



Strasbourg, 24 February 2017

GRETA(2017)10

---

**Reply from Spain**  
**to the Questionnaire for the evaluation of the implementation**  
**of the Council of Europe Convention on Action against**  
**Trafficking in Human Beings by the Parties**

**Second evaluation round**  
**(Reply submitted on 27 October 2016)**

---

## Introduction

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

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## KEY REMARKS ON GRETA'S QUESTIONNAIRE PREPARATION

With regard to the answer given by the Spanish Government to the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (THB) 2014, we would like to clarify some aspects:

1. The answer to the questionnaire has been structure in two volumes:
  - Volume 1 contains the responses related to the evolution from the first round of evaluation, cross-cutting issues, specific articles of the Warsaw Convention and the final questions.
  - Volume 2 includes statistical data on THB.
2. In October 2015, Spanish Government submitted the GRETA Recommendations Report to the Council of Europe. Some questions of the current report were totally or partially answered in that Recommendation Report, for this reason thorough the current questionnaire appears many quotes as follows: "In the GRETA's Recommendations report (see answer to question num.)". Moreover, the newest initiatives have been also included.
3. The questionnaire mentions many times three normative regulations in order to give an answer to different questions. These regulations are the following ones: "Comprehensive plan to fight against trafficking in women and girls for sexual Exploitation 2015-2018", "Framework protocol for protection of victims of human trafficking" and "Law 4/2015, 27th April on the standing of victim of crime". All these regulations have a special impact for prevention and fight against THB. For this reason they have been included as Annex 1, 2 and 3 respectively, just in case it was necessary to make any consultation.
4. Statistical data on THB for year 2016 is still in a process of integration, evaluation and analysis, involving all relevant stakeholders in our country for prevention and fight against trafficking in persons. For this reason we cannot facilitate them till the end of this year.

17<sup>th</sup> OCTOBER 2016

**VOLUME 1 REPLY FROM THE  
SPANISH GOVERNMENT:  
GRETA 2014  
SECOND EVALUATION ROUND**

Madrid, 17 October 2015



## Follow-up of questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims):

The criminal groups operating in Spain are mainly linked to trafficking in human beings for sexual exploitation and, to a lesser extent, for labour exploitation. In the first case, their activities take place in the hotel and restaurant sector; in the second case, in the agricultural sector.

The groups engaged in THB for sexual exploitation have the following characteristics:

- They have a standard and associative structure, based on at least two leaders of Spanish and foreign nationality who usually coincide with the countries of origin of the victims, among others, Romania, Nigeria and China. A series of subordinates depend on these leaders and carry out clearly defined tasks in the process of THB: recruitment, transfer and exploitation.
- It is predominant that these groups only commit this crime as their main activity but they may have some linked activities, normally money laundering, or use this activity as a means to refine their main activity such as counterfeiting, injuries or threats.
- It is also common to have several nationalities present where Spaniards represent the majority, followed by Romanians and, to a lesser extent, Nigerians and Chinese.
  - The Spanish are mainly engaged in the exploitation stage as owners or managers of the places where the victims are forced into prostitution.
  - The rest of nationalities usually participate recruiting and transferring victims to our country. However, there are some exceptions such as Chinese nationals who participate in each and every stage of the process of THB.
- The number of people under investigation is between 3 and 10 per organized crime group.
- The working period in our country was less than 3 years. The high specialization of police forces in this criminal phenomenon and, their resulting efficiency, has contributed to the reduction of these groups' criminal lives.
- The sphere of action is clearly several provinces. The north-eastern area, specially Barcelona, and the central area, Madrid, apart from the Mediterranean coast (Valencia, Málaga and the Balearic Islands) are predominant in comparison to other provinces in the country. The strategic location of these provinces with a great population density, migration flows and important tourist areas facilitate this criminal activity.

- The use of business structures is very frequent, generally linked to the hotel and restaurant sector: escort clubs with or without accommodation for the victims, used as a cover to hide the criminal activity, as well as to reinvest the illegal profit from the business, leading to money laundering.
- The international activity is fundamental in this crime and closely linked to it, since the victims are mainly foreigners recruited in their countries of origin and also part of the illegal profits logically return to those countries.
- Likewise, violence and intimidation are common ground in this criminal area, where there are physical or psychological assaults on victims in any of the stages of the THB process, even on their closest family members in their countries of origin or destination.
- Finally, we have also observed national or ethnic links among those arrested (traffickers) and the victims, specially in the case of countries such as Romania, Nigeria and China.

Spain is, to a great extent, a country of destination for victims of THB for sexual exploitation, mainly coming from Eastern Europe and South America, and to a lesser extent, from Africa and Asia, as well as a transit country to other destinations above all in Europe (France and UK, among others).

The modus operandi developed by these groups is basically focused in three stages: recruitment, transfer and exploitation.

#### A) Recruitment

The victims are recruited in their countries of origin, mainly in Romania, Nigeria, China, Bulgaria, Brazil and Paraguay, using advertisements in newspapers, travel agencies, recruitment agencies, love story (seducing and falling in love), voodoo (witchcraft) around prostitution among others, and the most frequent means used in deception, where legitimate job offers are published usually linked to the hotel and restaurant sector or the domestic service.

In some cases, the victims may know and accept they are recruited for prostitution but they are deceived in the conditions (number of hours, number of services, amount they will receive).

Likewise, deception is also found in the amount of the debt (EUR 3,000 and above) and the way to repay it (more than one year), as criminal groups normally finance the travel costs and the costs to manage the victims' documentation.

The recruiters are normally members of the criminal group, specifically engaged in this activity and have the same nationality as the victims. However, in some cases, family members, friends or even previously exploited women convince and recruit new victims.

## B) Transfer

The transfer or transportation of the victims is done by land, air and sea using previously established routes and different means of transportation (air plane, bus, boat...) and the victims are usually accompanied by a member of the group to the starting point (airport, bus terminal...).

The transit countries vary depending on the origin of the victims. Generally, we could state that:

- Victims from Eastern Europe access our country by land using any country in Central Europe or Southern Europe as transit countries. In the case of Romanians, they travel through Hungary, Austria, Italy and France.
- Victims coming from South America access our country by air through Brazil with intermediate stop-overs in airports of the Schengen area. For instance, in the case of victims from Paraguay, they use countries such as Italy, Portugal, the Netherlands and France, among others.
- The victims from Africa access our country by land and sea (small boats) and, in the case of the Nigerians, they use Sahel countries such as Niger, Mali, Burkina Faso, and Maghreb countries, specially Morocco.
- Finally, the victims from Asia, such as Chinese, access our country through different countries of the ex Soviet Union, among others Lithuania, as well as through Turkey crossing Greece.

In this stage of the process, they are given the necessary documents, sometimes counterfeit: passports, visas, hotel reservations, invitation letters, as well as transport tickets and money to access our country, generally as tourists or students.

## C) Exploitation

In Spain, victims are picked up by members of the criminal groups and taken to the places where they will be exploited, mainly in escort clubs with accommodation or private houses in all national territory.

In this stage of the process, the victims are informed of the real nature of the activity they will carry out as well as the conditions set. Sometimes they are forced into prostitution by means of threats, assault or coercion. They are also informed of the debt amount and the conditions for repayment, which are generally increased by abusive charges for accommodation and food, and even economic penalties for breaching their "labour obligations".

This modus operandi is common for all these organized crime groups. Nevertheless, it may vary according to the individual situations of the victims, the sphere of action of the group, the rigour in applying administrative, police or judicial measures by the countries of origin and transit involved, as well as on the ethnic or cultural traits of the victims and their traffickers.

In the past years (2014-2015) no trend changes have been observed on the THB with higher incidence in our country, which continues to be THB for sexual exploitation. However in 2016, the State Security Forces are developing some police investigations linked to forced marriages and even marriages with the purpose of conducting criminal activities but in no case this would mean a change in the trend, for the most relevant THB is for sexual purposes.

- any changes in your country's laws and regulations relevant to action against THB:

There have been no changes in the law after the ones explained in the GRETA's Recommendations report (see the answers to questions num. 2 and 3 in the said report), sent by Spain by the end of 2015.

- the institutional framework for action against THB, in particular any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities:

In the GRETA's Recommendations report (see answer to question 4 of the said report), drafted by Spain by the end of 2015, the instruments and coordinating bodies in the field of THB are described.

Concerning the said instruments and bodies, the main changes have been the following:

- Social Forum to Combat THB for Sexual Exploitation: created in 2009, its structure and operating system were modified by the approval of the new Internal Code of the Social Forum during its meeting on 7 May 2015. This new regulation includes changes in relation to its composition, organization and functions. Specifically, the following aspects were modified:
  1. Revision of the functions of the Social Forum to better define them and include follow-up of the Plan 2015-2018 by participating in the drafting of an annual progress report or the thrust of common proposals in this field.
  2. Revision and improvement of the participation of the autonomous regions in the Social Forum, widening their representation to four and establishing a rotation every two years in order of seniority of their approval of the Autonomy Statute (announced in the Sectorial Conference on Equality on 22 April, 2015).
  3. Increasing the representation of organizations with accredited experience in the integral attention to victims of trafficking of human beings for sexual exploitation by requesting to include them as members of the Forum in case of complying with the requirements set in the regulation.
  4. Creation of two vice-chairs so the organization and working tasks of the Forum also correspond to the autonomous regions and the Spanish Network against Trafficking.

5. In order to improve the capacity of the Forum to drive proposals and collaborate in specific matters, it is foreseen to create working groups to study and analyse specific topics together with specialized agents, as well as to draft reports or proposals, and its regulation.

Currently, the Social Forum is composed of 11 representatives of the central state administration, 4 people representing autonomous regions and the cities of Ceuta and Melilla –rotating every two years-, the Spanish Federation of Municipalities and Provinces, the National Rapporteur against THB and several non-profit organizations assisting victims of THB for sexual exploitation, among which, the Spanish Network against Trafficking is present.

As a consequence of the changes in the Regulation of the Forum, in January 2016, two organizations specialized in assisting THB victims requested their participation as full members in the Social Forum and they were accepted as they met the requirements.

- In order to facilitate coordination and cooperation in the process of identification of victims and to guarantee their correct assistance, apart from the existing Protocols, the following collaboration protocols have been established:
  1. Draft Framework Protocol for the identification and assistance to child victims of trafficking in human beings through a working group led by the General Directorate for Family and Children Protection, under the Ministry of Health, Social Services and Equality, where administrations and institutions responsible for this matter and specialized organizations participate.
  2. Agreement of 3 December, 2015 of the Commission against Gender Violence of the Inter-territorial Council of the National Health System to draft an Appendix to the Health Protocol to identify potential victims of THB by health professionals, after the proposal of the General Directorate of Gender Violence. In order to draft this protocol, a working group was established with the autonomous regions in the Inter-ministerial Commission of the National Health System with the aim that health professionals, who are key to identify situations of THB in this field, directly participate establishing indicators and guidelines to refer these people to specialized services to be assisted.
- The State Secretariat for Security has issued the Instruction 6/2016 on the action of State Security Forces in the Fight against Trafficking in Human Beings and in the Collaboration with Organizations and Institutions with accredited experience in assisting the victims, on 15 June, 2016.

This Instruction has the goal of reinforcing cooperation with non-governmental organizations and members of the civil society in the fight against THB. To do so, the Ministry of the Interior has determined that the National Police and the Civil Guard create the Social Partner in Trafficking in Human Beings, whose aim is not only to have a new tool to prevent and combat this crime, but also to facilitate the coordination of the State Security Forces with the bodies and social institutions working for the protection of human beings who suffer this abominable crime.

The Instruction of the State Secretariat for Security gathers the creation of two types of Social Partners in the Fight against Trafficking in Human Beings: one will operate at national level and the others will operate at regional level. While the first will have specific missions of cooperation and coordination with the different Territorial Social Partners, the latter will have the responsibility to coordinate, cooperate and develop actions related to the crimes associated to THB in the territories. Apart from that, these experts will be in charge of keeping constant contact with organizations and institutions with accredited experience in assisting victims of THB. The goal of these contacts will be to foster collaboration, guarantee exchange of information, trends, statistics and promote the coordination protocols that may be necessary to assist the victims and provide specialized police support.

The Instruction points out that when the Social Partner or, given the case, the units of the State Security Forces competent in identifying the victims and investigate the facts, receive information on the identification of a potential victim by specialized institutions, they will request by the fastest and most efficient means, the information these institutions may have, which will be assessed in the identification of the victim.

Likewise, when these specialized institutions have relevant information about a potential victim, they will provide this information to the State Security Forces using the established channels with the corresponding Social Partner in the fastest and most efficient means with the aim that this information is assessed in the identification of the victim and the rest of protective measures.

At the same time, the Instruction describes the procedures to identify victims. In this sense, it specifies that when there may be reasonable signs to believe that a person may be victim of THB, the police units will adopt the necessary measures to guarantee the protection of their rights, medical and social assistance and legal support that may be required. The identification of the victims will exclusively be conducted by police units having specific training in the prevention and fight against THB and in the identification and assistance to victims.

Finally, the State Security Forces have generated technical operating standards for the development of the Instruction.

- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results):

In the context of the fight against trafficking in women and girls for sexual exploitation, we can highlight the approval of the Comprehensive Plan to combat trafficking in women and girls for sexual exploitation 2015-2018<sup>1</sup> (attached at Annex 1), on 18 September, 2015, after its discussion in the Social Forum to Combat THB for Sexual Exploitation on 7 May, 2015.

This plan is a comprehensive and multidisciplinary tool that integrates the competences granted to the different ministerial departments in charge of this matter, road map of the Government

---

<sup>1</sup> The information in this section includes some paragraphs already included in the answer to question num. 6 within the GRETA's Recommendations report but it is wider and contains updated information.

Delegation for Gender Violence, in the development of their competencies concerning thrust of coordination, in the field of the General State Administration, in the subject of trafficking in women and girls for sexual exploitation, as well as cooperation with other institutions and administrations regarding assistance and protection to victims (Royal Decree 200/2012 of 23 January, developing the basic organic structure of the Ministry of Health, Social Services and Equality).

The Plan is the result of a participation process including contributions of the ministries with competences in this matter, the State Prosecution Service, the autonomous regions, the Spanish Federation of Municipalities and Provinces, organizations specialized in assisting victims of THB for sexual exploitation and the rest of social organizations members of the Social Forum to Combat THB for Sexual Exploitation

It takes into consideration the recommendations from evaluations and reports by national (Ombudswoman) and international agencies (TIP report by the US Secretary of State and GRETA by the Council of Europe). Apart from that, it includes an appendix with the conclusions of the Sub-commission for the analysis and study of THB for sexual exploitation, of the Commission of Equality of the Parliament, that will be taken into consideration for the annual reviews of the Plan.

As appendix to the Plan, there is a summary of the main actions carried out during the four years of the previous plan (2009-2012), highlighting the strengths and proposals for the future arising from the consultation to several bodies involved in the development of the said plan. This document was also the basis to draft the current Plan.

During this first half of 2016, information from several ministerial departments responsible for its execution has been gathered in order to draft the first annual follow-up report about the execution of the Plan, which will be available in September.

The Ministry of Health, Social Services and Equality (Government Delegation for Gender Violence) assumes the tasks of coordination and follow-up of its execution in the same participatory spirit so that, after including the information provided by the ministerial departments involved, the Social Forum to combat THB for Sexual Exploitation and the autonomous regions will be informed, establishing conclusions and recommendations that enable the most efficient implementation possible.

According to the draft of the follow-up report corresponding to 2015, still under review, it is ascertained that, despite there being no prior work dynamic, the approval of the Plan meant a thrust in the work of the different institutions around a common goal to approach trafficking in human beings in a comprehensive and coordinated fashion.

Likewise, in 2015, we can highlight the effort of public and private actors to make THB visible in order to promote rejection towards these situations as well as to improve knowledge by professionals who may be key in identifying victims and in starting their recovery. The cooperation with civil society has also been positive. Its participation in the development of measures is providing an added value to each of the actions carried out.

## B. Cross-cutting questions

### Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

Data about trafficking in human beings in Spain, similar to others provided by European institutions and gathered at international level, point out that THB is not neutral in terms of gender and reveals that women and girls are the most affected and that most of its victims are forced for the purpose of sexual exploitation, where the percentage of women and girls is over 95%.

Consequently, our country has a specific Integral Plan (previously described) to combat trafficking in women and girls for sexual exploitation, which is coordinated by policies of equality using a gender and human rights approach. This plan considers that trafficking in women and girls for sexual exploitation is a form of gender violence, since this crime derives from the lack of opportunities of women and the situation of inequality between women and men in the societies of origin and destination.

Moreover, in the field of development cooperation, trafficking and sexual exploitation have been considered as one of the worst forms of discrimination of women and girls, and gender equality and empowering of women has become one of its priorities. This is shown in The IV Master Plan for 2013-2016 and in the Strategy for Gender and Development of the Spanish Cooperation which put forward specific measures for its implementation.

### Non-discrimination principle (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

The legal and regulatory measures adopted in Spain in the fight against trafficking in human beings, among others, are the *Ley Orgánica 4/2000* on the rights and freedoms of foreigners in Spain, as well as its Regulation, Royal Decree 557/2011, the Framework Protocol for the Protection of Victims of Trafficking in Human Beings (attached at Annex 2), and the Act 4/2015 on the Statute of Crime Victims (Attached at Annex 3). None of these regulations and laws establish any kind of discrimination. Therefore, ethnic minorities or any other minority will not suffer any loss of rights for that reason.

Regarding the cited legal regulation, it should be underlined that, for example, Article 23 (Discriminatory acts) of Act 4/2000 states that, for the purposes of the Act, discrimination is any act that directly or indirectly implies distinction, exclusion, restriction or preference against a foreigner based on race, colour, country of origin or ethnic background, religious beliefs and practices, and the purpose or effect of which is to destroy or restrain the recognition or exercise, on an equal footing, of the fundamental human rights and liberties in the political, economic, social or cultural field.

Furthermore, Additional Single Provision on identification and protection of victims of trafficking in human beings of Regulation 557/2011 extends the provisions of Article 140 to all victims of human trafficking, whether nationals of an European member state or included within the scope of application of the community foreigner status.

Therefore, its scope of application is extended to all victims of THB, without discrimination as to sex, nationality or administrative situation in the case of alleged foreign victims.

In short, the measures to protect and promote the rights of victims of THB are guaranteed without discrimination as to sex, race, language, religion, political views or any other, nationality, ethnic minority membership, socio-economic status or any other situation.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

In the GRETA's Recommendations report (see answer to question num. 19 in the said report), prepared by Spain by the end of 2015, contains the identification process for victims of human trafficking.

Regarding the identification process, in order to improve assistance and protection of the victims of THB when they are irregular migrants, the Article 59 bis of the *Organic Law*\* 4/2000 was amended. This article establishes the minimum recovery and reflection time in at least 90 days, as it is considered this time is the minimum period necessary for the victim to separate from their traffickers, to start recovery and to make a decision about the possibility to cooperate with the police or with a judicial investigation, without prejudice to the potential extension of the period when the 90 days are over.

The article 59bis also covers the right of the victims of THB to receive a residence and work authorisation due to their exceptional circumstances as provided for in the Article 14.1 of the Council of Europe Convention on Action against Trafficking in Human Beings, i.e., it covers the possibility to regularize the situation of the victim not only in the case of collaborating with police or judicial authorities but also in the case of assessing their personal situation.

Irregular foreign victims have a special consideration in the Integral Plan 2015-2018 as victims in a situation of higher vulnerability. For them, the Plan covers specific measures aimed at favouring an appropriate assessment of their personal situation as well as establishing criteria for granting the residence and work permit in both cases (cooperation or assistance due to their personal situation).

---

\* Under the current Spanish Constitution of 1978, an *Organic Law* has an intermediate status between that of an ordinary law and of the Constitution itself. It must be passed by a majority of the Congress of Deputies. The Spanish Constitution specifies that some areas of law shall be regulated by this procedure, such as the Laws of Development of Fundamental Rights and Freedoms contained in the first section of Chapter Two of Title I of the Constitution.

In order to ensure these measures are adopted, in the bimonthly meetings convened by the National Rapporteur against trafficking in human beings where several public and private actors participate, it was agreed in 2015 that a working group would be established to set the criteria necessary to adequately process these authorizations. Given that Article 59 bis as well as the task of the National Rapporteur affect any purpose of THB, the result for irregular foreign victims is extended to all situations of THB, regardless of its purpose and the sex or age of the victim.

On the other hand, it is important to highlight that, in order to improve the information provided to the victims, the Integral Plan establishes that all foreign victims identified must be informed of their right to request international protection and the procedure to request it in a language they understand and, in the case of being under-age, the most appropriate way according to their level of maturity.

