



**7<sup>th</sup> Alliance Against Trafficking in Persons Conference**  
**Vienna, 10<sup>th</sup> and 11<sup>th</sup> September 2007**

**Speech delivered by H.E. Mr. Jorge Lacão, Secretary of State of  
the Presidency of the Council of Ministers of Portugal**

Mr. Chairman, Ms. Biaudet, Ambassadors, Ladies and Gentlemen:

Trafficking in human beings is one of the most degrading realities of the human condition. It represents a new form of slavery which violates the fundamental principles of human dignity. This reality results from situations relating to the violation of human rights, organized crime, discrimination, immigration, poverty, among others.

As countries of origin, transit or destination, human trafficking is a global problem and, therefore, requires compromising solutions.

In this sense, the international community has been playing an increasingly active role in the combat of this phenomenon. As a result, the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted by the United Nations General Assembly on the 15<sup>th</sup> of November, 2000, were approved by the Portuguese Parliament on the 2<sup>nd</sup> of April, 2004.

With regards to all the legal instruments following, and resulting from, the Convention, the Framework Decision [629/JHA] of 19<sup>th</sup> July, 2002, on Combating Trafficking in Human Beings, with respect to the EU can be referred. The main objective of that Framework Decision was the creation of a common denominator relating to the penal laws and sanctions of the different Member States concerning human trafficking.

In Portugal, concurring with the international compromises, the crime of human trafficking is going to be reviewed in order to compromise all situations of trafficking in human beings. Additionally, the definition of trafficking will be expanded from transnational trafficking to encompass internal trafficking.

This article is, also, innovative in that it aims to punish any person who uses the service provided by someone whom they know to be a victim of trafficking. Society's responsibility, through the promotion of an active civic consciousness should be the foundation of a democratic state.

In accordance with this reform of the Penal Code, the new law will ascribe criminal responsibility to collective entities, meaning that, besides the criminal responsibility of the natural person who personally commits the crime, there will also be a criminal responsibility of the collective entity at whose service or for whose benefit the crime has been perpetrated.

This integrated and comprehensive intervention, with regards to the trafficking in human beings, which Portugal will develop, is not limited just to this instrument but assumes, in political terms, a clear transversal approach encompassing strategic interventions in various areas of social inclusion, immigration and gender.

The Portuguese Action Plan for Social Inclusion intends to adopt a comprehensive shelter model for the victims of trafficking, which aims to include: the implementation of a Temporary Shelter for the victims, a multidisciplinary support team, and the implementation of an Evaluation Commission for the victims of trafficking.

The Integration Plan for Immigrants has a specific chapter relating to Trafficking in Human Beings, where the definition of the 'victims of trafficking' status, the creation of a Shelter for the victims and the Observatory of Trafficking in Human Beings is contemplated.

Although the trafficking phenomenon affects men, women and children indiscriminately, it is accepted that women are one of the most vulnerable.

Aware of this reality, the III National Plan for Equality -- Citizenship and Gender (2007-2010) contemplates measures which address this reality, specifically the chapter on gender violence.

The Portuguese Council of Ministers approved, on the 6<sup>th</sup> of June, the I National Plan Against Trafficking in Human Beings (2007-2010) assigning "as a strategic priority the implementation of an all-round approach to effectively combat this reality". Following the most recent developments in terms of the international approach, this includes situations of trafficking both for sexual and labour exploitation.

This Plan is structured around four strategic areas of intervention: 1) Acknowledgement and diffusion of information; 2) Prevention, awareness and training; 3) Protection, support and integration; 4) Criminal investigation and punishment of trafficking.

The combat of this form of criminal organization can only be effective if, beyond the criminal investigation and reprimand, special measures of protection and assistance are also contemplated.

To better understand this phenomenon, this Plan contemplates an array of national mechanisms enabling to identify specific contours, harmonize procedures and diffuse good practices. The highlights of this Plan are: implementing a register to be used by NGOs and by the criminal police, creating an observatory regarding issues of trafficking and holding an annual extensive forum encompassing all agents involved in this phenomenon.

Although trafficking in human beings is not directly related to immigration and cross-border matters, the issues of support and integration of the victims lead us, necessarily, to the legal framework for immigration and the status of foreigners in host countries.

Portugal approved last August a new law regulating the conditions of entry, stay, departure and expulsion of foreigners from Portuguese territory (known as "The Immigration Law").

One of the innovative aspects of this law is a specific section dealing with the grant of residence permits to the victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration.

It should be emphasized that this law provides the victims of trafficking with a reflection period of 30 to 60 days.

During that period, the presumed victim can not be subject to any process of expulsion and shall be provided with medical care, means of subsistence, counselling, legal aid, translation services, among others.

The possibility of obtaining a resident permit for a period of one year, with the support referred above, and also the opportunity to access official existing programs and training courses to improve professional skills, are other aspects of this law which deserve to be highlighted.

I should refer that the vast majority of these considerations, as well as the measures to be adopted have emerged from a pilot-project in Portugal: Project CAIM - Cooperation, Action, Investigation and World vision. This project is financed by the EQUAL Community Initiative and developed by the Commission for Citizenship and Gender Equality, which is tutored by the Presidency of the Council of Ministers. This was one of the first Portuguese institutions to consider a priority the social and political intervention in the fields of prostitution and women trafficking for sexual exploitation.

Until this year, Portugal didn't have any study about the national reality of trafficking of women for sexual exploitation. The first study about women trafficking for sexual exploitation in Portugal has been concluded by a Portuguese Research Centre.

This project, which has reached its final stage, aims to:

- a) conceive and suggest legislative measures to implement or renovate adequate legal instruments;
- b) improve the abilities of the different agents of intervention of this phenomenon;

- c) promote the cooperation amongst the diverse agents of intervention both at a national and international level;
- d) enable a more qualified reception and social integration of women victims of trafficking;
- e) implement a monitoring system of women trafficking for sexual exploitation enhancing the visibility of this phenomenon.

To conclude, I would like to emphasize two fundamental aspects which prove the importance this theme plays in the Portuguese political agenda.

Firstly, Portugal is part of the leading group of countries which are in the process of ratifying the Convention against Trafficking in Human Beings, of the Council of Europe, signed in Warsaw on the 16<sup>th</sup> of May, 2005. The Portuguese Government has recently submitted to the National Parliament a Proposal for the ratification of the Convention.

This Convention is internationally renowned as an important milestone with regards to tackling this phenomenon, given that it adopts a clear definition of victim of trafficking emphasizing the human rights issues.

In the context of the Portuguese Presidency of the European Union, the city of Oporto will host, on the 8th and 9th of October, a Conference of the European Union on Gender and Trafficking in Human Beings, where renown professionals and experts in these fields will be present and whose contributions will be incorporated in the course of the International day of victims of trafficking on the 18th of October.

I'd like to say, on a final note, it would be a pleasure to have you at the Conference in Oporto in October.

Wishing you all the best.