

Annex 1 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]

“Links between corruption and other forms of crime”

States parties are invited to provide relevant information in line with paragraph 22 of resolution 9/1¹, in which the Conference:

*Encourage[d] States parties to further explore and enhance their knowledge of the **links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response and recovery**, to better strengthen integrity, transparency and accountability, and invite[d] the secretariat, within existing resources, to compile a report in this regard on the voluntary information provided by States parties and submit it to the Conference at its tenth session [emphasis added].*

States parties may wish to take a broad view of “other forms of crime” when responding to this questionnaire, which may include all forms of organized crime and economic crime, as well as other crime, among others.

Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: *Portugal*

Government Agency: *Ministry of Justice*

Department: *Directorate General for Justice Policy*



¹ In July 2022, the secretariat sent out note verbale CU 2022/264(A)/DTA/CEB/CSS inviting States parties to provide information on good practices and challenges concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery, in line with paragraphs 22 and 23 of resolution 9/1 entitled “Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”. As at 11 October 2022, the secretariat had received responses from 23 States parties, which were analysed in a note prepared by the secretariat, entitled “Best practices and challenges concerning international cooperation in combating corruption during times of emergencies and crisis response and recovery, and efforts to further explore and enhance knowledge of the links between corruption and other forms of crime” [CAC/COSP/EG.1/2022/CRP.1]. Responses were received from the following States parties: Australia, Bahrain, Belarus, Brazil, Bulgaria, Chad, Chile, Egypt, El Salvador, European Union, France, Georgia, Italy, Mexico, Myanmar, Panama, Portugal, Republic of Moldova, Romania, Saudi Arabia, Spain, Türkiye and the United States of America.

Questionnaire

Corruption may contribute to impunity for other types of crime by providing the leverage to facilitate and execute them, and to make them invisible, and often exacerbates those crimes through the involvement of powerful elites and individuals. Corrupt behaviour (such as violating duties, accepting or transferring bribes, and facilitating transactions, as well as ignoring or failing to follow-up on information that a crime may be taking place) may serve as an enabler of other crimes by allowing for the enrichment of criminals and incentivizing individuals in the public and private sector to facilitate their operation. Other crimes can therefore flourish and in turn provide a basis for a wide range of corrupt behaviour.

This questionnaire is structured into two parts: Part 1 considers steps taken to understand the links between corruption and other forms of crime, while Part 2 focuses on the measures aimed at responding to corruption linked with other forms of crime.

The responses provided by Portugal depart, mainly, from the perspective provided by our Criminal Police, therefore concerning in some cases to a law enforcement angle of a police which conducts, namely, corruption and other related serious crime investigation.

I. Understanding the links between corruption and other forms of crime

1. Has your country undertaken any analyses or assessments to better understand the interlinkages between corruption and other forms of crime, including typologies of crime and how corruption may be used to facilitate and enable organized crime, economic and other crime, and vice versa? **Yes.**
 - a. If **YES**, was such analysis carried out through formal risk assessments or other methods? Please describe.

Portugal's government agencies have undertaken analysis and risk assessments to try to understand better the interlinkages between corruption and other forms of crime, by:

- Data analysis: Elaborating statistical reports, where law enforcement agencies register and analyse criminal data to identify trends and correlations between corruption and other criminal activities and to try to highlight patterns in financial transactions, communication networks, and other relevant data sources;
- Case Studies: Analysing specific cases where corruption and other crimes intersect can provide insights into how corruption may facilitate or enable organized crime, economic crime, and vice versa. These case studies can help identify common strategies and vulnerabilities;
- Financial Investigations: Financial investigations play a crucial role in uncovering the links between corruption and other forms of crime. Authorities may trace money flows and assets to identify connections between corrupt practices and illicit activities;

Besides this methods, other analysis have been carried out through various agents, such as academic institutions and international organizations.

