



EVALUATION REPORT

SPAIN

Third evaluation round

Access to justice
and effective remedies
for victims of trafficking
in human beings

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims’ access to justice and effective remedies, which is essential for victims’ rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim’s stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA’s previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA’s findings and analysis of these topics are presented in a separate chapter.

Executive summary

Since the second evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Spain has continued to develop the legislative and policy framework relevant for the action against trafficking in human beings. Legislative developments include the Law on Comprehensive Protection of Children and Adolescents, which increased the protection and assistance of child victims of violence, and the Royal Law-Decree on urgent measures related to the war in Ukraine, which introduced changes to the procedure for granting the status of a victim of human trafficking. Further, a draft comprehensive law on action against trafficking in human beings is being prepared. Other developments include the adoption of the National Strategic Plan against Trafficking in Human Beings and the National Action Plan on Forced Labour, both covering the period 2021-2023.

Spain remains primarily a country of destination and transit for victims of trafficking. According to data collected by the Ministry of the Interior, in 2017-2022, a total of 1,687 victims of human trafficking were identified. While sexual exploitation has remained the predominant form of exploitation, concerning mostly women, there has been an increase in the number of persons identified as victims of trafficking for the purpose of labour exploitation, the majority of them being men. The number of identified child victims remains low (79 in 2017-2022).

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

In Spain, victims of human trafficking are informed by law enforcement agencies through a document (available only in Spanish) about their rights and the available support. GRETA considers that the authorities should strengthen the systematic provision of information to presumed victims of trafficking regarding their rights, the access to available services, as well as the implications of being identified as a victim of trafficking. Qualified interpreters sensitised on trafficking should be available to all victims who do not speak Spanish.

GRETA welcomes the legislative framework for access to free legal aid for victims of trafficking in Spain and the availability of specialised lawyers in some parts of the country. However, noting that the practical application of the legal provisions is uneven across Spain, GRETA considers that the Spanish authorities should take further steps to ensure their full and effective implementation. In particular, the authorities should ensure that law enforcement agencies inform the local Bar Associations promptly to enable the timely appointment of a lawyer.

Victims of trafficking can claim compensation from the perpetrators during criminal proceedings as civil claimants and/or in a civil court, as well as compensation from the State in the form of "public aid" for victims of violent offences. However, the number of victims who have obtained compensation from the perpetrators remains low and no victim of trafficking has obtained state compensation. GRETA urges the Spanish authorities to make additional efforts to guarantee effective access to compensation including by reviewing the eligibility criteria for access to "public aid" and for recovering unpaid salaries. Further, GRETA considers that the Spanish authorities should make full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of trafficking.

While welcoming the reinforced law enforcement and judicial response to human trafficking, GRETA is concerned by the low numbers of investigations, prosecutions and convictions for human trafficking for the purpose of labour exploitation. GRETA urges the Spanish authorities to increase proactive investigations into this type of trafficking and to ensure that trafficking offences are prosecuted and classified as such every time the circumstances of a case allow this. Further, GRETA considers that the authorities should continue training relevant professionals on the specificities of human trafficking.

GRETA welcomes the publication of guidance on judicial proceedings regarding trafficking in human beings, which covers the application of the non-punishment provision. However, GRETA considers that the Spanish authorities should take further steps to ensure its harmonised implementation, paying particular attention to those victims who are undocumented migrants.

Furthermore, GRETA welcomes the protection measures provided for in law for victims and witnesses, and the existence of guidance to ensure its coherent application. Nevertheless, GRETA considers that the Spanish authorities should increase the availability of appropriate facilities and equipment for interviewing victims, and ensure adequate financial and human resources to cover all necessary costs and ensure effective protection of victims and witnesses.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. GRETA urges the authorities to ensure that labour inspectors have sufficient resources to carry out inspections, review the legislative framework for any loopholes that may limit the prosecution and adjudication of cases of labour exploitation, address the risks of human trafficking in the agricultural sector and improve the detection of possible victims in this sector. GRETA also considers that the authorities should further train labour inspectors on human trafficking, improve data collection and raise awareness among the general public.

Despite certain efforts on the part of the Spanish authorities, there is still no National Referral Mechanism (NRM) in Spain. The formal identification of victims of trafficking remains under the responsibility of specialised units of the *Policía Nacional* and the *Guardia Civil*. GRETA urges the Spanish authorities to put in place and operationalise a NRM and to ensure that, in practice, formal identification does not depend on the presence of sufficient evidence for the initiation of criminal proceedings. Another recommendation relates to strengthening the proactive detection of victims of trafficking among asylum seekers and migrants arriving in Ceuta, Melilla and the Canary Islands. The authorities should also increase their efforts to proactively identify victims of trafficking for all forms of exploitation, including victims who are Spanish nationals, and strengthen multi-agency coordination in the identification of victims with the involvement of specialised NGOs.

GRETA welcomes the increased availability and range of assistance measures for female victims of sexual exploitation. However, there are still no specialised shelters for male victims of trafficking, nor shelters for female victims of other forms of exploitation. Therefore, GRETA urges the Spanish authorities to increase the number of places in specialised accommodation for male victims and victims of forms of exploitation other than sexual exploitation.

GRETA notes that insufficient efforts have been made to address trafficking in children, and that the procedures for identifying child victims do not fully guarantee the best interests of the child. GRETA urges the Spanish authorities to improve the procedures for the identification of child victims of trafficking, in particular among unaccompanied foreign children, and to increase the availability of places in safe and specialised accommodation, with adequately trained professionals. GRETA also considers that the age assessment procedures should be reviewed, involving a comprehensive assessment of the child's physical and psychological development.

Finally, GRETA urges the Spanish authorities to take further steps to ensure that all presumed foreign victims of trafficking, including EU/EEA nationals, are offered a recovery and reflection period and provided with all the measures of protection and assistance during this period.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Spain on 1 August 2009. GRETA’s first evaluation report on Spain was published on 27 September 2013,¹ and the second evaluation report on 20 June 2018.²
2. On the basis of GRETA’s second report, on 9 November 2018, the Committee of the Parties to the Convention adopted a recommendation addressed to the Spanish authorities,³ requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Spanish authorities was considered at the 26th meeting of the Committee of the Parties (12 June 2020), and was made public.⁴
3. On 1 June 2021, GRETA launched the third round of evaluation of the Convention in respect of Spain by sending the questionnaire for this round to the Spanish authorities. The deadline for submitting the reply to the questionnaire was 30 September 2021 and the authorities’ reply was received on 5 October 2021.
4. In the preparation of the present report, GRETA used the reply to the third-round questionnaire by the Spanish authorities,⁵ the above-mentioned report to the Committee of the Parties, as well as information received from civil society. The organisation of an evaluation visit to Spain was repeatedly postponed, due to the sanitary restrictions imposed by the COVID-19 pandemic and difficulties in finding appropriate dates. The visit which finally took place from 4 to 8 July 2022 enabled GRETA to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:
 - Ms Helga Gayer, President of GRETA;
 - Mr Francesco Curcio, member of GRETA;
 - Ms Daniela Ranalli, Administrator in the Secretariat of the Convention;
 - Ms Parvine Ghadami, Administrator in the Secretariat of the Convention.
5. The GRETA delegation held meetings with representatives of the State Secretary for Security which comprises the Office of the National Rapporteur on Trafficking in Human Beings, the Ministry of the Interior, the Ministry of Justice, the Ministry of Equality, the Ministry of Foreign Affairs, the Ministry of Inclusion, Social Security and Migrations, the Ministry of Labour and Social Economy, the Ministry of Health, the National Prosecutor’s Office, the General Directorate of the *Policía Nacional*, the General Directorate of the *Guardia Civil*, and the National Council for the Judiciary. It also met members of the judiciary, law enforcement officials and labour inspectors. Meetings were also held with Ms Patricia Bárcena García, Deputy Ombudsperson, and members of the Ombudsperson’s Office, as well as with members of the Spanish Parliament.
6. The GRETA delegation met relevant officials at the regional and local levels, including representatives of the government delegations in Madrid, Sevilla and Barcelona, the autonomous communities of Madrid, Andalusia and Catalonia, and the cities of Madrid, Huelva and Barcelona.
7. Separate meetings were held with representatives of non-governmental organisations (NGOs), the General Council of Spanish Lawyers, Bar Associations in Madrid, Barcelona and Sevilla, lawyers representing victims of human trafficking, and victims of human trafficking.

¹ <https://rm.coe.int/greta-2013-16-fgr-esp-public-en/168071c836>

² <https://rm.coe.int/greta-2018-7-frg-esp-en/16808b51e0>

³ <https://rm.coe.int/cp-2018-27-esp-en/16808edce8>

⁴ <https://rm.coe.int/cp-2020-06-spain/16809eb4f5>

⁵ <https://rm.coe.int/reply-from-spain-to-the-questionnaire-for-the-evaluation-of-the-implem/1680a4e7e7>

8. The GRETA delegation also met officials of the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), and the United Nations International Children's Emergency Fund (UNICEF).

9. In the course of the visit, the GRETA delegation visited two specialised shelters for victims of THB and a centre for the reintegration of victims of trafficking for the purpose of sexual exploitation, run by NGOs in Madrid and Barcelona. Further, it visited the closed reception centre for asylum seekers (*sala de solicitantes de asilo*) at the airport of Barajas-Madrid. The delegation also travelled to Huelva where it witnessed the living conditions of undocumented agricultural workers.

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.

11. GRETA is grateful for the assistance provided in the organisation of the programme by Ms Uxia Freire Cabrera and Mr Guillermo Anguera Gual of the Ministry of Foreign Affairs, appointed as contact persons by the Spanish authorities to liaise with GRETA during the evaluation, as well as by Mr Enrique López Villanueva of the Office of the National Rapporteur on trafficking in human beings.

12. The draft version of the present report was approved by GRETA at its 46th meeting (14-18 November 2022) and was submitted to the Spanish authorities for comments. The authorities' comments were received on 9 March 2023 and were taken into account by GRETA when adopting the final report at its 47th meeting (27-31 March 2023). The report covers the situation up to 31 March 2023; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Spain

13. Spain remains primarily a country of destination and transit for trafficked persons. According to official data collected by the Ministry of the Interior, between 2017 and 2022,⁶ a total of 1,687 persons were identified as victims of trafficking in human beings (THB): 220 in 2017, 238 in 2018, 542 in 2019, 269 in 2020, 189 in 2021 and 229 in 2022.⁷ Sexual exploitation has remained the predominant form of exploitation of the identified victims (some 60% of all victims), with 155 victims identified in 2017, 128 in 2018, 294 in 2019, 160 in 2020, 136 in 2021 and 129 in 2022. Most of these victims were women (around 90%). At the same time, there has been an increase in the number of persons identified as victims of trafficking for the purpose of labour exploitation (58 in 2017, 94 in 2018, 192 in 2019, 99 in 2020, 51 in 2021 and 89 in 2022), the majority of them being men (around 58%). Further, there were 14 victims of THB for the purpose of forced marriage, 51 victims of THB for the purpose of forced criminality, and 37 victims of THB for the purpose of forced begging. The number of child victims remains low, with 79 identified victims (16 in 2017, 14 in 2018, 24 in 2019, 6 in 2020, 4 in 2021 and 15 in 2022). The most common type of exploitation was sexual exploitation (28 girls and one boy), followed by labour exploitation (15 girls and 13 boys), forced marriage (11 girls), forced criminality (6 boys) and forced begging (2 girls and 3 boys).

14. As regards the countries of origin of the victims, while in 2017-2018 the majority of the victims of THB for sexual exploitation originated from Romania and Nigeria, since 2019, there has been an increase in the number of victims from Latin America, especially from Colombia, Venezuela and Paraguay. Regarding identified victims of THB for the purpose of labour exploitation, in 2017 the majority originated from Romania, Spain and China, but in 2018 there was a significant increase in victims from Vietnam, the Republic of Moldova, Bulgaria and Nicaragua. In 2020-2021, most of the victims of THB for labour exploitation originated from Honduras, and in 2022, from Morocco.

15. According to the Spanish authorities, the use of social media and the Internet to recruit victims has increased significantly in recent years. In the context of trafficking for the purpose of labour exploitation, victims are often lured with fake job offers. Sectors at high risk include agriculture, fishing, domestic work, hotels and restaurants.

16. GRETA notes that the above-mentioned figures of identified victims do not reflect the real scale of the phenomenon of human trafficking in Spain, due to the absence of a comprehensive approach to detecting all forms of human trafficking, as well as because the identification of victims remains under the responsibility of the law enforcement authorities and continues to be linked to the criminal proceedings.

⁶ Data for 2022 should be considered as provisional.

⁷ <https://www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2021/Balance-Ministerio-TSH-2017-2021.pdf>.

III. Developments in the legislative, institutional and policy framework for action against human trafficking

17. The legislative framework relevant to action against THB in Spain has undergone a number of changes since the second evaluation by GRETA.

18. Law 8/2021 of 4 June 2021 on the Comprehensive Protection of Children and Adolescents against violence introduced a number of changes to the criminal law and criminal procedural law, and increased the protection and assistance of child victims of violence, including victims of human trafficking (see paragraphs 105 and 160).

19. The Royal Law-Decree 6/2022 of 29 March 2022 on urgent measures for dealing with the economic and social consequences of the war in Ukraine introduced changes to the procedure for granting the status of a victim of THB (see paragraph 221).

20. Further, Law 10/2022 on the Comprehensive Protection of Sexual Freedom (LOGISIL), adopted on 6 September 2022, recognises victims of sexual violence, sexual exploitation and trafficking for sexual exploitation as victims of gender-based violence. It also introduced amendments to Law 35/1995 of 11 December 1995 on Assistance to Victims of Violent Crimes and Crimes against Sexual Freedom, as regards access to compensation regardless of the victim's migration status (see paragraph 87 and 93).

21. A regulation of the reception system in the context of international protection was adopted through Royal Decree 220/2022 of 29 March 2022. Among the measures introduced, the new regulation specified that specialised assistance should be promptly provided to vulnerable persons and should be adapted to their needs.

22. In March 2022, the Ministry of Justice instructed the General Codification Commission to prepare a comprehensive law on action against THB. A preliminary draft law was approved by the Council of Ministers on 29 November 2022.⁸ It envisages, among others, the introduction of a National Referral Mechanism (NRM) and a National Rapporteur on Trafficking in Human Beings and Exploitation. Further, it introduces the autonomous offence of forced labour or services, the duty of corporate due diligence, and provisions on awareness raising and training in the private sector. At the time of the submission of the Spanish authorities' comments to the draft report (9 March 2023), the preliminary draft law was subject to consultations of public bodies before being submitted to Parliament. **GRETA would like to be kept informed of the adoption of the draft comprehensive law on action against trafficking in human beings.**

23. Further, on 19 May 2022, a bill criminalising pimping was presented before the Congress as a parliamentary initiative. At the time of adoption of the report, the bill was being assessed by the Justice Committee of the Congress of Deputies in order to issue a report on the matter. **GRETA would like to be kept informed of developments in this respect.**

24. In addition, the draft law on procedural efficiency measures for the public justice service (see paragraphs 107 and 131), includes some procedural changes, such as the possibility to carry out judicial proceedings by videoconference and modifications to the plea bargaining procedure.

⁸ <https://www.mjusticia.gob.es/es/ministerio/gabinete-comunicacion/noticias-ministerio/El-Gobierno-aprueba-el-Anteproyecto-de-Ley-Organica-Integral-contra-la-Trata>

25. The institutional framework for action against THB remains largely the same as described in GRETA's second evaluation report.⁹ The Director of the Private Office of the Secretary of State for Security acts as the National Rapporteur on trafficking in human beings. The Intelligence Centre against Terrorism and Organised Crime (CITCO), within the Ministry of the Interior, continues to act as focal point in the field of THB, with the aim of supporting the National Rapporteur (see also paragraph 139). As mentioned above, the preliminary draft of the comprehensive law on trafficking and exploitation foresees the establishment of the institution of National Rapporteur on Trafficking and Exploitation (*Relatoría Nacional contra la Trata y la Explotación de Seres Humanos*), with the ranking of Director General, within the Secretary of State for Security (Ministry of Interior).

26. Reiterating the recommendation from its second evaluation report, GRETA considers that the Spanish authorities should examine the possibility of establishing an independent National Rapporteur or designating another independent mechanism for monitoring the anti-trafficking activities of state institutions, as provided for in Article 29, paragraph 4, of the Convention, or commissioning the monitoring to an external, independent evaluator.

27. The Government Delegation against Gender Violence, in accordance with Article 3 of Royal Decree 455/2020 of 10 March, is responsible for "the promotion of institutional coordination in matters of trafficking in women and girls for sexual exploitation, without prejudice to the competences in the matter held by other ministerial departments and public bodies." Its coordination mandate is limited to trafficking in women and girls for sexual exploitation. The Government Delegation against Gender Violence participates in the meetings organised by the Office of the National Rapporteur, whereas the latter plays an active part in the Social Forum against Trafficking coordinated by the Government Delegation against Gender Violence.

28. Coordination and co-operation in the process of identification and assistance of victims of THB continues to be governed by the 2011 Framework Protocol for the Protection of Victims of THB. Instruction 6/2016 of the Secretary State for Security "On the actions of the State Security Forces in the fight against trafficking in human beings and in the collaboration with organisations and entities with proven experience in assisting victims" continues to regulate the actions of law enforcement, civil society and other relevant actors who are involved in the identification and protection of THB victims. It created the function of "social interlocutors" at *Policía Nacional* and *Guardia Civil* whose role it is to facilitate co-ordination of their respective anti-trafficking activities with other relevant bodies, institutions and entities with proven experience in assisting victims of THB, including NGOs (see paragraph 0). At regional level, there is currently the same number of social interlocutors (54) within the *Policía Nacional* and the *Guardia Civil* (both security bodies designated one social interlocutor per province within each autonomous region).

29. In its second evaluation report, GRETA urged the Spanish authorities to adopt a comprehensive National Action Plan on THB, addressing all forms of exploitation and all victims of trafficking. On 22 January 2022, the Spanish Government published the National Action Plan against trafficking in, and exploitation of, human beings (referred to by the Spanish acronym PENTRA) for the period 2021-2023. The plan was prepared in consultation with relevant stakeholders, including NGOs. A permanent working group composed of all institutions implementing the plan, coordinated by CITCO, was set up to ensure its implementation. The plan has five priorities: (1) detection and prevention of THB; (2) identification, referral, protection, assistance and recovery of victims; (3) improving the prosecution of THB offences; (4) cooperation and coordination at national and international level; and (5) improving knowledge. Among the actions foreseen, reference can be made to the adoption of a comprehensive law on THB, as well as amending the Criminal Code (CC).

30. While welcoming the adoption of a comprehensive National Action Plan on trafficking in human beings, GRETA notes that there is no specific budget for its activities, which is essential for enabling the carrying out of the activities included in the National Action Plan.

⁹ See paragraphs 27-35 of GRETA's second report on Spain.

31. GRETA also notes that it is not envisaged to carry out an external, independent evaluation of the Plan's implementation. Recalling that good planning, regular monitoring and independent evaluation are key to ensuring success of action against human trafficking, **GRETA considers that the Spanish authorities should introduce an independent evaluation of the implementation of National Action Plans against THB, as a tool for assessing the impact of the activities and planning future policies and measures to combat THB.**

32. Further, on 10 December 2021, the Council of Ministers adopted a three-year National Action Plan against forced labour, following a consultation with relevant institutions, social partners, trade unions and NGOs. An Inter-ministerial Working Group chaired by the National Labour Inspectorate monitors its implementation and involves different social actors and civil society organisations. The plan includes 41 actions grouped in five areas: (1) measures for analysis and study of the phenomenon of forced labour; (2) prevention, awareness-raising and training; (3) detection, investigation and prosecution; (4) victim protection and support; and (5) coordination and international cooperation.

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

33. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

34. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB, and effectively investigate trafficking offences.¹⁰

35. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹¹ the right to an effective remedy is considered to include restitution,¹² compensation,¹³

¹⁰ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

¹¹ UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

¹² Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹³ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

rehabilitation,¹⁴ satisfaction¹⁵ and guarantees of non-repetition.¹⁶ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime,¹⁷ which outline the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.¹⁸

36. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

37. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.¹⁹

38. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²⁰ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²¹ and Justice at Last - European Action for Compensation of Victims of Crime,²² which aim to enhance access to compensation for trafficked persons.

39. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United

¹⁴ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

¹⁵ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

¹⁶ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

¹⁷ Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime, and its Explanatory report : https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

¹⁸ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

¹⁹ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8. Available at: https://www.unodc.org/documents/human-trafficking/ICAT/ICAT_Policy_Paper_3_Providing_Effective_Remedies_for_Victims_of_Trafficking_in_Persons_2016.pdf

²⁰ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

²¹ <http://www.compactproject.org/>

²² <http://lastradainternational.org/about-lsi/projects/justice-at-last>

Nations Guiding Principles on Business and Human Rights.²³ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁴ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

40. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

41. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

42. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁵

43. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.²⁶

44. In Spain, the right to information of victims of crime is provided for in Law 4/2015 of 17 April 2015, which transposed Directive 2012/29/EU establishing minimum standards on the rights, support, and protection of victims of crime, as well as in Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and Their Social Reintegration. The preliminary draft law on action against THB (see paragraph 22) provides for the right to information of victims of THB from the moment of their detection, as well as the rights to counselling, immediate referral to specialised assistance and protection services, access to assistance and support services, and assisted voluntary return.

45. Under Article 5 of the Law 4/2015, presumed victims should receive information, as from their first contact with a competent authority, about the support they can obtain, including medical, psychological and material support, and how to obtain it; the right to make a complain; the procedure and the right to

²³ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁴ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

²⁵ See Explanatory Report on the Convention, paragraphs 160-162.

²⁶ See 8th General Report on GRETA's activities, paragraphs 168-169.

provide evidence; the right and the procedure to obtain legal aid; the right and the procedure to obtain protection measures; how and under what conditions they can access compensation; how to access their rights from abroad; the procedures for making complaints where their rights are not respected in the context of criminal proceedings; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

46. Further, according to Article 59bis of the Law 4/2000 (which applies to third-country nationals), as soon as there are reasonable grounds to believe that the person is a victim of trafficking, the competent authorities should inform him/her about his/her rights, including the rights to a recovery and reflection period, assistance and protection measures, a resident permit and assisted voluntary return.

47. The Framework Protocol for the Protection of Victims of Trafficking in Human Beings, adopted in October 2011 and already described in GRETA's first and second evaluation reports,²⁷ has a specific chapter on information on victims' rights.²⁸ According to it, the law enforcement agencies should inform presumed victims of their rights in a clear manner and in a language that they can understand.²⁹ The Framework Protocol also states that interviews shall be conducted in a language comprehensible to the victim and in the presence of an interpreter, if necessary.

48. In practice, victims of THB are informed of their rights by law enforcement agencies through a document³⁰ which lists the available support, including legal aid, assistance and protection measures, the right to a recovery and reflection period, the right to obtain a resident permit and the possibility of assisted voluntary return. This document is available only in Spanish. In addition, a leaflet listing the available support and indicating the hotline number has been elaborated by the *Policía Nacional*. It explains in a clear and accessible manner what rights victims are entitled to and is available in Spanish, English, Portuguese and Romanian.

49. Law enforcement officials met by GRETA affirmed that NGOs are often present when the first contact is established with presumed victims, as provided for by the above-mentioned Instruction 6/16 of 15 June 2016 "On the actions of the State Security Forces in the fight against trafficking in human beings and in the collaboration with organisations and entities with proven experience in assisting victims" (see paragraph 27).³¹ The Instruction describes the procedures for identifying victims of THB by "social interlocutors" on the basis of information provided by NGOs and for providing victims with information on their rights and available services. However, according to civil society, a significant variation exists between the different parts of the country. In some areas, NGOs are sometimes informed of the fact that a presumed victim of THB has been identified at a later stage, missing the possibility to provide adequate information to presumed victims at the moment of their identification. Further, NGO representatives noted that information is provided in a formalistic way, without paying attention to whether the person actually understands the information.

²⁷ The Framework Protocol was signed by the Ministries of Justice, the Interior, Employment and Immigration, Health, Social Services and Equality, the Prosecution Service and the General Council of the Judiciary. See paragraphs 24-25 and 33 of GRETA's first report on Spain.