Concerning those who request international protection that may be in a situation of THB, the Handbook on the Management of the Reception and Integration System for Applicants and Beneficiaries of International Protection establishes provisions in case of identifying potential cases of THB for sexual exploitation, where the recommendations and national and international protocols are to be applied, as well as the Protocol of the Sub-directorate General for Migrant Integration on identification and action in case of potential trafficking of human beings for sexual exploitation.

Apart from the measures set for irregular foreigners who are victims of THB, the Integral Plan considers measures aimed at providing specialized assistance to victims who belong to other specially vulnerable groups, more susceptible of being recruited by networks and whose rescuing and separation from traffickers and recovery are very hard. Among others, we could highlight child victims and people who have special needs, either because they suffer mental health disorders or because they have an intellectual disability or similar situation that may not be classified as disability.

These situations are increasingly being detected by organizations assisting victims, since these persons are generally more susceptible of any type of abuse, as the United Nations Report on Violence against Women and Girls with Disabilities confirms, stating that 80% of people with intellectual disability are victims of violence and sexual abuse at a rate four times higher than the rest of the population.

Finally, we would like to point out that the assistance and protection measures as witnesses in a criminal process are applicable to all victims of THB without discrimination.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

The regulatory mechanisms of identification of victims of trafficking in human beings are common and apply to men and women and are gathered in the Framework Protocol for the Protection of Victims of Trafficking in Human Beings and in the Protocol on identification and action in potential cases of THB for sexual exploitation (SGIE Protocol).

Non-governmental organizations are in charge of accommodation and material support to victims of THB except when they are under-age. These NGOs that receive public funds are mainly specialized in the protection of women.

In Spain, children protection falls under the competence of the 17 autonomous regions composing our country. Therefore, regional Children Protection Services are in charge of protecting child victims of THB. However, the Article 146 of the Immigration Regulation foresees the possibility that these protection services refer the child victim to an NGO when it is in their best interest. This provision states:

*"1. In case it is determined that the victim of trafficking in human beings is under-age, the actions carried out in accordance to this chapter will always preserve the best interests of the child.*

*2. The public institution in charge of the legal custody of the child victims or the Prosecution Service can propose the referral of the child to specific resources for victims of THB, for reasons of specialized protection or assistance.*

*3. In any case, the specific resources for victims of trafficking in human being must guarantee the separation between children and adults."*

*Access to accommodation for males is limited. Currently there is a specific service for THB male victims in Huesca which is managed by Cruz Blanca Foundation, a body which participates actively in the fight against THB and receives subsidies from the General Secretariat for Immigration and Emigration.*

*Apart from that accommodation, this entity also offers in Madrid special support to THB male victims who did not access the accommodation (because not bed places were available or because they do not need that help). In such cases, these people are supported at several levels: legal, psychological, social, working, etc.*

Training of relevant professionals (Articles 10 and 29)

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

In our country, the phenomenon of trafficking in human beings has a multidisciplinary approach where several actors are involved, among others, the Ministry of Health, Social Services and Equality, the Ministry of Employment and Social Security, the Ministry of Justice, the Ministry of Foreign Affairs and Cooperation, the Ministry of the Interior, Prosecutor Office and the Spanish network against trafficking in persons.

Training in prevention and fight against trafficking in human beings has been a priority for all the actors involved during the past years, as it was explained in the first evaluation round of GRETA

(2010-2013), as well as in the GRETA's Recommendations report (see answer to question 8 in the said report), drafted by Spain by the end of 2015.

In this context, each actor involved assesses the training needs of their civil servants and determines the training goals according to their potential participation in the process of identification, protection and assistance to victims of trafficking. We can consider that there is a high degree of specialization by all actors involved.

These are the latest training courses developed by different actors:

Ministry of Health, Social Services and Equality (Government Delegation for Gender Violence)

In order to increase the information among professionals in public and private bodies involved in the fight against THB for sexual exploitation, the Government Delegation for Gender Violence sends the newsletter "La DGVG Informa" (*The Government Delegation for Gender Violence informs*) to inform about news and progress made in the fight against this crime. During 2015, 7 newsletters we sent with specific information concerning the actions in the fight against THB apart from other newsletters that included, among other matters related to violence against women, those affecting one of its forms, the trafficking of women and girls for sexual exploitation.

Regarding training actions implemented in 2015, we could highlight the following:

- The inclusion in 2015 of trafficking in women and girls for sexual exploitation in training actions aimed at professionals of local bodies in the framework of the Agreement signed up between the Government Delegation for Gender Violence and the Spanish Federation of Municipalities and Provinces with the objective of informing and raising awareness about these situations and the role that local professionals may have, specially in identifying potential victims. In 2015, the 1<sup>st</sup> online training course on trafficking in women and girls for sexual exploitation aimed at professionals at the local level was conducted. The number of courses increased from 1 to 3 due to the great number of requests by local professionals.
- Since the Unit of Coordination and the Unit of Violence against Women in the government delegations and sub-delegations were granted new functions in THB for sexual exploitation through the Joint Instruction (June 2013), the Government Delegation for Gender Violence includes specific training in this subject either in person or using a video-conferencing system.

Ministry of Employment and Social Security (General Secretariat for Immigration and Emigration)

The General Secretariat for Immigration and Emigration takes a comprehensive approach to THB training by:

- Promoting the funding of training activities offered by specialised entities, and

- Facilitating the exchange of information and training of professionals working to implement the Protocol for the Detection and Action against Potential Cases of THB for Purposes of Sexual Exploitation (General Secretariat for Immigration and Emigration Protocol).

With regard to the funding of training programmes, the General Secretariat for Immigration and Emigration provides financial aid for specialised and regular training on THB projects for professionals that provide direct support to immigrants in vulnerable situations and applicants for/beneficiaries of international protection.

Within the grant call of the General Secretariat for Immigration and Emigration to develop projects for immigrants from third countries, there are already some actions taking place, co-financed by the European Social Fund, for the training and development of professionals and volunteers so as they can enhance their skills to assist immigrants.

Since 2014 until present, several courses, seminars and raise awareness actions focused on combatting THB have been carried out. All these training actions targeted at professionals from social entities that receive financial aid, staff from the public administration working in this area and other actors interested in the field.

Speakers come from a variety of fields; there are professionals from social entities to experts in the field, researches, lecturers, staff from Law enforcement agencies, the Public Prosecutor Office, the Child Care Service, several public administrations with competence in the field, etc.

The following projects, subsidised by the General Secretariat for Immigration and Emigration, have met the identified training needs:

- *Training course on “Trata de seres humanos con fines de explotación sexual”* [Trafficking in Human Beings for Purposes of Sexual Exploitation] and *“Metodologías de intervención con hombres desde la perspectiva de género”* [Intervention Methodologies with Men from the Gender Perspective] *Fundación Cepaim. Acción Integral con Migrantes.* [Cepaim Foundation. Comprehensive Action with Migrants]

In 2014 and 2015 the following project was carried out. There were meetings/training and exchange sessions with professionals from the Cepaim Foundation as well as from organisations interested in the field and working, in general, with immigrants and/or THB victims. Also, the publishing and distribution of specific publications on THB and of teaching material on the prevention of THB for purposes of sexual exploitation was encouraged, as well as the identification and the exchange of good practice among professionals.

- *Programa NOVICOM “Fomentar el conocimiento, la sensibilización y la puesta en marcha de acciones de apoyo social a mujeres inmigrantes prostituidas y a víctimas de trata con fines de explotación laboral o sexual, y sus hijos* [NOVICOM Programme [‘Advancing of knowledge, awareness raising and initiation of actions to socially support prostitute immigrant women and victims of THB for purposes of labour and sexual exploitation, and their children’]

*Asociación Comisión Católica Española de Migración*. [Spanish Catholic Commission Association for Migration] 2014, 2015 and 2016.

- *Curso “Detección e intervención con víctimas de trata”*. Cruz Roja Española. [Course on ‘THB victims: Detection and Intervention’. Spanish Red Cross] 2014, 2015 and 2016.

Training activity with all the actors involved in detecting THB aimed at improving the detection and identification processes of THB victims. The aim is that the actors can offer a more flexible, efficient and tailored response to the specific needs of each victim and the children travelling with them.

- *Prevención, represión, protección, reparación y asistencia a las víctimas de trata en la Comunidad Autónoma Andaluza. Mujeres en zona de conflicto*. [Prevention, Repression, Protection, Reparations and Assistance to THB victims in the Autonomous Region of Andalusia. Women in conflict areas] 2015.

Research project to gain deeper understanding and knowledge of trafficking in women and children so that prevention, repression, protection, reparations and assistance measures for the victims can be taken.

- The *Asociación para la prevención, reinserción y atención a la mujer prostituida*

(APRAMP) [Association for the Prevention, Reintegration and Assistance to Prostituted Women (APRAMP)] carried out the following projects in 2014, 2015 and 2016:

- *Nadie se ofrece para ser esclav@: Contra la trata. Proyecto de sensibilización dirigido a profesionales para generar tolerancia cero contra la trata*. [Nobody volunteers to be a slave: combating THB. Raising-awareness project for professionals in order to increase zero tolerance against THB].
- *Sociosalud: una propuesta de mediación y formación*. [Sociohealth care: a mediation and training proposal] Awareness project for professional health workers of the Mobile Unit so that they can properly detect potential victims and take health prevention measures to help prostituted women and potential victims of THB.

The role of professionals is also highlighted in the Protocol for the Detection and Action against Potential Cases of THB for Purposes of Sexual Exploitation (General Secretariat for Immigration and Emigration Protocol). The professionals of each centre for immigrants and/or unit assisting immigrants and/or applicants and/or beneficiaries of international protection that deal with THB are responsible for promoting actions among the staff involved in assisting THB victims so that they can gain knowledge and skills.

Furthermore, a series of training sessions have been run where staff from migration centres as well as staff from the Sub-directorate General for Migrant Integration have participated, including social workers in the Unit of Social Work, who carry out their tasks in the Asylum and Refuge Office, belonging to the Ministry of the Interior.

The training sessions were voluntary for the staff and were the following:

- COURSE: "Prevention of THB for sexual exploitation. Identification and assistance to victims." 07/10/2014.
- SEMINAR: "Application of the Protocol on identification and action in potential cases of THB for sexual exploitation." 16/12/2014.
- COURSE: "Trafficking in human beings. Identification of signs and intervention in potential cases." 25 and 26/05/2016.

Ministry of Education, Culture and Sport (National Center for Innovation and Research on Education, CNIIE).

The educational area is certainly one of the fields in which more attention should be paid to raise more social awareness about THB and sexual exploitation situations. That is why training and information for teachers on trafficking in women and girls for sexual purposes, and the provision of resources and material to be used with students is a priority.

To achieve this goal, the National Center for Innovation and Research on Education has the following technological platforms:

- **Programa INTERCAMBIA. Educar en femenino y en masculino** [EXCHANGE Programme. Teaching women and men] This programme aims at linking together the educational community (teachers in particular), educational administrations, bodies working for gender equality, entities and people interested in the field to exchange knowledge and experience on teaching diverse values. On the basis of this exchange, the teaching staff and all those interested in education can access via **Portal Intercambia** (<http://intercambia.educalab.es>) to the information on official announcements and events, as well as to training material published in various formats and knowledge and value education projects developed by the educational administrations of diverse Autonomous Regions and the autonomous cities of Ceuta and Melilla. The site is thought as a "virtual center of resources in thematic funds" that allows valuable inputs on teaching general knowledge and values to be disseminated and accessed. Specific THB material is available on the website, such as *El viaje de Laia. Guía de sensibilización sobre la trata de seres humanos con fines de explotación sexual* [Laia's Journey: Awareness Guide on THB for sexual purposes], or *Laberintos de libertad: Entre la esclavitud del pasado y las nuevas formas de esclavitud del presente*. [Labyrinths of freedom: Between the Slavery of the Past and the Current New Forms of Slavery]
- CNIIE Blog (<http://blog.educalab.es/cniie/>) and Portal EducaLab (<http://educalab.es/home>). Through the CNIIE Blog, *Portal Educalab* and social networks, in particular Twitter, the information, campaigns and training material is disseminated. The following are some of the blog contents:
  - Comprehensive plan to combat THB for sexual exploitation purposes

- Site on Support and Prevention Resources for Cases of Gender-Based Violence (WRAP)
- Presentation of the Study on the Social Perception of Gender-Based Violence
- Preventing gender-based violence by working with children at school
- Campaigning to help victims of gender-based violence
- *Consejo de Víctimas de Delitos de Odio y Discriminación* [Hate Crimes and Discrimination Council]
- Regional consultation in Latin America supported by UNESCO
- La Regla de Kiko [Kiko's rule]
- *Federación de Asociaciones para la Prevención del Maltrato Infantil (FAPMI)* [Federation of Associations to Prevent Child Abuse (FAPMI)]

Moreover, the Ministry of Education, Culture and Sport has also developed, among others, the following training activities:

- Seminar, in partnership with the Federation of Associations to Prevent Child Abuse (FAPMI), for teachers and members of the educational community on awareness and prevention of sexual violence against children
- Teaching Controversial Issues Project– Developing Effective Training for Teachers and School Leaders, within the second phase of the Pilot Projects Scheme “Human Rights and Democracy in Action” of the Council of Europe for the network of coordinators for Education for Democratic Citizenship and Human Rights Education(EDC/HRE). The aim of the project is to develop and disseminate an efficient training programme for teachers so they can teach controversial issues; also, to strengthen the capability and confidence of the teachers and school leaders within Council of Europe’s member states to deal with these issues, among which is THB. The project was implemented between June and December 2014 by the holding of an information day in Madrid and a Training Workshop with invited teachers on 9 and 10 December.

#### Ministry of Justice.

In the Ministry of Justice, the training provided to the different actors involved in terms of justice corresponds to the Centre of Legal Studies or the Ministry itself (General Directorate of Relations with Justice Administration).

The Centre of Legal Studies is organized under its statute, approved by the Royal Decree 1276/2003 of 10 October, aimed at the collaboration with the Ministry of Justice "in the initial and continued training of the prosecutors and civil servants belonging to court clerks (now called counsels of the Administration of Justice), coroners and the rest of the staff working at the Administration of Justice". This collaboration also extends to the "continued training of state's attorneys" and to the

"complementary training of members of the State Security Forces" in their specialization as judicial police.

The Directorate General of Relations with the Administration of Justice is responsible for the training of civil servants working at the Administration of Justice: consultants, dispatchers and civil servants belonging to Judicial Assistance as well as staff from Offices for Assistance to Victims in those territories where competences for Justice have not been transferred.

The way to identify the training needs of the different professionals mentioned comes from the proposals made by different groups. Subsequently, the institutions involved and the bodies themselves jointly assess these needs and they choose the matters to be trained during all the school year and the participants are selected taking into account the criteria of less number of courses taken and their position in the hierarchy.

The training provided by both bodies is always optional.

Every year both bodies approve a budget to finance training activities and distribute it between them after analysing the needs they have observed according to the criteria previously mentioned.

Concerning the impact of the training provided, both bodies apply Level I of Kirk Patrick, where an assessment of the satisfaction is conducted but there is no impact assessment in the positions the participants hold.

#### Ministry of the Interior (State Security Forces)

State Security Forces have made an enormous effort in the last years to increase training in trafficking in human beings in all its components, from basic training to specialized training, according to the profile of the participants. This training is compulsory.

#### Immigration Department of the Prosecution Service

The coordination of the activities of the Prosecution Office concerning prevention and prosecution of THB and protection of its victims has been granted at national level to the Chief Prosecutor of the Foreign Persons Court. This person heads the Network of experts composed of 50 prosecutors (one in each Spanish province) and another one in the National High Court who are helped by others in some provinces where this crime has higher incidence. It is important to highlight that during 2015, this network added 27 more prosecutors in cities specially important. These new prosecutors are called Liaison Prosecutors in the Local Prosecution Offices.

The network of prosecutors is in constant internal communication and also with the Foreign Persons Unit (central unit based in Madrid). The network always consults this unit in case of doubts, coordinating procedural actions or solving incidents. The reply by the Foreign Persons Unit is immediate.

There is constant communication between expert prosecutors and the members of the State Security Forces specialized in the fight against THB. Likewise, there is communication among those prosecutors and the NGOs specialized in protecting the victims.

The specialization of the Prosecution Service is always up-to-date thanks to their participation in training courses, their collaboration with universities, with bar associations, organizations and associations defending the rights of victims of THB, the prosecution services of other States and programmes financed by the United Nations or the European Union.

Once a year a two-day meeting is held in Madrid where all the deputy prosecutors experts in THB participate. Their participation is compulsory. In this meeting, strategies, knowledge and replies are put in common and the conclusions are then submitted for approval by the Prosecutor General<sup>2</sup> and published in the public website [fiscal.es](http://fiscal.es).

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

We can highlight the following aspects concerning the situation of child victims of THB:

- The provisions of Article 59 bis Ley Orgánica 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, as established in section 5, are applied to child victims of THB. Their age and maturity must be taken into consideration and in any case actions must always pursue the best interests of the child.

Likewise, Article 146 of the development regulation of the Act on Foreigners covers specific provisions in case it is determined the victim of THB is under-age and it establishes that "The public institution in charge of the legal custody of the child victims or the Prosecution Service can propose the referral of the child to specific resources for victims of THB, for reasons of specialized protection or assistance", highlighting that in any case, the specific resources for victims of trafficking must guarantee the separation between children and adults and at all times the best interests of the child will be preserved.

- Concerning the prosecution of the crime of trafficking in human beings, the Article 177 bis of the Criminal Code, introduced by the Ley Orgánica 5/2010 of 22 June and modified by the Ley Orgánica 1/2015 of 30 March, includes a definition of the crime of trafficking in human beings and it points out that in case the victim is a child, their consent will be irrelevant when some of the means included in the definition have been resorted to.

Apart from that, section 4 in Article 177 bis includes a higher sanction than that in section 1 in several cases, among which is that the victim is a child.

---

<sup>2</sup> These conclusions can be consulted visiting [www.fiscal.es](http://www.fiscal.es) and clicking on "Fiscal especialista", "extranjería", "documentos y normativa".

- The Royal Decree-Law 3/2013 of 22 February, modifying the fee regime in the administration of justice and the system of free legal aid: The right to free legal assistance to victims of THB as well as to other groups is recognized without the need to prove lack of resources to institute legal proceedings. This regulation includes children.

This Royal Decree is complemented by the Act 42/2015 of 5 October, reforming the Civil Procedure Act 1/2000 of 7 January, which maintains the recognition of the right to free legal assistance to victims of gender violence and THB as well as their beneficiaries in case of death of the victim in the terms established by the Royal Decree-Law 3/2013 of 22 February, modifying the fee regime in the administration of justice and the system of free legal aid and introducing improvements in the recognition of this right.

Particularly, in the case of victims of gender violence and trafficking, it establishes that:

- ✓ The free legal assistance will include, apart from other benefits, free counselling and guidance immediately before filing a complaint or lawsuit.
- ✓ The bar association will have a permanent on-call duty to provide the previous counselling and legal assistance to victims of these crimes.
- Act 4/2015 of 17 April, on the Statute of Crime Victims, includes a general catalogue of the procedural and extra-procedural rights of all crime victims, providing a legal and social response to the victims and their families. It also covers the specific assistance to the most vulnerable victims, such as victims of THB and child victims.
- Ley Orgánica 8/2015 of 22 July, on the modification of the system for the protection of children and adolescents, and Act 26/2015 of 28 July, on modification of the system for the protection of children and adolescents, improve the assistance and protection of children of women victims of gender-based violence as well as under-age victims of other forms of violence against women, including for the first time the protection of children against all forms of violence, THB included, among the guiding principles for the action of public powers concerning children.

Specifically, concerning the improvement of the protection of child victims of THB:

- ✓ It recognizes the right of foreign children who are in Spain to education, healthcare, social services and basic social benefits under the same conditions as Spanish children, stating that public administrations will safeguard especially vulnerable groups, such as child victims of trafficking in human beings.
- ✓ It establishes that, when the adulthood of a person cannot be determined, this person will be considered a child for the purposes of the provisions set in the Act while the age is determined.

- ✓ When a child is under a situation of neglect or identified as victim of THB and there is a conflict of interests with their parents, legal guardians or guardians, their guardianship may be taken by the corresponding public institution by operation of law.
- ✓ As a requirement for the access and exercise of professions, jobs and activities that involve regular contact with children, the person in question must have not been convicted by final judgement for crimes such as prostitution and sexual exploitation and corruption of children or trafficking in human beings.