Some common approaches to understanding these interlinkages include:

- Research Studies: Academic researchers and government agencies may conduct studies to explore the connections between corruption and other types of crime. These studies could involve analysing data, interviewing experts, and examining specific cases to identify patterns and relationships.
- International Collaboration: Many countries collaborate with international organizations, such as the United Nations Office on Drugs and Crime (UNODC), to share information, best practices, and experiences related to combating corruption and other forms of crime.
- Legislation and Policy Analysis: Governments review and analyse their existing legislation and policies to identify possible gaps or weaknesses, including as regards National Strategies Against Corruption, as is the case in Portugal.

In the specific money laundering (ML) and terrorist financing (TF) perspective Portugal conducted its first national risk assessment (NRA) on ML and TF in 2015.

In 2019, the second NRA was carried out, which includes the risks of financing the proliferation of weapons of mass destruction (WMD), using data from 2015 to 2018 as a reference, and covering the sectors of activity in which there are obligations to prevent ML/TF.

The Financial Action Task Force (FATF), in its assessment of Portugal in 2017 considered that the country has a system for preventing and combating ML and TL which resulted that Portugal was subject to the process of "regular monitoring" (a lower intensity monitoring and follow-up process).

2. Please list the main typologies of other crime that have interlinkages with corruption in your country.

- Drug trafficking
- Money-laundering
- Human trafficking
- Migrant smuggling
- Firearms trafficking
- Crimes that affect the environment
- Trafficking in cultural property
- Cybercrime

Terrorism

✓ Other forms of economic crime, organized crime or other crime with links to corruption (**please list**)

Fraud, tax evasion, corruption in the judiciary.

3. Please provide examples of corruption linked to these other crimes.

Some cases of corruption involving members of law enforcement, to enable and facilitate drug trafficking; Use of money laundering networks to dissipate assets obtained illegally through corruption, both in Portugal and abroad; Corruption of individuals within agencies involved in granting authorization for foreign entry into Portugal.

- Organized crime: Corruption can facilitate the operations of organized criminal groups by providing them with protection, access to resources, and compromise law enforcement or government officials. This can include activities such as drug trafficking, human trafficking, smuggling, and money laundering;
- Money laundering: Corrupt individuals may use their positions to launder illicit funds, making it difficult to trace the origins of the money. Money laundering often involves complex financial transactions and the movement of funds through legal channels;
- Fraud: Corruption can involve fraudulent activities, such as embezzlement, bribery, and kickbacks. These activities can undermine the integrity of business transactions and public procurement processes;
- Tax evasion: Corrupt officials may manipulate tax systems to benefit themselves or their associates, leading to lost government revenue and an unfair advantage for certain individuals or companies;
- Human trafficking: Corrupt officials may be complicit in human trafficking operations by facilitating the movement of trafficked individuals across borders or protecting those involved in the criminal networks;
- Illegal immigration: Corruption can be linked to the smuggling of migrants and illegal immigration by providing false documents, facilitating border crossings, and avoiding law enforcement;
- Corruption in the judiciary: Corruption within the judiciary system can undermine the rule of law and hinder efforts to prosecute various types of crimes, allowing criminals to escape justice.

Please elaborate if you have or had any cases of the following in your country:

A. Corruption as an enabler of crime

- a. Cases of public officials abusing their office to facilitate criminal activity or to protect certain criminal individuals and entities – or to gain support from them –

for example, by providing funding or protection or to gain and control public resources?

Please see answer 3.

- b. Cases of corruption being used to facilitate other types of crime, such as trafficking in persons, illicit trade or smuggling of drugs across borders? For example, have any cases involved the following:
 - the issuance of permits, licenses, visas or documents for border crossings
 - the purchasing of firearms
 - bribery of border agents
 - falsification of data in public registries
 - other
- c. Cases of corruption in public procurement to advance the interests of public officials and their associates? Cases of officials giving preferred access to contracts and tenders to their associates in cases involving other crimes?
Several investigations involving state officials, who are suspected of facilitating the awarding of public contracts to third parties in exchange for favours or in which they have personal advantage.
- d. Cases of the protection of victims of crime and corruption being impeded by corruption involving public officials or persons in the private sector?