²⁸ <https://violenciagenero.igualdad.gob.es/ca/otrasFormas/trata/normativaProtocolo/marco/docs/ProtocoloTrataEN.pdf>

²⁹ Information should include the right to obtain protection measures, according to the Law 19/1994; the rights provided by Law 35/1995 on the Assistance to Victims of Violent Crimes and Crimes against Sexual Freedom and the rights recognised by the Constitutional Act 1/2004 establishing Protection Measures Against gender violence; the right to obtain a recovery and reflection period and to receive assistance and being accommodated in specialised shelter. See : <https://violenciagenero.igualdad.gob.es/ca/otrasFormas/trata/normativaProtocolo/marco/docs/ANEXO3protocoloTSH.pdf>.

³⁰ The document exists in two versions, one provided by the *Policía Nacional* and the other by the *Guardia Civil*.

³¹ Available at: <http://rm.coe.int/esp-2-eval-report-annex-1-thb-comprehensive-plan-2015-2018/1680790618>

50. In its second evaluation report, GRETA considered that the Spanish authorities should provide information to foreign nationals arriving irregularly or seeking asylum, in a language that they can understand, about the risks of THB, their rights and where to turn for advice and assistance. There have been some improvements in this respect. The Directorate General for Humanitarian Assistance and Social Inclusion of Migrants, responsible, *inter alia*, for providing assistance to undocumented migrants arriving by sea or at the autonomous cities of Ceuta and Melilla elaborated, in 2021, in collaboration with the European Union Agency for Asylum (EASO), a protocol on the provision of information to migrants hosted in reception centres at the borders. The information, which covers the available assistance and support services and legal assistance, should be provided both individually and through information materials, by specialised front-line staff, including social workers, psychologists and doctors. The implementation of the protocol started in January 2022 by the organisations participating in the Humanitarian Assistance Programme. The Spanish authorities indicated that a help desk was created to address any questions these organisations may have throughout the implementation process, and that training activities and monitoring meetings were held to accompany and reinforce this process.

51. At Adolfo Suárez Madrid-Barajas Airport, a new protocol on the identification of presumed victims of THB among persons who claim asylum at the airport envisages the provision of information on their rights by trained front-line staff who ensure that specialised NGOs are involved in the identification process. Only qualified interpreters, having knowledge in the field of international protection, can be recruited and should be available as of the first interview.³² The same procedure is followed at Josep Tarradellas Barcelona-El Prat airport (see also paragraph 231).

52. However, GRETA was informed that there is a lack of information for presumed victims of THB who are also asylum seekers in the Canary Islands, Ceuta and Melilla. In its Report on migration on the Canary Islands,³³ the Ombudsman expressed concerns about the lack of adequate information for children, which is adapted to their specific needs. The report also highlighted the lack of interpreters and training of people working at the reception centres for migrants.

53. Article 9 of Law 4/2015 recognises victims' right to translation and interpretation. Free interpretation should be made available when victims make a statement before law enforcement officials, prosecutors and in court. Interpreters and translators should be appointed from amongst professionals included in an official list set up by the competent administration. Exceptionally and in case of urgency, when is not possible to find an official interpreter or translator, another person who knows the language and is able to carry out this task may be authorised as a temporary court translator or interpreter.³⁴ There are no specific rules for ensuring the quality of the service and the respect of deontological rules.³⁵ In several autonomous communities (e.g. Catalonia), translation and interpretation are provided by private companies. Civil society pointed out the lack of interpreters for some African dialects, which is particularly problematic for people coming from rural areas who do not speak the official language of the country they come from (e.g. English, French, Portuguese). Civil society also noted that interpreters are not sensitised to THB.

³² See "Pliego de prescripciones técnicas para la contratación de un servicio de interpretación y traducción para la subdirección general de protección internacional (Oficina de asilo y refugio)".

³³ See Ombudsman's Report on migration to the Canary Islands (2021), pp 54-57, <https://www.defensordelpueblo.es/informe-monografico/la-migracion-canarias/>

³⁴ Article 124, paragraph 1, Code of Criminal Procedure (*Ley de Enjuiciamiento Criminal*).

³⁵ See *Guía de criterios de actuación judicial frente a la trata de seres humanos*, p. 150.

54. **While welcoming the efforts made by the Spanish authorities to provide victims of THB with information, GRETA considers that the authorities should strengthen the systematic provision of information to presumed victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking, including by:**

- **ensuring the full implementation of Instruction 6/2016 as regards cooperation between law enforcement agencies and specialised NGOs following the detection of presumed victims of THB;**
- **providing further training and instructions to law enforcement officials on how to properly explain to victims of THB their rights, taking into account their psychological state and knowledge of the Spanish legal system. Special attention should be paid to presumed victims of THB who are also asylum seekers, who should be properly informed of their rights, in a language they understand, by trained professionals and by guaranteeing the presence of specialised NGOs at the borders;**
- **taking further steps to ensure the availability of qualified interpreters and their sensitisation to the issue of human trafficking.**

3. Legal assistance and free legal aid (Article 15)

55. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law³⁶ also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

56. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³⁷

57. Article 24 of the Spanish Constitution recognises the right to legal aid and effective remedies. The Spanish system of free legal aid is regulated by Law 1/1996 on Free Legal Assistance (LAJG), as modified by the Royal Decree 3/2013 of 22 February.³⁸ According to Article 1 of LAJG, anyone can apply for legal aid for "all kind of judicial proceedings", including administrative proceedings on immigration (Article 2, e). Under Article 6, paragraph 1, of LAJG, free legal aid covers free legal advice and assistance immediately before the filing of the complaint or lawsuit. It also includes the exemption from administrative fees and the payment of some services that may be necessary to carry out the procedure (such as paying experts, notaries, certificates etc). Victims of trafficking are exempted from the proof of lack of financial means and are entitled to free legal aid immediately in relation to all procedures stemming from or as a consequence of their status as victims (Article 2 h, amended by the Royal Decree 3/2013). Their access to legal aid is granted without any discrimination for reasons of nationality and regardless of their

³⁶ *Airey v. Ireland* judgment, 9 October 1979.

³⁷ See 8th General report on GRETA's activities, paragraph 167.

³⁸ See paragraph 213 of GRETA's second report on Spain.

administrative situation. Victims lose the right to legal aid after a final judgment of acquittal or dismissal of the case, with no obligation to pay the costs of the services received until that time.

58. GRETA notes that following the amendment introduced by the Royal Decree 3/2013, stating that victims of trafficking are entitled to legal aid immediately and regardless of their financial means, the Framework Protocol for the Protection of Victims of THB has not been updated and continues to make the right to free legal aid for THB victims contingent on the lack of "sufficient economic resources".³⁹ **GRETA encourages the authorities to update the Framework Protocol and to make it consistent with the new formulation of Article 2 h of LAJG.**

59. Requests for free legal aid are addressed to the Provincial Free Legal Aid Committees. Legal aid services are paid for by public funds, depending on the geographical area, by the autonomous communities or by the Ministry of Justice. The provision of legal aid is organised by the Bar Associations which have a permanent on-call duty to provide services to victims of crime. GRETA was informed that there are *ex officio* lawyers specialised on THB in Madrid and Sevilla. In the Bar Associations where there are no specialised lawyers on THB, victims of trafficking are assisted by lawyers specialised on migration or gender-based violence. A protocol on immediate assistance to victims of gender-based violence has been established by the Bar Association of Catalonia, according to which the law enforcement agencies, prior to the filing of a complaint by a victim, should promptly inform the Bar Association lawyers which will provide immediate intervention by specialised lawyers.

60. The Spanish General Council of Lawyers, which brings together 83 local Bar Associations, has issued practical guidance for lawyers on the detection and legal assistance of victims of trafficking.⁴⁰ This guidance provides concrete examples and identifies good practices, recommending to have a permanent on-call duty lawyer specialised on THB, similar to the model of Madrid and Sevilla, to improve the training of lawyers on THB, and to ensure that law enforcement agencies inform the Bar Associations promptly about the detection of a victim of THB in order to ensure victims' access to legal assistance at an early stage. The General Council of Lawyers has prepared specific training courses on the detection of and assistance to THB victims.

61. Representatives of Bar Associations met by GRETA were of the opinion that although the Spanish free legal aid system is well developed and comprehensive, its application in practice poses certain problems. Law enforcement agencies reportedly do not provide sufficient information to victims about their right to obtain free legal aid and how to access it. Sometimes the intervention of lawyers is postponed or replaced by the intervention of NGOs, without informing the Bar Association, which delays the appointment of a specialised lawyer. GRETA was informed, on the other hand, of examples of good practice in Catalonia and in the Basque Country, where there is a strong cooperation between the police and the local Bar Associations.

62. In June 2017, the Bar Association of Madrid lodged a submission to the Ombudsman, highlighting the importance of guaranteeing prompt access to legal aid for all victims of trafficking (not only victims of trafficking for the purpose of sexual exploitation) following their detection by law enforcement authorities, in compliance with the existing legislation and in order to ensure the effectiveness of the right to legal aid.⁴¹ In reply to this submission, the Ombudsman recommended to the authorities to "establish appropriate mechanisms to provide – before a complaint is filed or criminal proceedings are initiated – legal assistance and advice to presumed victims of trafficking in order to identify, on the basis of an individual assessment, their special protection needs and to avoid the prejudice that might otherwise result from police investigations or criminal proceedings". GRETA stresses that, because of the trauma and vulnerability of THB victims, the involvement of a specialised lawyer at an early stage and before the filing

³⁹ <https://violenciagenero.igualdad.gob.es/ca/otrasFormas/trata/normativaProtocolo/marco/docs/ProtocoloTrataEN.pdf>, paragraph 4.

⁴⁰ *Detección y Defensa de Víctimas de Trata – Guía práctica para la abogacía*. Available at: <https://www.abogacia.es/wp-content/uploads/2015/12/GUIA-VICTIMA-DE-TRATA-VERSION-FINAL.pdf>

⁴¹ [Víctimas de trata de seres humanos. Madrid. Defensor del Pueblo](https://www.defensor.es/contenidos/1411-victimas-de-trata-de-seres-humanos-madrid)

of the complaint is essential in order to ensure that victims are properly informed of their rights and can make informed choices. The Spanish authorities did not provide specific information on the measures taken to implement the Ombudsman's recommendation, but noted that the preliminary draft of the comprehensive law against trafficking and exploitation of human beings (see paragraph 22) includes provisions on legal assistance and free legal aid for victims of THB.⁴²

63. GRETA was informed about serious gaps in providing legal aid to migrants seeking international protection in the Canary Islands and the Spanish enclaves of Ceuta and Melilla. As highlighted in the Ombudsman's report on migration to the Canary Islands,⁴³ in 2020 due to the significant increase in arrivals of migrants, lawyers were not permitted access to the facilities where migrants were accommodated for several months and, once they were given access, there was a lack of suitable space to provide individual legal assistance, as well as lack of interpreters.⁴⁴ It does not appear that the Spanish authorities have taken any measures to overcome the identified shortcomings on access to legal aid for presumed victims of trafficking who are also asylum seekers neither in the Canary Islands nor the Spanish enclaves of Ceuta and Melilla.

64. GRETA welcomes the legislative framework for access to free legal aid for victims of trafficking in Spain and the availability of specialised lawyers in some parts of the country. **However, noting that the practical application of the legal provisions is uneven across Spain, GRETA considers that the Spanish authorities should take further steps to ensure its full and effective implementation, in particular by:**

- **ensuring that law enforcement agencies inform the local Bar Associations promptly after the detection of a presumed victim of trafficking to enable the timely appointment of a lawyer;**
- **further developing the cooperation protocols between law enforcement agencies and local Bar Associations throughout the country;**
- **encouraging Bar Associations to further improve the training of lawyers with a view of ensuring that trafficking victims are appointed specialised lawyers regardless of the geographic area where they are detected;**
- **ensuring effective access to legal aid for presumed THB victims amongst asylum seekers, by guaranteeing that lawyers can speak to them in an individual and confidential manner, with the assistance of interpreters if needed.**

4. Psychological assistance (Article 12)

65. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.⁴⁵ In the case of trafficked children, specialist child psychologists should be employed.

⁴² The draft Article 35 lists in its section e) "legal assistance including information concerning their rights of access to justice" as a remedy that public authorities shall guarantee to victims "from the moment of detection, throughout the identification process and for as long as necessary after final identification". Article 39 establishes the right to free legal aid as regulated in Law 1/1996 on Free Legal Assistance (LAJG) and states that "the Bar Associations shall take the necessary measures for the urgent appointment of a specialised ex officio lawyer, as well as to ensure their immediate presence and assistance to the victims."

⁴³ See Ombudsman's Report on migration to the Canary Islands (2021), pp. 54-57, <https://www.defensordelpueblo.es/informe-monografico/la-migracion-canarias/>

⁴⁴ Ibidem.

⁴⁵ See OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

66. The assistance measures for victims of trafficking in Spain, listed in the Framework Protocol for the Protection of Victims of Trafficking, include the right to psychological assistance. This right is also envisaged in the preliminary draft law on action against THB.

67. Psychological assistance is provided to victims accommodated in shelters by specialised NGOs running the shelters. Long-term support, including psychological assistance, is provided after the victims leave the shelters and are hosted in flats provided by these NGOs. Accommodation is provided to women and girls who are victims of trafficking by 58 specialised associations located on the territory of 15 autonomous communities (see paragraph 246). These entities run 107 centres (with a total of 499 accommodation places). In addition, 41 specialised associations provide ambulatory (outpatient) services to women and girls who are victims of trafficking in 129 centres located in 16 autonomous communities. Psychological assistance can be provided in 111 of these centres (accommodation and ambulatory centres), and psychiatric assistance in 4 of them.

68. During the evaluation visit, GRETA delegation visited a shelter for female victims of human trafficking in Madrid and a flat for victims who require long-term support in Barcelona. Victims met by GRETA confirmed they had received or were still receiving psychological assistance and noted the crucial importance of this support for their recovery.

69. The Ministry of Equality has recently adopted the first Social and Labour Insertion Plan for women and girls who are victims of trafficking, sexual exploitation or prostitution (2022-2026). The plan envisages several actions, including the setting up of psycho-social assistance programme for "the comprehensive recovery of the physical, psychological and reproductive health of women who are victims of trafficking or sexual exploitation".⁴⁶

70. GRETA was informed of several programmes of social reintegration of THB victims, organised by the Directorate General of Humanitarian Assistance and Social Inclusion of Migrants, which include the provision of psychological assistance to victims of sexual exploitation.

71. Special assistance measures, including psychological support, have been provided for victims of gender violence in the context of the Covid-19 pandemic, despite the sanitary restrictions, pursuant to the Royal Decree-Law 12/2020 of 31 March 2020⁴⁷ and Law 1/2021 of 24 March 2021⁴⁸ on urgent measures regarding the protection of and assistance to victims of gender-based violence.

72. Some gaps in the assistance of child migrants, especially concerning the lack of psychological assistance have been highlighted in the above-mentioned Ombudsman's report on migration to the Canary Islands (see paragraph 52). The Ombudsman stressed the importance of specific psychological support to traumatised children in order to identify possible situations of violence or indicators of trafficking in human beings.

73. GRETA welcomes the legal provisions and practical steps to ensure the provision of psychological support to victims of THB in Spain. It notes, however, that access to this support is often limited to female victims of THB for the purpose of sexual exploitation. **GRETA considers that the Spanish authorities should make further efforts to ensure that access to psychological support is guaranteed to all victims of human trafficking, regardless of their gender or form of exploitation, and to ensure adequate funding for the provision of psychological assistance to help all victims to overcome their trauma and achieve a sustained recovery and social inclusion.**

⁴⁶ See <https://www.igualdad.gob.es/comunicacion/notasprensa/Paginas/igualdad-destina-12-9-millones-de-euros-para-la-pu.aspx>

⁴⁷ [BOE.es - BOE-A-2020-4209 Real Decreto-ley 12/2020, de 31 de marzo, de medidas urgentes en materia de protección y asistencia a las víctimas de violencia de género.](https://www.boe.es/boe/BOE-A-2020-4209-Real-Decreto-ley-12-2020-de-31-de-marzo-de-medidas-urgentes-en-materia-de-proteccion-y-asistencia-a-las-victimas-de-violencia-de-genero)

⁴⁸ [BOE.es - BOE-A-2021-4629 Ley 1/2021, de 24 de marzo, de medidas urgentes en materia de protección y asistencia a las víctimas de violencia de género.](https://www.boe.es/boe/BOE-A-2021-4629-Ley-1-2021-de-24-de-marzo-de-medidas-urgentes-en-materia-de-proteccion-y-asistencia-a-las-victimas-de-violencia-de-genero)

5. Access to work, vocational training and education (Article 12)

74. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, micro-businesses and social enterprises.⁴⁹ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁵⁰

75. Under Article 36 of the Law 4/2000, to be able to work in Spain, foreign nationals over the age of 16 need a residence permit and an authorisation to work. To hire a migrant worker, the employer must apply for a residence permit, which must be accompanied by a contract of employment guaranteeing that the worker will be continuously employed for the duration of the residence permit. The lack of a residence permit shall not invalidate the employment contract with respect to the migrant worker's rights and social rights. However, the migrant worker cannot obtain unemployment benefits.

76. Victims of trafficking have access to work if they have a residence permit. Under Article 59bis, paragraph 4, of Organic Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and their Social Reintegration, reformed through Law 2/2009, as well as Articles 143 and 144 of Royal Decree 557/2011, victims of trafficking are exempted from the administrative liability arising from their illegal stay in Spain and are entitled to a residence permit on the basis of their personal situation or for the purpose of their co-operation with the authorities. The procedure for obtaining the work permit is described in detail in the Framework Protocol for Protection of Victims of THB, section XIII.E. Children older than 16 do not need a specific work permit if they have a residence permit, however GRETA was informed that they face difficulties in obtaining a residence permit.

77. Asylum seekers are automatically allowed to work six months after the receipt of their asylum application. During the six-month waiting period, asylum seekers are encouraged to attend language classes and educational training.

78. There are 42 specialised centres offering accommodation and assistance to victims of trafficking for the purpose of sexual exploitation, 33 of which provide support in accessing the labour market and 34 offer vocational training and other educational services (see also paragraph 246). During the evaluation visit, GRETA met victims at the shelter and the flat for long-term support which were visited who confirmed that they were employed or were attending professional training. They stressed the importance of access to education, vocational training and work for their recovery and rehabilitation.

79. The National Action Plan against THB 2021-2023 includes, as a priority, the improvement of the assistance to victims, including their social inclusion, without specifying concrete measures. In addition, the comprehensive draft law on action against THB includes provisions on the recognition of labour and economic rights of THB victims, including the right to access the Minimum Living Income benefit, housing, and social and labour insertion.

⁴⁹ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

⁵⁰ See 8th General report on GRETA's activities, paragraph 183.

80. Further, the above-mentioned Social and Labour Insertion Plan for women and girls who are victims of trafficking, sexual exploitation or prostitution (see paragraph 69) aims at achieving “an effective increase in the employability of the women and girls” targeted by the plan. In order to improve their employability and facilitate access to a regulated and decent labour market, the plan envisages personalised insertion plans and job training; the reinforcement of skills for individual and economic empowerment; scholarship programmes; job orientation programmes, personal training and pre-employment training; development of workshops for entrepreneurship; development of labour intermediation and follow-up with the business sector.

81. GRETA was informed of several projects for social inclusion and access to work addressed to THB victims, coordinated by the Directorate General of Humanitarian Assistance and Social Inclusion of Migrants. Reference can be made to the project to improve social and work integration of victims of trafficking for the purpose of sexual exploitation. A similar project exists for woman victims of trafficking for the purpose of sexual exploitation and their children.

82. While welcoming the measures taken to support victims’ social reintegration, GRETA notes that the majority of the existing projects are aimed at female victims of sexual exploitation. **GRETA invites the Spanish authorities to support all victims of THB, including male victims, in their economic and social inclusion through the provision of education, vocational training and job placement. This should involve raising awareness amongst different employers and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.**

6. Compensation (Article 15)

83. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which, when compensation is not fully available from other sources, the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

84. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

85. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

86. The legal framework for compensation of victims of THB in Spain described in GRETA's first and second evaluation reports remains unchanged.⁵¹ Victims of THB can claim compensation from the perpetrators during criminal proceedings as civil claimants and/or in a civil court. Pursuant to Article 108 of the Criminal Code (CC), the prosecutor must file a civil action together with the criminal action regardless of whether the injured party is involved as a civil claimant ("private prosecutor"), unless the victim expressly foregoes compensation. Civil liability includes restitution, damage repair and compensation for the physical and moral harms. The amount of compensation is calculated on a case-by-case basis.

87. Pursuant to the Law 10/2022 on Comprehensive Protection of Sexual Freedom, the compensation of victims of gender-based or sexual violence, including victims of THB for the purpose of sexual exploitation, should cover material and moral damages, including loss of income and "social damage" (understood as the damage to the life project and the sexual and reproductive health). In order to guarantee victims' effective right to compensation, the funds resulting from the confiscation of goods, assets and proceeds may be used to finance assistance measures for victims, as well as measures for their labour insertion and promotion of economic autonomy.

88. As noted in GRETA's second report, Article 116 of the Criminal Procedure Code (CPC)⁵² establishes civil liability of all persons criminally liable to compensate victims for damages, while Article 127bis of the CPC sets up reinforced mechanisms to seize goods, properties and gains of a convicted person in case there are well-founded grounds of their illegal origin. Further, Law 41/2015 of 5 October, modifying the CPC to streamline criminal justice and reinforce procedural safeguards, establishes a process for stand-alone confiscation that will enable deprivation of goods gained from crimes even if the perpetrator cannot be judged. As part of criminal proceedings, the assets of those investigated are examined to secure pecuniary liabilities. Any action designed to secure the assets of those investigated is incorporated into a file or "evidence" referred to as "for civil liability". Article 727.6 of the Criminal Procedure Law allows registry annotations to be posted as a precautionary measure in public property registers such as the Property Register, the Register of Chattels and the Central Maritime Register.⁵³

89. Chapter V of the preliminary draft law on action against THB (see paragraph 22) refers to victims' right to adequate financial compensation and envisages the creation of a specific Fund for the Compensation and Restitution of Victims of Trafficking and Exploitation of Human Beings, to guarantee the compensation of victims in the absence of a court ruling on civil liability.

90. In order to guarantee the payment of compensation, Article 589 of the CPC states that, when there is evidence of a criminal offence, the judge can ask the suspect to provide sufficient bail. Under Article 125 and 126 of the CC, when the assets are not sufficient to meet compensation, priority should be given to the payment of compensation to the victims of the crime. The CPC also provides the possibility to use confiscated assets to compensate victims (Article 127octies of the CPC).

91. According to information provided by the Spanish authorities, in 2017, compensation from the perpetrators was awarded to 52 victims of trafficking (49 women and three men), ranging between 1,500 and 75,000 euros. In 2018, compensation was awarded to 30 victims of THB (all women), ranging between 3,000 and 100,000 euros. In 2019, a total of 27 victims (all women) were granted compensation, ranging between 2,500 and 90,000 euros. In 2020, compensation was awarded to 30 victims (all women), ranging between 2,000 and 104,000 euros. Compensation was paid before the judgment to 33 victims in 2017, six in 2018, one in 2019 and none in 2020.⁵⁴

⁵¹ See paragraphs 221-222 of GRETA's first report on Spain, and paragraph 207 of GRETA's second report on Spain.

⁵² *Ley de enjuiciamiento criminal*.

⁵³ See paragraph 211 of GRETA's second report on Spain.

⁵⁴ Compensation is usually awarded after the judgment and several measures may be taken to secure the perpetrators' assets (Article 127bis-129 CC). However, under certain circumstances, an amount of money may be awarded before the final judgment.

92. Civil society highlights that, despite the increase of judgments recognising the right to compensation, victims continue to face difficulties in receiving the compensation granted by courts because the defendants are declared insolvent or have no assets in their name in Spain. NGOs stressed the need to reinforced transnational financial investigations in order to detect and secure perpetrators' assets abroad.

93. Concerning state compensation, Law 35/1995 on the Assistance of Victims of Violent Crimes and Crimes against Sexual Freedom sets out a system of "public aid" for victims of violent offences committed in Spain and resulting in the victim's death or serious damage to the victim's physical or mental health.⁵⁵ Law 10/2022 on Comprehensive Protection of Sexual Freedom amended Article 1 of Law 35/1995 by including in its scope victims of sexual violence, including victims of THB for the purpose of sexual exploitation. Under Article 2 of Law 35/1995, only Spanish nationals, European Union (EU) citizens or legally resident third-country nationals can benefit from "public aid". Third-country nationals who were not legally residing in Spain at the time of the offence cannot claim "public aid", unless their country of origin recognises a similar right to Spanish citizens. Law 10/2022 amended this provision, by establishing an exception for women victims of sexual or gender violence, who can access "public aid" regardless of their administrative situation.

