

PORTUGAL (2016-2017)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	YES.	
	Involvement of Employers' and Workers' organizations in the reporting process	2017 AR: YES. According to the Government: The Confederation of Portuguese Business (CPB), the Confederation of Farmers of Portugal (CFP), the Confederation of Trade and Services of Portugal (CTSP), the Confederation of Portuguese Tourism (CPT), the General Confederation of the Portuguese Workers (GCPW), and the General Union of Workers (GUW) have been consulted in accordance with the timetables set by the ILO.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2017 AR: Observations by CPB.	
	Workers' organizations	2017 AR: Observations by GCPW.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Portugal has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2016 – 2017 AR: The Government reported that there is a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies.	
	Measures taken or envisaged for systematic and coordinated action	2017 AR: According to the Government: In 2016 and 2017, the labor inspection services and the criminal police bodies of some European Union countries, including Portugal, organized a week of joint action responding to a multidisciplinary approach. The purpose of the Joint Action Week (JAD) was to detect and combat trafficking in human beings for labor exploitation and forced labor. In Portugal, this intervention focused in 2016 on the economic sectors of meat processing and agriculture. In 2017, the action focused on agriculture. Interventions in Portugal have been renewed thanks to collaboration between labor inspectors, the Aliens and Border Control Department and the local police forces.	
	Measures taken or envisaged to prevent all forms of forced labour	2016 – 2017 AR: According to the Government: the following measures have been taken or are envisaged for the prevention of all forms of forced or compulsory labour: a) dissemination of information and awareness raising; b) strengthening and expanding the coverage of legislation; c) supporting due diligence by public and private sectors; d) provision of education or vocational training; e) regulation and supervision of the labour recruitment and placement process; and f) capacity building for competent authorities.	
	Measures taken or envisaged to protect victims of forced labour	2017 AR: According to the Government: the publication of the law n ° 93/2017 of August 23, which establishes the legal regime of prevention, prohibition and fight against discrimination based on race, ethnic origin, color, nationality and origin. Adopted by the Parliament on 7 July and promulgated by the President of the Republic on 3 August, this law amends the legal regime for combating and preventing racial discrimination. Under this new law, the Office of the High Commissioner for Migration (ACM), through the Commission for Equality and Racial Discrimination	

		<p>(CICDR), is now concentrating the various phases of the process relating to offenses under its jurisdiction. competence, the reception and analysis of complaints, the investigation and the decision as well as the coordination and intervention in the matter of prevention, control and repression of discriminatory practices. The CICDR's powers of intervention were thus reinforced, given the mandate to manage the infringement procedures, to set the fines and any other sanctions to be applied. To the prohibition of discriminatory acts based on race, color, nationality and ethnic origin are added, for the first time, new forms of discrimination, such as ancestry and territorial origin, multiple discrimination (undermine many of the protected criteria); and discrimination by association (based on the relationship or association with persons or groups of persons "falling within the protected criteria). The text also provides that the parties to the dispute may seek a solution through a "mediation procedure filed at their request or imposed" by the CICDR "with the consent of the offender and the victim or their legal representatives."</p> <p>In order to sensitize the media to issues of racial discrimination, the CICDR has issued several recommendations that emphasize the absolute respect of editorial independence, emphasize the responsibility of media professionals in building a multicultural and multi-ethnic society and which invite professionals in this sector to adopt self-regulatory and co-regulatory measures to make journalists aware of the importance of respect for human rights and intercultural dialogue. For example, a recommendation was made for mentions of nationality, ethnicity or religion in official newsletters and the media. During 2017, a campaign was organized in the public schools of four cities of the country including a play and a debate as well as a reflection among students on the fight against racial discrimination. In addition to this play, work has been done jointly with urban artists and children to imagine and create murals. In addition, in the context of migrant worker issues, the Migration Observatory has recently paid particular attention to this issue, with the publication of information on migrant workers and safety at work and on migrants and social Security.</p> <p>Finally, there is the publication of a study on "Unemployed immigrants in Portugal and the challenges of active employment policies". With regard to the social security system, it should be noted that only the legislation on social integration income (RSI) has been amended with the specific intention of improving the coverage, both material and personal, of this social benefit guaranteeing social minima. All other provisions relating to legal protection and social assistance paid in kind under the social action subsystem, which could benefit any victims of forced labor (food aid, temporary accommodation centers, among others) have not been modified and therefore remain in effect. Thus, at the beginning of 2017, through the decree n ° 5/2017 of January 3rd, the reference amount of the RSI has been increased, thus increasing in 2017 to 183,84 € (against 180,99 € previously).</p> <p>2016 AR: The Government reported that as part of measures taken for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour, various measure have been taken. These include: a) provision of legal protection; b) provision of material, medical and psychological assistance for victims; and c) rehabilitation and social reintegration of victims.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2017 AR: According to the Government, the pilot project "Immigrant" created in 2009 to promote entrepreneurship has grown in recent years and is currently training for the creation and start-up of companies as well as an offer of specialized consulting services. From 2009 to 2017, nearly 2120 participants benefited from this project (61% of them women) and 142 companies were</p>

		<p>created, of which 58% are run by women. In addition, a series of initiatives in the field of formal and non-formal education are being designed for teaching the Portuguese language, for a total of 420 actions spread throughout the country.</p> <p>2016 AR: According to the Government: various measures have been taken or are envisaged in relation to facilitating victim's access to remedies. These include: a) provision of information and counselling for victims; b) provisions for authorities not to prosecute victims for acts which they have been compelled to commit; c) enforcement of stricter penalties to curb forced labour practices, including confiscation of assets and criminal liability of legal persons; d) provision of a reflection and recovery period; e) providing free legal assistance and proceedings for victims; and f) access to remedies and compensation.</p>	
	Non-prosecution of victims for unlawful acts that they would have been forced to carry out		
	Cooperation with other Member States, international / regional organizations or NGOs	2017 AR: The Government indicated that it cooperates with other member States, and international, regional and non-governmental organisations to deal with issues of forced labour as and when appropriate.	
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	NIL.	
TECHNICAL COOPERATION NEEDS	Request	NIL.	
	Offer	NIL.	