

**PORTUGAL<sup>1</sup>**

**STATEMENT OF HIS EXCELENCY THE SECRETARY OF STATE OF  
JUSTICE**

**13th UNITED NATIONS CONGRESS ON CRIME PREVENTION AND  
CRIMINAL JUSTICE**

**Doha, Qatar, 12 - 19 April 2015**

*Check against delivery*

Mister President,

It is a great honor to address such highly qualified multilateral forum, composed of all United Nations member States.

First of all, allow me to congratulate you on your election as President of this 13<sup>th</sup> Congress and also thank the Government of Qatar for the welcome and for all the efforts made in the preparation of this event, along with the Secretariat of the United Nations Office on Drugs and Crime.

I would also like to emphasize that Portugal fully concurs with the European Union statement.

Almost 60 years after the holding of the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders - as they were then known - in Geneva, these events remain a political and technical high-level platform for the exchange of experience and good practices, reforms and changes, as well as for the development of strategic considerations in the field of crime prevention and criminal justice.

At a certain perspective, the Congresses take on a double role - not only contribute to enrich the work of the United Nations, but they also allow different States to take stock of the progress achieved, at national level, in the different areas treated therein.

The Congress - as a consultative body of the United Nations Crime Prevention and Criminal Justice Programme - also constitutes a unique opportunity to provide policy makers, legal operators and other representatives of the States, of the civil society and of

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<sup>1</sup> The designations employed, the presentation of material and the views expressed in the present paper are those of the Government of Portugal, and do not necessarily reflect the views of the Secretariat of the United Nations.

the academia the sharing of opinions and experiences on crime, its techniques and trends and ways to fight it.

In this regard, I would like to focus in one of the cornerstones of my statement - the opening to cooperation between States and organizations, in the bilateral, regional, interregional and multilateral framework.

In fact, the simple reading of the Congress agenda reveals and, above all, confirms the importance of cooperation regarding the threats with which we are confronted – the economic and financial crime, particularly corruption, organized trafficking, terrorism and their financing, cybercrime and money laundering along with other types of crime such as domestic violence and violence against women and children - that causes insecurity to persist, compromises the rule of law and increases the number of victims.

We have seen in recent times, the resurgence of prejudicial practices which violate fundamental rights and freedoms and the dignity of the human being, affecting the welfare and safety of citizens and threatening the integrity of States. In these times of globalization, we are all, without exception, facing these challenges that demand univocal responses on the part of all States.

As I mentioned earlier, cooperation between States is a key instrument to prevent and fight all threats with which we are all confronted.

That's why, aware that these are scourges of our societies, we must be able to understand and assert that the response to them must be integral.

It is not possible to fight phenomena of this magnitude with policies and actions confined to the borders of a State or territory, so we have to unconditionally assume and act collectively as regards to crime prevention and criminal justice.

Therefore Mister President,

Internally over the last four years, Portugal adopted several measures to prevent and repress crime, of which I shall highlight a few examples.

Firstly, legislative measures to strengthen the legal framework for preventing and fighting corruption and other related crimes, driven in particular by the assessments of international organizations, in particular the United Nations.

We are all aware that corruption threatens the pillars of democracy and the rule of law, jeopardizes good governance and transparency, investment and fair competition, increases poverty of the people and undermines sustainable development.

And in this particular, I want to underline the political commitment that the Portuguese Government made so that the illicit enrichment constitutes a criminal offense in Portugal, thus contributing for a greater transparency in public life and to strengthen the credibility of the institutions, for the promotion and consolidation of a culture of integrity.

A new legal framework is being prepared for the prevention of money laundering and the financing of terrorism and proliferation, now centered on a risk-based approach, involving all financial actors and certain categories of designated non-financial businesses and professions, supported by a cross-cutting National Strategy for the prevention of money laundering and terrorist financing risks with a wide range of recipients.

In light of recent events and the emergence of a new reality that are foreign terrorist fighters, Portugal also prepared new measures to prevent and fight terrorism, in compliance with United Nations resolutions 2174 (2014) and 2199 (2015). The Portuguese Parliament is currently discussing legislative proposals for criminalizing the incitement to terrorism and the traveling to other countries for the commission of terrorist acts, while maintaining the respect for human rights and individual freedoms, which are expected to be approved soon.

A New Strategy for the Prevention and Fighting of Terrorism was approved in February 2015 and a specific Strategy for the Prevention and Fighting of Radicalization and Violent Extremism is also in preparation.

Also in the area of the criminal reforms currently underway, the Portuguese Government, in a Human Rights' perspective and bearing in mind the need for special protection of the most vulnerable society groups, has launched a wide national debate on the protection of children against abuse, in particular sexual abuse, which is mobilizing all sectors of the society.

To that purpose, it has submitted to the Parliament a draft law that establishes, *inter alia*, the creation of a criminal identification record of persons convicted for crimes against sexual self-determination and against minors' sexual freedom. We are convinced that this legislative proposal constitutes a civilizational step towards strengthening the protection of this particularly vulnerable group of people that are the children.

Equally in the context of the protection of the vulnerable groups, another legislative proposal to create a senior citizens' statute is underway.