B. Corruption and crime linked to political patronage

- a. Criminal individuals and entities attempting to use corruption to obtain access to political leadership or to gain power and influence, such as through:
 - political party financing
 - trading in influence
 - other
- b. Cases of crime and corruption being used to attempt to influence or disrupt elections?
- c. Cases of criminal involvement, including through the use of corruption, to attempt to influence appointments of public officials to build dependency?

C. Corruption to make organized and other crime invisible

- a. Cases of criminals and their associates using proceeds of crime and corruption for personal enrichment and to conceal the origin of the crimes and for money-laundering? In particular, cases of concealment of ownership being used to facilitate corruption and other forms of crime?
Yes. Several cases of corruption involving individuals from the banking sector, other corporate institutions or international political figures, with economic interests in Portugal.
- b. Cases of corruption being used to impede investigations, prosecutions and adjudications of organized and other crime, such as through bribery or allocation of political and other favours to law enforcement and judicial officers? Are there

cases of corruption linked to organized and other crime not being pursued by the authorities ('blind eye')?

Yes, some residual cases have been identified in which elements of the judiciary or the law enforcement act in an attempt to obstruct or hinder the actions of justice.

- c. Cases of individuals and entities using corruption and other crimes to generate the funds needed to buy protection from the police? Cases of corruption in law enforcement authorities used to shield organized crime?

Yes, some residual cases have been identified where law enforcement officials are bribed in an attempt to obstruct or hinder the actions of justice.

- d. Cases of law enforcement being impeded due to a lack of information and data, as well as reporting of crimes related to corruption?

4. Has your country collected data or statistics to track and/or analyze trends related to the links between corruption and the types of crime outlined in Question 2 above? **Yes.**

- a. Are these data analysed and used systematically, such as in prevention and investigations or prosecutions? **Yes.**

Information is collected at local, regional, and national levels, registered and analysed at these various levels in the form of statistical reports, which serve as the basis for the production of working tools aimed at reducing the risk of occurrence and its impacts.

- b. Please describe any methodologies used for strengthening measurement and terminological clarity, and achieving a deeper understanding of the different contexts (e.g. in times of peace or in emergencies or conflict situations) and sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement), as well as any corruption or organized crime threat assessments that take into account the interlinkages between corruption and other forms of crime.

Annually, statistical data collections are conducted regarding corruption and other related crimes, which result in analysis that enable the identification of both existing and emerging criminological phenomena. These analyses are typically carried out by sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement, drug trafficking, tax evasion, money laundering), leading to the creation of risk identification and mitigation plans.

5. Has your country collected data or statistics to track and/or analyse trends concerning international cooperation in this regard? **YES/NO.**

- a. Please elaborate and share any findings with regard to the good practices and challenges in international cooperation with regard to countering corruption as it relates to other forms of crime

6. Has your country taken any steps at national, regional or local levels to better understand and study the linkages between corruption and other crimes, such as criminological research, training or awareness raising? **Yes.**

- a. If **YES**, please elaborate, providing examples.

Please, see answer 4 a.

7. Which aspects of corruption as it relates to other forms of crime do you consider require further research, and what are the gaps in knowledge or understanding that, if addressed, could facilitate countering these crimes?

Several aspects of corruption and its interlink with other forms of crime may require strengthened or further research. Addressing these research gaps could contribute to more effective strategies for countering various crimes, namely in Portugal. Some potential areas for strengthening or further research include:

- Causal Relationships and Dynamics: Further research could explore the causal relationships and dynamics between corruption and other forms of crime, as understanding how corruption enables or interacts with different types of criminal activities, such as organized crime or money laundering, could provide insights into effective prevention and enforcement strategies;
- Impact on Vulnerable Sectors: Investigating how corruption affects vulnerable sectors of society, such as public administration, public procurement, human trafficking and public health can highlight specific vulnerabilities and inform targeted interventions;
- Cross-Border Corrupt Networks: Research could examine cross-border corrupt networks and their connections to transnational crimes like human trafficking, drug smuggling and cybercrime as understanding how corruption facilitates these networks can lead international cooperation efforts;
- Technological Advances: As technology evolves, exploring how corruption interacts with cybercrime, data breaches, and digital financial crimes is essential;
- Role of Financial Systems: Investigating the role of financial systems and illicit financial flows in corruption and other crimes could help identify mechanisms that enable money laundering, tax evasion, and fraudulent financial activities;
- Impact on Governance and Rule of Law: Research could examine the broader societal and governance impacts of corruption-related crimes, including their effects on the rule of law, public trust, and democratic institutions.
- Social and Cultural Factors: Exploring the social and cultural factors that contribute to corruption and its links to other crimes can provide insights into prevention strategies that consider local contexts;
- Corporate Corruption: Investigating the connections between corruption in the corporate sector and other financial crimes, such as embezzlement and fraud, could help develop comprehensive anti-corruption and anti-crime measures;

- Whistleblower Protection: Research on effective whistleblower protection mechanisms and their role in exposing corruption-related crimes could contribute to better reporting and prosecution;
- Data Sharing and Analysis: Enhancing data sharing and analysis between relevant agencies, such as law enforcement, financial institutions, and regulatory bodies, could lead to better identification and prevention of corruption-related crimes.

Addressing gaps in knowledge or understanding could facilitate more targeted and comprehensive efforts to counter corruption-related crimes, namely in Portugal. It's important for researchers, policymakers, law enforcement agencies, and civil society to collaborate in conducting research and sharing findings to develop evidence-based strategies that address effectively these complex challenges.

II. Measures aimed at responding to corruption linked with other forms of crime

8. Has your government adopted or utilized any measures at national, regional or local levels aimed at **preventing** corruption linked with other forms of crime? **Yes**.

a. If **YES**, please elaborate. *Measures may include:*

- ✓ safeguards in specific sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement, local officials)
- ✓ development of targeted strategies, policies, action plans at national or sectoral level specifically addressing the links between corruption and other crime
- ✓ establishment of dedicated institutional frameworks
- ✓ specific rules, codes of conduct, or standards of transparency and integrity for public officials who are most exposed to the risk of being involved in crime and corruption
- ✓ systems for the disclosure of assets and private interests
- ✓ control mechanisms, such as internal approval systems to avoid having one-to-one meetings
- ✓ controls on issuances of visas, work permits, firearms licenses
- ✓ the use of information and communication technology (ICT) based tools to prevent (or detect) such crimes
- ✓ awareness raising and prevention measures for public officials that are vulnerable to corruption and other forms of crime
- other

Portugal has adopted several measures at the local, regional, and national levels to prevent corruption and associated crimes. These measures include:

- Supervision and Control Bodies: There are several institutions in Portugal responsible for supervising and controlling public administration and preventing corruption, such as the Inspectorate General of Finance (IGF), the Inspectorate General of Internal

Administration (IGAI), and the Inspectorate General of Education and Science (IGEC).

- Transparency and Access to Information: Portugal has taken measures to increase transparency and access to public information, including the creation of transparency portals where citizens can access information about public spending, contracts, and other government activities.
- Codes of Conduct and Ethics: Many public and private entities in Portugal have adopted codes of conduct and ethics to guide the behaviour of their employees and prevent corrupt practices.
- Training and Awareness: Training and awareness programs on ethics, integrity, and corruption prevention are offered to public officials, private sector professionals, and society at large.
- Corruption Prevention Laws: Legislation focused on the prevention of corruption, integrity and related matters has been implemented, including also legislation establishing accountability and transparency requirements in various sectors.
- Whistleblower Systems: Reporting mechanisms are established to allow citizens to report suspicions of corruption safely and anonymously, such as hotlines and online platforms.
- International Cooperation: As previously mentioned, Portugal cooperates internationally in the fight against corruption, including the exchange of information and best practices with other countries.
- Corporate Integrity Policies: Many companies in Portugal have adopted integrity policies, codes of ethics, and compliance programs to prevent corruption and promote ethical business practices. The legislation on the prevention of corruption is also focused on such integrity policies.
- Education and Public Awareness: Education and public awareness efforts and campaigns are conducted, so as to educate and make population aware, namely, about the harms of corruption, and to encourage reporting of suspicious practices.
- Risk Assessment and Audits: Many entities conduct corruption risk assessments and internal audits to identify vulnerable areas and implement preventive measures.