94. The request for "public aid" must be made within one year from the damage suffered, unless there are ongoing criminal proceedings, in which case the request can be made at the end of the proceedings. In case of gender-based or sexual violence, requests should be made within five years (Article 7). The precondition for obtaining "public aid" is the impossibility to obtain compensation from perpetrators, when for example the defendant is totally or partially insolvent (Article 5). It is usually paid after the final court judgment, however it can also be claimed before the final judgement when the victim can demonstrate the serious lack of financial resources (Article 10). The amount of "public aid" depends on the level of incapacity suffered by the victim as a consequence of the crime, and it is based on the public income indicator. The amount of the damage cannot exceed the compensation awarded in the judgment.

95. GRETA was informed that no victim of trafficking has ever obtained "public aid" under Law 35/1995. No legal aid is available to claim such compensation.

96. Victims of THB can also lodge civil claims against their employer through employment tribunals in order to obtain unpaid salaries even if their work contract was void (Article 9 of the Royal Decree 2/2015 of 23 October). However, there is no case law in this respect.

97. Further, victims of labour exploitation can apply to the Wages Guarantee Fund (*Fondo de Garantía Salarial*) and obtain unpaid salaries in case of employer's insolvency. Only employees legally residents can apply for obtaining the unpaid salaries and undocumented migrants are excluded from this form of compensation. Following the adoption of the Royal Decree-Law 16/2022, domestic workers can now access the Wage Guarantee Fund in case of employer insolvency or bankruptcy (see paragraph 179).

98. While welcoming the availability of a range of legal avenues to claim compensation, the increase in the number of compensation from perpetrators, and the improvements introduced by Law 10/2022 as far as victims of THB for the purpose of sexual exploitation are involved, GRETA is concerned by the low number of victims who obtained compensation from the perpetrators and by the fact that no victim of trafficking has obtained state compensation.

⁵⁵ See paragraph 222 of GRETA's first report on Spain.

99. **GRETA urges the Spanish authorities to make additional efforts to guarantee effective access to compensation for victims of trafficking, in line with Article 15 of the Convention, including by:**

- **reviewing the eligibility criteria for access to the “public aid” under Law 35/1995, in order to enable all victims of trafficking in human beings, regardless of the form of exploitation and their migration status to access it;**
- **reviewing the eligibility criteria for access to the Wages Guarantee Fund, in order to allow THB victims who are undocumented migrants to recover the unpaid salaries.**

100. **Further, GRETA considers that the Spanish authorities should take further steps to guarantee victims’ access to compensation from perpetrators, including by:**

- **making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB;**
- **improving training programmes on THB and on victims’ access to compensation for legal practitioners, prosecutors and judges, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB.**

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

101. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims’ reports. The aim is to avoid traffickers’ subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

102. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are “effective, proportionate and dissuasive”. Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so-called “civil” confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

103. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

104. As described in GRETA's second evaluation report, the punishment envisaged in Article 177bis of the Spanish CC for committing trafficking is imprisonment of five to eight years.⁵⁶

105. Article 177bis of the CC has been recently amended through Law 8/2021 on the Comprehensive Protection of Children and Adolescents, which stated that when the victim is a child, the judge shall apply an additional penalty of prohibition from any profession or activity which involves regular and direct contact with children, for a duration of between six and 20 years beyond the imprisonment sentence. The statute of limitation is also increased from 10 to 15 years when the victim of trafficking is a child (Article 131, paragraph 1, of the CC) and the starting point is set at the moment when the victim turns 35 (compared to 18 according to the previous legislation). Law 8/2021 also amended Article 109bis of the CCP and extended the time-limit for the victims to join the accusation of the public prosecutor to the beginning of the hearings (compared to the moment of the indictment according to the previous legislation).

106. The criminalisation of THB in Article 177bis of the CC refers to "forced labour or services, including slavery or practices similar to slavery, servitude or begging, sexual exploitation, including pornography, the exploitation to commit criminal activities, the removal of organs, or forced marriage". According to the National Action Plan on forced labour (see paragraph 32), this wording is interpreted by courts in a way that excludes from the scope of Article 177bis cases where the victim consented to the work performed, regardless of the conditions in which the work was carried out. The Action Plan recognises this interpretation as one of the reasons for the low number of convictions for THB for the purpose of labour exploitation, and suggests the possibility of including "labour exploitation" among the list of purposes of exploitation related to THB. The draft comprehensive law on action against THB (see paragraph 22) will criminalise as separate offences forced labour or services, servitude or slavery. The reference in Article 177bis of the CC to the "Spanish territory" or "national or foreign victims" has been removed in the draft law. **GRETA notes positively the efforts of the Spanish authorities to improve the criminalisation of THB through the proposed amendments to Article 177bis of CC, which are envisaged in the draft comprehensive law on action against THB.**

107. Plea bargaining (*conformidad*) is allowed for human trafficking, with procedural safeguards to ensure that the protection of the rights of the victims and their possibility to obtain compensation are not affected. Under Article 695 of the CPC, if the accused does not accept the civil liability or does not agree on the amount set in the classification, the judge will order the trial to continue for the part concerning the civil liability. Representatives of the judiciary informed GRETA that plea bargaining represented around 25% of the convictions in THB cases. Some amendments to the plea-bargaining procedure are envisaged in the draft law on procedural efficiency measures for the public justice service, which provides for a prior hearing of the victim in order to weigh up the impact of the plea bargaining agreement on the victim, considering that he/she might be particularly vulnerable. According to the Spanish authorities, with the amendments of the preliminary draft comprehensive law on action against THB, it will be possible to impose a prison sentence of more than six years in the plea bargaining agreement.

108. According to the National Strategy against Organised Crime and Serious Crimes (2019-2023), action against trafficking in human beings remains amongst the highest priorities. The strategy envisages improving international cooperation, increasing the capacity of the units dedicated to the prevention of THB and assistance to victims, increasing co-operation among relevant actors involved in the fight against THB, and enhancing knowledge of the criminal phenomenon, including the use of internet.

⁵⁶ See paragraph 222 of GRETA's second report on Spain.

109. The legal framework concerning special investigation techniques and financial investigations was already described in GRETA's second report.⁵⁷ Under the CPC, amended by Organic Law 13/2015 of 5 October 2015, special investigation techniques such as interception of telephone and online communications, capture and recording of verbal communications using electronic devices, technical monitoring devices, image-location and capture, registration of mass data storage devices and remote registers on computer equipment may be used in the investigation of human trafficking cases. All investigations into criminal groups linked to trafficking are accompanied by financial investigations.⁵⁸

110. The amendments of the CC, by Law 1/2015, of 30 March, and of the CPC, by Law 41/2015, of 5 October 2015, expanded the cases in which confiscation of assets, goods and proceeds of crime can be ordered, as well as the mechanisms to secure it, with different types of confiscation: direct, equivalent or by substitution, extended, without judgement, of third parties, based on other previous criminal activities, or anticipatory (precautionary) confiscation. Thus, the trend is not necessarily to link confiscation to prior offences, but also to be able to justify it, under certain conditions, on the basis of illicit gain. These amendments also established the setting up of the Assets Management and Recovery Office (ORGA), which provides support to the judiciary in tracing, seizing, confiscating and managing criminal assets in the context of criminal proceedings.

111. According to the information provided by the Spanish authorities, law enforcement initiated 96 investigations for THB in 2017 (73 for sexual exploitation, 17 for labour exploitation and 6 for other forms of trafficking), 83 in 2018 (61 for sexual exploitation, 18 for labour exploitation and 4 for other forms of trafficking), 121 in 2019 (93 for sexual exploitation, 17 for labour exploitation and 11 for other forms of trafficking) and 92 in 2020 (68 for sexual exploitation, 20 for labour exploitation and 4 for other forms of THB).

112. Enhancing financial investigations was a priority of the National Police Strategic Plan 2017-2021 and it is reiterated in the National Strategy for Combating Organised Crimes 2019-2021. In this context, in 2021, a Manual on Financial Investigations and Asset Tracing and Seizure, providing guidelines to police forces for carrying out financial investigations, was published and disseminated among law enforcement representatives. GRETA was informed that the specialised group in money laundering of the Central Brigade for Combatting Human Trafficking managed to identify and link to criminal activities assets to the value of 31,771,517 euros in 2021 and 12,675,982 euros in 2022. By way of example, reference can be made to the following investigations:

- Operation "Wallis": financial investigation concerning 11 individuals (Chinese and Spanish nationals) who were members of an international criminal organisation involved in THB for the purpose of sexual exploitation, money laundering and other crimes. A total of 132,065 euros was seized. According to information provided by the Spanish authorities, the victims, of Chinese nationality, denied engaging in prostitution and the case was subsequently closed, as the investigation did not duly justify the commission of a crime.
- Operation "Berilo": financial investigation involving 40 individuals and 25 legal entities suspected of THB for the purpose of sexual exploitation, money laundering and other crimes. A total of 6,309,189.15 euros was seized. Other preventive measures included the prohibition to dispose of 34 real estate properties for a value of 1,984,751 euros and 76 movable assets (vehicles) for a value of 977,450 euros, and the prohibition to access to 217 bank accounts. The case is still under investigation (pre-trial phase).

⁵⁷ See paragraph 246 of GRETA's second report on Spain; paragraph 262 of GRETA's first report on Spain.

⁵⁸ Relevant legislation: CCP, Article 367 septimus and Additional Provision Six, referring to the Office for Seizure and Handling of Assets; Article 367 bis to septimus, regulating the destruction and realisation of goods in advance; and finally, the procedure for autonomous confiscation in Article 803 tertius e et seq; Criminal Code: Article 127 to 129 bis on ancillary consequences; Royal Decree 948/2015 of 23 October, regulating the Office for Asset Recovery and Management; Council Framework Decision 2006/960/JHA of 18 December on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU.

113. The National Action Plan against THB expressly recognises as a priority the improvement of the detection of cases of human trafficking and exploitation through the use of new technologies. The *Policía Nacional* has set up a Cyber-trafficking Investigative Group to deal with the increased use of internet and social networks to recruit victims of trafficking. Due to the high level of specialisation, online child sexual abuse investigations are carried out by the cybercrime groups of the Judicial Police and the Central Cybercrime Unit within the General Commissariat of the Judicial Police. The *Guardia Civil* reported regularly monitoring online platforms used by traffickers. The *Policía Nacional* provided several examples of investigations online. By way of example, reference can be made to the following investigations:

- Operation “Santos” concerning THB for the purpose of sexual exploitation of South American women, recruited through Facebook by false job offers. Pre-trial phase investigations of this case were nearing completion at the time of adoption of this report.
- Operation “Matador” concerning a criminal organisation based in Sevilla, which recruited South American women in vulnerable economic situation and subjected them to sexual exploitation in France and Spain. The sexual services were advertised on websites. Four individuals were arrested and one of them was directly sent to prison. The pre-trial phase of the case was almost complete at the time of adoption of this report.
- Operation “Samba”: the investigation started through a European Investigation Order and a European Arrest Warrant, issued by the French authorities to Spain and Portugal. The investigation, coordinated by Europol and Eurojust, led to the dismantling of an international criminal organisation active in Spain, France and Portugal which sexually exploited South American women (mainly from Brazil) in several towns in France. The publication of sexual services advertisements on websites, the arrangement of accommodation and the booking of taxis to drive the victims to the hotels where they were sexually exploited were all managed from Spain. In executing the European Investigation Order and European Arrest Warrant, the Spanish authorities carried out four arrests and three searches in several towns in Spain. A total of 12,000 euros, a vehicle and several computers and mobile phones were seized.

114. The number of prosecutions has increased over the years and was respectively 25 in 2017 (22 for sexual exploitation, 2 for labour exploitation/begging and 1 for forced marriage), 27 in 2018 (24 for sexual exploitation, 2 for labour exploitation/begging and 1 for forced criminality), 40 in 2019 (34 for sexual exploitation, 3 for labour exploitation, 2 for forced marriage and 1 for forced begging), 37 in 2020 (30 for sexual exploitation, 5 for labour exploitation, 1 for forced begging and 1 for forced criminality), 48 in 2021 (37 for sexual exploitation, 5 for labour exploitation, 3 for forced criminality and other 3 combining different types of trafficking) and 18 in 2022 (15 for sexual exploitation and 3 for forced criminality and/or servitude). The number of convictions for THB was 51 in 2017, 57 in 2018, 52 in 2019, 45 in 2020, 24 in 2021 and 40 in 2022.⁵⁹

⁵⁹ All data of 2022 should be considered as provisional.

115. By way of example, GRETA would like to refer to the following judgments:

- AP JAEN-SECC.2a- S 965/2020. ST.203 of 29 November 2021. The case concerns THB for sexual exploitation and other crimes committed by 16 Colombian nationals (8 men and 8 women) against 20 victims (including one child). The perpetrators operated within a trafficking network established in Colombia, dedicated to recruiting Colombian women in difficult economic circumstances conditions, and bring them to Jaen, where they were forced into prostitution, by threatening them and by means of physical and psychological violence. The Court of Jaen condemned the main perpetrator to 103 years' imprisonment and the other perpetrators to 64 years' imprisonment (of which a maximum of 20 years is to be served). The court awarded 30,000 euros for each of the 11 victims who were forced into prostitution and 20,000 euros to the victim who was recruited but not sexually exploited. The testimonies of the victims (at the trial and at the pre-trial stage) were fundamental for the conviction.
- AP CASTELLON-SECC. 1a- PO 40/2021. ST. 226 of 9 July 2021. The case concerns THB for labour exploitation and money laundering committed by a Romanian woman and 4 men (Romanian and Moroccan nationals) against 54 victims (17 women and 37 men), citizens of Bulgaria and Romania. The trafficking network recruited victims in their countries of origin, taking advantage of their difficult economic conditions, and brought them to Spain to exploit them in the agricultural sector. The victims were also obliged to open bank accounts in Spain and were totally controlled by the traffickers. The perpetrators were convicted to, respectively, 108, 22 and 38 years' imprisonment (maximum 20 to be served). The judgement also recognised the victims' right to compensation.

116. GRETA notes that law enforcement efforts against trafficking in human beings is almost exclusively focused on THB for the purpose of sexual exploitation. Some improvements can be observed, as for example the publication in 2021 by the *Policía Nacional* of an operational manual to combat trafficking for the purpose of labour exploitation and forced criminality. The National Council of the Judiciary also published a guidance, addressed to prosecutors and judges, on how to deal with trafficking cases and ensuring a victim-centred approach.

117. While welcoming the reinforced law enforcement and judicial response to THB, GRETA is concerned by the low numbers of investigations, prosecutions and convictions for THB for the purpose of labour exploitation and urges the Spanish authorities to:

- **increase proactive investigations of trafficking for the purpose of labour exploitation (see also paragraph 190);**
- **step up their efforts to ensure that trafficking offences are prosecuted and classified as such every time the circumstances of a case allow this, whether or not the victim consented to be exploited as stipulated by Article 4(b) of the Convention.**

118. GRETA also considers that the Spanish authorities should take further steps to ensure that THB cases for all forms of exploitation are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. In this context, the authorities should:

- **make full use of the tools of criminal procedural law ensuring an effective investigation, while respecting the rights and safety needs of the victims;**
- **continue providing training to law enforcement officers, prosecutors and judges on the specificities of THB, especially concerning THB for the purpose of labour exploitation, the severe impact of exploitation on the victims and the need to respect their human rights.**

8. Non-punishment provision (Article 26)

119. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁶⁰ Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

120. The legal provision regarding the non-punishment of victims of THB in Spain remains as described in the previous GRETA reports.⁶¹ Namely, pursuant to Article 177bis, paragraph 11, of the CC, "notwithstanding the application of the general rules of this Code, victims of THB will be exempted from the penalties corresponding to the criminal offences committed while being exploited, provided their involvement was the direct consequence of the situation of violence, intimidation, deceit or abuse to which they were subjected, and provided there is an adequate proportionality between that situation and the criminal act perpetrated".

121. The application of this provision is specified in Circular 5/2011 of the Prosecution Service, which indicates that a proportionality test should be applied in each case between the situation of duress faced by the victim and the offence committed. According to this Circular, it will be possible to consider non-punishment in cases where the victim was exploited in order to commit certain offences (e.g. pick pocketing, shoplifting, drug trafficking). Victims of trafficking may also benefit from the non-punishment provision if they use fraudulent documents to enter irregularly in Spain whilst being trafficked there. Further, the Circular indicates that the non-punishment provision applies in cases where the victim contributes to the victimisation of other persons at the request of the traffickers (e.g. surveillance of newly arrived victims, recruitment of other victims).

122. In addition, the Guidance on judicial proceedings regarding trafficking in human beings, published in 2018 by the National Council of the Judiciary, expressly refers to Article 26 of the Council of Europe Anti-Trafficking Convention and indicates that in order to assess the applicability of the non-punishment provision, the facts committed by victims should be investigated and prosecuted in the same proceedings as the offence of THB. When it is not possible to have a joint prosecution, the proceeding concerning the victim's criminal liability should be suspended. In case of a final conviction of the victim prior to the end of the proceedings concerning the traffickers, the victim can ask for a review of the process (pursuant to Article 954 of the CPC).

123. The Spanish authorities have provided examples of cases in which the non-punishment provision was applied to victims of THB who were compelled to breach immigration and/or criminal law provisions. By way of example, reference can be made to the following cases:

- Provincial Court's Judgment (SAP), Madrid (Sec. 1), No. 528/17. The accused was convicted of THB for sexual exploitation and other crimes, including forgery of documents provided to the victim. The victim was not punished even if she provided a photo for the documents and used them.
- SAP Oviedo (Sec. 2), No. 5/2019. The prosecutor withdrew the accusation against two women who had collaborated with the traffickers by surveying other victims and collecting the payments due to the traffickers, because the women in question were sexually exploited themselves and were compelled to act as ordered by the traffickers through the use of violence and threats.

⁶⁰ See 2nd General Report on GRETA's activities, paragraph 58.

⁶¹ See paragraphs 232-233 of GRETA's second report on Spain, and paragraphs 251-253 of GRETA's first report on Spain.

- SAP Barcelona (Sec. 8), 31/7/2019. The parents and brother of a girl were convicted of THB for the purpose of forced criminality, having obliged the girl to commit pickpocketing, shoplifting and other criminal offences. No legal action was taken against the girl.
- Court of Appeal of Catalonia, No. 60/2021. This case concerned a young woman from Peru, accused of hiding inside her body half a kilogramme of cocaine which she trafficked to Spain in exchange for money. The court considered that the crime had been committed as a direct consequence of her exploitation by the traffickers. While assessing the proportionality, the court considered that the woman was in a position of vulnerability due to her dire economic circumstances and having a four-month-old baby born prematurely. The judgment is particularly relevant because the court affirmed that Article 177bis, paragraph 11, of the CC can be applied even if there is no conviction for THB.

124. On the other hand, NGOs have reported cases of victims of THB who were not identified as such and were punished for immigration offences. The Ombudsman informed GRETA about the case of a woman from Cameroon who was not identified as a victim of THB and was held in the closed centre for asylum seekers of Barajas Airport for almost two months (from 23 March to 15 May 2022). Despite the presence of human trafficking indicators and the advice of UNHCR, her application for international protection was rejected and the protocol for the identification of THB was not activated. Following the intervention of the Ombudsman, the woman made another application for international protection, which was declared admissible (see also paragraph 232).

125. Reference should also be made to the case brought by Women's Link Worldwide to the UN Committee on the elimination of discrimination against women (CEDAW) and decided in February 2021, concerning a Uruguayan woman who was detained in an immigration detention centre in Madrid. She claimed that she had been trafficked, but no investigation was launched by the Spanish authorities into her complaint, and she was sentenced to six months' imprisonment for having resisted a police officer. Even if CEDAW found no violation of the Convention on the elimination of all forms of discrimination against women, Women's Link Worldwide claims that this case is a breach of the non-punishment principle. In this context, GRETA stresses that prompt identification of presumed victims of THB is a precondition for correctly applying the non-punishment principle, as found by the European Court of Human Rights in the case *V.C.L. and A.N. v. United Kingdom*.⁶²

126. The *Guardia Civil* informed GRETA of cases of Moroccan boys who were apparently recruited by criminals in reception centres for migrants or in the streets of Melilla and were compelled through threats or violence to pick up packages of hashish thrown over the wall surrounding Melilla and deliver them to the criminal organisation.⁶³ This case was part of the Operation "Goliath" in which a criminal organisation (composed of 24 individuals of Spanish and Moroccan nationality) was involved in trafficking in human beings and drug trafficking. Nine unaccompanied children were used to traffic drugs and seven of them were identified as victims of THB (the other two refused to provide information or benefit from the recovery and reflection period). After the investigation phase, all the 24 members of the criminal group were arrested and charged with the crime of human trafficking, belonging to a criminal organisation and crime against public health, and 17 vehicles and two houses were seized. According to information provided by the Spanish authorities, the non-punishment provision was applied to all the identified victims of THB.

⁶² [V.C.L. AND A.N. v. THE UNITED KINGDOM \(coe.int\)](#).

⁶³ [Detenidas 24 personas en Melilla por usar niños acogidos para traficar con droga mediante el "volteo" | España \(elmundo.es\)](#)

127. While welcoming the provision of guidelines to prosecutors and judges on the application of the non-punishment provision and the examples of case-law, **GRETA considers the Spanish authorities should take further steps to ensure a harmonised implementation of the non-punishment provision, in particular by:**

- **providing further training to law enforcement officers, prosecutors and judges on the basis of the Guidance on judicial proceedings regarding trafficking in human beings;**
- **strengthening the exchange of information between law enforcement agencies, prosecutors and judges;**
- **ensuring that the non-punishment provision can be applied in practice to THB victims who are undocumented migrants, making sure that they are promptly identified as victims and receive appropriate support.**

9. Protection of victims and witnesses (Articles 28 and 30)

128. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

129. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

130. The legislation on the protection of witnesses and victims remains as described in GRETA's second evaluation report on Spain.⁶⁴ Law 19/94 on the Protection of Witnesses and Experts in Criminal Cases provides for concealing the victim's personal details (identity, domicile, workplace, profession and any other data enabling their identification), and concealment of the witness using voice distortion or one-way glass. The protection measures may apply throughout the trial and, if the situation of serious danger persists, after the trial.

131. Further, the 2015 Statute of the Victims of Crime contains provisions on the protection of victims. Pursuant to Article 20, direct contact between the victim and the perpetrator has to be avoided, including at the investigation stage. Article 21 provides for the following measures during the investigation: victim's statements must be taken without unjustified delay, the least possible number of times and only when strictly necessary for the purposes of the criminal investigation; victims may be accompanied, in addition to their representative and legal representative, by a person of their choice; medical examinations of

⁶⁴ See paragraphs 259-263 of GRETA's second report on Spain.

victims are to be performed only when required by the criminal procedure and their number is to be kept to a minimum. Pursuant to Article 25, the victim's statement must be taken in spaces especially designed or adapted for the purpose, by professionals who have received special training to reduce or limit harm to the victim; all statements from a victim have to be taken by one person, unless this is to the significant detriment of the process, or directly by a judge or a prosecutor; statements from victims of trafficking for sexual exploitation must be taken by a person of the same sex as the victim, should the victim so request, unless this is to the significant detriment of the process, or the statement must be taken directly by a judge or prosecutor. At the trial stage, the following measures may be adopted to protect victims: measures to avoid eye contact between the victim and the alleged perpetrator, including while evidence is being heard, through the use of communication technologies; measures to guarantee that the victim can be heard while not present in the room where the trial is being held, using communication technologies; measures to prevent putting questions related to the victim's private life and not relevant to the criminal act, unless the judge considers exceptionally that they must be answered so as to adequately evaluate the facts or the credibility of the victim's statement; measures to exclude the public from court proceedings. The draft law on procedural efficiency measures for the public justice service (see paragraph 107) includes provisions with a view to improving the protection of victims, such as the possibility of carrying out judicial proceedings by video conference. It expressly mentions that "victims [...] of trafficking in human beings [...] may intervene from the places where they are officially receiving assistance, care, advice and protection, or from any other place if the judge deems it appropriate, provided that they have sufficient means to ensure their identity".

132. Crime Victims Assistance Offices have been set up pursuant to Law 35/1995 of 11 December 1995 on Assistance to Victims of Violent Crimes and Crimes against Sexual Freedom. These offices may carry out an individual risk assessment and send a report to the judicial authorities, asking for the adoption of appropriate protection measures. The Crime Victims Assistance Offices also ensure that a psychological support plan is drawn up for victims who are especially vulnerable or in need of special protection.