On the other hand, in the scope of action of the Prosecution Service and focusing in the case of child victims of THB, the prosecutors specialized in THB coordinate with prosecutors specialized in children protection in order to ensure an appropriate response in terms of their protection.

From the point of view of the tools that specifically provide for actions to deal with trafficking of children, we could highlight the following:

- The point XIV of the Framework Protocol covers specific actions for child victims of trafficking due to their special vulnerability.
- The Integral Plan 2015-2018 considers the child victims among the most vulnerable, including a series of measures aimed at adapting the processes of identification, assistance and protection when the victim is a child.

Among the measures provided for, we can emphasize those aimed at the specific training of professionals in the different areas that may be in contact with child victims either in child protection centres or in the social, police, judicial or health fields.

- On 16 October 2014 the Spanish Official Journal published the Framework Protocol on certain actions related to unaccompanied foreign children, signed on 22 July 2014 by the ministers of Justice, Employment and Social Security, Health, Social Services and Equality, the Prosecutor General, the State Secretariat for Security of the Ministry of the Interior and the Under-Secretary of the Ministry of Foreign Affairs and Cooperation.

The Protocol aims to establish coordination guidelines related to processes of identification, age determination and handing over to the public institution in charge of children protection, as well as the proper functioning of the Register of Unaccompanied Foreign Children (RMENA), focused on guaranteeing the best interests of the child. It also foresees, among other regulated matters, aspects regarding the protection of potential foreign child victims of THB.

- In the plenary meeting of the Childhood Observatory, held on 9 June 2014, it was agreed to draft the Framework Protocol for the identification and assistance of child victims of trafficking with the aim to respond to the recommendation by the Ombudsman in the report “La trata de seres humanos en España: víctimas invisibles” (Trafficking in human beings in

Spain: invisible victims) (2012). Currently, it has already been drafted and reviewed pending for approval.

- Finally, the Protocol on identification and action in potential cases of trafficking in human beings for sexual exploitation, approved by the General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security, deals with Specific Provisions with Children in its Chapter IX, establishing the procedures to follow depending on whether the child is accompanied by a responsible adult or not, as well as in the case where there are suspicions that the child, unaccompanied or in situation of risk, is also a victim of trafficking.

In our country, there is no specific national mechanism for the child victims of trafficking in human beings, but as it was mentioned, there are instruments such as the Special Prosecution Service for Children or the regulations and instruments that safeguard children's protection.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment<sup>3</sup> for them, including through:

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;
- b. raising awareness of THB through education;
- c. training professionals working with children.

The Ministry of Health, Social Services and Equality, via its Directorate General of Services for Families and Children, has adopted the following practical measures:

1. Training of THB for professionals.
2. Investigation, prevention and intervention in cases of violence against children with intellectual or developmental disabilities.
3. Awareness raising among the population.
4. Collaboration in and financing of actions by NGOs working on this field.

1. Regarding the training of professionals working in the protection of children, the Ministry of Health, Social Services and Equality, in cooperation with the autonomous regions, has implemented since 2011 online courses for professionals in social services under the title "La trata de niños, niñas y adolescentes con fines de explotación sexual. *La atención integral a sus víctimas*". (Trafficking of

---

<sup>3</sup> The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

boys, girls and adolescents for sexual exploitation. Integral assistance to victims). These are initiatives within the continuous training plans of the Public System of Social Services and they are specially aimed at those who provide direct assistance to citizens either in public bodies in charge of children protection in the autonomous regions or in the primary assistance units in local administrations.

In 2015, there was an online course where 56 professionals received training on THB.

In 2016, there were two online courses for specific training with the participation of 100 professionals. Apart from that, an in-person course is also planned for 30 professionals about Violence and harmful practices affecting children and adolescents where specific content on THB will also be provided.

These training actions have a direct impact on the contents of the Convention on the Rights of the Child, such as: those aimed at preventing, identifying, informing and intervening in alleged cases of child abuse, prevention and intervention in case of sexual abuse, trafficking and sexual exploitation of boys, girls and adolescents, unaccompanied foreign children in protection centres, legal aspects of the social assistance for foreigners, social assistance and legal-criminal actions and psycho-social intervention in case of family violence, search of biological origin in cases of adoption or systematization of instruments for technical intervention in the protection and reform of children, among others.

2. In 2015, the state Programme for research, prevention and intervention in violence against children with intellectual or developmental disabilities, promoted by the Ministry of Health, Social Services and Equality, under the scientific management of the National Distance University and under the coordination of the Spanish Federation of Associations for the Prevention of Child Abuse was implemented.

This initiative led by the Ministry of Health represents the joint and coordinated work among different social agents in five action lines: knowledge of the reality, training and empowerment of boys, girls and adolescents with intellectual disability, professionals and families, promotion of the coordination among institutions and professionals, awareness raising and sensitization, and assistance and intervention with victims and offenders.

3. Awareness raising campaigns have been developed like the one by the Council of Europe for the Prevention of Sexual Violence against Childhood "One in five", developed in Spain since 2012 by the Spanish Federation of Associations for the Prevention of Child Abuse with the financing of the Ministry of Health. Another example is the "*Don't look away*" campaign, launched in Spain in December 2013 to minimize the risk of child sexual exploitation in world sports events, specially in the Football World Cup in Brazil in 2014.

4. Concerning the collaboration and financing of actions of the NGOs working in the fight against trafficking of boys, girls and adolescents, the Ministry of Health launched a grant call aimed at programmes of general interest where the allocation of 0.7% of the income tax would finance institutions that develop programmes about prevention and intervention in case of abuse and child

sexual exploitation. The amount of this subsidy was EUR 585,174 in 2015.<sup>4</sup> In this year 2016, the subsidies aimed at programmes of general interest using the allocation of 0.7% of the income tax from the fiscal year 2015 were published in the Spanish Official Journal on the 24 May 2016, meaning that now the granting process is being developed.

This type of programmes encompasses those specific aimed at preventing and assisting child victims of trafficking, receiving subsidies of EUR 100,000 in each of the calls, 2014 and 2015. This way a programme was developed by the Association for reinsertion and assistance of prostituted women (APRAMP) under the title Strategies for Identification and Assistance of Sexually Exploited Children. This programme aimed at reinforcing coordination among private and public institutions and resources working with children at risk of sexual exploitation or victims of trafficking.

Likewise, from the annual call in 2015, boys, girls and adolescents victims of THB are included as a priority category in the programmes of educational and socio-sanitary integral assistance in residential services for children in difficult social situations, as they require specific assistance to facilitate their integration.

Concerning information and awareness among the youngest population, the Ministry of the Interior, the Ministry of Education, Culture and Sports and the Ministry of Health, Social Services and Equality collaborate in the development of the "Guiding Plan for the Coexistence and Improvement of Safety in Educational Centres and their Surroundings", implemented by the State Secretariat for Security, with the goal to help prevent security and coexistence problems that may affect the youth: school bullying, drugs and alcohol, violent gangs, racism and intolerance, violence against women and discrimination, Internet and social media.

The Plan offers different actions at educational centres: meetings of the education community with police experts, seminars with students about safety problems and permanent access to a police expert they can consult in case they have problems of safety or coexistence and to improve surveillance in the school surroundings. In the development of specific measures to prevent sexist behaviour and tending to violence against women among children and youth, trafficking of women and girls for sexual exploitation is included.

The Integral Plan foresees specific measures to train professionals about child victims of trafficking.

Apart from that, the Immigration Department of the Prosecution Service, through its deputy prosecutors or the Network of experts in trafficking is taking a very active role to train professionals working with children at province level, where we could highlight the cases of Pontevedra and Castellón.

---

<sup>4</sup> In 2010, 390,042; in 2011, 428,702; in 2012, 298,314; in 2013, 442,048 and in 2014, 523,740. The annual grant call for 2016 using the allocation of 0.7% of the income tax from the fiscal year 2015 was published in the Spanish Official Journal on the 24th of May 2016, meaning that now the granting process is being developed.

At the same time, the Prosecution Service keeps close communication with the Red Cross for the early identification of potential child victims in migrant reception centres <sup>5</sup>.

Ministry of Employment and Social Security (General Secretariat for Immigration and Emigration)

In the public network of migrant centres and the rest of resources for migrants and/or applicants or beneficiaries of international protection managed by social institutions and financed by this General Secretariat, it is common to receive migrants, specially women accompanied by children.

Professionals working at those centres pay special attention to the way these adults take care of the children they accompany and, in case of identifying negligence and/or abandonment, they immediately inform competent authorities (Juvenile Prosecution Service and institutions for children protection), so the situation is assessed and, given the case, the legal custody may be removed.

The Protocol on identification and action in potential cases of trafficking in human beings for sexual exploitation (SGIE Protocol) also establishes specific provisions to be taken into consideration with children.

Particular attention will be paid to foreign or unaccompanied children victims of THB, since they are particularly vulnerable. Until a permanent solution is found, appropriate care measures shall be taken to meet their needs.

A permanent solution regarding their future will have to be taken in the shortest possible period and may be:

- The return to and reintegration in their countries of origin provided it is in their best interest.
- The granting of international protection
- The granting of residence permit or residence and work permit when appropriate.

The Protocol on Foreign or Unaccompanied Children establishes that the Public Prosecutor's Office shall convene a working meeting in each province, and at least every six month, in order to do a follow-up of the actions to implement the Protocol and to ensure appropriate coordination among the institutions.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

Paragraph 3 in Article 26 of the Act approving the Statute of Crime Victims establishes the following:

*"3. When there are doubts about the age of a victim and it cannot be determined, this person will be considered a child for the purposes of the provisions set in the Act."*

---

<sup>5</sup> For more information, visit: [http://www.cruzroja.es/portal/page?\\_pageid=174,12072066&\\_dad=portal30&\\_schema=PORTAL30](http://www.cruzroja.es/portal/page?_pageid=174,12072066&_dad=portal30&_schema=PORTAL30)

Therefore, when a potential victim of trafficking is identified whose age is in doubt, it will always be presumed they are children and the victim will be considered as such for all purposes without prejudice that, once the person is received and protected, tests can be made to determine their age, among others, X-ray study of the left-hand carpus or oral cavity examination and dental X-ray study, conducted by doctors.

When the presumed victim is an unaccompanied foreign child, the MENAS Protocol (Protocol for unaccompanied foreign children) is to be applied, regulating age determination in a comprehensive way.

In the criminal process against criminals linked to this crime, it is fundamental to determine whether the victim is of age or under-age, because if the victim is a child, the penalty prescribed for the accused is higher. Therefore, in cases there is a criminal process under way and there are doubts about the age of the victim, the investigating judge is responsible for requesting the age determination.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>6</sup> are duly taken into consideration, in particular when it comes to:

- a. identification of child victims of trafficking;
- b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;
- c. locating the child's family;
- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;
- e. access to appropriate and secure accommodation, education and health care;
- f. issuing residence permits for child victims of trafficking;
- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;
- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;
- i. special protection measures for children.

---

<sup>6</sup> "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

In the GRETA's Recommendations report (see answer to question 19 of the said report), drafted by Spain by the end of 2015, there is an explanation of the process to identify victims according to the Spanish legalisation. Apart from that, in replies 5, 7, 8, 11, 12 and 42 of this questionnaire, the rules and special measures for children protection are covered. They are mainly encompassed in the Organic Law 4/2000, on the rights and liberties of foreigners in Spain, and its legal regulation for implementation, the Framework Protocol for the Protection of Victims of Trafficking in Human Beings, the Framework Protocol on certain actions related to unaccompanied foreign children and in the Act 4/2015 of 17 April on the Statute of Crime Victims.

However, focusing on the specific paragraphs of this question, it should be underlined as follows:

a. Identification of children victims of trafficking in human beings;

Article 35 (10) of the LOEX lays down that law enforcement agencies shall take the necessary technical measures for the identification of foreign unaccompanied minors, in order to know the possible references about them that might be found in any public institution, whether national or foreign, in charge of their protection.

Article 141 (1) of the RLOEX (identification of potential non-Community victims of trafficking in human beings) lays down that anyone that is aware of the existence of a potential victim of trafficking in human beings shall immediately inform the competent law enforcement authority for the investigation of the crime or the corresponding Government's Delegation or Sub- delegation of the province where the potential victim is, that will activate the requirements of this article without delay.

On the other hand, article 146 (1) of the RLOEX (foreign unaccompanied minors victims of trafficking in human beings), the measures to be carried out on the basis of Chapter IV of the RLOEX shall at all times ensure the protection of the best interest of the minor.

For its part, the Framework Protocol for the Protection of Victims of Trafficking in Human Beings lays down that the necessary measures to establish their identity, nationality and/or the place of provenance of the person under the age of 18 and if not accompanied, means shall be provided to trace the family, as well as to ensure its representation (non- accompanied.)

b. Appointment of a legal guardian, organization or authority that will act in the best interests of the not accompanied minors identified as victims of trafficking in human beings.

Article 35 of the LOEX (non-accompanied minors) lays down that in those cases in which law enforcement agencies trace an undocumented alien whose underage status cannot be ascertained,

Once the age has been ascertained, if a minor, the Public Prosecutor will place him in the care of the competent child protection authorities of the Autonomous Community where he is.

The corresponding public entity may assume the guardianship of a minor, in situations of distress and when there is a conflict of interest with the parents, legal guardians and guardians.

c. Tracing the family of the minor;

Article 35 (4) of the LOEX (not accompanied minors) lays down that the State Administration shall request a report on the family circumstances of the minor from the diplomatic representation of the country of origin prior to a court decision concerning the initiation of the proceedings on his repatriation. After the initiation of the proceedings, and once the minor has been heard if he has sufficient judgement, and following a report from the child protection services and the Public Prosecutor, the State Administration shall give its ruling on the return to his country of origin, to where his family is or, alternatively, on his stay in Spain. Following the principle of the best interests of the child, repatriation into the country of origin will be performed by family reunification or by placing the minor under the guardianship of the child protection services, if the adequate conditions for his guardianship by the same are met.

Article 146 (2) of the RLOEX (foreign unaccompanied minors victims of trafficking in human beings) lays down that the public institution responsible for the legal guardianship of the underage victim or the Public Prosecutor may propose that the minor be moved to specific resources for victims of trafficking in human beings, on grounds of protection or specialized assistance.

- d. Ensuring that the identity or the information that makes possible the identification of the minor victim of trafficking in human beings are not publicly disclosed through the media or through any other means.

Article 35 (10) of the LOEX expressly lays down that law enforcement agencies shall take the necessary technical measures for the identification of foreign unaccompanied minors, in order to know the possible references about them that might be found in any public institution, whether national or foreign, in charge of their protection, and that these data cannot be used for a purpose other than the purpose intended.

On the other hand, as regards information campaigns and participation of media, the APRAMP has had a strong presence in the media during the 2014-2016 period. Having noticed the ignorance of the professional journalists on the phenomenon of trafficking in human beings, in 2013 was drawn a "Guide for media professionals" (co-financed by the Directorate General for Migration (DGM) and the European Fund for Integration), information material that is still distributed and given at the events to which media are called.

Follow this link to access the digital version: <http://apramp.org/download/guia-de-intervencion-con-victimas-de-trata-para-profesionales-de-los-medios-de-comunicacion/>

- e. Access to appropriate secure accommodation, education and health care:

Assistance, support and protection shall be provided to victims who are minors/child victims. The measures adopted shall focus on their safety, their physical and psycho-social recovery, their education, and on a durable solution for the person in question.

The right of foreign minors who are in Spain to education, health care and basic social services and benefits is established on the same conditions as Spanish nationals.

Minors accompanied by their parents or the person(s) who are responsible for their care shall have access to the same accommodations and arrangements for the immigrants as the adults accompanying them. For such cases, the centres have private rooms so that the families can maintain

their privacy. All minors living in these places shall receive specialized child-oriented assistance from the moment of their arrival. This assistance focuses on specialized health care: pediatric follow up, vaccinations, care and screening of newborns, etc.; psychological assistance, support in the schooling process, Spanish lessons and educational reinforcement, and participation in leisure activities adapted to their age range. In the event of detecting signs of trafficking in adults accompanying children, the professionals shall pay special attention and apply immediately the Protocol for the detection and action in cases of potential trafficking in human beings for sexual exploitation, SGIE Protocol, so that the competent authorities are aware of the existence of minors at risk and can coordinate with the child protection services, and ensure their protection and monitoring.

f. Issue of residence permits for minors identified as victims of trafficking in human beings:

Article 35 (7) of the LOEX lays down that the residency of the minors in Spain under guardianship of a public administration or of any other entity, following a court order, shall be considered lawful for all purposes.

At the request of the agency that has the guardianship and once the impossibility of returning to their family or to their country of origin has been established, the minor shall be issued a residence permit that will take effect retroactively to the moment in which the minor was put under the guardianship of the protection services. The absence of a residence permit shall not prevent the recognition, enjoyment of all the rights to which the child is entitled on his status as a minor.

Temporary residence and work permit shall be granted to the victim of trafficking in human beings and to his/her children under age or with a disability who are in Spain (residence and work permit to those over 16 years old.)

g. Providing advice and information in a language that the minor understands, free legal assistance and representation before, during and after the legal proceedings, including the right to seek compensation;

The LOEX, in its Article 22 (right to free legal assistance), establishes the following:

1. Foreign nationals present on Spanish territory entitled to free legal assistance in proceedings to which they are parties, whatever the jurisdiction applicable, in the same conditions as Spanish nationals.

2. Foreign nationals present on Spanish territory entitled to legal assistance in administrative proceedings that may entail denial of entry to, or their return or expulsion from Spanish territory and in all the proceedings as regards international protection, as well as to the assistance of an interpreter if they cannot understand or speak the official language used. Such assistance shall be made available to those who lack sufficient resources according to the criteria set out in the regulation governing the right to have access to legal assistance.

For its part, the Framework Protocol for the Protection of Victims of Trafficking in Human Beings establishes that the interviews be conducted in a language that the victim understands and, where necessary, with the assistance of an interpreter, and that once the interview is over, the alleged victim shall be informed of its right to free legal assistance if the person lacks sufficient resources according to the criteria set out in the regulation governing this right, without prejudice to the

possibility of recourse to the legal advice offered by institutions and organizations with proven experience in the assistance to victims of trafficking in human beings.

- h. Conducting an assessment of the best interests of the minor, including a risk assessment, before the rendering of a decision on the return of minors who are victims of trafficking in human beings to their countries of origin and ensuring the safe return of the child, in accordance with the principle of the best interests of the child:

The principle of the best interests of the child is the basis and foundation upon which any decision with regard to a minor in Spain is built, whatever their nationality. This is defined in the Spanish legislation as regards protection of minors (Organic Law 1/1996, of January 15, on Legal Protection of children under age, of a partial amendment of the Civil Code and the Act on Civil Procedure), and in the legislation on aliens (Organic Law 4/2000, of January 11, on the rights and freedoms of aliens in Spain and their social integration.)

Among the measures for the assistance to minors who are victims of trafficking in human beings, accompanying mechanisms ensuring the assisted return to the place of origin, including the return of the minors who are victims of trafficking in human beings coming from countries of the European Union, are established, and the best interests of the child and the assessment among the conditions for the return of the benefit of the family environment for the recovery of the child shall prevail.

In any case, a lasting solution on the future of the victim shall be adopted as soon as possible and may consist in the return and reintegration in the country of origin when it is in his best interests, granting of international protection status or residence permit or residence and work permit where applicable.

The General Secretariat for Migration and Aliens Affairs (SGIE) set up the Programme for the voluntary return of migrants, aimed at meeting the needs of return to their countries of origin of migrants who are in a situation of vulnerability, extreme need and in a precarious social position, are victims of trafficking in human beings or have problems of social integration, wishing to return voluntarily to their countries of origin and lack sufficient resources to do it.

The Programme intends to be an alternative resource to their stay in Spain for those foreign nationals who wish to return for personal purposes or for any other circumstance, as well as to facilitate their integration in their country of origin. Therefore, it aims at ensuring a double objective: to guarantee a dignified return of returnees and to support their settlement in the society from which they came.

The voluntary return programme enables the immigrants to be accompanied through all the process and to access the information related to it, thus allowing a better reintegration of the said immigrant into the society of origin.

Since 2013, the projects of voluntary return for immigrants financed by the General Secretariat for Migration and Aliens Affairs (SGIE) follow a specific protocol on the procedures for the management of the voluntary return of victims of trafficking in human beings, which also applies to minors who are victims of trafficking in human beings.