In terms of legislation and regulations, different pieces approved in the last years may be pointed out, including the following:

- **Ordinance No. 155-B/2023**, of June 6, which declares the definitive installation of the National Anti-Corruption Mechanism
- **Law n.º 24-C/2022**, of December 30 - Great Options Law for 2022-2026
- **Ordinance No. 292-A/2022**, of December 9, which creates the map of management personnel and the map of technical and administrative support personnel of the National Anti-Corruption Mechanism (MENAC)

- **Ordinance n.º 245/2022** , of September 27, which approves the program of recruitment of personnel for the careers of criminal investigation, scientific police specialist and security of the Criminal Police, for the five-year period from 2022 to 2026;
- **Resolution of the Council of Ministers n.º 74/2022** , of September 1, which appoints the vice-president of the National Anti-Corruption Mechanism;
- **Law n.º 13/2022**, of 1 August, which amends the Code of Criminal Procedure and Law n.º 5/2002, of 11 January, which establishes measures to combat organized and economic-financial crime;
- **Resolution of the Council of Ministers n.º 56/2022** , of July 5, which appoints the president of the National Anti-Corruption Mechanism;
- **Law n.º 12/2022** , of June 27 - State Budget for 2022 [*Note - Article 24 of the State Budget Law for 2022 provided for a strengthening of the fight against corruption, fraud and economic and financial crime, enshrining as one of the necessary initiatives to be adopted by the Government, precisely, the reinforcement of human resources, namely in the Criminal Police*]
- **Ordinance No. 164/2022**, of June 23, which regulates the installation of the National Anti-Corruption Mechanism;
- **Resolution of the Council of Ministers n.º 42/2022**, of May 9, which approves the Code of Conduct of the XXIII Constitutional Government;
- **Law n.º 4/2022**, of January 6, which extends the reporting obligations of holders of political offices and senior public offices, amending Law n.º 52/2019, of July 31;
- **Law No. 94/2021**, of December 21, which approves measures provided for in the National Anti-Corruption Strategy, amending the Penal Code, the Criminal Procedure Code and related laws;
- **Law n.º 93/2021** , of December 20, which establishes the general regime for the protection of whistleblowers, transposing Directive (EU) 2019/1937 of the European Parliament and of the Council, of 23 October 2019;
- **Decree-Law n.º 109-E/2021** , of December 9, which creates the National Anti-Corruption Mechanism and establishes the general corruption prevention regime;
- **Law n.º 30/2021** , of May 21, which approves special public procurement measures and amends the Public Procurement Code;
- **Resolution of the Council of Ministers n.º 37/2021** , of April 6, which approves the National Anti-Corruption Strategy 2020-2024;
- **Law n.º 75-C/2020**, of December 31, Law on the Great Options for 2021-2023;
- **Law n.º 75-B/2020** , of December 31 - State Budget for 2021 [*Note – it determines the strengthening of the fight against corruption, fraud and economic and financial crime*]

