



Your Excellency the Minister for Foreign Affairs of Italy

Your Excellency Ambassador, Chairman of the Permanent Council

Your Excellency Secretary General of the OSCE

Mr. President of the Parliamentary Assembly of the OSCE

Madam Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Ladies and Gentlemen

I am very grateful to the *Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Dr. Maria Grazia Giammarinaro*, for having invited me to participate in this Seminar.

It is a great pleasure to be here and have the opportunity to speak on the Portuguese experience regarding public policies to prevent and combat human trafficking and to protect its victims, namely in what concerns cooperation with neighbors countries.

Let me remind you that Portugal was pioneer in the abolition of slavery and other awful forms of violation of human rights, as the death penalty, which we did for about one and a half-century ago.

This advanced position was followed by an important sequence of ratifications of **relevant international instruments on human rights**¹.

Our geostrategic position, on the southern tip of Europe, on the verge of the Atlantic and peering the Mediterranean, has benefited us opening new limits to peoples and cultures. Today, however, this geostrategic position, combined with the crisis that we are living and the instability in the region, puts us in a position of risk in relation to human trafficking. This terrible business victimizes the most fragile and vulnerable persons, which are submitted to the worst ways of exploitation and violation of their human rights.

¹ As Secretary of State in charge of gender equality, it is with great pleasure that I inform you that Portugal ratified, on 5th February, the Council of Europe Convention on the prevention and combating violence against women and domestic violence, becoming the first European Union country to do so.



In Portugal, from 2010, there was a change in the prevailing profile of the victims of trafficking. In 2009, women were the large majority of the victims, which were sexually exploited. Since 2010, men victims of labour exploitation became the most common situation.

The data that we have, pointing to a small number of victims - if we compare it with other countries, in the world and even in the Mediterranean region - neither reassures nor misleads². As we all know, the secrecy, the silence, the oppression of victims does not bring to the day light the real dimension of trafficking in human beings.

Is therefore required our full attention to all situations of vulnerability that feed the permanent risk of exploitation of the poorest and weakest. We must be attentive to the phenomenon of mixed migration. In fact, people migrate for several reasons and it is often difficult to distinguish between some migration processes and human trafficking.

Victims are captive and are silenced by the violence of their aggressors. Our task is to look for them! And at this point, I would like to recall the statement of the Coordinator Maria Grazia that in one of her interventions³, about the relationship between trafficking and illegal immigration, said *“in order to detect trafficking it is necessary to detect exploitation”*.

This is an essential topic: if we look carefully for exploitation, most likely we will find human trafficking there!

Since 2007, Portugal has national plans against trafficking in human beings. Currently we are implementing the Second National Plan, which must be executed by the end of the year.

² According to the latest Annual Report of Internal Safety, produced by the Ministry of Internal Affairs, in 2011, were flaggedged 71 victims of trafficking. In turn, in the same year, were confirmed by criminal investigation, 23 victims, being 8 female and 15 male. 18 of these were Portuguese, and 5 were foreigners. The 18 Portuguese victims were trafficked for labour exploitation, 12 of them were taken and exploited in Spain, and the remaining 6 were exploited in the two countries, Portugal and Spain. The Portuguese Observatory of Trafficking in Human Beings signed a protocol with various public and private entities to collect statistical data on the phenomenon in Portugal.

³ Keynote adress at the 11th Alliance against Trafficking in Persons Conference Prevention. Preventing *Trafficking in Human Beings for Labour Exploitation: Decent work and Social Justice*, Vienna, 20 June 2011.



The Coordinator Body of the national plan is the Commission for Citizenship and Gender Equality (CIG), a public body responsible for the promotion of gender equality, located at the highest level in the Government, the Presidency of the Council of Ministers, and under the political supervision of Secretary of State for Parliamentary Affairs and Equality⁴.

The integration in the Presidency of the Council of Ministers is important in order to guarantee a transversal approach to the problem of trafficking, ensuring the effectiveness of the dialogue but also a strong and rigorous coordination, which is essential for the appropriate implementation of the measures.