The protocol on the procedures for the management of the voluntary return of victim of trafficking in human beings establishes the following:

*“In the event that the beneficiary of a request for voluntary return has been identified as victim of trafficking in human beings, as set out in the Framework Protocol for the Protection of Victims of Trafficking in Human Beings, approved by inter-ministerial agreement on October 28, 2011, as well as in the event of the children who are under age or disabled that the victim may have included in the request for voluntary return, the entity responsible for the project, within the framework of which the return will be processed, shall proceed as follows:*

*1º) It will request the authorization to manage the return from the Return Unit of the Sub-directorate general for the Integration of Immigrants, via e-mail or, if the urgency of the case warrants it, will also communicate it via telephone.*

*The following documentation shall be included in the said authorization request:*

- 1. Social and/or police report on the case, drawn up by the competent institution(s) or entities and/or by the social worker of the entity that handles the request for return.*
- 2. Specific report on the victims of trafficking in human beings, drawn up by the person responsible for the voluntary return project. This report shall include, at least, an assessment of the risks and safety of the return, as well as a provision of the assistance that might be deemed necessary at the departure, transit and destination points. Also, information shall be included regarding the actions specifically aimed at the reintegration of the victim in the country of return that have been envisaged in each case.*

*2º) Once the entity has received consent from the Sub-directorate general for the Integration of Immigrants, it shall proceed to process the return in the usual manner.*

*In the case of the victims of trafficking in human beings who are minors, as set out in paragraph XIV of the Framework Protocol for the Protection of Victims of Trafficking in Human Beings, the entities managing the projects for voluntary return shall proceed as in the case of adults, including in the specific report on the voluntary return of victims of trafficking in human beings that they send to the Sub-directorate general for the Integration of Immigrants a provision of the support mechanisms that ensure the assisted return to the place of provenance of the applicant, and the best interests of the child and the assessment shall prevail among the conditions for the return of the benefit of the family environment for the recovery of the child.”*

i. Special measures for the protection of minors:

The Protocol for the detection and action in cases of potential trafficking in human beings for sexual exploitation, the SGIE Protocol, sets forth specific precautions in those cases in which the alleged trafficked person is a minor or is in charge of minors.

As previously reported, in the event that a non-accompanied minor or a minor at risk is detected, irrespective of whether the minor is ultimately considered a victim of trafficking in human beings or not, the Public Prosecutor shall be informed. If it is also confirmed that the child is a victim of trafficking in human beings, the competent authority shall also be informed without delay, so that it can inform the Public Prosecutor and the child protection services.

The minors accompanied by adults can also be at risk, and it is necessary to take action to ensure their safety and protection. The Protocol for the detection and action in cases of potential trafficking in human beings for sexual exploitation, SGIE Protocol, highlights a number of risk situations that require detection and professional intervention, as in the case of undocumented accompanied minors whose parentage with the adults accompanying them has not been proven; minors with signs of ill treatment or that receive a negligent treatment on the part of the adults/alleged parents; children of potential victims of trafficking in human beings or minors who have been introduced illegally in the Spanish territory by means that have been a risk for their safety and health. The procedure in front of prima facie evidence is to immediately communicate the suspicions to the competent authorities, which shall coordinate with the Public Prosecutor and the child protection services.

Child victims shall receive immediate assistance, support and protection. The measures adopted shall be aimed at their safety, physical and psycho-social recovery, education, and also at finding a durable solution for their situation.

These measures shall be based on the condition of particular vulnerability of the minor victim of trafficking in human beings and shall be undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of his opinion, his needs and interests.

If the minor victim of trafficking in human beings is a non-accompanied foreign national, special attention should be paid to him/her, since he/she is particularly vulnerable, and until a solution has been found, the appropriate reception measures to meet the needs of the child.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

The paragraph 10 in the Article 35 of the *Ley Orgánica 4/2000* of 11 January on the rights and freedoms of foreigners in Spain and their social integration establishes that the State Security Forces will adopt the necessary technical measures to identify undocumented foreign children in order to know the potential references national or foreign public institutions in charge of their protection may have about them.

Therefore, any unaccompanied foreign child that has been found in national territory will be unequivocally reported by the Police and his/her record will contain all data the child provides about family, age, nationality and last residence, as well as any documents the child may have from his/her country of origin.

Once the aforementioned police record is in possession of the Province Police Brigade for Foreigners and Borders, it will be sent to the Province Police Brigade of Forensic Experts of the National Police to check whether the child was already registered, issuing a negative certification in case they had not been registered before.

The Province Police Brigade for Foreigners and Borders will act according to the provisions of the instructions corresponding to the State Secretary for Security on the Register of Unaccompanied

Foreign Children (RMENA) managed by the National Police and coordinated by the Prosecution Service. They will proceed as indicated depending on whether the child had already a record or not.

When it is the case of a non registered unaccompanied child, once registered by the Province Brigade for Foreigners and Borders, the agent will assign him/her a Foreign Identity Number (NIE), linked to the Personal Identification Number (NIP).

The procedures conducted by the corresponding Province Police Brigades will be communicated as soon as possible to the Prosecution Service and the Police body which initiated the process. The communication must always include the NIP, the NIE, the result of the test and the register in the RMENA.

On the other hand, the Act 12/2009 of 30 October, regulating the right to asylum and subsidiary protection, establishes that unaccompanied children applying for international protection will be referred to the competent services of children protection and they will inform about this to the Prosecution Service.

In the cases where the under-age status cannot be determined, this fact will be informed to the Prosecution Service, which will react as needed to determine the age of the child. In order to do so, the corresponding healthcare institutions will collaborate in this as a matter of priority and urgency and will conduct the necessary scientific tests. The rejection of the child to undergo these tests will not prevent to issue a resolution on the request of international protection. Once the age is determined, if the person were a child, the Prosecution Service will refer them to the competent services for children protection.

During the police investigations and the criminal procedures where potential child victims of THB are involved, the necessary measures will be adopted to avoid secondary victimization. In any case, a protocol for unified interviews will be adopted.

The interview will be conducted immediately under correct conditions with the presence of the Prosecution Service and ensuring the presumption of under-age status in case of doubt, as well as adopting the necessary mechanisms for evidentiary pre-establishment, if needed.

Measures will be immediately adopted to ensure that the child's representative, nominated according to the current laws on children protection, will act on behalf of the unaccompanied child and assist him/her in the process of requesting international protection.

Once the formalities have been done, the unaccompanied foreign child will be informed by the public institution for children protection having his/her custody, temporary protection or guardianship, in a clear way and in a language he/she may reasonably understand, about the basic content of the right to international protection and about the procedure to follow to request it. This formality will be reflected in writing according to the Article 190.5 of the Regulation developing the *Ley Orgánica* 4/2000 of 11 January, on the rights and freedoms of foreigners in Spain and their social integration.

To formally conclude the request of international protection, the unaccompanied foreign child must appear before the corresponding administrative institution together with the person nominated by the public institution for children protection in charge of his/her guardianship to assist them in the process in order to guarantee the best interest of the child and complete his/her capacity to act if it were necessary.

In accordance to the regulations on international protection, the Spanish authorities cannot contact diplomatic representatives of the country of origin of an applicant of international protection, which is also the case when the applicant is an unaccompanied foreign minor.

The public institution for children protection will provide the immediate assistance and foster care the child may need. In terms of taking urgent guardianship and in order to do so in the shortest period of time possible, the public institution for children protection must:

1. Communicate the National Police and the Prosecution Service all data available for the child's record and data updating in the RMENA.

For that purpose, the information concerning flights, re-entry in centres, change of children protection centres or change of autonomous region or any other information affecting or changing the child's situation.

2. Investigate the circumstances of the child to ascertain whether there is a real situation of abandonment, if the child can be reunited with their family in the country of origin or wherever the family lives and, eventually, whether there is a need of international protection that had not been detected before.

In the said investigation, the participation of experts in the culture and the habits of the country of origin of the child will be sought.

In the maximum period of three months, the public institution for children protection, once the abandonment of the child has been ascertained, will issue an administrative ruling in that sense, taking their guardianship.

3. On a monthly basis, the public institution for children protection will send the Prosecution Service, as well as the corresponding government delegation or sub-delegation a list of the unaccompanied foreign minors under their scope of protection so any data relevant may be related, above all, if there is a decree on age determination, date of entry in the children protection centre, date of request and, given the case, granting of the residence authorisation.

The flight or leaving of the children protection centre by the child will not be considered a reason to cancel the guardianship, which will continue in order to locate the child or in the case they would appear. According to the current laws, the Prosecution Service will appeal any ruling of guardianship cessation when not duly justified.

The unaccompanied foreign minors policy is aimed at the return of the child to their country of origin, either with their family or at a reception centre for children in their country, as a long-lasting solution and when this represents their best interest.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

In April 2013, the Council of Ministers approved the 2<sup>nd</sup> National Strategic Plan for Children and Adolescents 2013-2016 (2<sup>nd</sup> PENIA), promoted by the Directorate General of Family and Children Services. This national Plan includes goals and measures from an inter-institutional and comprehensive approach, related to the welfare of children in general and specially aimed at prevention and children protection in cases of any kind of violence.

The 4th goal of the 2<sup>nd</sup> PENIA is literally defined as "Social protection and inclusion: *Empowering assistance and social intervention for children and adolescents in situation of risk, lack of protection, disability and/or situation of social exclusion, establishing common quality criteria and practices subject to evaluation.*"

It contains two measures affecting the improvement of situation that can directly or indirectly increase the risk of trafficking or child exploitation:

Measure 4.5: *Developing the measures agreed in the 3<sup>rd</sup> Action Plan Against Sexual Exploitation of Children and Adolescents (PESI), monitoring and evaluating it, in collaboration with the Integral Plan against Trafficking in Human Beings for Sexual Exploitation.*

Measure 4.6: *Transpose the Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography, in all questions not covered under the current legislation and, specifically, those related to potential online abuse and harassment, as well as to the investigation and prosecution of alleged crimes related to abuse, sexual exploitation and child pornography.*

Concerning the compliance with measure 4.6, the reform of the Criminal Code operated under the *Organic Law 1/2015* of 30 March and the reform of the legal regulations on children and adolescents by the aforementioned *Organic Law 8/2015* of 22 July and Act 26/2015 of 28 July have entered into force. The latter includes the obligation by public administrations to safeguard especially vulnerable groups, among which victims of sexual abuse, sexual exploitation, child pornography and trafficking in human beings are included.

On the 16<sup>th</sup> of October 2014 the Framework Protocol on certain actions related to unaccompanied foreign children was published. It covers the obligation of informing the children about their rights in Spain in case of being victims of trafficking in a language they can understand and of leaving written record of it. This document is the result of the Agreement signed up on the 22<sup>nd</sup> of July 2014 among several ministries, among them, the Ministry of Health, Social Services and Equality.

As a complementary instrument to the aforementioned protocols and following the recommendation of the Ombudswoman in his report "La trata de seres humanos en España: víctimas invisibles" (Trafficking in human beings in Spain: invisible victims) (2012), the Childhood Observatory is working on a Framework Protocol to promote inter-institutional coordination and improve assistance to child victims. The Working Group for the elaboration of this Protocol was created by agreement of the Plenary of the Childhood Observatory on the 9<sup>th</sup> of June 2014. This group is comprised by voluntary representatives of the following bodies: Prosecution Service (Children and Foreigners), Ministry of Justice, Ministry of Education, Culture and Sports, Ministry of Employment and Social Security, Ministry of the Interior, Ministry of Health, Social Services and Equality, the autonomous region of Andalusia, Asturias, Balearic Islands, Catalonia, Castilla La Mancha, Extremadura, Galicia, Madrid and the autonomous city of Ceuta, as well as specialized institutions in the matter such as Red Cross, Save the Children, FAPMI ECPAT Spain, Spanish Network against Trafficking in Human Beings, Foundation Amaranta, APRAMP and UNICEF.

Before convening the first meeting of this Working Group, the Sub-Directorate General for Childhood carried out an intense work in terms of research and gathering of material on this field from several relevant sources at European as well as at national level in order to develop the draft Framework Protocol.

When the first draft was ready, this Group convened its first meeting on the 14<sup>th</sup> of May 2015 in order to analyse it. The draft Framework Protocol was assessed in a very positive fashion, specially by the autonomous regions that participated and the specialized institutions but during the fruitful discussion, also different points of view were expressed. Therefore, currently, taking into account the different contributions made, the Ministry of Health, Social Services and Equality is trying to bring together all the positions to present a new text in the next meeting of the Working Group.

Apart from the mentioned instruments, we can also highlight that in our country, the child victims of trafficking fall under the system for children protection which is integral and non-discriminatory on grounds of origin. If the child victim of trafficking is a foreigner, they will receive the same treatment as if they were Spanish as their under-age status is considered a priority over being a foreigner. If the reunification of the child with their family in the country of origin does not guarantee their best interests, they will stay in Spain.

In the case of unaccompanied foreign child victims, the long-lasting solution on their future (as it has been repeatedly stated in this questionnaire) must be adopted as soon as possible and it may be the return and reinsertion in the country of origin, the granting of the statute of international protection or the granting of the residence authorisation, or residence or work where applicable.

#### C. Questions related to specific articles

##### Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

The definition of the crime of trafficking in our Criminal Code comprises all types of trafficking the Warsaw Convention establishes. From the criminal point of view of processing criminal cases, it is identical in all cases of trafficking. The only difficulty may be that trafficking for the purpose of forced labour, slavery and similar practices are less frequent in Spain than trafficking for sexual exploitation and therefore, it is a less known phenomenon.

However, it is necessary to highlight a relevant progress, since three very important judgements have been recently given where trafficking for the purposes of forced work or services, slavery and practices similar to slavery or servitude have been punished:

1. Judgement of the Province Court of Coruña on 29 July 2016 where two Portuguese citizens were convicted for four crimes of trafficking in human beings, four crimes of degrading treatment, four injuries and theft and possession of weapons.

This judgement is very interesting for several reasons, among others:

a. Trafficking was at national level: the victims are Spanish men recruited in Spain and slavered in Spain and forced to beg and carry out forced work.

b. Trafficking is due to an abuse as there was a vulnerability situation arising from the special circumstances of the victims, who suffered mental and physical diseases.

2. Judgement on 20 October 2015 of the Province Court of Seville where two Romanian citizens were convicted for three crimes of trafficking for the purpose of practices similar to slavery. They had recruited victims under bad personal, working and social conditions, without work or income and deceiving them promising a legal and remunerated activity in Spain. Once in the Spain, they took their documents from them and forced them to work under inhumane conditions without dignity.

3. Judgement on 13 November 2015 of the Province Court of Almería where six Romanian citizens were convicted for a crime of trafficking in human beings for the purposes of begging. Those convicted recruited victims in Romania offering them a job in the agriculture sector and paying their travel costs to Spain. Once in Spain, they were deprived of their documents and they were forced to live together with the traffickers, who forced them to beg in abusive times and in deplorable conditions. Those convicted monitored the victims at all times and assaulted them physically and threatened them so they would continue in that situation.

A fundamental element in terms of prevention and fight against this criminal phenomenon for the authorities is that the victims file a complaint. It is important to highlight that most of the victims are reluctant to do so because they are in Spain in an irregular situation even if the laws on foreigners allow not to start expulsion orders and grant residence and work authorisations to the victims, as explained before.

The emotional situation of the victims of trafficking usually hinders their possibility to collaborate with the authorities. In most cases, they are scared and threatened by the traffickers, not only for the potential reprisals against them but also against their families in their countries of origin.

Most of the victims don't speak Spanish, which makes it difficult to approach them.

However, they are always assisted by an interpreter in a language they can understand. Additionally, and to overcome those fears, we work on the sensitization, accompaniment and counselling of all victims, as expressed in other questions in this questionnaire.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

The Spanish Criminal Code explicitly includes the definition of the situation of vulnerability based on the non-option principle, stating that "it is understood that there is a situation of need or vulnerability when the person in question has no other real or acceptable alternative than being subject to the abuse." This definition is included in the Article 177 bis, point 1 of the Criminal Code establishing the crime of trafficking.

Apart from that, the paragraph 4 of this article establishes that the penalty for the crime of trafficking will be higher in certain circumstances, among others, that the victim is especially vulnerable due to pregnancy, disability, personal situation, under-age status and disease.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

Forced marriage is expressly foreseen in the Criminal Code as one of the types of trafficking in its Article 177 bis. Concerning the type of trafficking for the purpose of illegal adoption, no cases have been known in our country. Our Criminal Code does not contain an explicit reference to forced adoptions within the types of trafficking, without prejudice that these cases, if they would appear, may be redirected to the other previously mentioned types, such as those provided for in Article 221 of the Criminal Code.

*"Those who, receiving economic remuneration, deliver a child or any other under-age person to other person when no filiation or kinship relation exists, avoiding legal procedures of guardianship, foster care or adoption, with the purpose of establishing a similar relation to filiation, will be punished with prison sentence of one to five years and special disqualification to have parental authority, guardianship, curatorship or custody for four to ten years."*

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Yes, it can. The Article 177 bis of the Criminal Code includes begging as one of the purposes of trafficking. The cases known to the Immigration Department of the Prosecution Service don't correspond to children forced to beg by their parents or guardians.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

Yes, it can. The Article 177 bis of the Criminal Code includes exploitation of criminal activities as one of the purposes of trafficking. We cannot provide examples because no judgements have been issued by there are some criminal proceedings in process.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

The Ministry of Health, Social Services and Equality (Government Delegation for Gender Violence) commissioned a research study called "*Apoyando a las víctimas de trata. Las necesidades de las mujeres víctimas de trata con fines de explotación sexual desde la perspectiva de las entidades especializadas y profesionales involucrados. Propuesta para la sensibilización contra la trata.*" (Supporting victims of trafficking. The needs of women victims of trafficking for sexual exploitation from the perspective of specialized institutions and professionals involved. Proposal for raising awareness on trafficking.) This research study was carried out in compliance with the National Strategy to Eradicate Violence against Women 2013-2016 in order to make situations of violence against women visible and improve knowledge and assistance in those cases.

The research focused on the social and legal needs of the victims of trafficking for sexual exploitation, since they are identified until they recover from the situation of slavery they have suffered, pointing out how social policies, services and resources should be designed aimed at rescuing and recovering these women. Specifically, the following aspects were analysed:

- Information concerning different aspects of the assistance to victims of trafficking for sexual exploitation, taking the data provided by civil society organizations working in this field as a starting point, gathering best practices and recommendations concerning identification of potential victims and the intervention with them.
- The vision around the needs of the victims of trafficking for sexual exploitation by key informants (prosecutors, National Police, Civil Guard, NGOs' professionals) from ten Spanish provinces in nine autonomous regions explaining their work experience and the needs of the victims from their perspective.
- The analysis of data obtained in interviews shows a random sample of opinions and positions of 1,674 Spanish men concerning trafficking for sexual exploitation and prostitution, as well as 17 in-depth interviews with men demanding prostitution services for the purpose of contributing to the visualization of the demand of sexual services, which is the main reason

for the existence of prostitution and trafficking for sexual exploitation, in order to raise awareness and sensitize Spanish men on the fact that prostitution is not merely a leisure activity but it often implies several crimes against persons, specially women.

The Immigration Department of the Prosecution Service monitors police investigations conducted by the State Security Forces regarding all types of trafficking in human beings by means of monitoring proceedings (*diligencias de seguimiento*).

These monitoring proceedings include information notes (notes explaining the investigations) and allow deputy prosecutors for Immigration to establish a procedural control, coordinate with the State Security Forces involved in the protection of potential victims or the efficient development of the investigation and to inform the Office of the Chamber Prosecutor about each and every information affecting them.

These proceedings started in 2013 and they are all compiled annually in the Memorandum of the State Prosecution Service.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Trafficking in human beings has an important transnational component. As a result of that, international cooperation at all levels is necessary to fight against this criminal phenomenon as well as to provide better assistance and protection to victims.