- **Law n.° 69/2020**, of November 9, which makes the first amendment to Law n.° 52/2019, of July 31, harmonizing the content of the single declaration of income, assets, interests, incompatibilities and impediments with the respective form
- **Law n.° 55/2020**, of August 27, which defines the objectives, priorities and guidelines of criminal policy for the 2020-2022 biennium, in compliance with Law n.° 17/2006, of 23 May, which approves the Criminal Policy Framework Law;
- **Law n.° 3/2020**, of March 31, Law on the Great Options for 2020;
- **Law n.° 2/2000**, of March 31, State Budget for 2020 [*Note – it determines the strengthening of the fight against corruption, fraud and economic and financial crime*]
- **Decree-Law n.° 137/2019**, of September 13, which approves the new organizational structure of the Criminal Police, which includes the Financial Intelligence Unit (FIU);
- **Law n.° 68/2019**, of August 27, which approves the Statute of the Public Prosecution Service;
- **Law n.° 52/2019**, of July 31st, which approves the regime for the exercise of functions by holders of political and high public offices;
- **Law No. 71/2018**, of December 31, State Budget for 2019;
- **Law n.° 70/2018**, of December 31, Law on the Great Options for 2019;
- **Decree-Law n.° 72/2018**, of September 12, which creates the National Portal of State Suppliers;
- **Law No. 35/2018**, of July 20, which amends the rules for the marketing of financial products and the organization of financial intermediaries, and transposes Directives 2014/65, 2016/1034 and 2017/593;
- **Decree-Law no. 111-B/2017**, of August 31, which makes the ninth amendment to the Public Procurement Code;
- **Law n.° 101/2017**, of August 28, on the defense of transparency and integrity in sports competitions;
- **Law n.° 96/2017**, of August 23, which defines the objectives, priorities and guidelines of criminal policy for the 2017-2019 biennium;
- **Law n.° 30/2017**, of May 30, which transposes Directive 2014/42/EU on the freezing and confiscation of instruments and proceeds of crime in European Union;
- **Law n.° 13/2017**, of May 2, which makes the second amendment to the criminal liability regime for behavior likely to affect the truth, loyalty and correctness of competition and its results in sports activities and the first amendment to the regime on the legal aspects of online gambling and betting;
- **Law No. 41/2016**, of December 28, Law on the Great Options for 2017;
- **Law No. 7-B/2016**, of March 31, Approves the Law on the Great Options for 2016-2019;

- **Resolution of the Council of Ministers n.º 53/2016**, of 21 September, approves the Government Code of Conduct;
- **Resolution of the Assembly of the Republic n.º 62/2016**, of April 15, constitution of a parliamentary commission for the reinforcement of transparency in the exercise of public functions;
- **Law no. 96/2015**, of August 17, which regulates the availability and use of electronic public procurement platforms and transposes article 29 of Directive 2014/23/EU, article 22 and annex IV of Directive 2014/24/EU and Article 40 and Annex V of Directive 2014/25/EC, of the European Parliament and of the Council, of February 26, 2014, revoking Decree-Law n.º 143-A /2008, of July 25;
- **Resolution of the Assembly of the Republic n.º 109/2015**, of August 7, approving the Council of Europe Convention on the Manipulation of Sports Competitions;
- **Law n.º 72/2015**, of July 20, Defines the objectives, priorities and guidelines for criminal policy for the 2015-2017 biennium, in compliance with Law n.º 17/2006, of May 23, which approves the Criminal Policy Framework Law;
- **Law n.º 30/2015** , of April 22, which makes the thirty-fifth amendment to the Penal Code, sixth amendment to Law n.º 34/87, of July 16th, first amendment to Law n.º 20/2008, of 21 April, first amendment to Law no. 50/2007, of 31 August, and first amendment to Law no. 19/2008, of 21 April, in order to comply with the recommendations addressed to Portugal by the Group of States Against Corruption of the Council of Europe, the United Nations and the Organization for Economic Cooperation and Development;
- **Resolution of the Assembly of the Republic No. 1/2015**, of January 2, approving the Additional Protocol to the Criminal Convention on Corruption of the Council of Europe, adopted in Strasbourg on May 15th, 2003;

In terms of legislation and regulations also focused on ML/TF, different pieces may be pointed out, including the following:

- **Law no. 83/2017**, of 18 August, amended by Law no. 58/2020, of 31 August, which establishes measures to combat money laundering and terrorist financing and partially transposes Directive 2015/849/EU of the European Parliament and of the Council of 20 May 2015;
- **Law no. 89/2017**, of 21 August, amended by Law no. 58/2020, of 31 August, approving the Legal Framework of the Central Register of Beneficial Ownership and transposing Chapter III of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015;
- **Law no. 97/2017**, of 23 August, amended by Law no. 58/2020, of 31 August, which regulates the application and enforcement of restrictive measures approved by the United Nations or the European Union and

establishes the sanctioning regime applicable to the violation of these measures;

- **Law no. 92/2017**, of 22 August, which requires the use of a specific means of payment in transactions involving amounts equal to or greater than EUR 3 000;
- **Resolution of the Council of Ministers no. 30/2020**, of 21 April, approving the Action Plan for the Digital Transition.

9. Has your government adopted or utilized any measures aimed at **detecting, investigating and prosecuting** corruption linked with other forms of crime? **Yes**.

a. If **YES**, please elaborate. *Measures may include:*

- ✓ legislation criminalizing all forms of corruption related to other types of crime
- ✓ legislation providing for the liability of legal persons for their role in corruption linked to other forms of crime
- ✓ measures to identify beneficial owners of legal persons
- ✓ specialized investigative techniques
- ✓ strengthened institutional frameworks, including the establishment of dedicated bodies (such as those mandated to identify links between corruption and other crime), task forces or coordination mechanisms between authorities responsible for corruption and other crime
- ✓ capacity-building, including targeted training and peer-learning for relevant authorities
- ✓ measures to enable the identification, confiscation, tracing or seizure (and, where relevant, return) of assets that are proceeds of corruption-related crimes
- ✓ mechanisms to address the role of professional gatekeepers (*i.e.* financial, legal, accounting or other relevant professionals) in the transfer of proceeds of corruption and other crime
- ✓ measures aimed at encouraging the protection or participation of actors outside the public sector, including:
 - reporting mechanisms, legal protections and incentives aimed at encouraging persons to report corruption and other crimes
 - ✓ measures to protect victims, witnesses, and cooperating offenders
 - measures aimed at ensuring the investigation and prosecution of acts of violence committed against journalists and civil society actors whose professional activity relates to corruption linked with other crimes
- ✓ other

In Portugal, corruption is criminalized by various laws and regulations. Additionally, corruption associated with other crimes, such as money laundering and influence peddling, is also addressed by different legislation. Please find below a reference to some of the Portuguese legislation dealing with these topics (please check also the answer to question 8).

Portuguese Penal Code (CP):

Article 11 – Liability of natural and legal persons

Article 66 – Prohibition of the exercise of function

Articles 90-A to 90-M – Penalties applicable to legal persons
Article 160 – Trafficking in persons
Article 256 – Forgery or counterfeiting of a document
Article 257 – Forgery by an official
Article 335 – Influence peddling
Article 358 – Usurpation of functions
Article 368-A – Laundering
Article 372 – Undue reception or offer of an advantage
Article 373 – Passive corruption
Article 374 – Active corruption
Article 375 – Embezzlement
Article 377 - Economic participation in business.
Article 382 – Abuse of power

Law n. 34/87, of 16 July, amended by Law no. 94/2021, of 21 December, which determines the crimes of responsibility that political office holders commit in the exercise of their functions, as well as the sanctions applicable to them and their effects;

Law n. 36/94, of 29 September, amended by Law no. 94/2021, of 21 December, establishing measures to combat corruption and economic and financial crime.

Law n. 5/2002, of January 11, establishing measures to combat organized and economic-financial crime, including special investigative techniques and confiscation.

Law n. 50/2007, of August 31:

Establishes a new criminal liability regime for behavior likely to affect the truth, loyalty and correctness of competition and of its results in sports.

Law n. 19/2008, of 21 April, amended by Law no. 30/2015, of 22 April, approving anticorruption measures.

Law n. 20/2008, of 21 April, amended by Law no. 94/2021, of 21 December, establishing the criminal regime for corruption in international trade and in the private sector.