I would like to highlight at this stage some positive aspects of the Portuguese experience but also those that require greater investment.

As positive aspects I will focus on:

- the existence of national plans, on which we produce annual reports of implementation, presented to Parliament and that are subject to external review by independent entities at the end of the process of implementation;
- the Portuguese legislation on immigration and how illegal immigration is considered. Law in force in Portugal concerning entry, permanence, exit and removal of foreigners resulted from an extensive consensus in Portuguese society⁵. The Law reflects the balance between the protection of victims and their integration, the promotion of legal migration and the fight against illegal immigration.

The entry and permanence of illegal immigrants are not considered crimes under Portuguese Law. Notwithstanding, the law treats separately situations related to illegal immigration and trafficking in human beings, in both cases there is a clear choice for the protection of the victims.

It was intended to value the fragile situation in which these people find themselves despite not satisfy the conditions of legal stay in the country. On the other hand, it

⁴CIG is supported in the coordination of the Plan by a Technical Support Commission which integrates representatives from six ministries. Starting this year, the group will also integrate NGOs working in the field of trafficking, bridging a gap of the National Plan at the time of its adoption.

⁵ Law 23/2007 of 4 July 2007 on the legal framework governing the entry, stay, exit and removal of foreigners (“Immigration Law”), which has a section on victims of THB laying down the rules relating to their residence permits, reflection period and rights; this law was amended through Law 29/2012, in force since 8 October 2012.



encourages the cooperation of the victim with the criminal investigation, which is essential to the pursuit of human trafficking networks. However, the victims' protection does not depend on their collaboration when the victims or their families are in a special situation regarding their security, health or vulnerability⁶. Portuguese law provides a recovery and reflection period (between 30 and 60 days⁷) longer than the minimum of 30 days envisaged in the Council of Europe Convention on Action against Trafficking in Human Beings.

The Portuguese law confers a set of rights for victims before they have a valid residence in the country. These rights include, among others, measures to support their livelihood and access to health care⁸. These aids reflect a clear option towards the protection of the victim.

These are, in fact, positive aspects mentioned by GRETA when examining the implementation of the Council of Europe Convention on action against trafficking in Human Beings.

Portugal approved the II Plan for the Integration of Immigrants that includes measures to promote education, access to the labour market and training, among others, aiming to make immigrants people less vulnerable, as well as specific measures on trafficking, providing information and referral mechanisms for victims of human trafficking to existing forms of support.

It can be said that Portugal has been successful in the integration policies and social inclusion of immigrants⁹.

In Portugal there are National Immigrant Support Centres, Support Centres for Local Integration of Immigrants, Employment Support Offices, which provide support to unemployed immigrants¹⁰.

⁶ Legislative Decree 368/2007 of 5 November 2007 on the conditions for granting a reflection period and a residence permit to victims of THB who are unwilling or unable to co-operate with the justice system.

⁷ Article 111, 2 of Law 23/2007.

⁸ Article 112 of Law 23/2007.

⁹ The program "Portuguese for All", aims to empower immigrants through better and more extensive knowledge of the Portuguese language, promotes social and professional inclusion of immigrants, ensuring equality of opportunities for all. There is also a telephone translation service, conducted by telephone conference, putting the institution's technical service provider, a translator, and the immigrant, in such a way that goes beyond the language barrier that often hinders the immigrants' relationship with the public services.



Concerning the victims of human trafficking, Portugal has been developing a mechanism for quickly signalling, by the police, the national Authority for Working Conditions (ACT) and non-governmental organizations, of potential victims with a view to its subsequent monitoring and support (sheltering, integration in society and in the labour market)¹¹.

As aspects that require greater investment I would like to refer:

- The still insufficient preparation of the labour inspectors to detect cases of trafficking for labour exploitation;
- the small number of prosecutions and the even smaller number of convictions on trafficking in human beings¹² that, in my point of view, reflects how public prosecutors and judges tend to avoid difficulties, particularly concerning evidence, accusing and condemning, when they do so, for “less important” crimes, punished with light penalties as pimping, support to illegal immigration or criminal association.