In the GRETA's Recommendations report (see answers to questions 11 and 17 of the said report), drafted by Spain by the end of 2015, some of the measures adopted in this sense are described, as well as in the answer given to question num. 24 in this report.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;
- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;
- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

In Spain no cases of trafficking for the purpose of removal of organs are known. Spanish law is extremely rigorous regulating this matter, which makes this type of trafficking very difficult. National legislation is composed of the following legal provisions, from which we extract the most important information:

-Act 30/1979 of 27 October, on the removal and transplantation of organs<sup>7</sup>:

*"No remuneration must be received for organ donation. The necessary means will be in place so this process is under no circumstances burdensome for the living donor nor for the family of the person deceased. In no case there will be economic remuneration for the donor and the recipient will never be requested money for the organ transplanted.*

-Royal Decree 1723/2012 of 28 December, regulating the activities of obtaining, clinical use and territorial coordination of human organs for transplantation and establishing quality and safety requirements:<sup>8</sup>

#### Article 7 - Free donations

*"1. No reward may be received for the donation of human organs by the donor, nor for any other legal or natural person. Likewise, pecuniary benefits or any other type of benefits cannot be offered or delivered, requested or accepted for the allocation of one or more organs for transplantation.*

*2. Conducting medical procedures related to obtaining an organ will be under no circumstances burdensome for the living donor nor for the family of the person deceased. The free-of-charge principle will not prevent living donors to recover the costs and the lost income directly related to the donation. When this recovery of costs is applicable, it will always need to be claimed using the mechanisms foreseen for that purposes by competent administrations.*

*3. Any advertising on the need of an organ or its availability, offering or seeking any type of reward or remuneration is forbidden.*

*4. The recipient will never be requested any price for the organ transplanted."*

#### Article 3 - Offences

*"1. Offences will be considered those provided for in this Royal Decree, established in its Chapter VI, Title 1 of the Act 14/1986 of 25 April, and Title VII of Ley Orgánica 15/1999 of 13 December, and the Title VI of the Act 33/2011 of 4 October, General Act on Public Health, and the specific actions or omissions defined in this Article, which may be very serious, serious and minor.*

*a) Very serious offences:*

*2. Carrying out any activity regulated in this royal decree without respecting the principles of voluntariness, altruism, lack of profit-making intention or free of charge. 3.21.a advertising about the need or the availability of an organ, offering or requesting any type of reward or remuneration.*

*(...)*

*b) Serious offences:*

---

<sup>7</sup> <http://www.boe.es/boe/dias/1979/11/06/pdfs/A25742-25743.pdf> Article 2.

<sup>8</sup> [http://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2012-15715](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2012-15715)

*1.2 Advertising about the need of organs for the benefit of specific persons, health centres or institutions, foundations or certain companies, as well as misleading advertising that misleads about the clinical procurement and use of human organs. (..)"*

#### Article 34 - Offences

*"1. The actions or omissions representing an offence, according to Article 33, may be subject to administrative penalty as foreseen in point 3 of this article, after ordering the corresponding sanctioning procedure, without prejudice of the criminal or civil responsibilities or others that may arise. In the cases of offences that may represent a crime, the evidence of criminal liability will be referred to the competent jurisdiction and will stop the process until the judicial authority issues a firm ruling to end the procedure. If it is not considered a crime, the sanctions proceedings will continue taking as a basis the facts considered proven by the court.*

*2. The sanctions proceedings will be the ones provided for in the Article 60 of Title VI of the Act 33/2011 of 4 October. The opening, processing and decision of the sanctions proceedings will correspond to the competent administration on grounds of territory and matter.*

*3. The offences referred to in Article 33 will be punished with a fine in the degree established in Article 58 of the Act 33/2011 of 4 October, Article 45 of Ley Orgánica 15/1999 of 13 December, and Article 36 of Act 14/1986 of 25 April. 4. Sanctions will be without prejudice of other sanctions imposed by other competent state or regional authorities based on different grounds to those of the offence concerning healthcare regulations."*

- Royal Decree 9/2014 of 4 July, establishing quality and safety regulations for the donation, procurement, evaluation, processing, preservation, storage and distribution of cells and human tissue and approving coordination and working rules for their use in humans.<sup>9</sup>

#### Article 3 - Free-of-charge and non-profit character

*"1. The donation of cells and tissues will be in all cases voluntary and altruistic, and no economic compensation or remuneration can be received by the donor or any other natural or legal person.*

*2. The medical procedures regarding extraction will never be burdensome for the living donor nor for the family in case of a deceased donor, and the living donor will have the necessary assistance for their recovery.*

*3. Living donors or cells or tissue may receive a compensation by the institution in charge of the extraction which is exclusively limited to covering the costs and disadvantages derived from its procurement in terms of per diem costs, recovery of lost income or similar.*

*4. The recipient will not be requested any compensation for the cells and/or tissue used.*

*5. The activities of tissue centres will be not-for-profit and only the costs related to the services provided for the development of authorised activities can be charged.*

<sup>9</sup> <http://www.ont.es/infesp/Legislacin/BOE%20-%2ORD%2OLEY%209->

#### Article 4- Promotion and advertising

*"1. Promotion and advertising of donation and procurement of human tissue and cells will always be made in a general way without seeking profit for specific people and stating its voluntary, altruistic and selfless nature. The institutions that wish to develop any promotional or advertising activity in support of human tissue or cell donation must request prior authorisation to competent healthcare administrations. For that purposes, competent healthcare administrations will be understood as those corresponding to the autonomous region where the activity will be developed, and the National Transplant Organization will be in charge when the activities go beyond this scope. In any case, the proceedings for the authorisation or rejection of those activities will be regulated by the Act 30/1992 of 26 November, of the Legal Regime of Public Administrations and the Common Administrative Procedure.*

*2. Promoting and advertising centres and services referred to in this Royal Decree-Law must be made in a general fashion and will be subject to inspection and control of the competent healthcare administrations, as established in Article 30.1 of the General Healthcare Act 14/1986 of 25 April.*

*3. The existence and/or continuation of false, misleading or biased advertising and promotion will be incompatible with the authorisation of activities of procurement, preservation, processing, distribution or application of cells and tissues in Spain by the centre, institution, unit or establishment of tissues that has published that advertising or has contract relations with the institution that has published that advertising. Specifically, it will be understood as a case of misleading advertising when the establishments, centres, units and institutions whose advertising misleads about the real use of procurement, processing and preservation of human cells and tissues for eventual autologous uses, according to the knowledge and experience available."*

#### Article 38 - Offences and sanctions

*"Without prejudice of other regulations that may be applicable, the offences committed against what is provided for in this Royal Decree-Law and its development provisions will be considered a healthcare offence as established in Chapter VI of Title I of the Act 14/1986 of 25 April, and the rest of the provisions that may be applicable.*

*In offences related to the use of files containing personal data, the Title VII of the Ley Orgánica 15/1999 of 13 December will be applied.*

Apart from that, the Spanish Criminal Code, together with Article 177 bis establishing the types of trafficking in human beings, included procurement of organs, contains Article 156 bis,<sup>10</sup> which states:

*"1. Those promoting, favouring, facilitating or advertising the illegal procurement or trafficking in other people's organs or their transplantation will be punished with a prison sentence of six to twelve years if it is a main organ and a prison sentence of three to six years if it is not.*

---

<sup>10</sup> <http://www.boe.es/boe/dias/2010/06/23/pdfs/BOE-A-2010-9953.pdf>

2. *If the recipient of the organ would consent to the transplantation knowing its illicit origin, they will be punished with the same penalties as stated in the previous paragraph, which may be reduced in one or two degrees depending on the circumstances of the fact and the person guilty.*

3. *In accordance to Article 31 bis, if a legal person is liable for the crimes established in this article, this person will have a fine three to five times higher as the profit received.*

*According to the rules described in Article 66 bis, judges and courts can at the same time impose the following penalties:*

*Dissolution of the legal person. The dissolution will generate the final loss of its legal personality, as well as its capacity to act in any way in the legal affairs or carry out any type of activity, even if it is legal.*

*Suspension of its activities for a period that cannot exceed five years.*

*Closing of premises and centres for a period that cannot exceed five years.*

*Prohibition to conduct activities in whose development the crime was committed, favoured or covered in the future. This prohibition could be temporary or permanent. If it were temporary, the period cannot exceed 15 years.*

*Disqualification to receive subsidies and public grants, to work in the public sector and to have tax or Social Security benefits and incentives for a period that cannot exceed 15 years.*

*Judicial intervention to safeguard the rights of the workers or creditors for the time considered necessary, which cannot exceed five years.*

*This intervention may affect all the organisation or be limited to some of its premises, facilities or business units. In the judgement or subsequently, the judge or court will exactly determine the content of the intervention and will decide who will be in charge of the intervention and in what period the follow-up reports for the judicial institution must be drafted. The intervention can be modified or suspended at any point with the report of the controller and the Prosecution Service. The controller will have the right to access the premises and establishments of the company or legal person and receive all the information he/she considers necessary to carry out his/her job. The aspects related to his/her work, such as remuneration or necessary qualification will be determined by regulation.*

*The temporary closure of premises or establishments, suspending social activities and the judicial intervention may be agreed by the examining judge as a precautionary measure during the pretrial investigation."*

Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

- a. a. educational programmes;
- b. b. information campaigns and involvement of the media;
- c. c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
- d. d. involvement of the private sector.

In the GRETA's Recommendations report (see answers to questions 13 and 15 of the said report), drafted by Spain by the end of 2015, some of the measures adopted in this sense are described.

Apart from those explained, the following measures have been taken:

In the fight against trafficking for sexual exploitation, the Integral Plan 2015-2018 establishes the need to address the demand of sexual services, highlighting that the EU Strategy against trafficking in human beings 2012-2016 brings to light that it is the main cause of this type of trafficking, as most of the victims are forced into prostitution.

Therefore, there is a series of measures mainly aimed at promoting awareness and information actions to educate society in its responsibility for the existence of trafficking situations. Among the awareness actions carried out in 2015, we could highlight the following:

Commemorative ceremonies on the International Days:

- International Day against Sexual Exploitation and Trafficking in Women, Girls and Boys (23 September), organizing an event to present the Integral Plan to combat THB of women and girls for sexual exploitation 2015-2018, approved by agreement of the Council of Ministers on 18 September 2015, chaired by the Minister of Health, Social Services and Equality.
- European Day against Trafficking in Human Beings (18 October) with the approval of a government Declaration by the Council of Ministers.

On the other hand, in the week before 18 October 2015, the first campaign of the Ministry of Health, Social Services and Equality against trafficking in women for sexual exploitation with the hashtag #tomaconciencia (Become aware) was launched.

Moreover, to commemorate this day, a national lottery ticket was sold with the image of the UN campaign Blue Heart: against human trafficking.

- World Day against Human Trafficking (30 July) which was commemorated in 2015 by selling an ONCE coupon (Spanish Organization for the Blind) where the image of the Blue Heart campaign was included and in 2016 the coupon included the image of the government delegation campaign with the hashtag #tomaconciencia.

The following initiatives also continued:

- Informing professionals about news and progress made in the actions against trafficking in women for sexual exploitation with the weekly newsletter "La DGVG informa". During 2015,

7 newsletters with specific information concerning actions taken in the fight against human trafficking were disseminated.

- Promotion of the touring adaptation of the exhibition "No seas cómplice" /(Do not be an accomplice) by this government delegation for Gender Violence in collaboration with the Institute of Women and Equal Opportunities, available for all the public or private entities that want to join the awareness-raising task against this serious violation of women's rights. The exhibition was lent to the following bodies in 2015:
  - Ateneo in Orense (Galicia), 6 to 30 April.
  - National Police Academy (Ávila, Castile and León), 13 to 30 October.
  - City Council of Ortigueira (La Coruña, Galicia), 3 to 17 of November.
  - Women Association Flor Espliego (Alcaudete, Jaén, Andalusia), 19 November to 3 December.
- Raising awareness on trafficking in women for sexual at schools with the joint Plan of the Ministry of the Interior and the Ministry of Education, Culture and Sports under the Master Plan for coexistence and improvement of security in educational centres, cited previously in the present questionnaire.

On the other hand, specifically related to the elimination of sexual services advertising, in compliance with the measure of the Integral Plan aimed at "Promoting the revision of advertising contents and media contents, as well as those disseminated in the cinema, television or Internet, to avoid that they contribute to trivialize or encourage violence against women and, specifically, concerning the incidence of the demand of sexual services in the trafficking in women and girls for sexual exploitation". The Women's Image Observatory, under the Institute of Women and Equal Opportunities conducts a research study about complaints on these contents.

The complaints do not expressly refer to trafficking for sexual exploitation but to advertising of sexual services and they are included under affronts to women's dignity and not under trivializing or encouraging gender violence.

The Institute of Women, in compliance with a proposal of non-binding resolution by the Commission for Equality in the Parliament, promotes in its Women's Image Observatory the limitation of advertising of escort clubs or other places where there is prostitution or any sexist advertising or which promotes the commodification of women in public-owned or managed platforms (billboards, urban furniture, public transport, etc.) collaborating with those responsible for Equality in the autonomous regions and the Spanish Federation of Municipalities and Provinces.

Moreover, the Ministry of Employment and Social Security (Sub-Directorate General for Migration and Immigration) in its call for tenders for the development of projects aimed at immigrant people, two projects can be highlighted. They were executed by non-governmental organizations, that

include educational projects and information and awareness-raising campaigns among the measures to discourage demand.

The first of these projects is called *NOVICOM "Programme aimed at promoting the knowledge, awareness and implementation of actions for the social support of prostituted immigrant women and women victims of trafficking for labour or sexual exploitation and their children at national level."* (developed by ACCEM<sup>11</sup>). This project comprises information and awareness-raising campaigns to make the existence and problem of human trafficking visible.

During 2014 and 2015, several actions were undertaken, among which we can highlight the editing and distribution of awareness materials at national level, information talks in educational centres, the campaign "Abre los ojos" (Open your eyes) and collaborations with different national and international media.

The second project is called "*Nadie se ofrece para ser esclav@: contra la trata*" (Nobody volunteers to be a slave: against trafficking), developed by the Association for the prevention, reinsertion and assistance to prostituted women, APRAMP<sup>12</sup>, and this awareness-raising project is aimed at professionals in order to generate zero tolerance against THB.

In 2014 and 2015, several actions have been conducted such as seminars and workshops in educational centres and the collaboration and participation of national and international media in several campaigns.

Two audiovisual materials have been produced:

- Documentary "Chicas Nuevas 24 horas" (New Girls 24 hours).
- Short film "Loveth".

This short film is accessible in social media in the following links:

<https://vimeo.com/156383192> y <https://www.youtube.com/watch?v=9fWtHTQe3As>

Both materials are used by APRAMP as educational tools to inform and raise awareness about the reality of people victims of THB. They have been used in schools, universities, public and private institutions, etc. promoting discussion after watching it.

Concerning information campaigns and participation of the media, APRAMP has had a strong presence in the media between 2014 and 2016. Considering the lack of knowledge of journalists about the phenomenon of THB, in 2013 a guide was drafted under the title "Guide for media professionals", co-financed by the Directorate General for Migration and the European Integration Fund. This materials continue to be handed in events where media are present.

---

<sup>11</sup> Non-governmental and not-for-profit organization providing assistance and foster care to refugees and immigrants, promoting their social and labour insertion, as well as the equal rights and duties of all people regardless of their origin, sex, ethnicity, religion, opinion or social group.

<sup>12</sup> The goal of APRAMP is that people who suffer sexual exploitations and trafficking recover their freedom and dignity defending their rights and achieving the necessary independence to start a life out of the control and abuse of their exploiters.

The digital version is available at:

<http://apramp.org/download/guia-de-intervencion-con-victimas-de-trata-para-profesionales-de-los-medios-de-comunicacion/>

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, inter alia, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

In the GRETA's Recommendations report (see answer to question 13 of the said report), drafted by Spain by the end of 2015, some of the measures adopted in this sense are described.

Apart from those explained, the following measures have been taken:

The work carried out by Labour and Social Security Inspection (Ministry of Employment and Social Security) in terms of irregular economy, some cases of potential crimes of trafficking in human beings can be identified. In general terms, these actions are conducted in coordination with the State Security Forces with joint visits to work centres (clandestine workshops, agricultural activities, etc.). The purpose of these joint actions is reaching higher effectiveness because the Labour Inspection only has the competence to identify potential cases of THB and, if it is ascertained that a crime is committed, the investigation would correspond to the State Security Forces.

The coordination of actions was reinforced after the adoption of the Collaboration Agreement between the Ministry of Employment and Social Security and the Ministry of the Interior on the coordination between Labour Inspection, Social Security and the State Security Forces, on 30 April 2013, having the fight against THB for labour exploitation as a specific objective.

The Labour Inspection, after checking the aspects normally assigned to this body, can identify cases of THB for labour exploitation. These checks include in all cases monitoring the labour situation of workers, register in Social Security and authorization to work for foreign workers. They can also check labour aspects (wage, work hours, contracts, etc.), prevention of occupational risks, other Social Security matters (contributions, benefits, etc.) or employment matters, as foreseen in the Act 23/2015, the Royal Decree 5/2000 of 4 August, approving the consolidated text of the Act on Infringements and Sanctions in the Social Order and the *Ley Orgánica* 4/2000 of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, in its development regulations.

In this context, the Labour Inspection and the Civil Guard conducted a total amount of 3591 and 3923 inspections during 2014 and 2015 respectively.

Concerning employment agencies, the Labour Inspection will continue to check that these companies and the user companies abide by the administrative regulations (labour, Social Security, foreigners, prevention of occupational risks) according to the Act 23/2015 of 21 July, and Royal Decree 5/2000 of 4 August, approving the consolidated text of the Act on Infringements and Sanctions in the Social Order.

Likewise, the Labour Inspection will control the compliance of the regulations by companies in subcontracting chains, their limitations and responsibilities in the administrative field.

Prosecuting labour exploitation has become a priority for the rest of the actors engaged in the fight against THB, among others, the National Rapporteur, the Spanish Intelligence Centre against Terrorism and Organised Crime (CITCO) as focal point of the Rapporteur and the Immigration Department of the Prosecution Service.

In this sense, as regards prevention and within the training activities of the said department, an annual meeting of specialized prosecutors will be held in October 2016 focusing on this phenomenon, with the participation of the Labour Inspection, trade unions and the Spanish Confederation of Employers' Organizations.

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;
- b. identification of possible perpetrators of THB offences;
- c. gathering of first-line information from victims and perpetrators;
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

In the GRETA's Recommendations report (see answers to questions 17 and 19 of the said report), drafted by Spain by the end of 2015, some of the measures adopted in this sense are described.

Apart from these measures, the National Police created the Protocol of Intelligence and Collection of Data for the Analysis of Risks at Borders in the framework of the Integral Plan of Spanish Border Management. Its aim is gathering and immediately communicating any interesting information which, once it is analysed, it will enable to adopt the appropriate measures and mechanisms to prevent and fight against irregular immigration, trafficking in human beings, document counterfeiting as well as identify threats and risks at the borders.

The identification of possible victims is done by the Office of the Commissioner-General for Aliens and Borders of the National Police at certain border points and when the Civil Guard intervenes through its units of the Fiscal and Borders Department, the possible victims are brought to the said Office of the Commissioner-General for Aliens and Borders.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these

channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

In the GRETA's Recommendations report (see answers to questions 11 and 17 of the said report), drafted by Spain by the end of 2015, some of the measures adopted in this sense are described, as well as in the answer to question 24 of this questionnaire.

Apart from the aforementioned measures, we must add that there is a structure in the Central Border Unit of the National Police that carries out functions of management, coordination and control in relation to entry and departure of Spanish nationals and foreigners into and from the national territory. It also covers border regime and coordination in border checkpoints of other functions that the law assigns to National Police, working as a national central office in this regard.

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

Yes, the Framework Protocol for the Protection of Victims of Trafficking in Human Beings adopted by agreement on the 18th of October 2011 by the Ministers of Justice, the Interior, Employment and Social Security, Health, Social Services and Equality, the State Prosecution Service and the State Judicial Council, establishes the basis for coordination and action of the institutions and administrations involved and covers the scope and form of participation of the organizations and institutions working in the assistance and the protection of victims.

The Protocol was subscribed in the scope of the General State Administration, encouraging autonomous regions to develop it in their territories, with the participation of all the actors involved, including those responsible in social and children assistance, since these aspects are part of the regional competencies. In the GRETA's Recommendations report (see answer to question 4 of the said report), drafted by Spain by the end of 2015, the autonomous regions that have developed this Protocol are mentioned.

The State Security Forces, the Prosecution Service, judicial bodies, the Labour and Inspection and Social Security, government delegations or sub-delegations, the State Secretariat for Security, the State Secretariat for Immigration and Emigration, the Asylum and Refuge Office, alien internment centres and organizations, as well as institutions with accredited experience in the assistance to victims of trafficking.

In the aforementioned Protocol, the responsibilities of each of these actors are described.

Subsequently, the State Secretariat for Security has issued the Instruction 6/2016 on the action of State Security Forces in the Fight against Trafficking in Human Beings and in the Collaboration with Organizations and Institutions with accredited experience in assisting the victims, on 15 June, 2016.