133. Pursuant to Articles 4, 21 and 28 of the Statute of the Victims of Crime and Article 433 of the CPC, victims may be accompanied by a social worker, psychologist and/or an NGO representative during the investigation and court hearings. Under Article 7 of the Statute of Victims, victims should be informed about the progress of the criminal proceedings.

134. The Spanish authorities do not have information on the number of cases in which witness protection measures were applied to victims and witnesses of THB.

135. The Guidance on judicial proceedings regarding trafficking in human being has a specific chapter on the protection of the witness/victim of trafficking and provide detailed guidelines to prosecutors and judges for ensuring the understanding and the correct application of the existing legislation.

136. According to civil society representatives, Law 19/1994 and the Statute of Victims are not uniformly applied, and some difficulties exist in practice because of the lack of technical, material and human resources. The possibility for victims of being accompanied by the police to the hearings is often not implemented in practice; further, a protected space for interviewing victims is not always available in law enforcement premises. Information to the victims about the progress of the case is not always granted and depends, in practice, on the good will of the professionals involved in the case. Further, civil society representatives noted that victims of trafficking are rarely referred to the Crime Victims Assistance Office.

137. GRETA welcomes the range of victim protection measures provided for in Spanish law and the publication of guidance to prosecutors and judges which aims at ensuring a coherent application of the existing legislation. **However, GRETA considers that the Spanish authorities should take further steps to ensure that the existing provisions are effectively applied in practice to protect victims and witnesses of THB and to prevent their intimidation during the investigation, as well as during and after the court proceedings, in particular by:**

- **ensuring that the Guidance on judicial proceedings regarding trafficking in human being is disseminated among all relevant agencies and the judiciary;**
- **increasing the availability of appropriate facilities and equipment for interviewing victims in courts and police stations;**
- **ensuring adequate financial and human resources to cover the costs and ensure effective protection of victims and witnesses of THB, including their relocation for security reasons.**

10. Specialised authorities and co-ordinating bodies (Article 29)

138. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and co-ordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

139. As described in paragraph 25, the Intelligence Centre against Terrorism and Organised Crime (CITCO) is the focal point in the field of THB and supports the National Rapporteur in his tasks. The tasks of the Office of the National Rapporteur include supervision, monitoring and control of the anti-trafficking activities of all state institutions; assessment of trends in THB; measuring results of actions; collection and analysis of information; identification and exchange of good practices; and development of common indicators to facilitate comparison and consistency of information. The Office of the Rapporteur also ensures inter-institutional and multidisciplinary coordination, in order to promote a better understanding and prevention of THB and a more effective action against this crime. The Government Delegation against Gender Violence is responsible for making proposals on the Government's policy for combating violence against women, including THB, however its mandate is only limited to THB for the purpose of sexual exploitation of women and girls.

140. The *Policía Nacional*, which comprises central, provincial and local units, has a Central Brigade against Trafficking in Human Beings within the General Commissariat for Immigration and Borders' Central Unit for Illegal Immigration and Forgery (UCRIF), which acts throughout the country and is responsible for investigating criminal activities involving human trafficking. It also carries out operational coordination and technical support for the regional units and acts as the National Central Office in this regard in relation to other bodies. There are 23 regional UCRIF (Units against Illegal Immigration Networks and Forgery), which have the same functions in their regions as the central UCRIF. In 2020, a new department dedicated to human rights and equality has been created within the *Policía Nacional* General Directorate.

141. The *Guardia Civil* is, *inter alia*, responsible for the surveillance of the land borders and coastline, and has Human Trafficking Groups within the Criminal Intelligence Unit and the Central Operative Unit of the Criminal Investigation Command (Judicial Police). At provincial level, there are THB teams within the criminal investigation units.

142. Pursuant to Instruction 6/2016 of the Secretary State for Security "On the actions of the State Security Forces in the fight against trafficking in human beings and in the collaboration with organisations and entities with proven experience in assisting victims", the position of National Social Interlocutor in the fight against THB was created within UCRIF and *Guardia Civil*, serving as a focal point for all stakeholders and responsible for data collection and information sharing. Social interlocutors also exist within the *Policía Nacional* and the *Guardia Civil* at provincial level (one social interlocutor from *Policía Nacional* and the *Guardia Civil per province within each autonomous region*).

143. The co-ordination of the activities of the Prosecution Service concerning prevention and prosecution of THB and protection of victims continues to be within the remit of the Chief Prosecutor for Foreigners' Affairs (*Fiscalía General de Extranjería*) who heads a network of 115 specialised prosecutors. All investigations opened by any criminal police officers (*Policía Nacional, Guardia Civil, Mossos d'Esquadra, Ertzaintza*) are coordinated by the National Prosecutor's Office. For increasing coordination, one inspector from UCRIF (Illegal Immigration Network and False Documents) and one captain from the *Guardia Civil* are included in the coordination Unit. Prosecutors of the autonomous communities of Catalonia and the Basque Country are also part of the same system.

144. Specific training programmes on THB are provided both by the *Policía Nacional* and the *Guardia Civil*. They include mandatory general training for new recruits as well as specialised training programmes. In 2017-2021, the *Policía Nacional* organised 19 training sessions on the investigation of THB cases attended by 742 police officers; three training sessions for social interlocutors attended by 195 police officers; 12 training sessions on unaccompanied children, attended by 371 police officers; and four training sessions on international protection, attended by 3,024 police officers.

145. GRETA notes that several actions are envisaged in the National Action Plan against THB for strengthening co-operation among different actors involved in the fight against THB, including: reviewing the monitoring system of the Framework Protocol for the Protection of Victims of THB so that public authorities and specialised organisations get involved and cooperate with each other; promoting the establishment of strong mechanisms for inter-agency cooperation to improve investigation/prosecution; reorganising the tasks and duties of the National Rapporteur Office and setting up a unit within the CITCO responsible for supporting its work; ensuring that relevant information on the protection of THB victims is directly provided by public authorities to law enforcement investigating the crime.

146. **GRETA welcomes the existence of investigators and prosecutors trained and specialised to deal with THB cases, and considers that the Spanish authorities should develop training and specialisation of judges and labour inspectors. The training should be systematic and periodically updated, and should further promote capacity-building and specialisation, with a view to enabling the proactive investigation and successful prosecution of human trafficking cases.**

11. International co-operation (Article 32)

147. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another “to the widest extent possible”. This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁶⁵ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

148. Spain is a party to several Inter-American Conventions⁶⁶ and has signed a number of multilateral agreements with Central American countries on mutual legal assistance in criminal matters, extradition and the arrest warrant. Spain is also a member of IberRed, the Ibero-American international judicial cooperation NETWORK, and the Ibero-American Association of Public Prosecutors (AIAMP). A network of prosecutors specialised on THB has been set up within the IberRed to act as focal point for specialised prosecutors in each member state. In 2022 a Joint Investigation Team was set up for the first time with Colombia, resulting in dismantling a criminal organisation which recruited Colombian women through fake job offers in Spain and subjected them to sexual exploitation.

149. The authorities informed GRETA about regular cooperation with police forces from Bulgaria, Romania, Colombia, Belgium and the Netherlands as well as numerous collaborations with Nigeria, France, Italy, the United Kingdom, China and other countries.

150. Within the EU, Spain collaborates with Europol and Eurojust in setting up Joint Investigation Teams (JITs) in THB cases. Since 2018, the Ministry of Justice’s General Sub-directorate for International Legal Cooperation has processed a total of 114 requests (mutual legal assistance requests/European Investigation Orders), 47 of which requested by Spanish authorities and 67 requested by other countries. In the reporting period Spain took part in one JIT in 2019, one in 2021 and two in 2022. One JITs in which Spain participated during the reporting period was set up with Romania and Italy and resulted in the arrest of 16 individuals on charges of human trafficking for the purpose of sexual exploitation, money laundering and belonging to a criminal organisation. In Spain, 13 victims of sexual exploitation were identified following two inspections in hostess clubs, four men (two Romanian and two Spanish) were arrested, and 135,000 euros in cash and several vehicles were seized. Spain has also continued participating in the European Multidisciplinary Platform Against Criminal Threats (EMPACT) and Joint Action Days in the field of THB for different purposes of exploitation.

151. The authorities provided the following recent examples of international cooperation in the investigation of cases of transnational THB:

- OPERATION PEÑAROL. The operation led to the dismantling of a Uruguayan transnational criminal organisation dedicated to THB for sexual exploitation in Madrid. Simultaneous police operations took place in Spain and Uruguay, investigators from the Central Brigade for Combatting Human Trafficking travelled to Montevideo, where they took part in searches. Eight members of the criminal organisation were arrested, and four victims of THB were rescued.

⁶⁵ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

⁶⁶ Including on mutual assistance in criminal matters, the Belem do Pará Convention to prevent, punish and eradicate violence against women, on the international trafficking of children, and on the enforcement of foreign criminal convictions.

- OPERATION SSSYBLE. The operation led to the dismantling of a Nigerian criminal organisation dedicated to THB for sexual exploitation in Spain, with the participation of EUROPOL, Germany, Nigeria and Denmark. 11 persons were arrested and 9 victims were rescued.
- OPERATION FARMER. The operation led to the dismantling of an Albanian criminal organisation based in Catalonia that was engaged in the indoor cultivation of marijuana in large quantities for export to the European market. There were indicators that the Albanian citizens who were producing it were victims of THB. Five members of the organisation were arrested and nearly 3,000 marijuana plants, false documents, money and a firearm were seized.

152. Nevertheless, civil society organisations have highlighted some gaps in securing criminal assets abroad in view of ensuring effective access to compensation for THB victims. They also stressed the need for increasing bilateral cooperation between Spain and countries of origin of THB victims in order to ensure their safe return and reduce the risks of re-victimisation.

153. **GRETA welcomes the Spanish authorities' engagement in international co-operation in the investigation and prosecution of THB, and invites them to continue their efforts, including in the prevention of THB and in the return of victims of trafficking, by fostering cooperation with the main countries of origin of victims trafficked to Spain.**

12. Cross-cutting issues

- a. gender-sensitive criminal, civil, labour and administrative proceedings

154. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁶⁷ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁶⁸ GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant women, refugee and asylum-seeking women, women from ethnic minorities and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or childcare.⁶⁹ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁷⁰

⁶⁷ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

⁶⁸ Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁶⁹ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

⁷⁰ Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

155. The gender dimension is incorporated in Spanish legislation, policies and action against trafficking in human beings. Law 1/2004 on Comprehensive protection measures against gender violence is currently being reviewed and some improvements have been proposed by different actors involved in its implementation. The Law 10/2022 on the Comprehensive Protection of Sexual Freedom further developed the gender-sensitive approach to access to justice and compensation (see paragraphs 20, 87 and 93). The Contingency Plan against gender-based violence in the context of the COVID-19 pandemic of 17 March 2020⁷¹ established measures to prevent, control and minimise the possible negative consequences on the lives of many women victims of gender-based violence due to the lockdown and emergency situation arising from the COVID-19 pandemic.

156. In addition to legislative measures, numerous action plans, strategies and policies have been adopted in this area both at national and local levels (see paragraphs 69, 189, 245 and 254). Specialised lawyers on gender equality exist within the different local Bar Associations who provide legal aid to victims of gender-based and sexual violence, including victims of THB for the purpose of sexual exploitation. For example, a protocol on immediate assistance to victims of gender-based violence has been established by the Bar Association of Catalonia, according to which police forces, prior to the filing of a complaint or lawsuit by the victim of gender-based violence, should promptly inform the Bar Association lawyers which will provide the immediate intervention of specialised lawyers.

157. GRETA welcomes the range of measures adopted in Spain to promote gender equality and invites the Spanish authorities to ensure that a gender-sensitive approach is adopted by the relevant actors involved in the fight against trafficking in human beings.

b. child-sensitive procedures for obtaining access to justice and remedies

158. The "Actions for the detection of and assistance to victims of trafficking in human beings who are minors", approved by the Children's Observatory on 1 December 2017,⁷² provides guidance to relevant professionals to how to detect presumed child victims and refer them to specialised assistance. Further, the Framework Protocol on certain actions related to unaccompanied foreign children⁷³ states that law enforcement agencies and other relevant public institutions should inform presumed victims of trafficking about their rights in a clear and accessible manner and in a language that they can understand.

159. Instruction 1/2017 of the State Secretary for Security established a protocol for police intervention with children. It aims at adapting police action to the specific needs of children (as perpetrators, victims or witnesses). Only specific and specialised law enforcement officers are allowed to intervene in such cases. The Handbook on the Procedures of the Family and Women's Units (UFAMs) of the *Policía Nacional* states that these units will be responsible for conducting all investigations concerning children. The UFAMs are also responsible for monitoring the actions to be carried out in the interests of children and the respect of the procedure.

160. Children's protection in criminal proceedings has been reinforced through the adoption of Law 8/2021 of 4 June 2021 on the Comprehensive Protection of Children and Adolescents against Violence. Pursuant to this law, children are entitled to free legal aid regardless of their financial situation (Article 14 of Law 8/2021 of 4 June). The law contains provisions which aim to minimise the number of interviews of children and make it mandatory, in case of serious crimes, including THB, to interview children prior to the trial with the use of video recording by the courts' psychosocial services. In addition, the law provides that when a person under 14 or a person with a disability in need of special protection must take part as a witness in judicial proceedings to investigate serious crimes, including trafficking in human beings, the judicial authority will agree in all cases to use the interview with the child as evidence to be used at the

⁷¹ [Plan de Contingencia contra la Violencia de Género ante la crisis del COVID-19 \(transparencia.gob.es\)](https://transparencia.gob.es/plan-de-contingencia-contrala-violencia-de-genero-ante-la-crisis-del-covid-19)

⁷² http://www.observatoriodelainfancia.mscbs.gob.es/productos/pdf/Anexo_Protocolo_Marco_Menores_Victimas_TSH_aprobado_por_Pleno1_12_2017.pdf

⁷³ <https://violenciagenero.igualdad.gob.es/ca/otrasFormas/trata/normativaProtocolo/marco/docs/ProtocoloMena.pdf>

trial. The judicial authority may agree for the interview of a child under 14 years of age to be carried out by a psychosocial team which has an interdisciplinary composition. The parties shall forward their questions to the judicial authority who, after checking if they are relevant and useful, will pass them on to the psychosocial team. Once the interview with the child has been held, the parties may request clarifications on the same terms. The child's statement must be recorded pursuant to Article 449ter of the CPC, any contact between the person under investigation and the witness should be avoided, using, if necessary, any technical means.

161. GRETA was informed that law enforcement agencies have set up child-friendly interview rooms where interviews are carried out by trained staff, using a language adapted to the age and psychological state of the child.

162. GRETA welcomes the increase of the protection of child victims by Law 8/2021 and the availability of child-friendly interview rooms in courts and police facilities. **However, GRETA considers that the Spanish authorities should provide for the application of protection measures to all child victims of trafficking, i.e., all persons under the age of 18, including the obligation to record the interview and the absence of cross-examination (direct confrontation) with the accused. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.**⁷⁴

c. role of businesses

163. The National Action Plan against human trafficking (PENTRA) envisages several measures to discourage the demand of services of victims of human trafficking, including: promote the necessary legislative amendments to discourage the demand of services provided by victims of human trafficking and exploitation, in accordance with Article 19 of the Council of Europe Convention on action against trafficking in human beings; develop specific awareness-raising actions addressed to employers and intermediaries in order to prevent trafficking for the purpose of labour exploitation. In November 2022 the *Guardia Civil* held an online seminar addressed to farm owners in order to raise their awareness of THB for the purpose of labour exploitation. According to the authorities, the Labour and Social Security Inspectorate is implementing awareness-raising campaigns for employers, paying special attention to sectors at high risk of labour exploitation.

164. The National Action Plan against forced labour, adopted in December 2021, envisages several actions to improve prosecutions of cases of labour exploitation and forced labour, among which the introduction, in the Criminal Code, of a provision recognizing the criminal liability of legal entities for the recruitment and subcontracting of persons subjected to forced labour. It also envisages the drafting of a Circular of the National Prosecutor's Office (*Fiscalía General del Estado*) providing guidelines on the criminal liability of physical persons and legal entities acting as intermediaries and illegal recruitment companies, including the analysis of the criminal liability of companies receiving services that do not carry out any verification of the conditions that such intermediaries impose on workers.⁷⁵

⁷⁴ Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies), <https://rm.coe.int/16804b2cf3>.

⁷⁵ See National Action Plan on forced labour, section 24-25.

165. In 2017, the Spanish Council of Ministers adopted the National Action Plan on business and human rights.⁷⁶ The Plan states that the State expects Spanish business enterprises, both in Spain and abroad, to operate in accordance with their responsibility to respect human rights and act with due diligence, as appropriate to their size and circumstances, to avoid the abuse of the rights of third parties and to address the adverse impacts of their activities. The Plan refers, among its priorities, to awareness raising, specific training on business and human rights for judges and prosecutors, and designing a system of incentives to encourage businesses to adopt adequate policies for the protection of human rights. As regards children, the Government planned to disseminate the UNICEF, Save the Children and Global Compact document on "Children's Rights and Business Principles".⁷⁷ The Government shall also promote the application of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals in Conflict-Affected and High-Risk Areas.

166. In this regard, the preliminary draft law on action against THB includes the duty of corporate due diligence, stating that "the implementation of responsible conduct in business activities, in all productive sectors and at all levels of the supply chain shall be promoted".

167. GRETA welcomes the above-mentioned initiatives and considers that the Spanish authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights⁷⁸, the Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business⁷⁹ and Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,⁸⁰ with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies.

d. measures to prevent and detect corruption

168. Trafficking in human beings can occur in various contexts. Human traffickers may form part of organised criminal groups, which frequently use corruption to circumvent the law, and money laundering to conceal their profits.

169. GRETA refers to the 5th evaluation round of Spain by GRECO, which recommended that the *Policía Nacional* and the *Guardia Civil* conduct a strategic risk assessment of corruption-prone areas and activities to identify problems and emerging threats, and that the data gathered are used for the proactive design of an integrity and anticorruption strategy. It also recommended that the *Guardia Civil* adopt a Code of Conduct and make it publicly available; both the *Policía Nacional* and the *Guardia Civil* should complement their respective Codes by guidelines and practical measures for their implementation, as well as a credible and effective mechanism for oversight and enforcement.⁸¹ In its compliance report, adopted in September 2021, GRECO considered that these recommendations were not fully implemented by the Spanish authorities.⁸²

170. GRETA invites the Spanish authorities to include measures against corruption in a THB context into general anti-corruption policies.

⁷⁶ <https://globalnaps.org/wp-content/uploads/2017/11/spain-nap-espanol.pdf>

⁷⁷ [Children's Rights and Business Principles.](#)

⁷⁸ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁷⁹ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

⁸⁰ Available at: https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a83df4

⁸¹ <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/168098c691>, p. 38-40.

⁸² <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a5dd9e>, p. 12-14.

V. Follow-up topics specific to Spain

1. Measures to prevent and combat trafficking for the purpose of labour exploitation

171. In its second report, GRETA urged the Spanish authorities to intensify their efforts to prevent trafficking in human beings for the purpose of labour exploitation and to proactively identify victims of that form of trafficking.⁸³

172. The Spanish authorities indicated that preventing and combatting trafficking for the purpose of labour exploitation is a priority. Since the adoption of the National Action Plan against THB and the National Action Plan against Forced Labour in 2021, Spain has, for the first time, specific roadmaps to address this form of trafficking. Nevertheless, the absence of a dedicated budget to implement these plans limits their effectiveness.

173. The mandate of the Labour and Social Security Inspection (ITSS) was described in the second GRETA report.⁸⁴ Pursuant to the Law 23/2015 of 21 July 2015 regulating the Labour and Social Security Inspection System, the ITSS is responsible for controlling the labour conditions of workers, social security registration and work authorisation for foreign workers in all economic sectors. Labour inspections are unannounced and can take place during day and night in any workplace. The ITSS can also inspect employment agencies. In order to inspect a private household, it is necessary to have a judicial authorisation. Following legislative amendments introduced in 2020, labour inspections can be conducted in accommodation facilities where workers are hosted by their employers, with the consent of the workers concerned.⁸⁵

174. According to the Framework Protocol for the Protection of Victims of Trafficking, the ITSS shall undertake all investigation procedures it deems necessary, within the remit of its competencies, for the purpose of detecting situations of exploitation at work. If during an inspection a possible situation of human trafficking is detected, the Head of the Regional Inspectorate of the ITSS must be informed, as well as the Prosecutor's Office and the law enforcement agencies.

175. At the time of GRETA's visit, there were 857 labour inspectors and 1,030 sub-inspectors employed by the ITSS (compared to 960 inspectors and 837 sub-inspectors at the time of the second evaluation report, in 2017), as well as 148 labour inspectors in the Autonomous Community of Catalonia, and 50 in the Autonomous Community of the Basque Country. This corresponds to one inspector/sub-inspector for about 19,000 employees,⁸⁶ which is far from the reasonable benchmark established by ILO of one labour inspectors per 10,000 employees for countries with industrial market economies.⁸⁷ In 2020, the ITSS organised a training course on trafficking in human beings, and it is envisaged to conduct a new training at the end of 2022. However, according to NGO representatives met during the visit, labour inspectors are not sufficiently trained on trafficking in human beings to effectively detect victims.

176. The number of labour inspections with a view to detecting victims has remained stable during the reporting period, except for the year 2020 when capacities were limited due to the COVID-19 pandemic. 5,075 inspections at workplaces were conducted in 2018, 5,279 in 2019, 3,590 in 2020, and 5,218 in 2021.⁸⁸ No data is available on the exact number of possible victims of trafficking detected during these inspections.

⁸³ See paragraphs 90, 151 and 258 of the GRETA's second report on Spain.

⁸⁴ See paragraph 82 of GRETA's second report on Spain.

⁸⁵ [Royal Decree-law 5/2020](#) of 25 February 2020 adopting certain measures regarding agriculture and food, and Law 8/2020 of 16 December 2020 adopting certain urgent measures in the field of food and agriculture.

⁸⁶ There was total of 20 million of employees in July 2022 in Spain.

⁸⁷ International Labour Office (ILO), Committee on Employment and Social Policy (ESP) of the Governing Body, GB.297/ESP/3, November 2006. <https://www.ilo.org/public/english/standards/relm/gb/docs/gb297/pdf/esp-3.pdf>

⁸⁸ <https://blogextranjeriaprogestion.org/wp-content/uploads/2022/08/balance-ministerio-tsh-2017-2021.pdf>

177. Joint inspections involving both labour inspectors and National Security Forces have continued under the 2013 agreement between the Ministry of Employment and Social Security and the Ministry of the Interior. GRETA was informed that this agreement is being revised with a view to strengthening the cooperation between the two institutions and will include the fight against trafficking for the purpose of labour exploitation amongst its specific objectives. According to official data, in 2018-2022, about 78,000 joint inspections were conducted, and 37,000 labour law violations were detected. No information is available on the number of joint inspections related to human trafficking, nor on the number of victims detected during them. However, the Spanish authorities informed GRETA that it concerns a low number of cases.

178. According to the National Plan for a Decent Work 2018-2020 and the Strategic Plan of the ITSS for 2021-2023, reducing undeclared work and improving the protection of persons trafficked for the purpose of labour exploitation is one of the strategic objectives of the ITSS. To this end, it is planned to intensify inspections to combat undeclared work or work without affiliation in sectors and geographical areas where violations are most prevalent. In addition, a network of experts on trafficking in human beings has been set up within the ITSS, consisting of labour inspectors with specialised training on THB, appointed at the provincial level, who will act as contact points with law enforcement authorities, public prosecutor's offices, and other relevant authorities or bodies. It is also envisaged to adopt a joint instruction on labour exploitation together with the National Prosecutor's Office, which will be drafted after the adoption of the comprehensive law on trafficking, as well as the operationalisation of the network of labour inspectors specialised on THB.