Law no. 89/2017, of 21 August, approved the legal regime of the central register of the beneficial owner, referred to in article 34 of Law no. 38/2014, and transposed into the national legal order chapter III of Directive 2015/849/EU, the said legal regime being regulated by Ordinance no. 233/2018, of 21 August.

Law n. 52/2019, of 31 July, amended by Law no. 4/2022, which regulates the regime for the exercise of functions by holders of political office and high public office, their reporting obligations and respective sanctioning regime.

Decree-Law n. 137/2019, of 13 September, approving the new organisational structure of the Criminal Police, which includes the Financial Intelligence Unit (FIU).

Law no. 45/2011, of 24 June, amended by Law no. 2/2020, of 31 March, establishing the Asset Recovery Office (ARM), in compliance with Council Decision no. 2007/845/JHA, of 6 December, on cooperation between Asset Recovery Offices of the Member States in the field of detection and identification of proceeds from crime, and 2007/845/JHA, of 6 December, on cooperation between Asset Recovery Offices of the Member States in the field of detection and identification of proceeds from, or other property related to, crime, and also establishes the rules for the administration of recovered, seized or lost assets in favour of the State, aiming at their proper management and, if possible, their patrimonial increase.

Law no. 109/2009, of 15 September, amended by Law no. 79/2021, of 24 November, the Cybercrime Law, transposing into national law Council Framework Decision no. 2005/222/JHA, of 24 February, on attacks against information systems, and adapting domestic law to the Council of Europe Convention on Cybercrime.

10. Has your government adopted or utilized any measures aimed at facilitating **international cooperation** and the rapid exchange of information for cases that have interlinkages between corruption and other forms of crime? **Yes**.

a. If **YES**, please elaborate. *Measures may include:*

- ✓ the implementation of mutual legal assistance through digital means
- ✓ measures aimed at enhancing the efficiency of extradition mechanisms
- ✓ the use of electronic communication channels or networks
- ✓ the use of joint or parallel investigations or the bilateral sharing of capacity and expertise on investigating and prosecuting corruption offences linked with other forms of crime
- ✓ cooperation with other countries or multilateral, international or regional bodies to address corruption linked with other forms of crime
- ✓ accession to bilateral, regional or multilateral treaties and agreements.
- other

Portugal has adopted several measures to facilitate international cooperation in combating corruption and associated crimes. Some of these measures include:

- Treaties and International Conventions: Portugal is a party to various international conventions aimed at combating corruption and associated crimes, such as the United Nations Convention against Corruption (UNCAC), which establish standards and guidelines for international cooperation in this area.
- National Legislation: Portugal has enacted laws that allow for international cooperation in cases of corruption and associated crimes. This includes the establishment of mechanisms for the exchange of information and evidence with other countries.
- Specialized Units: Portugal has specialized units dedicated to international cooperation and to combating corruption, such as the National Unit for Combating Corruption (UNCC) of the Criminal Police, which collaborates with foreign authorities in transnational investigations.
- European Judicial Network: Portugal participates in the European Judicial Network in Criminal Matters, which allows for the exchange of information and coordination among the judicial systems of European Union member states.
- Bilateral Agreements: Portugal has bilateral cooperation agreements with various countries for the exchange of information, extradition of suspects, and execution of sentences in cases of corruption and associated crimes.
- Interpol and Europol: Portugal collaborates with international law enforcement organizations such as Interpol and Europol to facilitate the exchange of information and coordination of joint operations.
- Electronic Platform for International Judicial Cooperation (PECJI): Portugal has an electronic platform that enables communication between national and international judicial authorities to facilitate cooperation in legal proceedings.
- Training and Capacity Building: Portugal provides training and capacity building for justice and law enforcement professionals in the areas of international cooperation and combating corruption, contributing to a more effective approach.

These are just some of the measures that Portugal has adopted to facilitate international cooperation in the field of corruption and associated crimes. It is

important to emphasize that international cooperation in this field is crucial for effectively addressing transnational challenges related to criminality.