To do so, the Ministry of the Interior has determined that the National Police and the Civil Guard create the Social Partner in Trafficking in Human Beings, whose aim is not only to have a new tool to prevent and combat this crime, but also favour coordination of the State Security Forces with the bodies and social institutions working for the protection of human beings who suffer this abominable crime.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

In the GRETA's Recommendations report (see answer to question 19 of the said report), drafted by Spain by the end of 2015, the process of identification of victims, as well as the legal instruments and related regulations, are described. We can highlight the Framework Protocol for the Protection of Victims of Trafficking in Human Beings, in whose Appendix 2 it includes formalised indicators to determine reasonable grounds for a person to be considered victim of THB, used by the authorities competent in identification in our country: police units with specific training in prevention and fight against THB and in identification and assistance to victims.

This Protocol establishes in item VI.C:

*"1. In order to determine the existence of reasonable grounds for a person to be victim of trafficking in human beings, the indicators described in the Appendix 2 of this protocol will be taken into account (See Appendix...)*

*2. In the process of identification, all the information available about the personal situation of the potential victim will be gathered. The organizations and institutions present in the territory with accredited experience in assisting victims of THB and specially those providing integral assistance and participating in programmes of the public administration for the assistance and protection of victims can contribute all the information they consider relevant.*

*When the alleged victim says he/she knows a specific institution in the territory, the police unit in charge of the identification will contact this institution to request information about the person.*

*Likewise, the information provided by professionals qualified for the evaluation of aspects related to health and the social situation of the alleged victims will also be taken into account.*

*3. The evaluation of the existing grounds will be done under the criterion of maximum protection of the alleged victim in order to guarantee their integral assistance and safety and to deepen in the investigation, specially in the case of irregular foreign victims, to guarantee that a sanctioning procedure is not filed according to the Article 59 bis of the Ley Orgánica 4/2000.*

4. *The evaluation by a police unit competent in the identification must include a reference to the risks the alleged victim is facing and a proposal for the necessary protection, safety and privacy measures, as well as their family circumstances.*

5. *Once the identification process has finished, the police unit competent for the identification will generate a report that will go together with the rest of the information gathered during this identification process. The said information can be obtained by the aforementioned unit either in writing or orally, in whose case they must leave a written reference of the identity of the source and the content of the information.*

6. *All actions taken must be recorded in the corresponding police report”.*

Likewise, for the prior identification before the formal identification process, the Ministry of Health, Social Services and Equality (government Delegation for Gender Violence) has disseminated materials aimed at non-specialized professionals who may be in contact with potential victims of THB. These materials are also available in the following website:

<http://www.violenciagenero.msssi.gob.es/otrasFormas/trata/detectarla/home.htm>

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

Each case is analysed individually and taking into account the corresponding circumstances. However, there are some basic guidelines. The Article 141-2 of the Immigration Act establishes that *"when the identification requires to take the statement of the potential victim of trafficking, this will be done by means of a personal interview under conditions appropriate to the circumstances of the victim, ensuring the absence of people who may be related to the exploiters and, whenever possible, with the provision of legal, psychological support and assistance. And it adds that all the information available that can be used to identify the potential victims will be collected and that all the organizations for the promotion and defence of the rights of persons victims of THB can provide all the information they consider relevant for this purpose. In order to protect the integrity of the victim, the said information will be reserved."*

On the other hand, the Framework Protocol for the Protection of Victims of Trafficking includes in its sections VI-B and VI-C and its appendixes extensive regulation on how the interview must develop if it is considered necessary, the way to assess the presence of indicators and the need to collect information available on the personal situation of the alleged victim. The organizations and institutions present in the territory with accredited experience in assisting victims of THB and specially those providing integral assistance and participating in programmes of the public administration for the assistance and protection of victims can contribute all the information they consider relevant.

Therefore, we can conclude that, in general terms, the identification of the victim relies on three pillars: evaluation of indicators, interview and information from third parties.

We must also add that in Spain there is a permanent communication and meeting system between the specialized unit of the State Prosecution Service and the Spanish Network against Trafficking in Human Beings, which encompasses a large group of organizations whose main work is providing help to victims. These meetings and the fluent communication enable to efficiently identify the victims and implement protective mechanisms.

As a consequence, we cannot give a categorical answer to the question "What are considered "reasonable grounds"?". The analysis is circumstantial.

Concerning the bodies competent for the identification of victims of THB, as said in the previous answer, this task corresponds to police units with specific training in the prevention and fight against THB and in the identification and assistance to victims.

30. What measures are taken in your country to encourage self-identification of victims of THB?

The protection of the victims is considered the main priority in the fight against trafficking. Because of that, the first action taken when a victim is identified is their referral to a specialized organization for their help and protection, as the Framework Protocol for the Protection of Victims of Trafficking foresees. In these organizations and directly working with the victim by highly qualified personnel (sometimes ex victims of this crime), the self-identification is encouraged.

At the same time, State Security Forces have 24-hour hotlines as well as specific websites where victims can report their situation.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking? There is a communication procedure between the Asylum and Refuge Office and the State Security Forces: in case there are grounds of trafficking in the application of international protection, the Asylum and Refuge Office informs the Office of the Commissioner-General for Aliens and Borders about it, without prejudice of processing the international protection application.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

The Spanish Constitution recognizes the right to personal privacy, secrecy of communications, and the protection of personal data. The Data Protection Act (LOPD 15/99 of 13 December) brought

Spanish law in line with the European Union Data Protection Directive. The LOPD applies to information held by the public and private sectors. The law establishes the right of citizens to know what personal data is contained in electronic records and grants citizens the right to correct or delete incorrect or false data in those records. Additionally, the LOPD restricts the disclosure of personal information to a third party by requiring the consent of the individual to the specific purpose for which the data was collected. Additional protections are also provided for sensitive personal data.

THE SPANISH DATA PROTECTION AGENCY (AEPD in the Spanish acronym) is the public law authority overseeing compliance with the legal provisions on the protection of personal data, enjoying as such an absolute independence from the Public Administration.<sup>13</sup>

Apart from that, Article 22 of the Statute of Crime Victims establishes: Right to protect privacy. *"The judges, courts, prosecutors and the rest of the authorities and civil servants in charge of the criminal investigation, as well as all those intervening or participating in the process in any way, will adopt the measures necessary to protect the privacy of all the victims and their families and, in particular, to avoid the dissemination of any information that may facilitate the identification of under-age victims or victims with disabilities in need of special protection, according to the law."*

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;
- b. victim's safety and protection;
- c. standards of assistance and their implementation in practice;
- d. access to medical treatment, psychological assistance, counselling and information;
- e. translation and interpretation, where appropriate?

By means of supporting organizations specialised in assisting women and girls victims of trafficking for sexual exploitation financing several annual projects:

- Call for tenders of the Ministry of Health, Social Services and Equality:
  - ✓ Specific grant call for organizations specialized in the assistance of women and girls victims of trafficking for sexual exploitation with an allocation of EUR 2,000,000 annually through which around 40 specialized organizations are financed every year.
  - ✓ Grant call for NGOs in charge of the allocation of income tax for social purposes. It has a specific grant line for THB in the field of programmes to prevent crimes related

---

<sup>13</sup> More information is available in:

[http://www.agpd.es/portaleswebAGPD/canaldocumentacion/publicaciones/common/pdfs/AEPD\\_en.pdf](http://www.agpd.es/portaleswebAGPD/canaldocumentacion/publicaciones/common/pdfs/AEPD_en.pdf)Asistencia a las víctimas (Assistance to victims, Article 12)

to all kinds of violence against women, financing every year around 15 programmes of 10 institutions with an amount of approximately EUR 1.5 million.

- Tenders of the Ministry of Employment and Social Security, which include in its programmes (co-financed by the Asylum, Migration and Integration European Fund) priority for the development of programmes aimed at integral reception of victims of THB, awareness raising, creating supportive networks and other actions aimed at the elimination of trafficking for labour or sexual exploitation. During 2014-2015 9 projects of 7 entities has been granted

Likewise, this Fund finances the return of the victims to their country of origin and also of their under-age or disabled children when they request it on a voluntary basis.

In the case of the Ministry of Employment and Social Security, the rules of the grant calls establish the obligation to apply the Protocol on identification and action in potential cases of trafficking in human beings with the purpose of sexual exploitation (Protocol SGIE). It supervises its execution by means of interim and final evaluations of the project management and by means of sending the Appendix 2 of the aforementioned Protocol. This appendix is a template where "professionals specialized in working on trafficking" in the migration centres and other instruments to assist migrants and/or applicants/beneficiaries of international protection register information about people with grounds of trafficking after participating in their identification, assistance and/or referral to specialized resources. This record is sent quarterly to the unit of trafficking of the General Secretariat for Migration and Immigration.

These tenders finance several services, including the assistance provided for in Article 12 of the Convention.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

The Spanish legislation on foreigners, specifically Article 59 bis-4 of *Ley Orgánica* on Foreigners and the Immigration Regulation in its Articles 143 and 144 grants the victims of THB who are foreigners and who do not have residence permit, the right to be exempt of the administrative liability due to their illegal stay and to obtain a residence permit in Spain for two different reasons: collaborating in the prosecution of a crime or their personal situation.

Concerning collaboration, the Article 143 provides two possibilities: collaboration may take place in the context of the investigation of a crime or in the context of a criminal process so the victim can legitimately request the said legal benefits when they collaborate with the State Security Forces in the investigation or when, without having done that before, they collaborate with the judicial power (judges and prosecutors) in the framework of a criminal process.

The Immigration Department of the Prosecution Service has always confirmed that the collaboration does not need to be effective, unless a fraud or bad faith is observed in the information provided to

the authorities. This means that, despite considering that collaborating is not providing any kind of information but information potentially valid for the investigation or prosecution of a crime, justice reasons lead to conclude that the victim who has provided specific information and verifiable data should not be damaged if the collaboration is ineffective for reasons out of their will (mistakes in police action or justice administration) and that, in any case, a low profile of requirement should be asked.

Moreover, in 2015 the Act 4/2015 of 27 April on the Statute of Crime Victims was approved. This act is a catalogue of rights for crime victims, beyond those recognised in the criminal sphere, so that victims and their families can receive not only a legal but also a social response. This Act provides for the specific assistance to the most vulnerable victims, as victims of THB and children victims, regardless of their origin, administrative situation or other circumstances. This act also establishes that protection needs of victims of THB must be covered taking into account their individual evaluation so their special protection needs can be appropriately determined and correct measures can be adopted, avoiding their second victimization during the pre-trial and trial stages.

At the same time, this regulation guarantees the uniformity of the information victims receive about their rights, protection measures and resources they can use, which are defined in general terms for all crime victims.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims’ needs?

In the specific case of victims of trafficking for sexual exploitation, the Ministry of Health, Social Services and Equality (Government Delegation for Gender Violence) provides the State Security Forces and the Immigration Department of the Prosecution Service a Handbook of Resources for the attention of victims of trafficking for sexual exploitation which is updated every six months. The last update includes information on the resources available with capacity to assist child victims, either aimed at receiving child victims of THB or children of women victims of THB. On 31 December 2015 (most updated handbook version on 15 February 2016), the following resources are available:

RESOURCES WITH ACCOMMODATION	TOTAL RESOURCES WITH ACCOMMODATION (flats, reception centres, etc.)	TOTAL NUMBER OF PLACES	TOTAL RESOURCES WITH ACCOMMODATION FOR CHILDREN	
			NUMBER OF RESOURCES WITH PLACES FOR CHILDREN VICTIMS	NUMBER OF RESOURCES WITH PLACES FOR WOMEN WITH UNDER-AGE CHILDREN
	45	420	3	28

OTHER RESOURCES	DAY-CARE ASSISTANCE (centres)	RESOURCES WITH ACCOMMODATION OFFERING 24-HOUR HOTLINES
	138	57

At the same time, the Ministry of Employment and Social Security (General Secretariat for Immigration and Emigration) has a resource with accommodation (4 places) since 2014 managed by the Foundation Cruz Blanca, for men under vulnerable situations or social exclusion risk, which also receives men victims of THB.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

The measures are described in the Framework Protocol for the Protection of Victims, in particular in its section IX. Referral to assistance resources:

*“1. The victims will nevertheless be informed about the assistance resources they can have in order to guarantee, where appropriate, their suitable and safe accommodation, material assistance, psychological assistance, medical assistance, interpretation services and legal counsel.*

*2. When the victim consents, they will be referred to regional or local administrations competent in social assistance or services of organizations and institutions with accredited experience in assisting victims of THB, in particular, those who provide integral assistance and participate in programmes of public administrations for the victims' assistance and protection.*

*4. All participating institutions must guarantee confidentiality and the informed consent of the victim”.*

**37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?**

(We understand that this question does not refer to the legal or administrative support nor the protection of victims as witnesses in a criminal process). The assistance support to victims of THB is provided under the independent channels of the criminal process.

The right to assistance is recognised to all victims without exclusion and, in the case of foreign victims, these rights work regardless of the fact that they may have the residence permit in Spain or not. The single Article of the Royal Decree 557/2011, approving the Immigration Regulation, provides in its second paragraph its supplementary application or for the situation that may be more favourable to nationals of Member States of the European Union and the rest of persons included in

the scope of the Royal Decree 240/2007 of 16 February on entry, freedom of movement and residence in Spain of citizens from EU Member States and other states part of the Agreement on European Economic Area.

In summary, the assistance provided depends on the needs of recovery of the victims without any time limitation. In fact, in the questionnaire on assistance to victims that is provided together with the justification of the grant given by the Government Delegation for Gender Violence, the number of women assisted is much higher than the number of women identified and the number of complaints filed or women who are accompanied in a criminal process.

#### Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

The recovery and reflection period has the purpose of providing the victim of trafficking in human beings a period of time which in Spain is set at a minimum of 90 days (Article 59 bis of the Act on Foreigners) to the victim can decide whether to collaborate or not with the authorities in the prosecution of the crime. This provision in the Spanish legislation is aimed at foreign victims in irregular situation and not to the rest of the victims. The reasons are obvious:

- The victims who are not irregular foreign nationals are treated in the same way as Spanish victims, so they receive assistance and support and are protected by assistance and non-assistance rights recognized under our legislation, without discrimination and without the need to foresee a recovery and reflection period. These rights are specified in the Statute of Crime Victims and have already been mentioned in this questionnaire.
- Only irregular foreign victims need protection in case of a potential expulsion. They are granted the recovery and reflection period for a minimum of 90 days. The Convention, whose level of compliance tries to be assessed with this questionnaire, recognizes in its Article 13 this differentiated treatment when it establishes that during this period "no expulsion measure can be executed against the victim."

The granting process is described in the section XIII A of the Framework Protocol for the Protection of Victims.

#### Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

The GRETA's Recommendations report (see answer to question num. 24 in the said report), prepared by Spain by the end of 2015, contains the legislation that regulate residence permits.

Concession of residence permits to victims of human trafficking “due to personal circumstances” is regulated in Article 59 bis-4 of Ley Orgánica 4/2000 on the rights and freedoms of foreigners in Spain and their social integration, reformed in the Aliens Act, No. 2/2009, as well as Articles 143 and 144 of Royal Decree 557/2011 passing the Aliens Regulations. These provisions grant victims of human trafficking who are foreigners and have no residence permit entitlement to exemption from the administrative liability arising from their illegal stay, and to secure a residence permit in Spain for two different reasons: collaboration in the prosecution of the crime, or their personal situation.

When authorisation for residence is based on personal reasons, the authority with jurisdiction is the Ministry of Labour and Social Security (the State Secretariat for Immigration and Emigration) which completes a case-by-case assessment based on the information available from the process of identification of a victim, referred to throughout this questionnaire, also including the relevant information on the victim held by organisations and bodies in the country which have accredited experience in caring for victims, in particular those providing integral care and participating in Public Administration programmes for victims’ care and protection.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?

This enquiry concerning residence permits for cooperation has been replied to in question 34 of this questionnaire.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

This question on residence permits for victims of trafficking and their link to acting as witnesses is replied to in questions 34 and 39 in this Questionnaire.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
- b. access to free legal assistance and legal aid during investigations and court proceedings;
- c. compensation from the perpetrator;
- d. compensation from the State;
- e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.

The Victim’s Statute establishes the following basic rights:

-Article 4. The right to understand and be understood.

*“All victims are entitled to understand and to be understood in any action which must be implemented, from the filing of charges and throughout the criminal proceedings, including information prior to filing of charges.*

Accordingly:

*a) All communications with victims, whether verbal or written, will be made in clear, simple and accessible language, taking account of their personal characteristics and, in particular, the needs of sensorially, intellectually or mentally impaired persons, or minors. If a victim is a minor or their capacity has been modified in the courts, communication will be made to their representative or the person assisting them.*

*b) The victim will, as of their first contact with the authorities or with the Offices for Care of Victims, be provided with the necessary assistance or support allowing them to make themselves understood there, including interpretation in legally recognised sign languages and support for verbal communication for the deaf, those with impaired hearing, and the deaf and blind.*

*c) A victim may be accompanied by a person of their choice, as of their first contact with the authorities and officials”.*

-Article 5. The right to know, as of first contact with the competent authorities.

*“1. All victims are entitled, as of first contact with the authorities and officials and including the moment prior to the filing of charges, to receive information without unnecessary delay adapted to their circumstances and personal conditions and to the nature of the crime committed and the damages and losses caused, concerning the following aspects:*

*a) The assistance and support resources available, whether medical, psychological or material, and the procedure for obtaining them. The last of these will, where appropriate, include information on the possibilities for obtaining alternative accommodation.*

*b) Where applicable, the right to file complaint and, where applicable, the procedure for doing that, and the right to submit evidence to the authorities assigned the investigation.*

*c) The procedure for obtaining legal counsel and defence and, if applicable, the conditions in which this can be obtained free of charge.*

*d) The possibility of seeking protective measures and, if applicable, the procedure for doing this.*

*e) Indemnification to which they may be entitled and, if applicable, the procedure for claiming this.*

*f) The available interpretation and translation services.*

*g) The auxiliary communication assistance and services available.*

- h) The procedure whereby a victim resident outside Spain may make use of their rights.*
  - i) Appeals which may be filed against resolutions they consider contrary to their rights.*
  - j) Details for contact with the authority responsible for processing the procedure, and the channels for communicating with them.*
  - k) Where legally possible, the restorative justice services available.*
  - l) The cases where judicial costs may be reimbursed and, if so, the procedure for claiming them.*
  - m) Right to file application to be notified of the resolutions referred to in Article 7. For these purposes, the victim will furnish an email address in their application and, failing that, a postal address or domicile to which the authority will deliver communications and notifications.*
- 2. This information will be updated at each stage of the procedure, to ensure that victims are able to exercise their rights”.*

Article 6. The victim’s rights as complainant.

*“All victims have the following rights when filing their complaint:*

- a) To obtain a duly certified copy of the charge.*
- b) If unable to understand or speak any of the official languages in the place where the complaint is filed, to receive free linguistic assistance and written translation of the copy of the complaint filed”.*

Article 7. Right to receive information on the criminal proceedings.

*1. Any victim who has made the application referred to in Article 5.1 m) will be informed, without unnecessary delay, of the date, time and place of the hearing, and the content of the charged brought against the perpetrator, and will be given notice of the following resolutions:*

- a) The resolution not to initiate the criminal procedure.*
- b) The ruling terminating the procedure.*
- c) Resolutions ordering the imprisonment or subsequent release of the perpetrator, and their possible flight.*
- d) Resolutions ordering the adoption of precautionary personal measures or modifying those already ordered when intended to guarantee the victim’s safety.*
- e) the resolutions or decisions of any judicial or penitentiary authority affecting persons convicted for crimes committed with violence or intimidation and supposing a risk to the victim’s security. In such cases and for these purposes, the penitentiary Administration will immediately notify the resolution to the judicial authority, for it to be notified to the victim affected.*
- f) Resolutions referred to in Article 13.*

*These communications shall include at least the decision in the resolution and a brief summary of the grounds, and shall be sent to their email address. Exceptionally, should a victim not have an email address, they are delivered by ordinary post to the address facilitated. For citizens resident outside the European Union or who have no email or postal address for communication, it will be sent to the Spanish diplomatic or consular office in the country of residence, for publication.*

*If a victim was formally present in the procedure, resolutions will be notified to their legal counsel and notified to the victim at the email address provided, not precluding the terms of the following paragraph.*

*2. Victims may at any time state their wish not be informed of the resolutions referred to in this article, and the application is invalidated.*

*3. Victims of domestic violence will be notified of resolutions referred to in points c) and d) of paragraph 1 without having to request it, unless they express a wish not to receive such notification.*

*4. Likewise, should they request, they will be provided with information relative to the current state of the procedure, unless that may prove detrimental to the correct course of the proceeding”.*

Legislative Royal Decree 3/2013 of 22 February modifying the system of charges in the justice administration and the system of free legal assistance recognises the right to free legal assistance for victims of human trafficking along with other groups, without need to accredit lack of resources to litigate. They are also exempted from payment of charges.