179. The status of domestic workers has been modified by the Royal Decree-Law 16/2022 of 6 September 2022 for the improvement of working conditions and social security for domestic workers.⁸⁹ It follows a judgment of the European Court of Justice of 22 February 2022 which considered that the Spanish legislation which excludes domestic workers from unemployment benefits violates European law as it indirectly discriminates female workers.⁹⁰ The reform confers domestic workers the right to unemployment benefits and access to the Wages Guarantee Fund in case of employer insolvency or bankruptcy. It also guarantees domestic workers the right to health and safety protection equivalent to that of any other employed person. In 2021, the ITSS launched a campaign for the regularisation of the salary and social contributions of full-time domestic workers, to ensure that they receive the minimum hour wages. The result was that slightly more than 82% of the employers ended up regularising the employment situation of domestic workers, and in 93% of the cases the remuneration was increased. A similar campaign was launched in January 2022 concerning part-time domestic workers. Nevertheless, there remain concerns that domestic workers in Spain are vulnerable to human trafficking and that the limitation of the mandate of labour inspectors to detect exploitative situations in private households leads to a lack of identification of victims.

180. The Spanish authorities have not identified a trend in the use of employment agencies to recruit victims of trafficking, but there have been cases of organised criminal groups posing as temporary employment agencies.

181. GRETA was informed that Spanish trade unions pay attention to possible situations of trafficking in human beings, notably in the sectors of agriculture, tourism and domestic work where the risks are heightened. For instance, the trade union UGT has developed campaigns to inform migrant workers of their rights and has organised training for its members on the detection of cases of trafficking in human beings. However, trade unions are not included in the Framework Protocol for the Protection of Victims of Trafficking.

⁸⁹ Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2022-14680>

⁹⁰ ECJ, Judgment of the Court (Third chamber) of 24 February 2022, *CJ v. Tesoria General de la Seguridad Social (TGSS)*, C-389/20.

182. GRETA was informed of awareness-raising activities on trafficking for the purpose of labour exploitation conducted during the reporting period. In January 2019, the *Guardia Civil* developed a campaign on forced labour (#trabajoforzoso) which consisted in the broadcasting of a short documentary to inform the general public and encourage possible victims to report cases.⁹¹ In July 2019, the *Guardia Civil* also cooperated with the NGO A21 for the production and distribution of leaflets called "passport to indicators of trafficking" in nine languages⁹² to help victims to self-identify and inform them of actions to be taken. The leaflets were distributed in centres for the temporary stay of migrants, as well as centres for refugees. Additional information campaigns targeting both employers and workers in high-risks sectors, as well as awareness activities for the general public, are envisaged in the National Action Plan on Forced Labour.

183. In application of the Law on Foreigners 4/2000, the Ministry of Inclusion issues each year orders for the collective management of recruitment of migrant workers in countries of origin (*Órdenes GECCO*). These orders establish quotas of temporary migrant workers, the procedure to be followed to obtain the temporary work visa, as well as certain conditions to guarantee the rights of these workers. For the agricultural sector, the employer is required to provide temporary migrant workers with accommodation that meets certain standards and, since the extension of the mandate of labour inspectors (see paragraph 173), the latter can control this accommodation. However, according to NGOs, an important number of migrant workers are employed irregularly by farm owners and are not covered by the obligation to be provided with decent accommodation.

184. The Spanish authorities indicated that specific measures had been taken with a view to preventing and combatting trafficking in human beings in the agriculture sector. Each year, joint inspections involving the ITSS and the *Guardia Civil* are conducted during the harvest periods. According to information provided by the Spanish authorities, 28,499 such joint inspections were conducted in the agriculture sector in 2018-2022 and 11,244 offences were detected, but no data is available on possible victims of trafficking detected during the inspections. In addition, some inspections have been carried out in cooperation with officials from other countries, such as Portugal and Romania. GRETA was informed that it is planned to develop such inspections with the Moroccan authorities. In the framework of EMPACT, Spain participated in Joint Action Days in the agriculture sector in September 2022.

185. As mentioned in paragraph 9, GRETA travelled to the area of Huelva (Andalusia), one of the main strawberry production regions. At the time of GRETA's visit, there were 25 informal settlements of migrants (*asentamientos*) in Huelva, where 914 migrants were living (including 99 women), mostly undocumented workers from Morocco, Mali and Ghana. GRETA was informed that during the harvest season, there are many more workers. In the settlement, migrants live in shacks made of plastic sheeting used to cover the strawberry fields. There is no access to drinking water, electricity nor sanitation. NGOs such as *Mujeres en Zona de Conflictos*, *Cruz Roja*, *Caritas* and *ACCEM* provide humanitarian aid in the settlements. One of them had also set up a day centre near the fields, with the aim of providing basic goods and services to migrants, but GRETA was informed during the visit that it would have to close down due to the end of public funding. According to NGOs, several migrant workers in the settlement could be considered as victims of labour exploitation and even human trafficking. They often work in excess of Spain's legal limit on working hours and are paid below the minimum wage, or sometimes not paid at all. NGOs alerted of cases of women who are sexually exploited in the settlements and could also be victims of trafficking for the purpose of sexual exploitation and/or victims of gender-based violence. Labour inspectors do not have the mandate to go to the settlements, but the *Guardia Civil* regularly does, notably in case of incidents or to identify vulnerable persons such as pregnant women or women with children. However, no victims of trafficking have been identified among people living in the informal settlements. Similar settlements exist in other parts of the Spanish territory. **GRETA is deeply concerned about the inaction of the authorities over this humanitarian situation which has been lasted for several years and generates heightened risks of human trafficking.**

⁹¹ <https://www.youtube.com/watch?v=o-OR6-xXDg>

⁹² English, French, Romanian, Romanian, Ukrainian, Bulgarian, Russian, Spanish, Chinese and Arabic.

186. According to statistics provided by the Spanish authorities, the number of reports on presumed cases of trafficking for the purpose of labour exploitation has remained stable during the reporting period. 18 police reports were filled in 2018 (concerning 94 victims), 17 in 2019 (concerning 192 victims), 20 in 2020 (concerning 99 victims), 21 in 2021 (concerning 51 victims), and 29 in 2022 (concerning 89 victims)⁹³. The number of prosecutions for this form of trafficking remains low: 2 indictments in 2018 (concerning 5 accused and 34 victims), 4 indictments in 2019 (concerning 12 accused and 15 victims), 6 indictments in 2020 (concerning 14 accused and 26 victims) and 5 in 2021 (concerning 20 accused and 67 victims).

187. At the time of GRETA's visit, one investigation (Operation Long) was ongoing regarding a presumed case of trafficking for the purpose of labour exploitation and forced criminality which involved people working in cannabis plantations located inside industrial warehouses near Barcelona. A Chinese criminal organisation recruited victims particularly vulnerable in their country of origin. Ten presumed victims of trafficking were identified, they were all granted a recovery and reflection period and assisted in a shelter. At the time of the authorities' comments to the draft report (March 2023), the case was still in the pre-trial phase. In addition, in February 2020, an investigation (Operation Bravos) was completed by the *Guardia Civil* concerning a criminal group suspected of trafficking people for the purpose of labour exploitation. The victims were forced to open bank accounts in order to be paid for their work in citrus harvesting, but the accounts were manipulated by the criminal group and their salaries were taken back (about 54,000 euros). According to the authorities, more than 50 victims of trafficking were identified in this case. In July 2021, five defendants were found guilty of trafficking in human beings and money laundering, and sentenced to prison terms of 148 years, 48 years and 19 years for the crimes of THB in addition to prison terms for money laundering. They were also ordered to compensate the victims for psychological injury and pay their salaries, and provided 50,000 euros in compensation to the victims prior to the trial.

188. The analysis of convictions for the crime of trafficking in human beings for the purpose of labour exploitation is limited due to the lack of comprehensive data collected by the judiciary. According to available statistics, there have been two convictions and one acquittal in 2018, two convictions and two acquittals in 2019, no convictions in 2020, and five convictions, three partial convictions and one acquittal in 2021.

189. GRETA welcomes the adoption of the National Strategic Plan against Trafficking in Human Beings and the National Action Plan on Forced Labour. However, GRETA is concerned that insufficient effort has been made to effectively prevent and detect trafficking for the purpose of labour exploitation, address vulnerabilities of migrant workers, and punish perpetrators. Numerous interlocutors met by GRETA lamented the lack of political will to address trafficking in human beings for the purpose of labour exploitation given the importance of agriculture and other labour-intensive sectors for the Spanish economy.

⁹³ Data for 2022 is provisional.

190. **GRETA urges the Spanish authorities to intensify their efforts to prevent and combat trafficking for the purpose of labour exploitation, taking into account GRETA's Guidance Note on preventing and combating trafficking for labour exploitation⁹⁴ and Recommendation CM/Rec(2022)21 of the Committee of Ministers.⁹⁵ This should include steps to:**

- **ensure that sufficient resources are made available to labour inspectors to fulfil their mandate and carry out proactive and systematic inspections, including in remote locations at risk of THB;**
- **review the legislative framework for any loopholes that may limit the prosecution and adjudication of cases of trafficking for the purpose of labour exploitation;**
- **address the risks of THB in the agricultural sector and improve the detection of possible victims of trafficking among agricultural migrant workers. In particular, immediate action should be taken to ensure the detection of possible victims of THB living in the informal settlements of migrant workers;**
- **guarantee that the living and working conditions of migrant workers, in particular in the agriculture sector, meet all the requirements laid down in the legislation with a view to preventing abuse and exploitation.**

191. **GRETA also considers that the Spanish authorities should:**

- **further train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on THB for the purpose of labour exploitation and the rights of victims;**
- **strengthen the monitoring of domestic work, recruitment and temporary work agencies and supply chains, as well as other risks sectors;**
- **further raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;**
- **improve the collection of data on trafficking in human beings for the purpose of labour exploitation.**

2. Measures to prevent trafficking of children, identify children who are victims of trafficking and assist these children

192. The formal identification of child victims of trafficking rests on law enforcement authorities but, following the adoption of the Royal Law-Decree 6/2022 of 29 March 2022 on urgent measures for dealing with the economic and social consequences of the war in Ukraine, territorial public administrations and specialised NGOs can decide on an "administrative accreditation" of victims of trafficking for the purpose of sexual exploitation, including children (see paragraph 221). The Law 8/2021, of 4 June, on comprehensive protection of children and adolescents against violence has also strengthened the duty of professionals to report acts of violence against children, including trafficking in human beings. It requires the adoption of specific protocols in the centres for the protection of children to prevent, early detect and intervene in cases of possible abuse of children. The "Action plan against sexual exploitation of girls, boys and adolescents in the child protection system", mentioned in paragraph 204, also envisages specialised training in the prevention and detection of sexual exploitation for all workers in centres for the protection

⁹⁴ Available at: <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>

⁹⁵ Available at: https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a83df4

of children in the autonomous communities, the preparation of a harmonised protocol for the prevention, early detection and intervention in possible situations of violence against children in residential care, as well as common guidelines for the detection, notification and referral of cases of sexual exploitation of children in residential care. It is also envisaged to develop a standardised action protocol for all Autonomous Communities in case of disappearance of children from residential care, as well as to improve the sharing of information among relevant institutions.

193. GRETA notes that the legal framework is expected to change with the adoption of the future comprehensive law on combating THB which foresees specific measures for the protection of child victims of trafficking, including a specific identification process involving specialised units on trafficking and exploitation of children (see paragraph 22).

194. With a view to improving the identification of children who are victims of trafficking, relevant professionals can use the "Actions for the detection and assistance to victims of trafficking in human beings who are minors", which were adopted on 17 December 2017 by the Children's Observatory as an appendix to the Framework Protocol for the Protection of Victims of Trafficking in Human Beings. It provides guidance to public administrations, NGOs and other entities in order to detect and identify possible victims of trafficking among children and to apply a streamlined procedure to referring them to rapid and appropriate assistance. The document concerns all child victims, regardless of the purposes of exploitation. It contains a list of indicators specific to the situation of trafficked children.

195. The number of child victims of trafficking identified by National Security Forces has increased compared to the previous reporting periods: 48 child victims were identified in 2018-2021, including 37 girls and 11 boys. Most of them were victims of trafficking for the purposes of labour exploitation (20) and sexual exploitation (16), as well as forced marriage (7) and forced begging (5). No children were identified as victims of trafficking for the purpose of forced criminality, except in 2022 (see paragraph 126). GRETA was also informed about the detection of presumed child victims of trafficking in relation to the war in Ukraine. In the first weeks of the conflict, an NGO detected a man pretending to be the uncle of two Ukrainians girls (15 and 16) who was apparently travelling to Malaga with the girls in order to subject them to prostitution. The man was detained, and the girls were placed under the care of the child protection system in Madrid.⁹⁶ In their comments on the draft GRETA report, the Spanish authorities indicated that the girls did not confirm that they were victims of trafficking in their statements, the competent court ordered the temporary suspension of the proceedings in March 2022 and the girls were reunited with their families.

196. Reports continue to suggest that the scale of child trafficking in Spain is underestimated. A Study of UNICEF and the Comillas Pontifical University "What do we know and how do we tell: data culture in human trafficking", published in 2020, highlights that the number of child victims identified in 2020 is barely 2% of the total of victims of victims of trafficking, which is far from the average European rate or the rate in neighbouring countries (29% in Portugal and 28% in France). Among the reasons for gaps in the identification of child victims of human trafficking, the study highlights the lack of awareness on trafficking for exploitative purposes other than sexual exploitation, the classification of cases as other offences, even when there are reasonable grounds to believe that a person is a victim of trafficking, and the focus on organised criminal groups, rather than on individual traffickers.⁹⁷

⁹⁶ Source: [El Pais](#)

⁹⁷ Castaño, M. J., Aller, T., Barrio, C. I., Díez, I., Izquierdo, J., Maffei, G., Suja, A., Olaguíbel, A., Pallarés, M.ª T. Cultura de Datos en la Trata de Seres Humanos: Informe Técnico de Investigación. Madrid, 17/02/2022. DOI: 10.14422/iuem.20220218. Available at: <https://www.comillas.edu/documentos/centros/iuem/Informe%20t%C3%A9cnico%20de%20investigaci%C3%B3n%20final.pdf>

197. Representatives of NGOs met by GRETA highlighted that the mechanisms for the identification of child victims of trafficking are poorly applied in practice. Law enforcement authorities reportedly continue to base their decision to identify a child as a victim of trafficking on a high proof threshold. The lack of coordination between relevant authorities – in particular between state authorities and authorities of the autonomous communities, between law enforcement authorities and child protection authorities, as well as between the Prosecutor's Office for Foreigners (*Fiscalía de Extranjería*) and the Prosecutor's Office for Minors (*Fiscalía de Menores*) – undermines the effective application of identification mechanisms.

198. There remain serious concerns over the lack of identification of possible victims of trafficking among migrant children arriving in Spain, in particular by sea. According to available data, 41,969 people arrived by sea in 2021, including nearly 5,500 children (13% of sea arrivals). These significant movements of people create heightened risks of human trafficking, notably for children who are in a very vulnerable situation. GRETA understands that no child arriving to Spain by sea has been identified by law enforcement authorities as presumed victim of trafficking upon arrival. According to numerous interlocutors met during the visit, there is a lack of systematic assessment of vulnerabilities of children, nor specific strategies in place for the detection of victims of trafficking among these children, in particular in centres for the protection of children.

199. GRETA was informed about the case of two Somali girls who arrived in Algeciras (Spain) in December 2018, after being rescued in international waters by a Spanish NGO. Despite indicators of human trafficking detected by the staff of the public institution for the protection of children, no formal identification process was initiated. One of the girls remains unaccounted for, while the other was located in Germany where she was granted refugee status.

200. In another case dating back to 2019, two persons from Vietnam who had their applications for asylum declined at the airport of Madrid, were detected by their lawyers as possible children and victims of trafficking, as well as by the Office for Asylum and Refugees which activated the Procedure for the referral of potential victims of trafficking in human beings seeking international protection at Adolfo Suárez Madrid-Barajas airport (see paragraph 231). Despite supporting information from UNHCR that these persons could be victims of trafficking, as well as the intervention of the Ombudsperson Office to support the issuance of residence permits for humanitarian reasons, they were not identified as children nor victim of trafficking by the Police and were deported from Spain.

201. The legal framework for the protection of unaccompanied or separated children is provided by Law 1/1996 on the Legal Protection of Minors, Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and Their Social Integration (Law on Foreigners), and Royal Decree 557/2011 on the Rights and Liberties of Foreigners. The stay of such children on Spanish territory is considered legal until their majority, and their rights to education, housing, health care, social services and basic social benefits are guaranteed under the same conditions as for Spanish children. The Autonomous Communities, which are competent for child protection issues, have adopted their own laws to guarantee the protection of unaccompanied or separated children.

202. As mentioned in GRETA's second report, the Framework Protocol on certain actions related to unaccompanied foreign children, signed on 22 July 2014, aims at establishing co-ordination guidelines related to the identification of unaccompanied children, age determination and handing over to the public institution in charge of child protection, as well as the proper functioning of the Registry on Unaccompanied Foreign Children. It recognises that foreign children who are in a situation of obvious neglect or lack of protection face risks of being subjected to human trafficking networks.⁹⁸

⁹⁸ See paragraph 175 of GRETA's second report on Spain.

203. According to available data, as of 31 December 2021, there were 48,357 children under the child protection system in Spain. As of 30 April 2023, there were 9,257 unaccompanied foreign children but this figure is probably an underestimation as there are difficulties in the registration system. More than 60 percent of unaccompanied foreign children are from Morocco. Andalusia, the Canary Islands and Catalonia are the three autonomous communities taking care of most unaccompanied foreign children.⁹⁹

204. A large number of unaccompanied foreign children are placed in residential care (*centros de protección de menores de edad*), especially boys between the age of 16 and 18. In 2020, there were 5,579 unaccompanied foreign children in residential care and only 91 in foster families. It is especially the case in Ceuta.¹⁰⁰ On 5 May 2022, the Spanish government and the autonomous communities agreed on an "Action plan against sexual exploitation of girls, boys and adolescents in the child protection system." One of the aims of the Action Plan is to take preventive measures to reduce the vulnerabilities and risks factors to exploitation faced by children placed under the child protection system. The Action Plan provides that, before 2026, no children under 6 will be in residential care, and no children under 10 before 2031.

205. The Royal Decree 203/2021 of 19 October 2021, modifying the Law on Foreigners (4/2000), has introduced measures to improve the integration of unaccompanied foreign children and their transition into adulthood. According to the reform, once unaccompanied foreign children have been placed under the care of the child protection system, the competent authority must issue a residence permit within three months, instead of the previous nine months. The duration of the permit has been increased to two years (three years for the renewal). Children who are allowed to work (namely children aged 16-18) do not need a separate work permit. A procedure has been put in place to ensure the continuity of the residence permit once a child reaches the age of 18. Another procedure has been set up to provide young persons aged 18-23 with a residence permit. The Spanish authorities consider that these measures have already had a positive effect on preventing unaccompanied foreign children from being in an irregular situation or in a situation of social exclusion once they reach majority.¹⁰¹ However, despite the legislative improvements, there remain serious concern about the lack of adequate protection and assistance of children transitioning into adulthood. During the visit, GRETA met young adults who had previously been placed under the child protection system but who were living under extreme precarity conditions in an informal settlement of migrants in Huelva (see paragraph 185).

206. Representatives of NGOs met by GRETA consider that the capacities of the Spanish authorities are insufficient to provide effective care arrangements to unaccompanied foreign children (including accommodation, education and health care), and as a result, they are exposed to risks of trafficking in human beings. The protection provided varies greatly from one autonomous community to another. Some have reached their maximum capacity and the protocol for ensuring the transfer of unaccompanied children are not properly applied due to the lack of coordination between autonomous communities. In addition, there remain a significant number of unaccompanied foreign children who disappear every year. According to the Spanish authorities, disappearances are generally explained by the fact that the children's plan is to reach France, Germany or the United Kingdom.

207. Effective protection of unaccompanied foreign children is also undermined by gaps in the age-assessment procedure. In case of doubt regarding a person's age, medical tests can be made, such as an X-ray of the left-hand carpus or an oral cavity examination and dental X-ray, but the law does not provide for a psychological assessment of the child. GRETA notes that the Committee on the Rights of the Child considered in numerous individual communications that the application of the age-assessment procedure

⁹⁹ https://www.abc.es/espana/abci-quienes-menas-cuantos-hay-espana-nsv-202110201234_noticia.html
<https://www.mdsocialesa2030.gob.es/portal/infancia-en-datos/indicadores.htm?sector=5&clase=27&indicador=45#sector>

¹⁰⁰ Ibid.

¹⁰¹ The number of unaccompanied foreign children of 16 and 17 with authorisation to work has increased from 228 in December 2021 to 1,794 in June 2022. The number of former unaccompanied foreign children with residence authorisation in Spain has increased from 1,736 to 5,908. <https://extranjeros.inclusion.gob.es/es/Estadisticas/operaciones/menores/index.html>

by the Spanish authorities violated the rights of the child.¹⁰² GRETA was informed of the case of two girls from the Ivory Coast who were considered as adults and placed in a humanitarian reception centre in Sevilla. They disappeared from the centre before being formally identified as victims of human trafficking, although indicators of trafficking were detected by staff of the centre.

208. There are also concerns that when medical examinations conclude that a person who has presented him/herself as a child is an adult, such a conclusion is used to cast doubt on the person's claim that he/she is a victim of human trafficking in human beings and lead the law enforcement authorities to decide not to identify him/her as a victim. On the other hand, when migrants present themselves as adults, but there are reasons to believe that they might be children, no steps are taken to verify their age.

209. GRETA notes that a case concerning the alleged failure to fulfil the positive obligation to investigate allegations of trafficking in human being following an age assessment of a presumed victim has recently been communicated to the Spanish Government by the European Court of Human Rights.¹⁰³ In this case, the Spanish courts considered that, since the most probable age of the applicant, a Nigerian national, was 18 years old, her statements regarding her entry in Spain to be sexually exploited were not credible, and the case was discontinued.

210. GRETA was informed that a draft Law on Age Assessment has been prepared with a view to adopting a procedure which is in compliance with international standards and the principle of the best interests of the child. However, GRETA is concerned that under the preliminary draft law, there is no obligation, but only the possibility, to request a multidisciplinary report on the age assessment. At the time of the authorities' comments to the draft report (March 2023), the text was still pending the opinion of the General Council for the Judiciary which before it can be sent to the Parliament. **GRETA would like to be kept informed of the adoption of the draft Law on Age Assessment.**

211. The Framework Protocol on certain actions related to unaccompanied foreign children provides for measures to detect child victims of trafficking upon arrivals on the Spanish territory, in particular the possibility to conduct a separated interview of the adult accompanying the child upon arrival and to propose to carry out a DNA test, the immediate notification of the Prosecutor's Office and the competent child protection institution, and the drawing of a record with all the details of the interview and the rest of the actions carried out. GRETA was informed that this procedure is broadly used in the context of arrivals of child migrants, in particular in Ceuta where children would be systematically separated from the adults accompanying them until the results of the DNA test. Several interlocutors expressed concern that the procedure is not applied in accordance with the principle of the best interests of the child as the views of children are not taken into account if the biological link is not confirmed.

212. There are worrying reports of pushbacks of children at borders, notably at the land borders with Ceuta and Melilla, which undermine the identification of children who are possible victims of trafficking. GRETA refers to the report of the UN Committee on the Rights of the Child which concluded in February 2019 that Spain violated several provisions of the UN Convention on the Rights of the Child (namely the best interests of the child, the special protection of unaccompanied minors and the prohibition of torture and inhuman or degrading treatment), following the pushback of an unaccompanied Malian child from Melilla to Morocco in December 2014.¹⁰⁴

213. All interlocutors met by GRETA underlined the need to improve the training on trafficking in human beings of all professionals involved in the protection of children, in order to effectively prevent and detect trafficking in human beings of children, including among child migrants.

¹⁰² <https://www.ohchr.org/es/2020/10/spains-age-assessment-procedures-violate-migrant-childrens-rights-un-committee-finds>

¹⁰³ *T.V. v. Spain (coe.int)*

¹⁰⁴ *D.D. v. Spain, CRC/C/80/D/4/2016*, UN Committee on the Rights of the Child (CRC), 1 February 2019.

214. Once children are identified as victims of trafficking, there remain concerns about the lack of sufficient services and resources provided to them. GRETA understands that since the second report, a specialised shelter for girl victims of trafficking for the purpose of sexual exploitation has been set up in Madrid which can accommodate 16 girls. In addition, the NGO APRAMP has five places available for girl victims in Madrid. A pilot centre was also set up in Andalusia for girls who are possible victims of trafficking, with a capacity of 12. In addition, 11 NGOs provide safe accommodation to female victims of sexual exploitation which can also receive girls, but there is no specific data on the places available.

215. There are no specialised shelters for boy victims of trafficking, nor for girls who are victims of trafficking for exploitative purposes other than sexual exploitation. In these cases, child victims are usually placed with other children in centres for the protection of children existing in all autonomous communities across the country. GRETA notes that the National Action Plan against THB envisages the setting up of specialised shelters for child victims of trafficking in all autonomous communities.