Mister President,

This approach to criminal phenomena would not be complete without a broader reform of the criminal justice, and

- Without a restorative justice which, more than the prosecution of criminals, aims at the defence of the rights and interests of the victims, which also targets the alternative dispute resolution;

- Without a strong and preventive action and without an education for citizenship including, for example, public awareness programs, especially targeted to the younger population on phenomena such as corruption and domestic violence and on the dangers of the misuse of internet;

- Without a fight against social exclusion, discrimination and poverty;

- Without a reform of juvenile justice, the rehabilitation of offenders and the improvement of the conditions of the prison system, as well as without a reform of the judiciary and the creation of new mechanisms to serve all citizens, that not only convey more security and confidence, but above all, bring Justice closer to people, making it faster and more effective and therefore more human.

Having this goal in mind, and to refer only two examples among many others, the Portuguese Government approved, in September 2014, a reform of the judicial map based on an organizational model which is based on:

- The enlargement of the territorial basis of the courts (from 231 to 23 judicial districts);
- The creation of specialized courts at national level; and
- The implementation of a management model by objectives in the courts.

This reorganization aims at improving the functioning of the judicial system and to provide a justice with quality, more agile and more flexible, closer to people and businesses.

In addition to the specialization, the courts now also have support offices, providing technical expertise in cases where it is deemed necessary, with experts in economics, management, accounting or finance. Important steps are still being given in the dematerialization of Justice and its users now have the possibility of delivering documents, requests or procedural documents from any central, local or of proximity sections through a single computer system, regardless of the competent court to judge the case.

With the focus on specialization, national coverage increased an average of 22% to 81%, clearly contributing to an approximation of Justice to the citizens.

It is also currently under way a reform of the Statute of Public Prosecutors and Judges to strengthen the independence of judges and the autonomy of the prosecution service, providing, through a clear definition of statutory rights and obligations, merit evaluation and disciplinary action, all the conditions for a full exercise of the judicial function, which is essential for the promotion of the rule of law.

The prison sector has also witnessed some important reforms, both by an increase in staff training regarding human rights issues, and in terms of recovery of buildings and infrastructures, and also by the increase of the capacity in some prisons, thus contributing to improve the conditions of the prison population, in compliance with the Standard Minimum Rules for the Treatment of Prisoners.

Mister President,

I would also like to mention the United Nations Standards and Principles which, in this overall framework, continue to play an important role in the effort to harmonize laws and in the collective response to the questions raised by crime prevention and criminal justice, reaffirming Portugal's support to their updating and deepening and for the

implementation and application of the United Nations Conventions, in particular the Convention against Transnational Organized Crime and its Additional Protocols and the Convention against Corruption, which are fundamental for international cooperation.

Although non-binding, their value lies in their recognition by a great number of States, establishing goals, practices and strategies broadly accepted by the international community. However, the acceptance of the United Nations Standards and Principles and the ratification of the existing Conventions should not exhaust the intervention of the States. Like many other States, Portugal considers that it is necessary to assess the way they are implemented in order to determine the quality of the legislative action, the practice that derives from them or any possible obstacles that may persist on international cooperation.

Portugal is, hence, very pleased by the approval of the assessment mechanism of the Convention against Corruption, which has given such good results, and therefore Portugal supports the adoption of a similar mechanism for the Convention against Transnational Organized Crime.

Mister President,

The challenges we face require interaction and coordination between all international actors, based on reciprocal trust and mutual respect, whether for technical assistance or for the different types of international cooperation in criminal matters.

In this context, the harmonization of laws must take place along with a genuine judicial and police cooperation and a close and effective international cooperation in fighting all forms of crime must be ensured. Portugal has taken an effective political commitment and will continue to assume it, in the respect for the rule of law and in the promotion and protection of the fundamental rights of human beings, by intensifying the fight against:

- Trafficking in human beings, especially of women and children;
- Sexual abuse of children *online* and other crimes committed through the Internet;
- Female genital mutilation and forced marriages;
- Racism and xenophobia;
- Crimes that threaten the cultural heritage of peoples and all other manifestations of crime.

It was with such objectives in mind that, on Portugal's initiative, a set of recommendations on human trafficking and on corruption in international business transactions were approved during the XIII Conference of Ministers of Justice of Portuguese-Speaking Countries, in May 2013, which among other aspects, aim at harmonizing the legislations of these countries. The Plan of Action against Trafficking in Human Beings and the Plan of Action against Corruption in International Business Transactions, which include measures and actions on training and education, awareness and investigation and prosecution, were also approved.

The Lusophone Judicial Network in Civil and Criminal matters was also reactivated, and we hope it will be an important tool in the work of judges and prosecutors, allowing the exchange of information and, above all, promoting international cooperation.

A brief reference to the cooperation within the Conference of Ministers of Justice of Ibero-American Countries, where Portugal remains active in the prevention and fight against crime. In this framework recommendations on illicit association, drug trafficking, money laundering and trafficking in human beings have been approved.

To conclude, Mister President,

I am certain that the fulfillment of the goals of prevention and fight against crime in its multiple aspects depends to a large extent on a joint effort based on mutual trust that should be the prerogative of the relationship between all actors, national and international, involving simultaneously public authorities, civil society, academia and the citizens in general.

The challenges we face require therefore a wide sharing of knowledge, experience and a constant exchange of information. My wish is that the work of this 13<sup>th</sup> Congress, which will be reflected in the Doha Declaration, may concur, in an effective way, to the objectives we all want to achieve.

Portugal, through its Government, is prepared to continue to contribute to the deepening of international cooperation and to crime prevention and criminal justice.

Thank you very much Mister President.