The Criminal Proceedings Act (Articles 105 and 108) requires prosecutors to seek indemnification for the victims of any crime and so for human trafficking victims, unless the victim expressly foregoes compensation. Under Article 108 of this Act, the Public Prosecutor must file the civil suit along with the criminal action, whether or not there is a private prosecution in the case; however, should the victim expressly waive their right of redress, repair or compensation, the Public Prosecutor will do no more than seek punishment for the guilty.

Under Article 3.4 of the Organic Public Prosecutor Statute, the Public Prosecutor will pursue the criminal and civil actions arising from crimes and misdemeanours; and, pursuant to Article 773.1 of the Criminal Proceedings Act, “The Prosecutor will form part of criminal and civil action as provided for by Law”, which amounts to a mandatory remit. All Prosecutors have precise instructions from the State Prosecutor’s Office to be particularly vigilant in relation to those obligations when it comes to victims of Human Trafficking.

As pointed out above, Prosecutors (entrusted with the protection of victims in criminal proceedings) must always seek the related compensation for victims unless they expressly waive that.

Thus there are innumerable examples, reflected in the section E. “Statistics” of this report. Therefore, we only mention compensations granted in court rulings in 2015:

- Ruling of 2 December 2015 of the Provincial Court of Tenerife for trafficking for sexual exploitation: 15,000 euros for each victim.

- Ruling of 23 November 2015 of the Provincial Court of Barcelona for trafficking for sexual exploitation: 65,000 euros for the victim.
- Ruling of 13 November 2015 of the Provincial Court of Almería for trafficking for begging: 30,000 euros for each victim.
- Ruling of 20 October 2015 of the Provincial Court of Seville for trafficking for practices similar to slavery: 2,000 euros for each victim.

43. What specific measures are taken to make the traffickers' assets available for compensation (for example, effective financial investigations resulting in seizure of perpetrators' assets with the view to their confiscation)?

As part of criminal proceedings, the assets of those investigated are examined whenever necessary to secure pecuniary liabilities. Any action designed to secure the assets of those investigated (attachment and seizure) is incorporated into a file or "evidence" referred to as "for civil liability", its formation regulated in Articles 764 – for the abbreviated procedure – and 589 – for the ordinary procedure – both of the Criminal Proceedings Act.

The Spanish legislation (Article 727.6 of the Criminal Proceedings Act) allows registry annotations to be posted as a precautionary measure in public property registers such as the Property Register, the Register of Chattels, the Central Maritime Register.

In the area of policing, to promote property investigation and so deprive the trafficking organisations of profits obtained from exploitation, action is under way to enhance working procedures, standardising the precepts in the field of financial investigation. Thus, to regulate investigation, the Civil Guard has drawn up Technical Procedure Guide No. 17/2014 of 24 June 2014 on the Investigation of Assets.

Mention must also be made of Royal Decree 948/2015 of 23 October regulating the Asset Recuperation and Management Office (ORGA) and designed to give the property and seizure investigation the protagonism it deserves in combatting organised financial criminality, with faculties to locate, recover, conserve, administer and realise returns, assets, resources and profits from criminal activities pursued as part of a criminal organisation, and any others assigned to it.

The inauguration of the Office meant that faculties would be assumed that had not until then been dealt with by the General State Administration and whose ultimate aim is to strangle organised crime financially, maximising proceeds from seizure and allowing the victims to be compensated with payment of the indemnification granted in the criminal proceedings, and assigning any excess to social projects for victims' support and assistance, prioritising certain groups of particularly vulnerable victims such as those trafficked, and promoting the fight against organised crime.

Parallel to the extension of seizure, to crimes of human trafficking (Article 127 bis of the Criminal Code), the Asset Recuperation and Management Office's operation is broadened, not just to the crimes of criminal organisations but to others which, like human trafficking, may generate illicit financial rewards.

44. May THB victims claim damages and compensation in the country of destination after their return to the country of origin? Please provide relevant examples.

Yes, this possibility does exist and is habitually applied. In other words, victims of the crime never lose their right to be indemnified because they return to their country of origin. Examples are innumerable and all equally relevant.

This information is gathered in section E of this questionnaire.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of THB victims from your country to another is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (the principle of *non-refoulement*)? How is risk assessment carried out when deciding upon the return and repatriation of THB victims? What is the procedure and what are the modalities for co-operation with the receiving state authorities?

The GRETA Recommendations Report (see the response to question 29 of that report) drawn up by Spain at the end of last year, contains some of the measures adopted in this matter.

The Ministry of Labour and Social Security (MEYSS) does, in addition to the measures referred to, through the General Secretariat for Immigration and Emigration (SGIE), finance voluntary return projects, funded jointly since 2015 by the new Asylum, Migration and Integration Fund (AMIF). These projects, managed by social institutions, target immigrants, nationals of other countries, who wish to return voluntarily to their countries of origin.

The Protocol for action in managing the voluntary return of victims of human trafficking emphasises the importance of an evaluation of risks and security prior to and during the trip and, once the person is in the destination country, action to intervene specifically to address the victim's reintegration. All social entities benefiting from subsidies for voluntary return projects must, before embarking on the return of trafficking victims, seek clearance from the SGIE, furnishing a specific report that includes measures for the protection, security and assistance for the victim at points of departure, transit and destination.

Notable in relation to the last question, on the procedure and categories of cooperation with the receiving State, is the MEYSS's collaboration as partner in the TACT Project led by the International Organisation for Migration (IOM). The TACT Project (Transnational Action) is designed to support the return of trafficking victims, jointly financed by the AMIF as part of the EU Strategy to eradicate Human Trafficking (2012-2016).

The Project began in May 2015 and is scheduled to last 18 months. Its general aim is to help improve the safe return and conditions for the reintegration of 15 trafficking victims (adults and/or minors) travelling from France, Greece, Italy, Poland and Spain back to three priority countries: Albania, Morocco and Ukraine. The project is intended to reinforce the capacity of the authorities in these

three priority countries in the area of protection and assistance, particularly emphasising return and aid for the victims of trafficking, to enhance transnational cooperation and the exchange of information among the authorities responsible, in close collaboration with civil society.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If so, what steps, if any, were taken to assist them after their return?

There has until this date been no record of any trafficking victim being sent back against their wishes.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

Under Article 177 bis-7 of the Criminal Code (CP) when, as provided for Article 31 bis of that Code, a legal entity is responsible for a crime of human trafficking, a fine is imposed of between three and five times the profits obtained.

This precept defines human trafficking in exactly the same terms as the Council of Europe Convention, compliance with which this questionnaire seeks to evaluate. Thus this provision does apply to cases of human trafficking for forced labour as well as to subcontractors, provided that their liability for the crime can be proven.

Moreover, in certain cases one or more of the following penalties can also be imposed:

*“Dissolution of the legal entity. Dissolution leads to the permanent loss of legal capacity and the capacity to act in any way in legal business or to pursue any form of activity, even if licit.*

*Suspension of its activities for a term which may not exceed five years.*

*Closure of its premises and establishments for a period which may not exceed five years.*

*A prohibition to engage in the future in the activities in which the crime was committed, encouraged or covered up. This prohibition may be temporary or permanent. If temporary, the term may not exceed fifteen years.*

*Disqualification from public subsidies and aid, from contracting with the public sector and benefiting from tax breaks and incentives or from the Social Security system, during a period which may not exceed fifteen years.*

*Judicial intervention to safeguard the rights of workers or creditors, for the time deemed fit, not exceeding five years”.*

Intervention may affect an entire organisation or be limited to any of its business installations, sections or units. The Judge or Court may, in its ruling or subsequently in an order, determine the

exact remit for the intervention, decide who shall be in charge of it, and the deadlines by which progress reports must be drawn up for the judicial body. The intervention may be modified or suspended at any time following a report from the receiver and the Public Prosecutor. The receiver may access all the facilities and premises of the company or legal entity, and receive such information as may prove necessary for the implementation of their functions. Regulations will define the aspects related to the receiver's operation, such as remuneration or the qualification required.

#### Aggravating Circumstances (Article 24)

48. Have there been prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

There has until now been no record of the prosecution or conviction of a public servant for human trafficking in this country.

#### Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated into law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied, and the outcome of such cases.

According to Article 177 bis, paragraph 11 of the Criminal Code (CP), "A victim of human trafficking is exempted from any criminal breaches they may have committed in the situation of exploitation suffered, provided that their involvement therein was a direct consequence of the situation of violence, intimidation, deception or abuse to which they were subjected, and there is an adequate proportionality between that situation and the criminal action". The following is how it is translated officially:

In considering how this provision must be interpreted, State Prosecutor's Office Circular 5/2011 analyses it in point II-9 and indicates that, "Article 177 bis of the Criminal Code does not exclude any crime from its application, not even that classified in Article 177 bis of the Code. It could be said that it is thinking of cases where – without the presence of all the requisites defining the state of need or, as applicable, insuperable fear – there was a significant, patent and objective limitation on the control of the victim's will, a direct consequence of the situation of violence, intimidation, deception or abuse they were subject to and, given their situation of submission, they were compelled to commit the crimes ordered by the trafficker.

As it is not possible to formulate a list of cases where paragraph 11 of Article 177 bis of the Criminal Code would apply, consideration must be given in each case to the presence of conditions determining the situation of domination and of the criminal act performed, according to a criterion of proportionality.

In principle, it will be when the individual was trafficked to commit certain crimes such as pickpocketing, robberies in businesses or drug-trafficking. On the other hand, experience shows that many trafficking victims, notably in the category of sexual exploitation, are forced by the traffickers to collaborate directly with them in any of the classified alternative conducts or even in effective exploitation. Thus it is confirmed that some Sub-Saharan women are at times captured by victims of their same nationality and even from their own families, in exchange for being released. In other cases, commonly when victims are from countries in the East, they are forced to act as guards of recent arrivals in the sexual exploitation centres. Here, the victim participates directly in the victimisation of another person or in the maintenance of the situation of exploitation of another. Clearly, such persons are not completely free in the commission of these acts – of participation – although not to the level of exclusion of the action classified according to absence of will or, should they have acted out of fear of reprisals, for them to be covered by the exemption of responsibility pursuant to Article 20.6 of the Criminal Code, particularly taking account of the strict precedent of the Supreme Court's Second Division in interpreting each of the elements configuring it ("impulse" and the "insuperability" of the fear). Likewise, as corollary to the principle of non-prosecution of the victims of trafficking, it would always be proportional for victims to be exempted from criminal liability for any crime committed on transfer to Spain to facilitate their fraudulent or clandestine migration, especially associated with falsification of documents. This is specifically referred to in the preamble to Directive 36/2011/EC (Recital 14 speaks of the use of false documentation or offences provided for in the legislation on prostitution or immigration).

Among the cases arising most frequently in practice, mention must be made of the cases of victims trafficked for sexual exploitation who are forced to facilitate drugs or psychotropic substances to clients.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's legislation provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

Spain ratified the European Convention on Mutual Assistance in Criminal Matters, made in Strasbourg on 20 April 1959 (Council of Europe), on 14 July 1982, Article 21 of which allows charges to be transmitted between States Party to the Convention.

This possibility is used quite frequently so that a given example cannot be singled out.

Moreover, the State Law Enforcement Agencies have, via international police cooperation, received complaints from family members or acquaintances of human trafficking victims being exploited in Spain. Such charges have come mainly from countries like Romania and Bulgaria and have, in some cases, made it possible to release the victims and arrest the traffickers.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

- a. setting up specialised investigation units and the number of staff involved;
- b. exchange of information with, and obtaining evidence from, other parties;
- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;
- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;
- e. financial investigations to disrupt criminal money flows and ensure asset recovery;
- f. use of joint investigation teams (JITs).

On the matter of the specialisation of the Spanish Prosecutor's Office, the content of other questions in this questionnaire is reproduced:

The specialisation of the Spanish Prosecutor's Office in fighting human trafficking is fundamental in combatting people trafficking. The specialised Prosecutors Network was set up in 2006, before the crime of trafficking was categorised in Spain. At that time, trafficking episodes detected were penalised with recourse to other precepts from the Criminal Code, although the training of specialists in trafficking was already in place.

At present, the level of specialisation attained in the Aliens Unit in the Prosecutor's Office is high. The coordination of the activity of the Public Prosecutor's Office in preventing and prosecuting human trafficking and protecting its victims is assigned nationally to the Coordinating Division Prosecutor for Aliens, directing the specialist Network comprising 50 delegate Prosecutors (one in each Spanish province) and another in the National Court, who are assisted by others in provinces particularly affected by the crime. It must be pointed out that this network was extended in 2015 with a further 27 Prosecutors posted in cities of special significance in Spain; these new appointments are known as Link Prosecutors in Area Prosecutor Offices.

The Prosecutors network is in permanent communication internally and with the Aliens Unit (a central unit headquartered in Madrid) to whom they turn should they have to make any consultation, raise doubts, coordinate procedural action or resolve any incidents. The Aliens Unit response is immediate.

Communication is constant between the specialist Prosecutors and the Security Forces specialised in combatting trafficking. There is also communication between those Prosecutors and NGOs specialised in the protection of victims.

The Public Prosecutor's specialisation is permanently updated, with participation in training courses, collaboration with Universities, with Bar Associations, Organisations and Associations for the defence of the rights of trafficking victims, Prosecutor's Offices in other States and programmes financed by the United Nations or the European Union.

A two-day meeting is held annually in Madrid, attended by all the Delegate Prosecutors specialised in human trafficking, who must attend. The meeting coordinates strategies, know-how and responses, reaching conclusions subsequently submitted for approval by the General State Prosecutor and uploaded to the website [fiscal.es](http://fiscal.es) which is publicly available. Meantime, the Juridical Studies Centre in the Ministry of Justice organises periodic training courses addressed to Prosecutors and the Judicial Police, both in initial training and on-going training specialising in human trafficking.

There is a high level of collaboration between the Prosecutor's Office, the Security Forces specialised in prosecuting the crime of trafficking, the Labour Inspectorate and NGOs entrusted with protecting victims of this offence. Communication takes place at the level of both central and regional bodies, allowing for close coordination, through express channels and using technological advances allowing network communication.

The basic text for an understanding of this coordinated action is the Framework Protocol for the Protection of Victims of Human Trafficking, which has even been developed at the regional level in some parts of Spain such as Catalonia, Valencia, Extremadura or Galicia.

This form of coordinated action is exemplary and has yielded highly satisfactory results.

The Criminal Proceedings Act was recently amended in *Ley Orgánica 13/2015* of 5 October to incorporate a very detailed regulation of the use of certain investigation techniques such as the interception of telephone and online communications, the 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.

Spanish Law reserves use of these investigation techniques for certain particularly serious crimes, which do include human trafficking, even in the absence of a criminal organisation.

Use of these investigation techniques is made subject to the principles of specialty, suitability, exceptionality, necessity and proportionality.

According to Article 588 bis a) of the Criminal Proceedings Act:

- The principle of specialty requires a measure to be related to the investigation of a specific crime. Technological investigation measures intended to prevent or disclose crimes or dispel suspicions may not be authorised without objective base.

- The principle of suitability defines the objective and subjective reach and the duration of the measure according to its utility.

- In application of the principles of exceptionality and necessity, a measure may only be ordered:

- a) where, given its characteristics, other measures are not available to the investigation which are less detrimental to the fundamental rights of the party investigated or charged and are equally useful in clarifying the facts, or

b) when uncovering or verifying the act investigated, determining the perpetrator or perpetrators or revealing their whereabouts, or locating the effects of the crime would, without resort to this measure, be severely impaired.

These investigative measures are deemed to be proportional only when, in the light of all the circumstances of the case, loss of the rights and interests affected is not greater than the benefit to the public interest and that of third parties arising from their adoption. In weighing the interests in conflict, an evaluation of the public interest is based on the seriousness of the act, its social transcendence or the technological realm where it occurs, the intensity of the evidence and the relevance of the result sought in restricting the right.

All these measures are applicable to the investigation of the crime of human trafficking, following judicial authorisation.

There is no limitation on the investigation of human trafficking crimes committed on the internet. The measures indicated in the previous response apply to this question.

It must moreover be pointed out that the possibility of blocking websites, referred to in the question, is expressly provided for in the Spanish legislation in Article 10 et seq. of the Information Society Services and E-commerce Act, Act 34/2002 of 11 July.

On the other hand, the Spanish Prosecutor's Office has a Unit specialised in IT crime with the same structure as the specialised human trafficking Unit, extending its jurisdiction to crimes of child pornography committed in this medium.

Initiatives related to financial investigations are outlined in response No. 43 to this questionnaire.

The use of Joint Investigation Teams is standardised through the Judicial Cooperation Unit (Eurojust) supporting judicial coordination and cooperation between national authorities in combatting serious organised crime affecting more than one European Union country.

In the Interior Ministry's area of operation, the State Law Enforcement Agencies (FFCCSE) have adopted the following measures:

- Specific instruments to prevent and combat.

The National Police Force Plan to Combat Human Trafficking, dated 17 April 2013, and Civil Guard Directive 40/2009 to Combat Trafficking, of 11 November 2009, both contemplate the following objectives among others: more active prosecution of criminal band members, to protect victims and enhance international cooperation. Both are currently in force.

- Incorporation of specialised Units.

The National Police Force has created the Central Brigade combatting Human Trafficking, attached to the offices of the Commissioner-General of Aliens and Borders, and the Civil Guard the Human Trafficking Division, part of the Technical Unit of the Judicial Police along with a Group in the Central

Operating Unit engaged in complex investigations in the trafficking field, integrated into the offices of the Head of Judicial Police. These Units aim to enhance effectiveness in preventing and combatting this twenty-first century scourge.

- Improving data quality.

The Counter-Terrorism and Organised Crime Intelligence Centre (CITCO) has continued to update and optimise the Management Data System on Trafficking in Human Beings (BDTRATA) [Spanish Acronym] to enhance the reliability of the information available and reveal the full extent of this phenomenon, creating strategies both to prevent and to combat criminal organisations linked to this criminal activity.

- Inclusion in the strategic objectives in the fight against the criminal organisations operating in this country.

The State Law Enforcement Bodies and the CITCO have included People Trafficking in their Pluriannual Strategic Plans (CNP/GC 2013-2016 and CITCO 2011-2014) as one of their strategic objectives in combatting criminal organisations operating in this country.

- Increasing national and international cooperation.

The CITCO has, in addition to the National Police Force and the Civil Guard, been implementing a number of joint actions in combatting trafficking at both national and international levels, and is present on the European Union's Multidisciplinary Platform against Criminal Threats (EMPACT) established as a basic component in the EU's 2011/2017 Policy Cycle.

Moreover, data exchange has been enhanced through the network of the Ministry of the Interior's Councillors and Attachés, and with the Police Links of other countries and international bodies such as Europol and Interpol.

State Law Enforcement Agency investigations of this category of crime – human trafficking – use investigation techniques permitted under our legal regime, adapting them to the specific act being investigated, and including online action.

Likewise, all investigations into criminal groups linked to people trafficking go hand-in-hand with an investigation of the assets of those investigated, with a view to having their accounts and assets blocked, depriving criminals of the financial benefits generated by such activity.

The use of joint investigation teams is increasingly common among investigation groups specialised in prosecuting this criminal behaviour, mostly coordinated by Europol and implemented with other European Union police forces (France, Romania, Germany, Belgium ...) and less frequently with South American countries, mainly Paraguay.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

Trafficking for the removal of organs, was dealt with in question 21 of this questionnaire.

#### Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

Measures to protect witnesses during criminal proceedings are adopted according to the following:

- Act 19/94 to protect witnesses and experts in criminal cases, to preserve the victim's safety by concealing their personal details in the criminal procedure (identity, domicile, workplace, profession and any other data enabling their identification). Methods vary: to identify the witness with a code, to conceal them visually when appearing using elements avoiding visual confrontation, voice distortion, one-way glass etc. Protected witnesses may ask to be driven to police stations and courts in an official vehicle.

In addition, members of the State Law Enforcement Agencies, Prosecutors and Judges must ensure that photographs of witnesses are not taken, or their image taken by any other means, and must remove photographic, film, video or any other material from those infringing this prohibition.