216. GRETA remains concerned that insufficient efforts have been made to address trafficking of children, in particular of unaccompanied foreign children. It is also concerned that the procedures for identifying child victims of trafficking do not fully guarantee the best interests of the child and the assistance is undermined by the lack of sufficient resources. **Recalling its previous recommendations, GRETA urges the Spanish authorities to step up their efforts to prevent and combat trafficking of children, identify child victims of trafficking, and provide appropriate assistance to them, in particular by:**

- **ensuring that unaccompanied and separated children benefit from effective care arrangements, including accommodation, access to education and healthcare, so that they are not exposed to risks of trafficking;**
- **increasing the capacity to detect child victims of trafficking by any professionals who may come into contact with children, in particular by providing adequate training on the use of trafficking indicators;**
- **improving the procedures for the identification of child victims of trafficking, in particular among unaccompanied foreign children, and ensure that the best interests of the child is the primary consideration;**
- **increasing the availability of places in safe and specialised accommodation for all child victims of trafficking, with professionals adequately trained.**

217. **Further, GRETA considers that the Spanish authorities should review the age assessment procedures applying to possible victims of trafficking, ensuring that the best interests of the child are effectively protected. In particular, the age assessment must not rely only on medical examination, but on a comprehensive assessment of the child's physical and psychological development. Reference is made to the Committee on the Rights of the Child's Joint general comment No. 4 and No. 23,¹⁰⁵ as well as to the Council of Europe Guide for policy makers on age assessment for children in migration.¹⁰⁶**

¹⁰⁵ Committee on the Rights of the Child, Joint general comment No. 4 and No. 23, para. 4.

¹⁰⁶ <https://rm.coe.int/ageassessmentchildrenmigration/168099529f>

3. Identification of victims of trafficking

218. In its second report, GRETA urged the Spanish authorities to improve the identification of victims of THB by ensuring that formal identification of victims does not depend on the presence of sufficient evidence for the initiation of criminal proceedings, strengthening multi-agency involvement in the identification of victims of trafficking by formally recognising the role of specialised NGOs in the decision-making process, and paying increased attention to the proactive detection of victims of trafficking among asylum seekers and persons placed in immigration detention, as well as migrants arriving in the autonomous cities of Ceuta and Melilla.¹⁰⁷

219. The procedure for the identification and referral to assistance of victims, as well as the coordination between all relevant authorities, continue to be based on the above-mentioned Framework Protocol for the Protection of Victims of Trafficking, which was adopted in 2011. The Framework Protocol covers victims of trafficking for all forms of exploitation, irrespective of their gender, nationality or legal status. GRETA was informed that regional protocols exist at the level of autonomous communities, such as in Catalunya and Madrid with regard to victims of all forms of exploitation, and Galicia, Extremadura and Navarra with regards to sexual exploitation.

220. Specialised units of the *Policía Nacional* and the *Guardia Civil* are responsible for the formal identification of victims of human trafficking. As mentioned in paragraph 28, the Instruction 6/2016 of the State Secretariat for Security has introduced social interlocutors on trafficking in human beings within the *Policía Nacional* and the *Guardia Civil*. In 2021, an evaluation of the Instruction concluded that it had been an adequate mechanism for developing cooperation between anti-trafficking actors, but challenges remained, such as divergences of implementation at the territorial level and lack of dissemination of good practices. The evaluation also noted the need to raise awareness on THB, to allocate sufficient human and material resources, and to adapt to new scenarios such as the growing use of new technologies or difficulties in the border detection and identification of victims.

221. Reference has already been made to the introduction of a procedure for the "administrative accreditation" of victims of trafficking pursuant to the Royal Decree-Law 6/2022 of 29 March 2022 adopting urgent measures within the framework of the National Plan in response to the economic and social consequences of the war in Ukraine.¹⁰⁸ It enables territorial public administrations and specialised NGOs to identify victims of trafficking in order to give them access to social assistance measures. According to the authorities, the objective of this new procedure is to improve the early identification of victims of trafficking, irrespective of the action of law enforcement authorities, and even before exploitation has effectively occurred. It is not limited to victims of trafficking identified in relation to the war in Ukraine. However, it only concerns victims of trafficking for the purpose of sexual exploitation. The steps to be followed have been further developed in an agreement of the Sectorial Conference on Equality of 27 May 2022, which contains a list of indicators.¹⁰⁹ Once identified, victims of trafficking receive a copy of the detection report (*informe de detección*) and the "administrative accreditation document" (*documento de acreditación administrativa*), the latter allowing access to social assistance measures. According to data provided by the Spanish authorities, as of 15 January 2023, the Autonomous Communities of Spain had issued 190 "administrative accreditation documents" to women who were presumably victims of trafficking for the purpose of sexual exploitation.

222. The national framework with regard to the identification of victims of THB is expected to undergo significant changes with the adoption of the comprehensive law on trafficking in human beings. The preliminary draft law foresees notably the establishment of a National Referral Mechanism attached to the future National Rapporteur on THB, and an identification process in two phases (provisional identification by State Security Forces and final identification by a Multidisciplinary Unit).

¹⁰⁷ See paragraph 151 of GRETA's second report on Spain.

¹⁰⁸ <https://www.boe.es/buscar/act.php?id=BOE-A-2022-4972> (in Spanish).

¹⁰⁹ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2022-11630 (in Spanish).

223. With a view to proactively detecting victims of trafficking, law enforcement authorities have continued conducting preventive inspections. According to official data, there has been a decrease in the conduct of inspections of places where prostitution is practiced: 2,306 inspections of such places were conducted in 2018; 1,771 in 2019; 1,252 in 2020; 1,380 in 2021; and about 1,800 in 2022 (provisional data). According to the authorities, the decrease observed in 2020-2021 is linked to the COVID-19 pandemic when clubs where prostitution is practised were temporarily or permanently closed and exploitation in private homes increased. As regards inspections in relation to labour exploitation, see paragraph 177. No information is available on the number of victims of trafficking identified following preventive inspections.

224. As mentioned in the second report, the State Security Forces operate hotlines and email addresses to which victims or other persons can report information about THB. In Madrid only, law enforcement authorities indicated that between June 2021 and June 2022, 95 situations were reported to the hotline leading to the launch of 11 investigations.

225. At the level of regions and cities, initiatives have also been taken to improve the proactive detection of victims, although they are usually limited to detecting victims of trafficking for the purpose of sexual exploitation. For instance, the Community of Madrid funds a mobile street unit, set up by the NGO APRAMP, which comprises 40 female mediators of various nationalities and speaking different languages, including former victims of sexual exploitation (*supervivientes*). APRAMP has also published in 2021 a Handbook for the intervention of municipalities and social workers in respect of victims of trafficking, which provides with information and guidance on how to detect victims of THB for sexual exploitation.¹¹⁰ Moreover, the City of Madrid has set up a mobile street unit, in cooperation with NGOs, which establishes contact with persons in situation of prostitution. At the time of GRETA's visit, the unit comprised four social workers and two cultural mediators. In Andalusia, a pilot unit has been established since November 2021 in three provinces (Almería, Jaén and Málaga) with a view to proactively detecting victims of trafficking for the purpose of sexual exploitation.

226. While the attention of the Spanish authorities is focused on women and girls who are victims of trafficking in human beings for the purpose of sexual exploitation, much less is done to detect and identify victims of other forms of exploitation, in particular labour exploitation (see also paragraph 189). In addition, the number of victims of trafficking identified among Spanish nationals or victims of internal trafficking continues to be very limited. Representatives of NGOs consider that this is notably due to the incorporation of the protection of victims of trafficking within the jurisdiction of authorities in charge of foreigners (e.g. the UCRIF and the Prosecutor's Office for Foreigners). Further, according to several interlocutors met by GRETA, law enforcement authorities continue to require a high threshold of proof to identify a person as a victim of trafficking in human beings and, in practice, the identification is made conditional on the victim's collaboration with the investigation or judicial proceedings. This was also identified as an issue for priority action in the evaluation of Instruction 6/2016 (see paragraph 220) which recalled that identification of victims is an administrative act that must be independent of the victims' statement during the proceedings.

227. Many interlocutors met by GRETA consider that the number of victims identified by the authorities is well below the real number of victims. Using the methodology of Multiple Systems Estimation (MSE), the study by UNICEF and the Comillas Pontifical University mentioned in paragraph 196 concluded that the "dark figure" of victims of trafficking in the Community of Madrid in 2015-2019 is 2,805 persons.¹¹¹

¹¹⁰ <https://apramp.org/download/guia-de-intervencion-con-victimas-de-trata-para-ayuntamientos-y-trabajadores-as-sociales-ed-2020/> (in Spanish).

¹¹¹ *What do we know and how we tell it. Data culture in human trafficking*, Castaño, M. J., Barrio, C. I., Díez, I., Maffei, G., Olaguibel, A., Madrid, 17/02/2022. DOI: 10.14422/iuem.20220214. Available at: https://www.comillas.edu/documentos/centros/iuem/What%20do%20we%20know%20and%20how%20we%20tell%20it_Final.pdf

228. Spain remains one of the first country of arrivals for migrants in the EU. According to EUROSTAT, 467,900 migrants arrived in the country in 2020 through sea, land (mainly Ceuta and Melilla) and air borders. The main nationalities reported at arrival in Spain are Algeria, Morocco, Mali, Sudan, and Guinea. This important movement of people generates increased risks of trafficking in human beings, and challenges for the authorities in the identification of possible victims.

229. As mentioned above (see paragraph 19), the reception system for asylum seekers has been reformed by the Royal Law-Decree 220/2022 of 29 March 2022 approving the regulations governing the reception system for international protection. It requires that an examination of the vulnerability of asylum seekers must be carried out as soon as possible in the initial assessment and referral phase. It also expressly states that one of the guiding principles of the resources of the reception system is the prevention, detection, action and referral of possible cases of trafficking in human beings. According to information provided by the authorities, under the new system, as soon as signs of possible human trafficking are detected, interviews of the person concerned must be conducted within 24 hours by specialised staff and the referral of the victim must take place within 24 to 72 hours.

230. According to data provided by the authorities, the number of victims of trafficking identified as part of the asylum procedure has decreased during the reporting period. Eight asylum seekers were identified as victims of trafficking in 2018, 11 in 2019, five in 2020 and two in 2021. They originated from El Salvador, Nigeria, Guinea and Senegal. Many interlocutors met by GRETA consider that this number is low compared to the number of persons applying for asylum each year (65,404 new asylum applications registered in 2021). GRETA was informed that on numerous occasions indicators of trafficking in human beings were detected by the Office for Asylum and Refugees and/or UNHCR, but they were not confirmed by the police. Although the asylum application procedure and the procedure for the identification of victim of trafficking are compatible, the authorities would tend to only assess the asylum application, even if there is an additional claim from the applicant that he/she is a victim of trafficking. They also informed of cases where asylum seekers had been detected as possible victims of trafficking by the Office for Asylum and Refugees which activated the Framework Protocol for the Protection of Victims of Trafficking but had never been interviewed by the UCRIF. These gaps would result from the lack of training and guidelines for relevant professionals (border police, staff of the Office for Asylum and Refugees, and specialised units on THB)¹¹² on the link between asylum and trafficking, as well as limited protocols of actions and their insufficient application to ensure proper coordination between relevant entities.

231. GRETA notes that there is no specific procedure for the identification of victims of trafficking among asylum seekers. Some improvements have been made by the setting up of a specific "Procedure for the referral of potential victims of trafficking in human beings seeking international protection at Madrid-Barajas airport" adopted by the Ministry of Inclusion in 2019.¹¹³ The purpose of this Procedure is to establish guidelines for professionals who intervene at Barajas airport with foreigners requesting international protection when there is a suspicion that they may be victims of human trafficking. This procedure has allowed NGOs (Spanish Red Cross, Proyecto Esperanza-Adoratrices, APRAMP, Diaconía and the White Cross Foundation) to be activated when there are signs of a potential situation of THB in the asylum claim, enter the airport asylum premises and interview the potential THB victims, assess the situation and detect possible indicators of THB or other vulnerabilities. A similar practice also exists in Josep Tarradellas Barcelona-El Prat airport. Both governmental and non-governmental interlocutors met by GRETA welcomed the adoption of the Procedure at the Madrid airport, but noted that in practice, it has been rarely activated. According to data provided by the authorities in their comments on GRETA's final draft report (May 2023), 36 possible victims of trafficking were detected at the Madrid airport in 2021, of whom only three were confirmed, and 23 possible victims were detected in 2022, but none were confirmed.

¹¹² In Spain, the examination of asylum application involves both the National Police and the Office for Asylum and Refugees (Ministry of Interior): the National Police conducts the asylum interview, and the Office for Asylum and Refugees examines the application and proposes a draft decision on its merit to the Inter-Ministerial Asylum and Refugee Commission (CIAR).

¹¹³ *Procedimiento de derivación de potenciales víctimas de trata de seres humanos solicitantes de protección internacional aeropuertos.*

232. As mentioned in paragraph 9, during the visit to Spain, GRETA went to the border crossing of the airport of Adolfo Suárez Madrid-Barajas and visited the airport asylum centre (*sala de solicitantes de asilo*) where asylum applicants are detained while their application is being examined. According to officials in the centre, all staff have received training on trafficking in human beings. At the time of the visit, there were about a dozen of persons in the centre, including families with very young children. According to information provided, the Spanish law states that asylum applicants can stay in this centre for a maximum of eight days without seeing a judge (which can be exceptionally prolonged to 14 days in total), which corresponds to the entire duration of the examination process. Reference has already been made in paragraph 124 to the case of a woman from Cameroon who stayed in the airport asylum centre of Adolfo Suárez Madrid-Barajas for a total duration of 52 days in 2021, although there were signs that she could be a victim of trafficking. During an unannounced visit by the Office of the Ombudsperson, it was found that the Office for the Asylum and Refugees activated the specific Procedure but there was no record found that the UCRIF conducted the interview for the formal identification as victim of THB. Finally, the woman was identified as a victim of trafficking and referred to appropriate services. This case questions the effective application of the Procedure at the Adolfo Suárez Madrid-Barajas airport and raises serious concern as the conditions of detention at the airport asylum centre are not adapted for victims of trafficking. In their comments on GRETA's final draft report, the authorities indicated that the specific Procedure could not be applied to the case of the woman from Cameroon because it came into force in 2022. However, GRETA notes that the period between the entry into force (2022) and the signature (15 October 2019) is excessively long.

233. The Ministry of Inclusion, Social Security and Migration (formerly named Ministry of Employment and Social Security) is responsible for the management of centres for asylum seekers, refugees and migrants in vulnerable situations, including centres for the reception of refugees (CAR), temporary reception centres (CETI) and other reception schemes. According to the Protocol for the detection of possible cases of THB for the purpose of sexual exploitation, approved by the General Secretariat for Migration of the Ministry, a point of contact must be designated in each centre to promote and guarantee the application of the Protocol. That person is responsible for receiving, analysing and reporting suspicions on the presence of possible victims of trafficking law enforcement authorities. The Protocol also includes indicators on trafficking in human beings and guidelines for the interview with a view to detecting victims, as well as two mailboxes where professionals can request information. According to the Spanish authorities, efforts have also been made to provide training courses on prevention, early detection and referral of victims to actors involved in the reception system. However, there are concerns that the capacities and resources of staff in these centres are insufficient to effectively detect possible victims of trafficking. GRETA was informed that 1,995 persons were detected and assisted under the Protocol in 2018, 1,171 in 2019, 735 in 2020, 1,626 in 2021, and 836 in the first half of 2022.

234. In addition, in centres for the reception, assistance and referral (CREADE) set up in 2022 for people fleeing the war in Ukraine and placed under the responsibility of the Ministry of Inclusion, a Protocol for the prevention, detection, assistance and referral of possible victims of trafficking in human beings was adopted in April 2022. It provides for assistance through a helpline available 24/7, which employs professionals with specialised knowledge on THB, and training courses on THB for staff of the CREADE. GRETA was informed that 150 persons were trained. Specific coordination was also established with the Public Prosecutor's Office to prevent trafficking of persons fleeing the war in Ukraine.

235. Since 2016, woman victims of trafficking for the purpose of sexual exploitation are granted refugee status when they are well-founded fear of persecution in case of return to the country of origin. There is no available data on victims who received international protection on the grounds that they were trafficked.

236. NGOs met by GRETA underlined important deficiencies in the identification of victims of trafficking in the context of significant arrivals to Spain by sea. There have been 58,569 arrivals by sea in 2018; 26,168 in 2019; 40,326 in 2020; and 41,979 in 2021. Since the Mediterranean route and the borders with Ceuta and Melilla are more guarded, the Atlantic route towards the Canary Islands have become the main route to Spain (in 2022: 8,811 arrivals / 65% of total arrivals), although it is much longer and dangerous.¹¹⁴ In May 2021, following a diplomatic rift between Spain and Morocco, the Moroccan authorities let around 10,000 migrants cross into Ceuta.¹¹⁵ On 27 June 2022, about 2,000 migrants tried to cross the border from Melilla to Spain, and according to official reports 23 persons died.¹¹⁶

237. GRETA notes that during the reporting period, no victim of trafficking has been identified among the hundreds of thousands of migrants who have arrived in Spain by sea or through Ceuta and Melilla. Civil society representatives met during the visit consider that there is a lack of assessment of vulnerabilities of migrants upon arrival, while the number of vulnerable people, such as women with young children or unaccompanied children, has increased. According to them, there is no formal mechanisms in place for the systematic assessment of vulnerabilities upon arrivals as well as for the provision of information about the risks of THB and the rights of victims of trafficking to migrants. There are concerns that the authorities do not have enough capacities and resources to effectively perform the early assessment of vulnerabilities with such a large number of arrivals. There is a lack of interpreters and cultural mediators in centres for migrants, which undermines the detection of vulnerabilities and the provision of information. In addition, the Framework Protocol, which was adopted in 2011, would not adequately address these situations, and there is a lack of specific protocols for the identification of victims of trafficking to be followed in the event of irregular arrivals by sea.

238. There are also reports of pushbacks of migrants, notably those trying to cross the land borders with Ceuta and Melilla. According to the first conclusions of the Spanish Ombudsperson over the event of the 27 June 2022, 470 migrants were pushed back by the Spanish authorities in violation of both national and international law. GRETA stresses that pushbacks impede the detection of victims of THB amongst irregular migrants and asylum seekers and raise grave concerns as regards Spain's compliance with certain obligations of the Convention, including the positive obligations to identify victims of trafficking and to refer them to assistance, and to conduct a pre-removal risk assessment to ensure compliance with the obligation of *non-refoulement*.

239. GRETA was informed that work was about to be finalised, in cooperation with the European Union Agency for Asylum (EASO), on the drafting of a Protocol on vulnerability in the context of humanitarian aid, which will include trafficking in human beings. Further, EASO has been asked by the Ministry of Inclusion to provide training on trafficking in human beings for frontline NGO staff working in the Canary Islands Emergency Reception Centres, as well as service providers working in these centres. However, no data was provided to GRETA on the number of staff trained.

¹¹⁴ <https://data.unhcr.org/en/country/esp>

¹¹⁵ <https://www.france24.com/en/africa/20220625-18-migrants-die-in-mass-attempt-to-enter-spain-s-enclave-melilla-in-marocco>

¹¹⁶ <https://www.ohchr.org/en/press-releases/2022/07/un-experts-call-accountability-melilla-tragedy>

240. **While recognising the serious challenges faced in the context of significant arrivals of migrants to Spain, GRETA urges the Spanish authorities to:**

- **put in place and operationalise a National Referral Mechanism defining the roles and procedures to be followed by all stakeholders that may come into contact with victims of trafficking;**
- **ensure that, in practice, formal identification of victims of THB does not depend on the presence of sufficient evidence for the initiation of criminal proceedings;**
- **strengthen the proactive detection of victims of trafficking among asylum seekers and persons placed in immigration detention, as well as migrants arriving in the autonomous cities of Ceuta and Melilla, as well as the Canary Islands;**
- **respect the principle of *non-refoulement* in particular by ensuring that pre-removal risk assessments prior to all forced removals from Spain fully assess risks of trafficking or re-trafficking on return. The Spanish authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection.¹¹⁷**

241. **Further, GRETA considers that the Spanish authorities should:**

- **increase efforts to proactively identify victims of trafficking for all forms of exploitation, including victims who are Spanish nationals;**
- **strengthen multi-agency coordination in the identification of victims of trafficking and the involvement of specialised NGOs in the decision-making process leading to identification.**

4. Assistance to victims of trafficking

242. As explained in previous reports, the assistance measures for victims of trafficking identified by law enforcement authorities are detailed in the Framework Protocol for the Protection of Victims of Trafficking, including the right to suitable and safe accommodation, material assistance, psychological assistance, medical assistance, interpretation services and legal counsel. Subject to their consent, victims are referred to the regional or local services providing social assistance or organisations with accredited experience in assisting victims of THB. Specialised NGOs can provide assistance to victims of THB outside the formal identification procedure and regardless of whether the victim wants to co-operate with the authorities.¹¹⁸

243. In addition, since the introduction of the "administrative accreditation" of victims of trafficking for the purpose of sexual exploitation in March 2022 (see paragraph 221), victims identified by public entities or specialised NGOs can access the services and resources accessible to victims. GRETA notes that the actual assistance measures are not specified in the agreement of the Sectorial Conference on Equality, nor in the model of administrative accreditation document, which could result in difficulties in accessing some services.

¹¹⁷ <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>

¹¹⁸ See paragraph 153 of GRETA's second report on Spain.

244. The 2022 Law on the Comprehensive Guarantee of Sexual Freedom recognises victims of sexual violence, sexual exploitation and trafficking for sexual exploitation as victims of gender-based violence. It allows woman victims of trafficking for the purpose of sexual exploitation to access the Minimum Living Income. According to NGOs, it is difficult in practice for victims of trafficking to effectively receive the Minimum Living Income due to restrictive conditions of access. The authorities indicated that victims of trafficking for the purpose of sexual exploitation are exempted from the need to prove their effective, continuous and legal residence in Spain for one year. However, GRETA highlights that this exemption does not concern victims of other forms of exploitation and the condition of residency is very restrictive. In addition, all victims must prove their economic vulnerability based on their monthly living income.¹¹⁹ The preliminary draft comprehensive law on action against THB foresees measures to guarantee the access of all victims of trafficking to the Minimum Living Income.

245. Given the competence of autonomous communities on social assistance, several regional laws have also been adopted to develop assistance for victims of trafficking. As a result, social assistance measures are not uniform across the country. GRETA understands, however, that these regional laws usually concern women and girls who are victims of trafficking for the purpose of sexual exploitation or are integrated in the broader assistance measures provided to women and girl victims of gender-based violence. GRETA notes that the preliminary draft comprehensive law on action against THB foresees the establishment of a National Plan for Social and Labour Inclusion of victims of trafficking, with a three-year duration and specific budget allocation, which should cover social and health support, right to physical and psychological health (including sexual and reproductive rights), access to work and the labour market, access to housing, and financial aids.

246. There is no information available on the total number of centres providing assistance to victims of trafficking throughout the country, but only concerning assistance to victims of sexual exploitation. A Guide of Resources for victims of trafficking for the purpose of sexual exploitation provides information on the services offered by NGOs or public entities to women and girls who are possible victims of trafficking for the purpose of sexual exploitation.¹²⁰ According to information provided by the Spanish authorities, by the end of 2021 there were 78 entities offering 565 accommodations places for victims of trafficking for the purpose of sexual exploitation, in 107 apartments or residential shelters. Among them, 39 provide accommodation to child victims and 30 for victims with their children. Although accommodation places have increased compared to the previous reporting period, it seems that there are still no specialised accommodation centres in Ceuta, Melilla and La Rioja, and GRETA was informed that accommodation places for victims with their children remain insufficient to respond to all needs. In addition, 177 centres provide ambulatory (outpatient) services to women and girls who are victims of trafficking for the purpose of sexual exploitation (compared to 143 in the previous report). There are centres providing social support, psychological assistance, psychiatric assistance, health assistance, legal assistance, training, labour integration, and/or international protection.

¹¹⁹ For instance, maximum 565 euros as monthly income for one adult alone, 734 euros for one adult with one minor, or 904 euros for one adult with two children, etc.

