

MINISTRY OF INTERNAL ADMINISTRATION

Decree-Law n° 229/2008

of 27 November

One of the core measures of the development of the I National Plan Against Trafficking in Human Beings (2007-2010), approved by Resolution of the Council of Ministers n° 81/2007 of 22 June, is “Collecting and Disseminating Information”.

It is known that in view of its hidden nature and great complexity, trafficking in human beings is difficult to know. Hence introducing diagnostic elements to achieve more and better knowledge of the phenomenon is hugely important to mitigate the impact of this scourge on our society.

The difficulties in finding out about trafficking in human beings are connected with the opacity of this phenomenon as it involves a non-visible fringe of the population. It is therefore vital to collect indicators to form the basis for the definition of policies to ensure the development, in a suitably grounded manner, of more suitable and effective intervention practices. Furthermore, as trafficking victims are usually in situations of extreme vulnerability, they are often incapable of denouncing the crime being committed against them.

The difficulty in collecting information on the problem of trafficking in human beings is also due to the diverse information sources, either public entities or civil society, with different intervention aims, such as investigating, combating and controlling those profiting from this crime and providing support and protection for its victims. The crime’s transnational nature, given that it relies on networks that are often organised on a worldwide scale, also determines that it is essential to establish links with international organisations, promoting knowledge and information sharing.

It is vital to combine the information collected from the many agents, which range from criminal justice and the police to victim support structures, non-governmental organisations (NGOs) or international organisations.

In this context of diversified collection of information on the trafficking problem and inter-institutional coordination, the CAIM Project – Cooperation. Action. Investigation.

Worldvision, financed by the EQUAL (PIC EQUAL) Community programme, implemented a system to monitor trafficking in human beings for sexual exploitation, which was then taken on in the National Action Plan for Inclusion (PNAI) for the 2006-2008 period, approved by Resolution of the Council of Ministers n° 166/2006 of 15 December, and in the Plan for Integrating Immigrants (PII), approved by Resolution of the Council of Ministers n° 63-A/2007 of 3 May.

At international level, it is important to mention the Council of Europe Convention on Action against Trafficking in Human Beings approved by Resolution of the Assembly of the Republic n° 1/2008 of 14 January, which expressly determines the need to implement mechanisms to monitor anti-trafficking activities.

The Action Plan for the Combat in Trafficking in Human Beings (Decision n° 557 of 24 July 2003) of the Organisation for Security and Cooperation in Europe (OSCE) mentions the urgent need to design traffic-related monitoring systems.

Since March 2007 the monitoring system on the trafficking in human beings for sexual exploitation is being developed by the Directorate-General of Internal Administration within the scope of the CAIM Project, integrated in a broader project called Permanent Security Observatory whose aims, *inter alia*, are to aid in the description of the traffic phenomenon, its retrospective analysis, the capacity to reflect prospectively on evolution of the observed trends, facilitating access to the results obtained, on-going improvement of a database and the dissemination of the knowledge gained, either to technical staff professionally linked to the theme or to the general public.

Accordingly:

Under the terms of article 198 paragraph 1 sub-paragraph a) of the Constitution the Government hereby decrees the following:

Article 1

Nature

1 - The Observatory of Trafficking in Human Beings, called the Observatory for short, depends on the member of government responsible for internal administration and carries

out its missions and attributions in articulation with the coordinator of the National Plan against Trafficking in Human Beings.

2 – The Observatory will function within the Directorate-General of Internal Administration, called the DGAI for short, within the scope of the Ministry of Internal Administration.

Article 2

Mission and Attributions

1 – The mission of the Observatory is to produce, collect, treat and disseminate information and knowledge about the traffic of persons phenomenon and other forms of gender violence.

2 – The attributions of the Observatory are:

- a) To produce and collect information on the traffic of persons phenomenon and other forms of gender violence;
- b) To promote the development of software applications to support information gathering and treatment;
- c) When requested, to support the political decision in its intervention areas.

3 – The attributions of the Observatory are technical in nature.

Article 3

Internal Organisation

1 – Internally the service is organised along a matricial structure model.

2 – The Observatory comprises two multidisciplinary teams under a leader common to both.

3 – The multidisciplinary teams are:

- a) The information production unit;
- b) The information treatment unit.

Article 4

Appointment and status of the team leader

- 1 – The team leader is appointed by the member of government responsible for internal administration, having heard the opinion of the members of government responsible for justice, citizenship and equal opportunities, and to him shall be applied the provisions of articles 25 and 26 of Law n° 2/2004 of 15 January in the wording given in Law n° 51/2005 of 30 August.
- 2 – The team leader is appointed, preferably resorting to the principles of mobility, from within the civil service.
- 3 – The team leader's remunerative status is similar to that of a division head.

Article 5

Competences of the team leader

- 1 – The team leader is responsible for:
 - a) Conducting the Observatory's activities with a view to pursuing its aims, defining the general lines of said activity and establishing its priorities in close articulation with the Citizenship and Equal Opportunities Commission, called CIG for short, and with the coordinator of the National Plan against Trafficking in Human Beings;
 - b) Publicising and disseminating the studies and information produced by the Observatory, in close articulation with CIG and with the coordinator of the National Plan against Trafficking in Human Beings;
 - c) Ensuring the operation and updating of an Internet site on trafficking in human beings;
 - d) Doing all else that may be required to pursue the attributions of the Observatory.
- 2 – The team leader also performs the competences set out in article 7 of Law n° 2/2004 of 15 January in the wording given it by Law n° 51/2005 of 30 August, and all competences delegated in him by the member of government responsible for internal administration.
- 3 – The competence foreseen in sub-paragraph d) of the preceding paragraph may be delegated on a case by case basis in a member of the multidisciplinary teams.

4 – The data produced by the Observatory shall be made available to the bodies responsible for the pertinent National Plans.

Article 6
Activity Plan

1 – In order to pursue its attributions each year the Observatory shall submit an activity plan for approval by the member of government responsible for internal administration.

2 – The approval mentioned in the preceding paragraph shall be preceded by a hearing of the members of government responsible for justice, citizenship and equal opportunities.

3 – An annual execution report, to which the provisions of paragraphs 1 and 2 shall apply correspondingly, is produced every year relating fulfilment of each activity plan.

Article 7
Logistic and financial support

Logistic, administrative and financial support for operation of the Observatory of Trafficking in Human Beings is provided under the terms of article 6 of Decree-Law n° 78/2007 of 29 March.

Article 8
Personnel

1 – The specialised personnel that make up the information production unit and the information treatment unit shall be selected from civil servants by resorting to the legally applicable general mobility instruments.

2 – The provisions of the preceding paragraph do not prejudice the contracting of personnel from outside the civil service under provision of services agreements in the terms of the general law.

Article 9
Duty of cooperation

1 – Public services have the duty to cooperate with the Observatory whenever requested and within the latter's attributions.

2 – When exercising its activity the Observatory may request information from corporate and single bodies found on national territory or exercising their activity there.

Article 10

Transitional rule

For purposes of article 6 the presentation of the first activity plan occurs within the time limit of two months following the date on which this executive act comes into force.

Article 11

Entry into force

This executive act comes into force on the first day of the month following its publication.

Seen and approved at the Council of Ministers of 2 October 2008 – *José Sócrates Carvalho Pinto de Sousa – Carlos Manuel Baptista Lobo – Manuel Pedro Cunha da Silva Pereira – Rui Carlos Pereira – Alberto Bernardes Costa.*

Promulgated on 18 November 2008.

To be published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 19 November 2008.

The Prime Minister, *José Sócrates Carvalho Pinto de Sousa.*