

“Responding to transitions and new challenges in combating human trafficking”

Council of Europe, 16 OF JUNE 2015

Let me start, by thanking the invitation of The Council of Europe, for the invitation to be present at this so important conference.

It is with pleasure that I will present some of the measures that Portugal has been conducting in the field of Protection and assistance to Victims of Trafficking.

In the field of trafficking in human beings, recent reports from different sources have shown a tendency for solid growth associated to new factors of complexity and permanent reconfiguration. Within this issue are combined characteristics that identify it as a real existing problem, but at the same time, an opacity that hinders the measurement of the quantity and nature of the problem, this has serious consequences when it comes to its civic and political acknowledgement.

Trafficking for the purpose of sexual exploitation is just one of the branches of trafficking in human beings, in which women and children are “privileged” targets; these groups are estimated to represent about 80% of all people traded every year.

A new visibility for trafficking for labour purposes, has shown that we must find new ways of dealing with this reality.

The growing social and political visibility of the issue has raised initiatives, namely of experimental nature, based on which, one searches for adjustments and exactitude of interventions aimed at it. Similarly to other countries, Portugal has had a weak experience in this area, both regarding detailed knowledge as well as in the field of specific instruments and references.

Regarding recent trends and transitions in the area of trafficking in Portugal and comparing to 2013 figures, there was a decrease of the overall registers (minus 36%: 308 in 2013 and 197 in 2014);

- This decrease is seen in registers concerning Portuguese and foreigner (presumed) victims flagged in Portugal (299 in 2013; 182 in 2014), as the percentage of Portuguese (presumed) victims flagged abroad increase (from 9 in 2013 to 15 in 2014).

- However, if considering that 2013 may have been an atypical year, and if assessing a longer statistical series (2011-2014), the annual distribution of the number of registers reveals a possible increase.

- Moreover, from a brief analysis of 2011-2014, it is seen that the figures are influenced by the so-called 'Great Occurrences' that is a case of human trafficking with more than 20 victims associated (specially seen in trafficking for labour exploitation, either in Portugal or abroad). Consequently, in years where such occurrence(s) happen the figures either increase or decrease, influencing the overall annual figures.

- 2014 also revealed the following regularities:

- Portugal is mainly a destination country;
- The majority of flagged victims are European, namely from Romania and Portugal (either internal trafficking or international – flagging Spain and France as presumed destination countries).
- 2014 figures presented an increase of registers regarding presumed victims of trafficking for sexual exploitation. Nonetheless, this increase must be framed in the context of data collection - a new data provider (and NGO) that works in this particular field.
- The majority of registers concerning trafficking for the purpose of labour exploitation maintains in 2014 the sector of agriculture as the most referred. As in 2013, this may present the vulnerability of seasonal migrant workers to trafficking situations.

- As in 2013, the majority of formal identified victims (by the competent authorities and at the time of the annual statistical report) refer to trafficking for labour exploitation in agriculture.

- As in 2012 and 2013, some of the minors flagged as presumed victims were flagged in transit (Lisbon ad Oporto airport).

- In 2014 there were 48 crimes of THB registered by Law Enforcement. The majority of alleged traffickers were male, with ages above 24 years old.

- As examples of convictions, there were 2 convictions for labour exploitation, 1 for sexual exploitation and 1 for forced begging.

The CoE Convention and its report on Portugal tackle some of the new issues and contribute definitely to have a more efficient combat to THB

One of the main concerns regarding the GRETA Report on Portugal was to adapt anti-trafficking policy to the current trends in THB, in particular by focusing more attention on trafficking for the purpose of labour exploitation and taking greater account of male and child victim

During the year of 2013, was implemented a new Shelter Protection Centre and this shelter is exclusively for man victims of trafficking. During the first trimester of 2014 was implemented a new Shelter Protection Centre, this one for women. So, during the year of 2014 Portugal has triplicated the response to Victims of trafficking.

In the year of 2014, RAPVT (Network for Assistance and Protection to THB victims) developed 5 trainings in specific districts that have more vulnerability to a specific form of labor trafficking (picking olives). Those trainings were developed for frontline agents in each region (police forces, social workers; health professionals; NGO, etc.).

Another example of the adaptation of Portugal anti-trafficking policy to the current trends is the national campaign launched on 18th of October of 2014.

The main target was labour exploitation, specially linked to agriculture (picking olives).

This campaign was broadcast on Radio; Regional Press; Mupis; Television; Cable Channels; Mupis at railways stations; News and broadcast advertising space and molls.