¹²⁰ <https://violenciagenero.igualdad.gob.es/otrasFormas/trata/queHacer/protocolo/pdf/RESUMENGUIAWEBMAPASMARZO2015.pdf>

247. There is no data on the number of victims of trafficking who have received assistance during the reporting period. According to annual statistical reports of the Government delegation on gender equality, in 2018, specialised NGOs and public entities assisted 4,154 women and 148 girls with indicators of human trafficking for the purpose of sexual exploitation. Most of them were from Nigeria and Romania. Only 657 of them were formally identified as victims of trafficking by law enforcement authorities, but many of them did not want to refer their case. In 2019, specialised NGOs and public entities assisted 3,313 women and 82 girls with indicators of human trafficking for the purpose of sexual exploitation. The predominant nationalities remain the same. Only 625 were formally identified as victims of trafficking.¹²¹ According to additional information provided by the authorities, 10,630 women and girls were assisted by specialised entities in 2020, and 17,544 in 2021.¹²²

248. Centres run by NGOs usually receive funding both from the state and the territorial authorities. The Ministry of Inclusion funds several NGO projects dedicated to the comprehensive assistance to women and/or girls who are victims of trafficking (ACCEM, *Adoratrices*, *Mujeres en Zona de Conflicto*, APRAMP, *Comisión para la investigación de malos tratos a mujeres*, Diaconía, ACOGE, *Cruz Blanca*, APIP-ACAM, *Fundación de Solidaridad AMARANTA* and *Fundación DIAMAGRAMA*). Annual grants range from 50,000 to 180,000 euros.

249. The City of Madrid funds a protected shelter for female victims of trafficking in human beings for the purpose of sexual exploitation, who can be accommodated with their children, with a capacity of 10 places. Since 2021, the City has also set up an emergency centre with a capacity of 15 places for women in vulnerable situation. It employs one coordinator, one lawyer, one psychologist, one child psychologist and one administrative staff. There is also a semi-autonomous accommodation with the capacity to accommodate eight women victims of trafficking, and with the presence of one staff member around the clock. The City of Madrid also funds a day-care centre for woman victims of trafficking run by the NGO *Proyecto Esperanza*, which employs three social workers, one psychologist, two lawyers and one administrative staff.

250. The Autonomous Community of Madrid has set up two centres for female victims of trafficking for the purpose of sexual exploitation, run by NGOs, with a respective capacity of 13 and 5. It also funds a day care centre for women who are in the process of leaving prostitution. In Andalusia, the Andalusian Women's Institute has set up centres for the protection of women victims of gender-based violence in eight provinces (emergency centres, shelters and supervised flats).

251. As mentioned in paragraphs 9 and 68, GRETA visited a shelter for female victims of human trafficking, run by Diaconía, a social action network that operates with NGOs and evangelical institutions in Spain. GRETA also visited the NGO APRAMP who runs a shelter and has been operating a hotline. At the time of GRETA's visit, the hotline had received 194 calls in total since its creation in 2019, including 107 calls related to human trafficking.

252. There are still no specialised shelters for male victims of trafficking, nor shelter for female victims of other form of exploitation than sexual exploitation. In these cases, victims can be protected in centres for vulnerable people, such as victims of violence. There is also a lack of appropriate shelters for victims with disabilities.

¹²¹ [Boletín anual - Delegación del Gobierno contra la Violencia de Género \(igualdad.gob.es\)](https://igualdad.gob.es/boletin-anual-delegacion-del-gobierno-contra-la-violencia-de-genero)

¹²² In 2020, 72% as potential victims of sexual exploitation in prostitution and 28% as possible victims of trafficking for sexual exploitation identified by NGOs, and in 2021, 67% as potential victims of sexual exploitation in prostitution and 39% as possible victims of trafficking for sexual exploitation identified by NGOs.

253. According to data provided by the authorities, there are specialised accommodation places for refugee and asylum seekers who are victims of trafficking, irrespective of the purposes of exploitation, within the international and temporary protection reception system. 210 places are available for women victims together with any children they may have, and there are few places available for men in vulnerable situations, including victims of trafficking. According to the Spanish authorities, around 600 women and children have benefited from these accommodation places during the reporting period. In addition, GRETA was informed there are 195 places available for victims of trafficking in the Humanitarian Assistance Programme and 574 persons benefited from them in 2022 although not all of them were eventually identified as victims of trafficking.

254. For 2022, the Government Delegation on Gender Equality issued a call for projects on women and girls who are victims of trafficking for the purpose of sexual exploitation, as well as their children or children with disabilities, including victims who have benefited from the recovery and reflection period. The total budget of the call is 6 million euros. It is envisaged to finance projects in comprehensive assistance (care, protection, subsistence and reparation), detection, information, counselling, health care, legal support, and attention to specific vulnerabilities (minors, foreign women in irregular situation, applicants for international protection, victims with disabilities and victims with mental health problems).

255. The Ministry of Inclusion remains responsible for the coordination of assisted voluntary returns of foreigners to their country of origin, including victims of trafficking. Voluntary returns are conducted in cooperation with IOM and is not limited to specific countries. An assessment of vulnerabilities is obligatory prior to the return of victims of trafficking. According to the authorities, 35,000 euros are allocated to the assisted voluntary return of victims of trafficking (out of the 2.7 million euros given for the entire Voluntary Return Programme). There has been an increase in voluntary returns and discussions are ongoing for cooperation with EU Agencies such as FRONTEX to enhance the return programme to certain Latin American countries (Colombia, Honduras), as well as with the Return and Reintegration Facility (RFF) of the International Centre for Migration Policy Development. According to NGOs met during the visit, the cooperation of the Spanish authorities with return countries is insufficient to avoid re-victimisation of victims of trafficking.

256. GRETA welcomes the increased availability and wide range of assistance measures, including specialised accommodation, provided to female victims of trafficking for the purpose of sexual exploitation. However, it is concerned that a limited number of (presumed) victims receive assistance from specialised centres and that the capacity of centres is not sufficient to receive all those detected in Spain. GRETA also notes that little efforts have been made to improve accommodation for male victims of trafficking. **In this context, GRETA once again urges the Spanish authorities to increase the number of places in specialised accommodation for male victims and victims of forms of exploitation other than sexual exploitation.**

5. Recovery and reflection period

257. In its second report, GRETA urged the Spanish authorities to review the rules and application of the recovery and reflection period with a view to ensuring that all possible foreign victims of trafficking, including EU nationals, are systematically informed of the possibility to benefit from a recovery and reflection period, and that the relevant authorities are informed of the State's positive obligation to grant a recovery and reflection period to all possible victims, whether or not such a request is made by the presumed victim.¹²³

¹²³ See paragraph 195 of GRETA's second report on Spain.

258. There has been no change in the rules on the recovery and reflection period.¹²⁴ Pursuant to Article 59bis of the Law on the Rights and Freedoms of Foreigners and Their Social Integration, the duration of the recovery and reflection period is of 90 days, with a possibility of renewal. The new “administrative accreditation” of victims of trafficking performed by territorial public administrations or specialised NGOs (see paragraph 221) does not give access to the recovery and reflection period, only to assistance measures. The law enforcement authorities remain the only entities responsible for initiating the procedure for the granting of the recovery and reflection period. They have to submit a request within 48 hours of the identification of a person as a victim of THB to the responsible Government’s Regional Delegation Office, with the victim’s agreement. The Government’s Delegate or his/her Deputy has up to five days to decide whether to grant a recovery and reflection period, from the day when the application was received. If there is no decision after the five days deadline, the recovery and reflection period is considered to have been granted.

259. According to data provided by the authorities, 86 victims of trafficking were granted a reflection period (76 women and 10 men), 83 in 2019 (75 women and 8 men), 51 in 2020 (48 women and 3 men), 64 in 2021 (42 women and 22 men), and 122 in 2022 (107 women and 15 men). None of the victims were EU nationals. GRETA notes that there is an important difference between the number of victims granted the recovery and reflection period and the number of victims formally identified during the same period (see paragraph 16). According to the authorities, this difference is explained by the fact that the recovery and reflection period is only granted to third-country foreign nationals who are in an irregular situation in Spain.

260. NGOs met during the visit expressed concerns that the shortcomings identified in GRETA’s second evaluation report have not been addressed. First, as a result of the high threshold of evidential proof needed for identification as victims of trafficking, in practice the granting of the recovery and reflection period is dependent on the cooperation of the victims with the law enforcement authorities, and not on the existence of “reasonable grounds” to believe that the person could be a possible victim of trafficking. In addition, the recovery and reflection period continues to be granted only to third-country nationals in an irregular situation, and as a result EU/EEA nationals and third-country nationals with a regular status are not informed of their right to the recovery and reflection period.

261. GRETA is concerned that the right of victims of trafficking to be granted a recovery and reflection period is undermined by gaps in the identification of victims of trafficking among asylum seekers, as well as irregular migrants (see paragraphs 229-230, 0-238).

262. GRETA urges the Spanish authorities to take further steps to ensure that all presumed foreign victims of trafficking, including EU/EEA nationals, are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

¹²⁴ See paragraph 191 of GRETA’s second report on Spain.

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA considers that the authorities should strengthen the systematic provision of information to presumed victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking, including by:
 - ensuring the full implementation of Instruction 6/2016 as regards cooperation between law enforcement agencies and specialised NGOs following the detection of presumed victims of THB;
 - providing further training and instructions to law enforcement officials on how to properly explain to victims of THB their rights, taking into account their psychological state and knowledge of the Spanish legal system. Special attention should be paid to presumed victims of THB who are also asylum seekers, who should be properly informed of their rights, in a language they understand, by trained professionals and by guaranteeing the presence of specialised NGOs at the borders;
 - taking further steps to ensure the availability of qualified interpreters and their sensitisation to the issue of human trafficking (paragraph 54).

Legal assistance and free legal aid

- GRETA encourages the authorities to update the Framework Protocol for the Protection of Victims of THB and to make it consistent with the new formulation of Article 2 h of LAJG (paragraph 58);
- GRETA welcomes the legislative framework for access to free legal aid for victims of trafficking in Spain and the availability of specialised lawyers in some parts of the country. However, noting that the practical application of the legal provisions is uneven across Spain, GRETA considers that the Spanish authorities should take further steps to ensure its full and effective implementation, in particular by:
 - ensuring that law enforcement agencies inform the local Bar Associations promptly after the detection of a presumed victim of trafficking to enable the timely appointment of a lawyer;
 - further developing the cooperation protocols between law enforcement agencies and local Bar Associations throughout the country;
 - encouraging Bar Associations to further improve the training of lawyers with a view of ensuring that trafficking victims are appointed specialised lawyers regardless of the geographic area where they are detected;
 - ensuring effective access to legal aid for presumed THB victims amongst asylum seekers, by guaranteeing that lawyers can speak to them in an individual and confidential manner, with the assistance of interpreters if needed (paragraph 64).

Psychological assistance

- GRETA considers that the Spanish authorities should make further efforts to ensure that access to psychological support is guaranteed to all victims of human trafficking, regardless of their gender or form of exploitation, and to ensure adequate funding for the provision of psychological assistance to help all victims to overcome their trauma and achieve a sustained recovery and social inclusion (paragraph 73).

Access to work, vocational training and education

- GRETA invites the Spanish authorities to support all victims of THB, including male victims, in their economic and social inclusion through the provision of education, vocational training and job placement. This should involve raising awareness amongst different employers and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 82).

Compensation

- GRETA urges the Spanish authorities to make additional efforts to guarantee effective access to compensation for victims of trafficking, in line with Article 15 of the Convention, including by:
 - reviewing the eligibility criteria for access to the “public aid” under Law 35/1995, in order to enable all victims of trafficking in human beings, regardless of the form of exploitation and their migration status to access it;
 - reviewing the eligibility criteria for access to the Wages Guarantee Fund, in order to allow THB victims who are undocumented migrants to recover the unpaid salaries (paragraph 99);
- GRETA considers that the Spanish authorities should take further steps to guarantee victims’ access to compensation from perpetrators, including by:
 - making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB;
 - improving training programmes on THB and on victims’ access to compensation for legal practitioners, prosecutors and judges, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB (paragraph 100).

Investigations, prosecutions, sanctions and measures

- GRETA is concerned by the low numbers of investigations, prosecutions and convictions for THB for the purpose of labour exploitation and urges the Spanish authorities to:
 - increase proactive investigations of trafficking for the purpose of labour exploitation (see also paragraph 190);
 - step up their efforts to ensure that trafficking offences are prosecuted and classified as such every time the circumstances of a case allow this, whether or not the victim consented to be exploited as stipulated by Article 4(b) of the Convention (paragraph 117);

- GRETA considers that the Spanish authorities should take further steps to ensure that THB cases for all forms of exploitation are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. In this context, the authorities should:
 - make full use of the tools of criminal procedural law ensuring an effective investigation, while respecting the rights and safety needs of the victims;
 - continue providing training to law enforcement officers, prosecutors and judges on the specificities of THB, especially concerning THB for the purpose of labour exploitation, the severe impact of exploitation on the victims and the need to respect their human rights (paragraph 118).

Non-punishment provision

- GRETA considers the Spanish authorities should take further steps to ensure a harmonised implementation of the non-punishment provision, in particular by:
 - providing further training to law enforcement officers, prosecutors and judges on the basis of the Guidance on judicial proceedings regarding trafficking in human beings;
 - strengthening the exchange of information between law enforcement agencies, prosecutors and judges;
 - ensuring that the non-punishment provision can be applied in practice to THB victims who are undocumented migrants, making sure that they are promptly identified as victims and receive appropriate support (paragraph 127).

Protection of victims and witnesses

- GRETA considers that the Spanish authorities should take further steps to ensure that the existing provisions are effectively applied in practice to protect victims and witnesses of THB and to prevent their intimidation during the investigation, as well as during and after the court proceedings, in particular by:
 - ensuring that the Guidance on judicial proceedings regarding trafficking in human being is disseminated among all relevant agencies and the judiciary;
 - increasing the availability of appropriate facilities and equipment for interviewing victims in courts and police stations;
 - ensuring adequate financial and human resources to cover the costs and ensure effective protection of victims and witnesses of THB, including their relocation for security reasons (paragraph 137).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the existence of investigators and prosecutors trained and specialised to deal with THB cases, and considers that the Spanish authorities should develop training and specialisation of judges and labour inspectors. The training should be systematic and periodically updated, and should further promote capacity-building and specialisation, with a view to enabling the proactive investigation and successful prosecution of human trafficking cases (paragraph 146).

International co-operation

- GRETA welcomes the Spanish authorities' engagement in international co-operation in the investigation and prosecution of THB, and invites them to continue their efforts, including in the prevention of THB and in the return of victims of trafficking, by fostering cooperation with the main countries of origin of victims trafficked to Spain (paragraph 153).

Gender-sensitive criminal, civil, labour and administrative proceedings

- GRETA welcomes the range of measures adopted in Spain to promote gender equality and invites the Spanish authorities to ensure that a gender-sensitive approach is adopted by the relevant actors involved in the fight against trafficking in human beings (paragraph 157).

Child-sensitive procedures for obtaining access to justice and remedies

- GRETA welcomes the increase of the protection of child victims by Law 8/2021 and the availability of child-friendly interview rooms in courts and police facilities. However, GRETA considers that the Spanish authorities should provide for the application of protection measures to all child victims of trafficking, i.e., all persons under the age of 18, including the obligation to record the interview and the absence of cross-examination (direct confrontation) with the accused. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 162).

Role of businesses

- GRETA welcomes the above-mentioned initiatives and considers that the Spanish authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights, the Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business and Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 167).

Measures to prevent and detect corruption

- GRETA invites the Spanish authorities to include measures against corruption in a THB context into general anti-corruption policies (paragraph 170).

Follow-up topics specific to Spain

Developments in the legislative, institutional and policy framework for action against human trafficking

- GRETA considers that the Spanish authorities should examine the possibility of establishing an independent National Rapporteur or designating another independent mechanism for monitoring the anti-trafficking activities of state institutions, as provided for in Article 29, paragraph 4, of the Convention, or commissioning the monitoring to an external, independent evaluator (paragraph 26);
- GRETA considers that the Spanish authorities should introduce an independent evaluation of the implementation of National Action Plans against THB, as a tool for assessing the impact of the activities and planning future policies and measures to combat THB (paragraph 31).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA urges the Spanish authorities to intensify their efforts to prevent and combat trafficking for the purpose of labour exploitation, taking into account GRETA's Guidance Note on preventing and combating trafficking for labour exploitation and Recommendation CM/Rec(2022)21 of the Committee of Ministers. This should include steps to:
 - ensure that sufficient resources are made available to labour inspectors to fulfil their mandate and carry out proactive and systematic inspections, including in remote locations at risk of THB;
 - review the legislative framework for any loopholes that may limit the prosecution and adjudication of cases of trafficking for the purpose of labour exploitation;
 - address the risks of THB in the agricultural sector and improve the detection of possible victims of trafficking among agricultural migrant workers. In particular, immediate action should be taken to ensure the detection of possible victims of THB living in the informal settlements of migrant workers;
 - guarantee that the living and working conditions of migrant workers, in particular in the agriculture sector, meet all the requirements laid down in the legislation with a view to preventing abuse and exploitation (paragraph 190);
- GRETA considers that the Spanish authorities should:
 - further train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on THB for the purpose of labour exploitation and the rights of victims;
 - strengthen the monitoring of domestic work, recruitment and temporary work agencies and supply chains, as well as other risks sectors;
 - further raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;
 - improve the collection of data on trafficking in human beings for the purpose of labour exploitation (paragraph 191).

Measures to prevent trafficking of children, identify children who are victims of trafficking and assist these children

- GRETA urges the Spanish authorities to step up their efforts to prevent and combat trafficking of children, identify child victims of trafficking, and provide appropriate assistance to them, in particular by:
 - ensuring that unaccompanied and separated children benefit from effective care arrangements, including accommodation, access to education and healthcare, so that they are not exposed to risks of trafficking;
 - increasing the capacity to detect child victims of trafficking by any professionals who may come into contact with children, in particular by providing adequate training on the use of trafficking indicators;
 - improving the procedures for the identification of child victims of trafficking, in particular among unaccompanied foreign children, and ensure that the best interests of the child is the primary consideration;
 - increasing the availability of places in safe and specialised accommodation for all child victims of trafficking, with professionals adequately trained (paragraph 216);
- GRETA considers that the Spanish authorities should review the age assessment procedures applying to possible victims of trafficking, ensuring that the best interests of the child are effectively

protected. In particular, the age assessment must not rely only on medical examination, but on a comprehensive assessment of the child's physical and psychological development. Reference is made to the Committee on the Rights of the Child's Joint general comment No. 4 and No. 23, as well as to the Council of Europe Guide for policy makers on age assessment for children in migration (paragraph 217).

Identification of victims of trafficking

- GRETA urges the Spanish authorities to:
 - put in place and operationalise a National Referral Mechanism defining the roles and procedures to be followed by all stakeholders that may come into contact with victims of trafficking;
 - ensure that, in practice, formal identification of victims of THB does not depend on the presence of sufficient evidence for the initiation of criminal proceedings;
 - strengthen the proactive detection of victims of trafficking among asylum seekers and persons placed in immigration detention, as well as migrants arriving in the autonomous cities of Ceuta and Melilla, as well as the Canary Islands;
 - respect the principle of non-refoulement in particular by ensuring that pre-removal risk assessments prior to all forced removals from Spain fully assess risks of trafficking or re-trafficking on return. The Spanish authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection (paragraph 240);
- GRETA considers that the Spanish authorities should:
 - increase efforts to proactively identify victims of trafficking for all forms of exploitation, including victims who are Spanish nationals;
 - strengthen multi-agency coordination in the identification of victims of trafficking and the involvement of specialised NGOs in the decision-making process leading to identification (paragraph 241).

Assistance to victims of trafficking

- GRETA once again urges the Spanish authorities to increase the number of places in specialised accommodation for male victims and victims of forms of exploitation other than sexual exploitation (paragraph 256).

Recovery and reflection period

- GRETA urges the Spanish authorities to take further steps to ensure that all presumed foreign victims of trafficking, including EU/EEA nationals, are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 262).

Appendix 2 - List of public bodies, international organisations, non-governmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Ministry of Foreign Affairs, European Union and Cooperation
 - o General Directorate for External Policy and Security
- Ministry of Interior
 - o Cabinet of the State Secretary for Security, Intelligence Centre against Terrorism and Organised Crime (CITCO)
 - o Office for Asylum and Refugees
- Ministry of Equality
- Ministry of Justice
- Ministry of Inclusion, Social Security and Migration
 - o General Directorate for Humanitarian Assistance and Social Inclusion
 - o General Directorate for the Management of the International and Temporary Protection Reception System
 - o General Directorate for Migrations
- Ministry of Labour and Social Economy, Inspectorate of Labour and Social Security
- Ministry of Health
- Spanish Congress
- National Prosecutor's Office, Office for Foreigners
- General Council for the Judiciary (CGPJ)
- *Policía Nacional*
- *Guardia Civil*
- Spanish Ombudsperson (*Defensor del Pueblo*)
- General Council of Lawyers

Madrid

- Government Delegation in Madrid
- Autonomous Community of Madrid
- City of Madrid

Andalusia

- Government Delegation in Andalusia
- Autonomous Community of Andalusia
- City of Huelva
- Public Prosecutor's Office in Sevilla

Catalonia

- Government Delegation in Catalonia
- Autonomous Community of Catalonia
- City of Barcelona
- Public Prosecutor's Office in Barcelona
- Council of Lawyers in Catalonia (CICAC)

Intergovernmental organisations

- United Nations High Commissioner for Refugees (UNHCR)
- International Organization for Migrations (IOM)
- International Labour Organization (ILO)

NGOs and other civil society actors

- Amar Dragoste Association
- Accem
- *AFAVI*
- Amnesty International Spain
- Apip-Acam Foundation
- APRAMP (Association for the Prevention, Reintegration and Assistance of Prostituted Women)
- Barcelona Bar Association (ICAB)
- Caritas Española
- *Cáritas Diocesana Huelva*
- CEAR (Spanish Commission for the Assistance of Refugees)
- *CEPAIM*
- Commission for the Investigation of Ill-Treatment against Women (CIMTM)
- Cruz Blanca Foundation
- Doctors of the World Spain
- *Diaconía*
- *FIET GRATIA*
- Madrid Bar Association (ICAM)
- *Mujeres en Zona de Conflicto* (Women in Conflict Areas)
- *Nuevo Hogar Betania*
- *OBLATAS*
- *Proyecto Esperanza - Adoratrices*
- Save the Children Spain
- Sevilla Bar Association (ICAS)
- *SICAR cat*
- *Unión General de Trabajadores* (UGT)
- UNICEF España Association
- Women's Link Worldwide

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Spain

GRETA engaged in a dialogue with the Spanish authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Spanish authorities on 17 April 2023 and invited them to submit any final comments. The comments of the authorities, submitted on 16 May 2023, are reproduced hereafter.



REMARKS ON THE GRETA'S FINAL REPORT CONCERNING THE IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS BY SPAIN

Spain would like to respectfully submit the following remarks with regard to the final Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain (Third evaluation round), adopted by GRETA 17th April 2023:

48. In practice, victims of THB are informed of their rights by law enforcement agencies through a document which lists the available support, including legal aid, assistance and protection measures, the right to a recovery and reflection period, the right to obtain a resident permit and the possibility of assisted voluntary return. This document is available only in Spanish. In addition, a leaflet listing the available support and indicating the hotline number has been elaborated by the Policía Nacional. It explains in a clear and accessible manner what rights victims are entitled to and is available in Spanish, English, Portuguese and Romanian.

The document that lists available support is also in also available in English (both the rights in general and those specific to the period of reinstatement and reflection) downloadable templates through the National Police intranet.

It is also translated into several languages the document (informative campaign) where the rights of the victims are exposed: English, Portuguese, Romanian and Arabic.

(See Annex 1)

51. At Adolfo Suárez Madrid-Barajas Airport, a new protocol on the identification of presumed victims of THB among persons who claim asylum at the airport envisages the provision of information on their rights by trained front-line staff who ensure that specialised NGOs are involved in the identification process. Only qualified interpreters, having knowledge in the field of international protection, can be recruited and should be available as of the first interview.³² The same procedure is followed at Josep Tarradellas Barcelona-El Prat airport (see also paragraph 231).

Concerning point 51, and other points relating to the Barajas Procedure, we consider it necessary to emphasize that the main objective of the Procedure for referral of potential victims of trafficking in Human applying for International Protection for International Protection, 2019 is the early detection for as immediate a referral as possible to specialised resources, within the Reception System of International and Temporary Protection, of those who, having requested international protection, show signs of being victims or potential victims of trafficking in human beings.

