that the use of non-local labor in the local fishing industry is concentrated in the processing sub-sector, but still accounts for only 5% of the workforce.</p>	<p><a href="#">local labour in the fisheries sector</a></p>
	<p>The proportion of minority or indigenous workers</p> <p>Unknown.</p>	
	<p>The proportion of temporary and contract versus permanent workers</p> <p>The proportion of temporary and contract versus permanent workers in the tuna processing industry is unknown. In 2017, Portugal’s wider fish processing industry employed 7,415 workers in full-time employment. Almost all workers in the industry are employed on a full-time contract.</p>	<p>Scientific, Economic and Technical Committee for Fisheries (STECF), 2019, <a href="#">Economic report of the EU fish processing sector 2019 (STEF-19-15)</a></p>
	<p>Workers’ origins</p> <p>The origin of migrant workers in the tuna processing industry is unknown. In Portugal’s wider seafood industry, non-local labor predominantly comprises nationals from non-EU Member States, including Indonesia, Brazil, Angola, and Mozambique.</p>	<p><a href="#">European Commission, June 2016, Study on the employment of non-local labour in the fisheries sector</a></p>
	<p>Migrant worker language (vs. dominant language in the industry)</p> <p>The origin, and subsequently language, of migrant workers in the tuna processing industry is unknown. In Portugal’s wider seafood industry, non-local labor predominantly comprises nationals from non-EU Member States, including Brazil, Angola, and Mozambique, where the official language is Portuguese.</p>	<p><a href="#">European Commission, June 2016, Study on the employment of non-local labour in the fisheries sector</a></p>

	<p>GDP per capita of processing country and main migrant worker source country</p> <p>Information specific to tuna processing was not identified. The GDP per capita of Portugal is US\$ 23,252.1 (2019), which is considerably higher than the GDP per capita of nations known to be supplying non-local labor to Portugal’s wider seafood industry, which are:</p> <ul style="list-style-type: none"> <li>• Angola – US\$ 2,790.7 (2019)</li> <li>• Brazil – US\$ 8,717.2 (2019)</li> <li>• Mozambique – US\$ 503.6 (2019)</li> </ul>	<p><u>World Bank Databank figures on GDP per capita</u></p>
	<p>Legal presence (regularity) of migrant workers</p> <p>Unknown.</p>	
	<p>The ability of migrant workers to change jobs</p> <p>Unknown.</p>	
Recruitment and Contracts	<p>Use of contractors and recruitment agents</p> <p>Unknown.</p>	
	<p>Compensation method</p> <p>Unknown.</p>	

Table 3: Portugal - Processing indicators

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