Another concern, which is one of the priorities of Portugal intervention, is to continue strengthening links with NGOs, to involve them as fully as possible in the design, implementation, co-ordination and evaluation of national action plans and policies, and to allocate an appropriate level of funding to them. This concern, as well as to ensure that all stakeholders in the identification of victims of trafficking adopt a more proactive approach and step up their outreach work so that victims are identified more efficiently, was express in GRETA Report, were other concerns in the implementation of the Portuguese policies regarding THB.

The III PNPCTSH particularly aims to strengthen the victim's referral and protection mechanisms, to improve the cooperation and coordination between public entities and civil society organizations involved, and to adapt the national answer to the new challenges, in particular to the new forms of trafficking and recruitment.

Three (3) NGO were included, as their representative, in the working group to the co-ordination of the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017 – III PNPCTSH.

In 2013 was sign a Protocol that created the RAPVT (Network for Assistance and Protection to THB victims). It is a structure that brings together the governmental and non-governmental organizations working in Portugal, directly or indirectly, the issues of trafficking in human beings. Thus, the RAPVT (Network for Assistance and Protection to THB

victims) guarantee, on the one hand, a better form of intervention, support and articulate a more organized and sustained on the problem of trafficking in human beings and, secondly, a better source of information for criminal investigation and the repression itself. This network congregates both governmental and non-governmental organizations and aims to create a platform for the implementation of new forms of intervention, through the enhancement of agent's skills, in order to promote a social reintegration of victims of trafficking.

It is also important to highlight that all the member of the RAPVT participated actively in the update of the National Referral System. They have participated in the strategic planning of actions, in decision-making, as well as in the evaluation of the intervention carried out in relation to the measures and policies on this phenomenon in Portugal.

Portugal has, since November of 2014, an update of the national referral system, with the dissemination of some products:

- A “Guidelines for the first level Identification of victims of trafficking” and three practical tools for identification of victims:
- Forced begging and illicit activities
- Labour exploitation
- Sexual exploitation
- Flowchart

All these practical tools, as well as the Guidelines, were published and distributed among all relevant stakeholders that are involved in the process of signaling and identification of victims of trafficking.

It is also important to highlight(following the Portuguese GRETA Report) some material that was implemented in the recent past:

- A leaflet notification was prepared about the rights of victims under the immigration legislation. The leaflet notification was translated to English and French and is currently in preparation for its translation into Spanish, Mandarin and Russian. This leaflet includes specific information regarding the reflection period and the residence permit;
- It was prepared a brochure on the Law of compensation for victims as a way to better inform their rights, this brochure is in 5 languages, English, Portuguese, Romanian, Russian and French;
- A leaflet was prepared in English regarding the rights of victims under the immigration legislation. The leaflet was translated to English and French and is currently in preparation for its translation into Spanish, Mandarin and Russian.

Another concern was to building on the experience of the multi-disciplinary team

Since January 2014 that these four teams are financially support through grants from the Santa Casa da Misericórdia, under the Agreement signed between the Secretary of State for Parliamentary Affairs and Equality and the APF.

The work in close coordination and cooperation with each other and directly with the mechanisms and national and international structures, the intervention of these 4 teams (North, Centre, Lisbon and Alentejo) covers virtually the entire continental territory. Its action ensures mobility and territorial proximity to the level of technical support responses in signaling / identification of potential victims and the different supports that underlie the integration or assisted return.

Having engaged in the promotion of knowledge and awareness of the THB, these teams empower at the regional level, professionals from

direct and indirect activities throughout the different stages of the national referral model.

To facilitate communication and closer partnerships to combat this phenomenon were also reinforced by the creation under the assistance of 4 EME, Networks victim assistance at regional level, which are part of governmental and non-governmental organizations with direct and indirect intervention on the phenomenon.

Legal basis for the National Referral Mechanism

In 2013, Portugal has modified the article 160.º (Trafficking in Persons) of the Penal Code due to the transposition of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2010/629/JHA.

However, it should be noted that many of contents in that Directive had already been duly welcomed into our domestic law and that the amendment to Article 160.º of the Penal Code is in alignment with some of the recommendations expressed by the GRETA.

Presently, the definition of Trafficking in Persons is:

Article 160º of the Penal Code

Trafficking in Persons

1 - Whoever offers, delivers, entices, accepts, transports, lodges or shelters any person for the purpose of exploitation, including sexual exploitation, labour exploitation, forced begging, slavery, removal of organs or the exploitation of other criminal activities;

Nowadays, there is a specific and explicit stating in the article 160º (trafficking in persons) regarding the irrelevance of the consent of a victim of trafficking:

I would like, and in conclusion, say, that all of us are responsible for combating this horrendous crime, and to do so we need to put in practice, one of the most important things among us, PARTNERSHIP,

and if we do so, I real believe that we will be on step in advance of the criminals.

Thank you very much for listening.

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Manuel Albano