64. GRETA welcomes the legislative framework for access to free legal aid for victims of trafficking in Spain and the availability of specialised lawyers in some parts of the country. However, noting that the practical application of the legal provisions is uneven across Spain, GRETA considers that the Spanish authorities should take further steps to ensure its full and effective implementation, in particular by:

- **ensuring that law enforcement agencies inform the local Bar Associations promptly after the detection of a presumed victim of trafficking to enable the timely appointment of a lawyer;**
- **further developing the cooperation protocols between law enforcement agencies and local Bar Associations throughout the country;**
- **encouraging Bar Associations to further improve the training of lawyers with a view of ensuring that trafficking victims are appointed specialised lawyers regardless of the geographic area where they are detected;**
- **ensuring effective access to legal aid for presumed THB victims amongst asylum seekers, by guaranteeing that lawyers can speak to them in an individual and confidential manner, with the assistance of interpreters if needed.**

Access to BAR in the duty rota of lawyers specialized in THB. It should be noted that it is usual that, at the identification interview, where, as stated in the Protocol referred to throughout the report, it is mandatory for an NGO to be present, it is often the NGO itself that provides, as part of its assistance, the presence of their own lawyer specialized in human trafficking issues.

Only in those cases in which legal assistance is not provided by the NGO, or it is the victim him/herself who states that he/she wishes to be assisted by a lawyer other than the one provided by the NGO, the corresponding Bar Association will be informed, and a court-appointed lawyer will be requested to assist the victim during the identification interview.

77. Asylum seekers are automatically allowed to work six months after the receipt of their asylum application. During the six-month waiting period, asylum seekers are encouraged to attend language classes and educational training.

With regard to point 77, we consider it appropriate to add that in addition to the support in language classes and educational training to which GRETA refers, from the first moment when asylum seekers are accepted into the system, they are included in a path of socio-occupational insertion, which includes among other actions of diagnosis, pre-training (digital literacy, social skills, etc.), socio-employment guidance, occupational vocational training, accompaniment and economic support.

146. GRETA welcomes the existence of investigators and prosecutors trained and specialised to deal with THB cases, and considers that the Spanish authorities should develop training and specialisation of judges and labour inspectors. The training should be systematic and periodically updated, and should further promote capacity-building and specialisation, with a view to enabling the proactive investigation and successful prosecution of human trafficking cases.

Cases of trafficking for the purposes of labour exploitation and forced labour that may exist in Spain represent a very serious violation of human rights and it is therefore essential that the Public Administrations act effectively to stop this type of behaviour.

For this reason, and although these are not situations that the officials of the Labour Inspectorate will usually face, specialised personnel must be available to deal with them. For this reason, in compliance with the National Action Plan against Forced Labour, the Network on Trafficking and Forced Labour of the Labour and Social Security Inspectorate has been created, with the aim of improving inspection activities in terms of detection of possible

cases and coordination with other public administrations and civil society, within the framework of the competences established by Law 23/2015, of 21 July, Regulating the System of Labour and Social Security Inspection, and in compliance with the international and national commitments subscribed to, thus guaranteeing adequate protection and assistance to victims.

This formal network is made up of experts appointed at provincial level with specific training in the matter, each one of them being the point of contact with the State Law Enforcement Agencies, the Public Prosecutor's Office, other Administrations, social agents and specialised entities in the field of labour trafficking and forced labour in our country.

Likewise, it is worth highlighting the development of training and improvement programmes to guarantee the technical qualification of the inspectors that make up the network.

To this end, training courses on trafficking will be held periodically (such as the one held last November 2022), the aim of which is to provide the officials of the Inspectorate with in-depth knowledge of the challenges posed by the various situations of human trafficking; its international and multidisciplinary dimension and response; the principles of action and the tools for institutional coordination to prevent and combat trafficking; the strengths and weaknesses of the legal framework and administrative action and the role and possibilities of action of the Labour Inspectorate in this area.

Therefore, the State Labour and Social Security Inspectorate (OEITSS) has complied with GRETA's requirements and recommendations regarding the training and specialisation of its officials.

162. GRETA welcomes the increase of the protection of child victims by Law 8/2021 and the availability of child-friendly interview rooms in courts and police facilities. However, GRETA considers that the Spanish authorities should provide for the application of protection measures to all child victims of trafficking, i.e., all persons under the age of 18, including the obligation to record the interview and the absence of cross-examination (direct confrontation) with the accused. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice

Spain is currently developed the joint project of the European Union and the Council of Europe "Strengthening of justice adapted to childhood through effective cooperation and coordination between different Barnahus services in the regions of Spain".

This project is financed by the General Directorate for Support to Structural Reforms of the European Union (DG REFORM) and co-financed and implemented by the Division of Children's Rights of the Council of Europe.

Its objective is to guarantee that all boys and girls victims of violence, including child sexual exploitation and abuse, benefit from friendly access to justice and reinforced child protection services in Spain and its Autonomous Communities, through the implementation of the Barnahus model. The Barnahus model is the main European model for a multidisciplinary and interinstitutional response to child sexual exploitation and abuse.

The project is divided into two essential components:

1. Improve the legislative and public policy framework to introduce the Barnahus model in the Autonomous Communities;
2. Strengthen the capacities of relevant professionals.

The Barnahus (Children's House in Icelandic) is a comprehensive care model where all the departments involved in a case of child sexual abuse coordinate and work under the same roof to care for the child victim. It is a house, far from police stations and hospitals, which has a friendly environment for boys and girls: decoration adapted to their age and professionals specialized in child victimology. Instead of going to the police station to give a statement, the boy or girl goes to the Barnahus where they are directly interviewed forensically, which is recorded and watched by all the actors involved in the case on closed circuit. The recording of the forensic interview makes it possible to collect the testimony of the boy or girl as soon as possible, which facilitates its recovery and avoids having to go to

the oral trial. Its effectiveness is based on evidence. There are multiple empirical studies that have shown that this model helps to reduce secondary victimization and improves the treatment of children and their families.

172. The Spanish authorities indicated that preventing and combatting trafficking for the purpose of labour exploitation is a priority. Since the adoption of the National Action Plan against THB and the National Action Plan against Forced Labour in 2021, Spain has, for the first time, specific roadmaps to address this form of trafficking. Nevertheless, the absence of a dedicated budget to implement these plans limits their effectiveness.

The Ministry of Labour and Social Economy does not have a budget allocation from the General State Budget to implement the measures envisaged in each of the lines of action of the National Plan against Forced Labour that fall within its competence.

However, this does not mean that they cannot be implemented, as these measures will be financed from the existing budget lines under which they can be included.

175. At the time of GRETA's visit, there were 857 labour inspectors and 1,030 sub-inspectors employed by the ITSS (compared to 960 inspectors and 837 sub-inspectors at the time of the second evaluation report, in 2017), as well as 148 labour inspectors in the Autonomous Community of Catalonia, and 50 in the Autonomous Community of the Basque Country. This corresponds to one inspector/sub-inspector for about 19,000 employees, which is far from the reasonable benchmark established by ILO of one labour inspectors per 10,000 employees for countries with industrial market economies. In 2020, the ITSS organised a training course on trafficking in human beings, and it is envisaged to conduct a new training at the end of 2022. However, according to NGO representatives met during the visit, labour inspectors are not sufficiently trained on trafficking in human beings to effectively detect victims.

With regard to the ratio of officials in the OEITSS, the Committee on Employment and Social Policy of the Governing Body of the International Labour Organization (GB.297/ESP/3), at its meeting in November 2006, established as a reasonable benchmark that the number of labour inspectors, compared to the number of workers, should be approximately one inspector per 10,000 workers in industrial countries with market economies.

However, the International Labour Organization in 2021, in developing guidelines on general principles of labour inspection, specifies that a ratio based solely on the number of inspectors per thousand workers does not take into account all the elements identified by Article 10 of Convention No. 81 and should not be used as a benchmark. Thus, the determination of the number of inspectors required by each service will depend on criteria specific to the national context, including: the number and nature of the functions assigned to the inspection system; the number, nature, size and location of the establishments subject to inspection; the number of workers; the number and complexity of the legal provisions to be enforced; the material and financial resources available to the service; and the practical conditions under which inspection visits must be carried out in order to be effective.

Finally, with regard to the training and specialisation of the officials of the Labour Inspectorate, the same answer can be given as in paragraph 146.

185. As mentioned in paragraph 9, GRETA travelled to the area of Huelva (Andalusia), one of the main strawberry production regions. At the time of GRETA's visit, there were 25 informal settlements of migrants (asentamientos) in Huelva, where 914 migrants were living (including 99 women), mostly undocumented workers from Morocco, Mali and Ghana. GRETA was informed that during the harvest season, there are many more workers. In the settlement, migrants live in shacks made of plastic sheeting used to cover the strawberry fields. There is no access to drinking water, electricity nor sanitation. NGOs such as Mujeres en Zona de Conflictos, Cruz Roja, Caritas and ACCEM provide humanitarian aid in the settlements. One of them had also set up a day centre near the fields, with the aim of providing basic goods and services to migrants, but GRETA was informed during the visit that it

would have to close down due to the end of public funding. According to NGOs, several migrant workers in the settlement could be considered as victims of labour exploitation and even human trafficking. They often work in excess of Spain's legal limit on working hours and are paid below the minimum wage, or sometimes not paid at all. NGOs alerted of cases of women who are sexually exploited in the settlements and could also be victims of trafficking for the purpose of sexual exploitation and/or victims of gender-based violence. Labour inspectors do not have the mandate to go to the settlements, but the Guardia Civil regularly does, notably in case of incidents or to identify vulnerable persons such as pregnant women or women with children. However, no victims of trafficking have been identified among people living in the informal settlements. Similar settlements exist in other parts of the Spanish territory. GRETA is deeply concerned about the inaction of the authorities over this humanitarian situation which has been lasted for several years and generates heightened risks of human trafficking.

Spanish authorities are extremely concerned about the situation in places with a potential risk of finding potential victims of trafficking in human beings, such as the informal settlements of migrants in Huelva. For this reason, the increase in preventive work in these areas in recent years is highlighted.

According to the figures obtained through the BDTRATA database, managed by CITCO, State Law Enforcement Agencies have recorded the following labour inspection figures in the last five years:

2018	2019	2020	2021	2022
5.075	5.279	3.590 ¹²⁵	5.218	5.793

More specifically, in the province of Huelva, awareness on the matter has been very notable in recent years, presenting the following figures regarding their preventive labour inspections and becoming in 2022 one of the provinces that has fought the hardest against THB:

2018	2019	2020	2021	2022
57	119	111 ¹²⁶	250	329

In addition to the above, the training of agents in charge of investigating cases of human trafficking has been strengthened in recent years.

On the other hand, since 2018, specific training has been carried out for the "social interlocutors", including, obviously, those from the province of Huelva. These training actions provide a space for the exchange of information and good practices in the procedures for the detection, identification, protection and restoration of victims is achieved. During the conference there are also meetings with responsible staff of specialised NGOs.

In addition to the aforementioned training, update sessions are held for previously trained personnel, with investigators from the province of Huelva having taken part in them.

In parallel to the face-to-face training, the implementation of e-learning courses for police officers is also being promoted.

¹²⁵ The drop in numbers was due to the COVID19 pandemic

¹²⁶ Idem

190. GRETA urges the Spanish authorities to intensify their efforts to prevent and combat trafficking for the purpose of labour exploitation, taking into account GRETA's Guidance Note on preventing and combating trafficking for labour exploitation and Recommendation CM/Rec(2022)21 of the Committee of Ministers. This should include steps to:

- ensure that sufficient resources are made available to labour inspectors to fulfil their mandate and carry out proactive and systematic inspections, including in remote locations at risk of THB;**
- review the legislative framework for any loopholes that may limit the prosecution and adjudication of cases of trafficking for the purpose of labour exploitation;**
- address the risks of THB in the agricultural sector and improve the detection of possible victims of trafficking among agricultural migrant workers. In particular, immediate action should be taken to ensure the detection of possible victims of THB living in the informal settlements of migrant workers;**
- guarantee that the living and working conditions of migrant workers, in particular in the agriculture sector, meet all the requirements laid down in the legislation with a view to preventing abuse and exploitation.**

The Strategic Plan of the Labour and Social Security Inspectorate (ITSS) for the period 2021-2023 establishes the objectives of the ITSS for that period. It must contribute to improve the quality of employment, guarantee the rights of workers, fight against precariousness and fraud in labour matters, Social Security and effective equality between men and women.

The third objective of the strategic plan is to bring undeclared work to the surface and to improve the protection of people who are trafficked for the purpose of labour exploitation. In compliance with this objective, the National Action Plan against Forced Labour was approved, which expressly includes among its measures the reinforcement of inspection activity in those geographical areas or sectors in which, due to the characteristics of the productive activity, there may be a greater presence of forced labour, including domestic work.

191. GRETA also considers that the Spanish authorities should:

- further train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on THB for the purpose of labour exploitation and the rights of victims;**
- strengthen the monitoring of domestic work, recruitment and temporary work agencies and supply chains, as well as other risks sectors;**
- further raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;**
- improve the collection of data on trafficking in human beings for the purpose of labour exploitation.**

The same answer can be given as in point 146 regarding the training and specialisation of Labour Inspectorate officials.

198. GRETA notes that during the reporting period, no victim of trafficking has been identified among the hundreds of thousands of migrants who have arrived in Spain by sea or through Ceuta and Melilla. Civil society representatives met during the visit consider that there is a lack of assessment of vulnerabilities of migrants upon arrival, while the number of vulnerable people, such as women with young children or unaccompanied children, has increased. According to them, there is no formal mechanisms in place for the systematic assessment of vulnerabilities upon arrivals as well as for the provision of information about the risks of THB and the rights of victims of trafficking to migrants. There are concerns that the authorities do not have enough capacities and resources to effectively perform the early assessment of vulnerabilities with such a large number of arrivals. There

is a lack of interpreters and cultural mediators in centres for migrants, which undermines the detection of vulnerabilities and the provision of information. In addition, the Framework Protocol, which was adopted in 2011, would not adequately address these situations, and there is a lack of specific protocols for the identification of victims of trafficking to be followed in the event of irregular arrivals by sea.

The Ministry of Social Rights and the 2030 Agenda finances, through the "Next Generation" funds, a project of the organization "Save the Children" for the preparation of a Protocol for Determining the Best Interest of the Minor and Detection Protocols, referral and monitoring of vulnerable profiles in childhood, in reception places at the border or first reception resources.

204. A large number of unaccompanied foreign children are placed in residential care (Centros de protección de menores de edad), especially boys between the age of 16 and 18. In 2020, there were 5,579 unaccompanied foreign children in residential care and only 91 in foster families. It is especially the case in Ceuta.⁹⁸ On 5 May 2022, the Spanish government and the autonomous communities agreed on an "Action plan against sexual exploitation of girls, boys and adolescents in the child protection system." One of the aims of the Action Plan is to take preventive measures to reduce the vulnerabilities and risks factors to exploitation faced by children placed under the child protection system. The Action Plan provides that, before 2026, no children under 6 will be in residential care, and no children under 10 before 2031.

According to the data available in the statistical bulletin on child protection measures, 97% of unaccompanied migrant minors are in residential care and only 3% in family care. The figures for foster care have increased by 19% compared to the previous year, going from 91 to 109 foster care. In the near future, this General Directorate will carry out a campaign to attract foster families, to promote the foster care of both migrant children and children of Spanish origin.

205. The Royal Decree 203/2021 of 19 October 2021, modifying the Law on Foreigners (4/2000), has introduced measures to improve the integration of unaccompanied foreign children and their transition into adulthood. According to the reform, once unaccompanied foreign children have been placed under the care of the child protection system, the competent authority must issue a residence permit within three months, instead of the previous nine months. The duration of the permit has been increased to two years (three years for the renewal). Children who are allowed to work (namely children aged 16-18) do not need a separate work permit. A procedure has been put in place to ensure the continuity of the residence permit once a child reaches the age of 18. Another procedure has been set up to provide young persons aged 18-23 with a residence permit. The Spanish authorities consider that these measures have already had a positive effect on preventing unaccompanied foreign children from being in an irregular situation or in a situation of social exclusion once they reach majority.⁹⁹ However, despite the legislative improvements, there remain serious concern about the lack of adequate protection and assistance of children transitioning into adulthood. During the visit, GRETA met young adults who had previously been placed under the child protection system but who were living under extreme precarity conditions in an informal settlement of migrants in Huelva (see paragraph 185).

Through the "Next Generation" funds, the Ministry of Social Rights finances a project of the FEPA organization (State Federation of Autonomy Floors) for the development of a reference model in support interventions for the transition to adult life of ex-guardian boys and girls, including migrants, based on the systematization and testing of interventions.

206. Representatives of NGOs met by GRETA consider that the capacities of the Spanish authorities are insufficient to provide effective care arrangements to unaccompanied foreign children (including accommodation, education and health care), and as a result, they are exposed to risks of trafficking in human beings. The protection provided varies greatly from one autonomous community to another. Some have reached their maximum capacity and the protocol for ensuring the transfer of unaccompanied children are not properly applied due to the lack of coordination between autonomous communities. In addition, there remain a significant number of unaccompanied foreign children who disappear every year. According to the Spanish authorities, disappearances are generally explained by the fact that the children's plan is to reach France, Germany or the United Kingdom.

Since September 2022, the Migration Contingency Management Model for unaccompanied children and adolescents has been approved, which aims to respond, from both a strategic and operational perspective, to the needs arising from the arrival of a large number of minors. unaccompanied that require an extra effort from the EEPP in terms of resources, infrastructures, endowments, institutional coordination and collaboration between administrations, with full respect for current legislation, and especially the obligations derived from the CRC. From this management model derives the I Plan of Response to migratory crises for migrant minors 2022-2023, to attend to the migratory contingency situation of the Autonomous Community of the Canary Islands and the Autonomous City of Ceuta and to be able to transfer children in solidarity, girls and adolescents who are in these regions, to the rest of the autonomous communities that are part of the model. From this Response Plan, a Commission has been created for the Response Plan for children and adolescents in the face of migration crises and, within it, two working groups: Group on the Information System and Group for the preparation of the Training Plan, which are holding meetings to optimally develop both aspects.

The Training Plan for Social Services, Families, Childhood and Adolescence promoted by the General Directorate for Family Diversity and Social Services, in collaboration with the General Directorate for Child and Adolescent Rights, of the Ministry of Social Rights and Agenda 2030, aims to be a technical cooperation instrument in order to meet the needs for recycling and permanent training of technical and professional managers from Autonomous Communities, local entities and other public institutions that carry out their work activity directly or indirectly in the services and programs whose goal is the promotion and improvement of primary care social services; safeguarding the rights and well-being of families, children and adolescents. In this line, the training course "Trafficking in children and adolescents for the purpose of sexual exploitation: comprehensive care for its victims" is planned for 2023, as in 2022.

215. There are no specialised shelters for boy victims of trafficking, nor for girls who are victims of trafficking for exploitative purposes other than sexual exploitation. In these cases, child victims are usually placed with other children in centres for the protection of children existing in all autonomous communities across the country. GRETA notes that the National Action Plan against THB envisages the setting up of specialised shelters for child victims of trafficking in all autonomous communities.

The Action Plan against the sexual exploitation of girls, boys and adolescents of the child protection system agreed between the General State Administration and the autonomous communities approved on May 5, 2022 by the Sector Conference for Children and Adolescents , together with the Equality Sectoral Conference, includes measures such as the creation of specialized care and comprehensive recovery services for girls and adolescents who are victims of sexual exploitation, to be developed by the Ministry of Equality.

216. GRETA remains concerned that insufficient efforts have been made to address trafficking of children, in particular of unaccompanied foreign children. It is also concerned that the procedures for identifying child victims of trafficking do not fully guarantee the best interests of the child and the assistance is undermined by the lack of sufficient resources. Recalling its previous recommendations, GRETA urges the Spanish authorities to step up their efforts to prevent and combat trafficking of children, identify child victims of trafficking, and provide appropriate assistance to them, in particular by:

- ***ensuring that unaccompanied and separated children benefit from effective care arrangements, including accommodation, access to education and healthcare, so that they are not exposed to risks of trafficking;***
- ***increasing the capacity to detect child victims of trafficking by any professionals who may come into contact with children, in particular by providing adequate training on the use of trafficking indicators;***
- ***improving the procedures for the identification of child victims of trafficking, in particular among unaccompanied foreign children, and ensure that the best interests of the child is the primary consideration;***
- ***increasing the availability of places in safe and specialised accommodation for all child victims of trafficking, with professionals adequately trained.***

The Action Plan against the sexual exploitation of children and adolescents of the child protection system includes, among its immediate implementation measures, specialized training in prevention and detection of sexual exploitation for all workers in the residential centres for child protection. On the other hand, as already mentioned, the Children's Observatory in 2017 approved the Actions for the detection and care of minor victims of human trafficking as an annex to the framework protocol for the protection of victims of human trafficking.

233. The Ministry of Inclusion, Social Security and Migration (formerly named Ministry of Employment and Social Security) is responsible for the management of centres for asylum seekers, refugees and migrants in vulnerable situations, including centres for the reception of refugees (CAR), temporary reception centres (CETI) and other reception schemes. According to the Protocol for the detection of possible cases of THB for the purpose of sexual exploitation, approved by the General Secretariat for Migration of the Ministry, a point of contact must be designated in each centre to promote and guarantee the application of the Protocol. That person is responsible for receiving, analysing and reporting suspicions on the presence of possible victims of trafficking law enforcement authorities. The Protocol also includes indicators on trafficking in human beings and guidelines for the interview with a view to detecting victims, as well as two mailboxes where professionals can request information. According to the Spanish authorities, efforts have also been made to provide training courses on prevention, early detection and referral of victims to actors involved in the reception system. However, there are concerns that the capacities and resources of staff in these centres are insufficient to effectively detect possible victims of trafficking. GRETA was informed that 1,995 persons were detected and assisted under the Protocol in 2018, 1,171 in 2019, 735 in 2020, 1,626 in 2021, and 836 in the first half of 2022.

With regard to point 233, we consider it necessary to add that at all times the International and Temporary Protection Reception System has responded with specialised resources, and in any case having specialised devices for potential victims, appreciating that there is the possibility of increasing specialised care places if the need is detected. It should also be noted that every year at least one specialised course in Trafficking in Human Beings is included in the Continuing Training Plan of the Ministry of Inclusion, in addition to pointing to the collaboration of the Ministry of Inclusion with the European Asylum Agency (EUAA) in the field of training and specific in the field of trafficking in human beings. The fruits of this training effort can be seen in that 95 % of the professionals of the central services have already been trained in Trafficking in Human Beings, as well as 80 % of the staff working in

centres for the reception of refugees (CAR) and reception, care and referral centres (CREADE), focusing at this time on training people who work in NGOs.

Paragraph 257-62 Recovery and reflection period.

According to EU and Spanish legislation, the Recovery and Reflection Period is not a method of identification of victims of THB, but it is one of the rights of persons who, being in an irregular administrative situation, are identified as victims of trafficking.

This period allows them to stop temporarily the administrative procedure of their migratory status opened due to their irregular situation, providing them with a temporary residence permit for the duration of the same.

For this reason, people with regular status or citizens of the EU are not entitled to this period, but as victims of human trafficking have access to the rest of rights in the same conditions.

ANNEX 1

Screenshot of National Police intranet where information template on victims' rights is available and downloadable in Spanish and English.

● Díptico del Plan Contra la trata de seres humanos con fines de explotación sexual.



Es necesario que la impresión de los dípticos se realice a doble cara y preferentemente en color antes de su entrega.

Para imprimir a doble cara y conseguir óptimos resultados, se recomienda imprimir en primer lugar una cara y seguidamente volver a depositar la hoja impresa en la bandeja de la impresora (en vez de usar la opción duplex, si la tuviera). De esta manera, ambas caras se imprimirán en el mismo punto de la hoja y podrá recortarse el díptico de forma más precisa.

● Actas de información general a posibles víctimas entrevistadas.

- Víctimas extranjeras en situación irregular.



- Víctimas extranjeras en situación regular o víctimas comunitarias.



● Acta de información de Medidas de Protección y Seguridad.

● Periodo de restablecimiento y reflexión.

- Acta de Información a la víctima (Art. 59 BIS, Apdo. 2).



- Acta de Información a la víctima en puesto fronterizo (Art. 59 BIS, Apdo. 2).



- Acta de Información a la víctima ingresada en CIE (Art. 59 BIS, Apdo. 2).