For these reasons, our priorities are: the intense training of labour inspectors, judges and prosecutors, relying on the commitment of the Attorney General Office (through actions in all Attorney District Offices in the country and production of e-learning materials for training of law officers), and the reinforcement of the measures of protection and care of the victims.

Portugal is, since many years ago, a country involved in an intense international and regional cooperation on these issues that matter to the theme under discussion: justice, internal affairs (migrations and preventing and combating trafficking). The Government’s Program emphasizes the interest of the country to assert itself as a dynamic partner for a new neighbourhood policy in the Mediterranean region.

In addition to its involvement in EU policy, we note that Portugal is part (or is now negotiating) on several bilateral agreements, in particular with France¹³, Spain¹⁴,

¹⁰ There are 3 National Centres, about 100 Local Centres and 25 Employment Support Offices.

¹¹ “Reporting – Identification – Integration” procedure.

¹² In 2009 there were 5 convictions. Regarding accusations promoted in the following years there are still no data.

¹³ Portugal/France: bilateral migration management and combating trafficking in human beings agreement, in particular with regard to readmission of persons in irregular situation, since 1995. Under negotiation: agreement relating to internal security to prevent and combat terrorism and organized crime.



Morocco¹⁵, Algeria¹⁶ and Tunisia¹⁷ and also includes some informal cooperation initiatives such as the 5+5 Dialogue¹⁸. In the final Declaration of the Second 5+5 Summit, which was held in Malta in October 2012, the members were *“collectively committed to the exploration of practical and effective means that would reinforce the institutional, human and technical capabilities as well as appropriate mechanisms to identify the required resources in preventing and combating irregular migration and strengthening the fight against smuggling, trafficking of human beings”*.

Temporary teams have been created between Portuguese security forces and similar services of other countries, in order to solve specific cases, with very significant results¹⁹.

Prosecution of traffickers and exploiters is a fight that requires patience, demands determination and cooperation and we must all together (policy makers, security forces, civil society, countries and organizations) be available to go through, prepared to remove all obstacles.

Harmonisation of national laws, in particular in the field of protection of victims, the strengthening of channels of communication between police forces, greater involvement of Judicial Authorities in Europe and in the countries of North Africa, are some of the requirements to which we must give an answer.

¹⁴ Portugal/Spain: on transnational co-operation in border policing and customs matters, which provides for the collection and exchange of information and includes THB among the areas of crime prevention and suppression in border regions, since December of 2005.

¹⁵ Portugal/Morocco: agreements on combating terrorism and organized crime, from 2011, and on management of borders and migration flows, since 2005. Under negotiation: agreement on cooperation in the fight against crime and agreement on entry and residence of seasonal workers Moroccans in Portugal.

¹⁶ Portugal/Algeria: agreement on migration, movement of persons and to combat trafficking in human beings. Under negotiation: agreement on the fight against terrorism and transnational organized crime.

¹⁷ Portugal/Tunisia: agreement on combating forms of migration pressure, including irregular immigration, which are inconsistent with the principles of good neighbourliness, mutual respect and joint development. Under negotiation: agreement on organized migrations.

¹⁸ The 5+5 Dialogue is a forum for political dialogue which brings together ten countries bordering the Western Mediterranean Basin: five countries of the European Union (Spain, France, Italy, Malta and Portugal) and five countries of the Arab Maghreb Union (Algeria, Libya, Morocco, Mauritania and Tunisia).

¹⁹ For example, last October it was possible to dismantle a network that operated in Portugal of criminal association, illegal immigration, human trafficking, document forgery, robbery, money laundering, among others. The operation involved the Portuguese and Spanish police and Europol. The investigation lasted seven months and ended with 20 detentions.



Portugal is available to give its contribution to the challenges that OSCE decides to plan for a closer cooperation in the Mediterranean region on a vital subject to ensure respect for human rights and ensure decent work and dignity of all.

I congratulate the OSCE for holding this seminar and I am grateful for the sympathy of your attention!

Teresa Morais

Secretary of State for Parliamentary Affairs and Equality