- Act 35/1995 of 11 December for aid and assistance to victims of violent crimes and crimes against sexual freedom provides for the establishment of the Offices for Assistance to Victims of Crime, units attached to the Ministry of Justice or, if applicable, to the Autonomous Communities that have taken on jurisdiction in the matter, to analyse victims' needs for assistance and protection; they incorporate Justice Administration personnel, psychologists or any technician felt to be necessary to provide the service. This establishes a minimum framework for assistance, to ensure a public service in conditions of equality throughout the State and to guarantee and protect victims' rights, without precluding the organisational specialities of the Offices in the terms of the applicable State or regional provisions.

The following are among the rights whose effectiveness must be safeguarded by the Offices for Assistance to Victims:

- Right to understand and be understood. A victim is entitled, as of their first contact with the Office for Assistance to Victims and whether or not charges have been filed, to receive the assistance or support necessary to make themselves understood there.

- Victims' right to know. Pursuant to Act 4/2015 of 27 April, the Statute of the Victims of Crime, the Offices for Assistance to Victims provide an information service that is essential for victims. The information is to be provided to the victims, even before charges are filed, and without unnecessary

delay, in a way that is adapted to their circumstances and personal conditions and to the nature of the crime and of the damage and losses suffered, in detail, and updated throughout the process.

Victims' right of protection. Under the Statute of the Victims of Crime, the Offices for Assistance to Victims will complete an individual assessment of victims to determine their special protection requirements in the light of their personal characteristics, particularly more vulnerable victims such as minors or the disabled requiring special protection, and the nature and circumstances of the crime. This is all designed to define the assistance and protection measures that must be furnished to the victim.

All victims, whether direct or indirect, are entitled to free and confidential access to the assistance and support services offered by Offices for Assistance to Victims and other Public Administrations. This right may be extended to their family members for crimes causing particularly serious loss.

- Act 4/2015 of 27 April, the Statute of the Victims of Crime, provides as follows:

Article 20. Right to avoid contact between victim and perpetrator.

*“Areas where the criminal procedure takes place, including the investigation stage, will be arranged so as to avoid direct contact between victims and their family members on the one hand and the person suspected of the infringement or accused on the other, as provided for in the Criminal Proceedings Act and without precluding the terms of the following Articles”.*

Article 21. Protection of the victim during the criminal investigation.

*“Authorities and officials entrusted with the criminal investigation shall, to the extent that this does not impair the effectiveness of the procedure, ensure that:*

*a) Victims' statements are taken when necessary, and without unjustified delay.*

*b) Victims' statements are taken the least possible number of times and only when strictly necessary for the purposes of the criminal investigation.*

*c) Victims may be accompanied, in addition to their representative in the procedure and as applicable by their legal representative, by a person of their choice during formalities in which they must take part unless decided otherwise, in reasoned form, by the official or authority assigned to the procedure, to guarantee that it is conducted correctly.*

*d) Medical examinations of victims will be performed only when essential to the ends of the criminal procedure, and the number of such examinations is kept to a minimum”.*

Article 25. Protective measures.

*“1. The following measures may be taken to protect victims during the investigation phase:*

*a) For the statement to be taken in spaces especially designed or adapted for the purposes.*

*b) For the statement to be taken by professionals who have received special training to reduce or limit harm to the victim, or with the help of such professionals.*

*c) All statements from a single victim will be taken by one person, unless to the significant detriment of the process, or directly by a Judge or Prosecutor.*

*d) For victims referred to in Article 23 paragraph 2, section b) points 3 and 4 and the victims of trafficking for sexual exploitation, the statement shall be taken by a person of the same sex as the victim should the victim so request, unless that may be to the significant detriment of the process, or the statement must be taken directly by a Judge or Prosecutor.*

*2. At the trial stage, pursuant to the Criminal Proceedings Act, the following measures may be adopted to protect victims:*

*a) Measures to avoid eye contact between the victim and the alleged perpetrator, including while evidence is being heard, which may use communication technologies.*

*b) Measures to guarantee that a victim can be heard while not present in the room where the trial is being held, using adequate communication technologies.*

*c) Measures to prevent questions related to the victim's private life and not relevant to the criminal act being adjudged, unless the Judge or Court considers exceptionally that they must be answered so as to adequately evaluate the facts or the credibility of the victim's statement.*

*d) For verbal proceedings to take place with no public present. In such cases, the Judge or Presiding Judge may however authorise the attendance of persons who accredit a special interest in the matter.*

*The measures referred to in point a) and c) may also be adopted during the investigation phase.*

*3. Similarly, to protect victims, the adoption may be ordered of any of the protective measures mentioned in Article 2 of Ley Orgánica 19/1994 of 23 of December protecting witnesses and experts in criminal cases”.*

Specifically, the protection of underage victims of human trafficking is enhanced, Article 26 of this Act providing as follows:

Article 26. Measures for the protection for minors and the disabled with special protection needs.

*“1. In the case of minor victims and the disabled requiring special protection, measures will be adopted in addition to those provided for in the previous Article, pursuant to the Criminal Proceedings Act, that prove necessary to avoid or as far as possible to limit the investigation or the hearing from becoming a new source prejudicial to the victim of the crime. In particular, the following will apply:*

*a) Statements taken during the investigation will be recorded using audiovisual media and may be reproduced during the hearing in the cases and conditions determined in the Criminal Proceedings Act.*

*b) The statement may be taken through experts.*

*2. The Prosecutor shall, in the following cases, ask the Judge or Tribunal to designate a judicial defence for the victim to represent them in the investigation and in the criminal proceedings:*

*a) Should it be considered that the legal representatives of a victim who is a minor or whose capacity has been judicially modified has a conflict of interest with them, whether or not related to the fact investigated, and which does not allow their interests to be handled adequately in the investigation or in the criminal procedure.*

*b) Should the conflict of interest referred to in point a) of this section be with one of the parents, and the other is not in a position to make adequate use of their functions to represent and assist the victim who is a minor or whose capacity has been judicially modified.*

*c) Should a minor victim or one whose capacity has been judicially modified not be accompanied by or is separated from those holding the custody or guardianship.*

*3. Should there be doubts as to the age of the victim and this cannot be determined with certainty, they will be deemed to be a minor for the purposes of the terms of this Act”.*

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

This question, concerning victims and witnesses, has been replied to throughout this questionnaire.

In relation to the possibility for a victim of trafficking to be assisted by a social worker, according to Articles 4, 21 and 28 of the Victims’ Statute and Article 433 of the Criminal Proceedings Act, there is provision for victims to be accompanied by a social worker, psychologist and/or an NGO representative during the investigation and court hearings.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, particularly with regard to offences committed outside the state’s jurisdiction (including cases where your national is a victim of THB committed abroad).

It is assumed that the question refers to trafficking crimes committed outside this country.

In this context, Article 23 of the Organic Judiciary Act allows Spanish courts to hear human trafficking crimes:

*“- committed in Spain (i.e. when Spain is the country of origin, transit or destination) and whether those investigated are Spanish or foreign.*

*.- committed overseas, but with the concurrence of any of the following conditions:*

1. *the procedure is against a Spaniard;*
2. *the procedure is against a foreigner habitually resident in Spain;*
3. *the procedure is against a legal entity, company, organisation, groups or any other category of body or groups of persons with headquarters or corporate domicile Spain; or,*
4. *the crime was committed against a victim who, at that moment, was a Spanish national or habitually resident in Spain, if the person charged with committing the illegal act is in Spain”.*

#### International cooperation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

In the framework of the Ministry of Foreign Affairs and Cooperation, the Spanish Agency for International Development Cooperation (AECID) has funded three projects in Mauritania, and another in Jordan as follows:

- Project: Fight against slavery practices in Mauritania.  
Budget: 85.000 euros (for the years 2013-2016).
- Project: Protection and Integration of Girls domestic workers who are victims of violence and abuse in Nuadibú (Mauritania).  
Budget: 200.000 euros (for 2015-2017).
- Project: Institutional empowerment to the Asociation of Women Head of Households in order to Protect Girl Domestic Workers (Mauritania).  
Budget: 150.000 euros (for the years 2014-2017).
- Project: Comprehensive Plan to fight trafficking of women and girls for sexual exploitation, 2015-2018 (Jordan)  
Budget: 175.000 euros (for the year 2015-2016)

Furthermore, in the framework of Ibero-America: Mexico and Paraguay, among others, three projects have been financed:

- Project: Comprehensive Plan to fight trafficking of women and girls for sexual exploitation, 2015-2018.
- Budget: 40.000 euros (2015)
- Project: Comprehensive Plan to fight trafficking of women and girls for sexual exploitation, 2015-2018

Budget: 40.000 euros (2015)

- Project: Comprehensive Plan to fight trafficking of women and girls for sexual exploitation, 2015-2018, México and Paraguay  
Budget: 600.000 euros (2015)

Furthermore, the Migration and Development Fund Spain-Economic Community of West African States (ECOWAS) finances (budget: 10 million euros) projects to promote free movement of people in Western Africa, to fight against human trafficking and to foster the link between migration and development. Currently, the funded projects are being implemented in Guinea-Bissau, Niger, Sierra Leone, Burkina Faso, Mali, Sierra Leone, Togo and Liberia

Finally, EACID has organized, in collaboration with many relevant stakeholder in our country as Prosecutor Office or the Ministry of Interior, in 2014 and 2015 different seminars on prevention and fight against THB in AECID's training centers in Colombia, Guatemala, Uruguay and Bolivia, with the attendance of ibero-american experts from public bodies, third sector and civil society. The main aim of this seminars is the exchange of knowledge and good practices and procedures. In this regard, we can mention the following ones:

1. "International Legal Framework to Protect Minors Against Sexual Assaults, Child pornography and Sexual Exploitation", 2014.
2. "International Seminar Concerning Gender Violence and Femicide in Latin America", 2014.
3. "Ibero-american Network Prosecutors Meeting Against Human Trafficking", 2015.
4. "Cybercrime: Implements for Protecting Minors against Sexual Assaults, Child Pornography and Sexual Exploitation", 2015.
5. "Open Meeting- Human Trafficking: Slavery in XXI Century", 2015.

Moving on now to the bilateral or multilateral agreements concluded by our country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement, the cooperation is based on the following Community instruments:

The Convention on Judicial Assistance in Criminal Matters between European Union Member States, made in Brussels on 29 May 2000, and the following instruments for mutual recognition, incorporated into this country's domestic legislation in Act 23/2014 of 20 November for the mutual recognition of criminal resolutions in the European Union:

- Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant
- Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence;
- Council Framework Decision of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders;

- Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters, imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union;
- Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions;
- Framework Decision 2009/829/JHA of 23 October 2009 on the application between European Union Member States of the principle of mutual recognition of decisions on supervision measures as an alternative to provisional detention.
- Directive 2011/99/EU of 13 December 2011 on the European protection order.

At the Council of Europe level, on 14 July 1982 Spain ratified the European Convention on Judicial Assistance in Criminal Matters made in Strasbourg on 20 April 1959 (Council of Europe), Article 21 of which allows the transmission of charges between States party to the Convention.

Spain has concluded the following regional Conventions with third countries:

A.- Central American Treaties:

- .- The Central American Extradition Treaty concluded on 7/2/1993 by Guatemala, Belize, El Salvador, Honduras, Nicaragua and the Dominican Republic.
- .- The Treaty on Mutual Legal Assistance in Criminal Matters concluded on 29/10/93 and in place since 18/12/1997 in Guatemala, Honduras, Nicaragua, Costa Rica and Panama.
- .- The Central American Treaty on the arrest warrant and simplified extradition concluded on 2/12/2005 by Belize, El Salvador, Guatemala, Nicaragua and the Dominican Republic.
- .- The 1992 Inter-American Convention on Mutual Assistance in Criminal Matters, ratified by most countries in the area and the Optional Protocol, ratified by a fewer.
- .- The San Luis Protocol for MERCOSUR (Argentina, Paraguay, Uruguay and Brazil).
- .- The “Belem do Pará” Inter-American Convention to prevent, punish and eradicate violence against Women.
- .- The Inter-American Extradition Convention and the Inter-American anti-Corruption Convention.
- .- The Inter-American Convention on the international trafficking of minors, also establishing the obligation to take measures to prevent trafficking of minors (Article 7).
- .- The Inter-American Convention for the enforcement of foreign criminal convictions, made in Managua on 9 June 1993.
- .- The Inter-American Convention on Mutual Assistance in Criminal Matters, approved in Nassau on 23 May 1992.

- The Inter-American Convention on Mutual Assistance in Criminal Matters, approved in Nassau on 23 May 1992.

#### B.- Bilateral Conventions:

Conventions on judicial assistance in criminal matters with Argentina, Bolivia, Colombia, the Dominican Republic, Chile, Mexico, Panama, Paraguay, Peru, El Salvador, Uruguay and Brazil.

Extradition Agreements have also been entered into with Cuba, Guatemala, Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, the Dominican Republic, Chile, the United States, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay and Venezuela.

To all the foregoing must be added the existence of IberRed, the Ibero-American international judicial cooperation NETWORK, along with the work being done by one of its component parts, the Ibero-American Association of Public Prosecutors (AIAMP).

Likewise, in the area of the EU, the work must be highlighted that is being done through the Liaison Magistrates and of Eurojust, the EU's body for judicial cooperation.

Collaboration has been strengthened in recent years with the Paraguayan authorities in investigating and prosecuting various networks for capturing women in that country, to transfer them to Spain for sex. This collaboration has been implemented between Spanish and Paraguayan police and Prosecutors in both countries, with highly satisfactory results.

Between 2011 and 2015, the Ministry of the Interior concluded Accords or Conventions with various countries for cooperation in combatting organised crime (including human trafficking):

- Convention of the Kingdom of Spain and Cameroon on cooperation in combatting crime, signed ad referendum in Madrid on 26/01/2011.

- Convention of the Kingdom of Spain and Serbia on cooperation in combatting crime, signed ad referendum in Madrid on 31/01/2011.

- Convention of the Kingdom of Spain and Bosnia-Herzegovina on cooperation in combatting crime, signed ad referendum in Madrid on 03/03/2011.

- Convention of the Kingdom of Spain and Croatia on cooperation in combatting crime, signed ad referendum in Madrid on 03/03/2011.

- Convention of the Kingdom of Spain and Kazakhstan on cooperation in combatting crime, signed ad referendum in Astana on 17/06/2011.

- Convention of the Kingdom of Spain and Qatar on cooperation in combatting crime, signed ad referendum in Astana on 26/04/2011.

- Convention of the Kingdom of Spain and the Republic of Ivory Coast on cooperation in combatting crime, signed ad referendum in Madrid on 17/07/2011.

- Convention of the Kingdom of Spain and the Republic of Panama on cooperation in combatting crime, signed ad referendum in Madrid on 25/07/2013.
- Accord between the Kingdom of Spain and the Republic of Moldavia on cooperation in security and combatting crime, signed in Madrid on 22/10/2013.
- Accord between the Kingdom of Spain and the Republic of Uzbekistan on cooperation in security and combatting crime, signed in Madrid on 05/11/2013.
- Convention between the Kingdom of Spain and Saudi Arabia on cooperation in security and combatting crime, signed in Madrid on 18/05/2014.
- Convention of the Kingdom of Spain and the United States of Mexico on cooperation in combatting crime, signed ad referendum in Madrid on 10/06/2014.
- Accord between the Kingdom of Spain and China on cooperation in security and combatting crime, signed in Madrid on 25/09/2014.
- Convention of the Kingdom of Spain and Chile on cooperation in combatting crime, signed ad referendum in Madrid on 30/10/2014.
- Convention of the Kingdom of Spain and Georgia on cooperation in combatting crime, signed ad referendum in Madrid on 21/01/2015.
- Convention of the Kingdom of Spain and Egypt on cooperation in combatting crime, signed ad referendum in Madrid on 30/04/2015.
- Convention of the Kingdom of Spain and Mauritania cooperation in combatting crime, signed ad referendum in Madrid on 20/01/2015.
- Convention of the Kingdom of Spain and Niger on cooperation in combatting crime, signed ad referendum in Madrid on 14/05/2015.
- Convention of the Kingdom of Spain and Andorra on cooperation in combatting crime, signed ad referendum in Madrid on 02/09/2015.
- Convention of the Kingdom of Spain and the Philippines on cooperation in combatting crime, signed ad referendum in Madrid on 18/12/2015.

Furthermore, Spain's GRETA Recommendations Report (see the answers to questions 11 and 17) drawn up at the end of 2015 sets out some of the measures adopted in this field by the Ministry of the Interior.

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case who your

authorities believe is in immediate danger in the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence in your territory? Please provide examples from practice.

Resources for judicial and police international cooperation have been used, as it is mentioned in the course of this questionnaire (answers 24, 51 and 56).

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

The Ministry of the Interior has put the following instrument in place:

Instruction 14/2014 of 3 July of the State Secretariat for Security regulating the procedure for the activation and operation of the “Alert – Missing Minor” system which, on request from the party responsible for the police investigation, broadcasts public alerts and calls for collaboration in cases of high-risk disappearances of minors through the media and other public and private resources disposed to collaborate (motorway and station displays, social networks, etc.) and nationally and internationally where such mechanism is considered necessary.

This Instruction states in general that, should there be a risk that a minor is in another country, the alert will be distributed to:

- The National Police Force’s International Cooperation Division (SIRENE, Europol, Interpol), for delivery to other Police Corps in the terms of the applicable International Accords and Treaties.
- When their international distribution is authorised in other similar systems, the channels for international cooperation established for cross-border activation will be used.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to cooperate with NGOs and other civil society organisations, including trade unions, to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

The measures for cooperation between the Public Administration and NGOs and other civil society organisations are set out in the GRETA Recommendations report (see the answer to Question 4) drawn up by Spain at the end of 2015, and in Answer 1 and others in this questionnaire, for example, among others, subsidies from the Ministry of Health, Social Services and Equality as well as the

Ministry of Employment and Social Security; participation in the training activities of those involved, and in the two-monthly National Rapporteur meetings; and involvement in the Framework Protocol for Protection of the Victims of Human Trafficking.

In this connection, it can be mentioned that 2016 saw the inclusion of two new civil society bodies dedicated to the care of human trafficking victims as full members of the Social Forum against Trafficking for Sexual Exploitation. Moreover, the State Secretariat for Security (Ministry of Interior) has given the Resolution (Administrative Instruction) 6/2016, on the proceeding of law enforcement agencies in the fight against trafficking in human beings and in the collaboration with organizations and entities with proven experience in the field of victims assistance.

#### Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

This question, concerning international instruments, has been answered in Question 56 of this Questionnaire.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

#### D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

This country's main players in preventing and combatting human trafficking are: the Ministry of Justice; the Ministry of Health, Social Services and Equality (the Government Delegation for Domestic Violence and the Directorate-General for Family Services and Children); the Ministry of Foreign Affairs and Cooperation (Spanish Agency for International Development Cooperation-AECID); the Ministry of Employment and Social Security (the General Secretariat for Immigration and Emigration and the Labour and Social Security Inspectorate); the Ministry of Education, Culture and Sport (National Centre for Innovation and Educative Investigation-CNIIIE); the Ministry of the Interior (National Police Force, Civil Guard and Counter-Terrorism and Organised Crime Intelligence Centre) and the Aliens Prosecutor's Office.

Information was also sought from the Spanish anti-Trafficking Network as requested by GRETA in the introductory section of this questionnaire, although the network has not reported to the Counter-Terrorism and Organised Crime Intelligence Centre in the matter.

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

The Ministry of the Interior (Counter-Terrorism and Organised Crime Intelligence Centre) as the National Rapporteur's focal point in questions of Human Trafficking in this country.







GOBIERNO DE ESPAÑA

MINISTERIO DEL INTERIOR

SECRETARÍA DE ESTADO DE SEGURIDAD

CENTRO DE INTELIGENCIA CONTRA EL TERRORISMO Y EL CRIMEN ORGANIZADO (CITCO)



MINISTERIO  
DEL INTERIOR

SECRETARÍA DE ESTADO DE SEGURIDAD

CENTRO DE INTELIGENCIA CONTRA EL  
TERRORISMO Y EL CRIMEN ORGANIZADO  
(CITCO)



**VOLUME 2 REPLY FROM THE  
SPANISH GOVERNMENT:  
GRETA 2014  
SECOND EVALUATION ROUND**

**Madrid, 17 October 2016**



## E. Statistics on THB (by year, as of 2010)

*Ley Orgánica* 5/2010 of 22 June amending *Ley Orgánica* 10/1995 of 23 November of the Criminal Code incorporates Title VII Bis “on trafficking in human beings” into the Spanish legal system and including Article 177 bis which provides for and classifies as an offence the trafficking in human beings and its purposes, entered into force in December 2010. That is why the provided data, strictly speaking, are for 2011, 2012, 2013, 2014 and 2015.

Data for 2016 on the different actors working in Spain to prevent and fight trafficking in human beings are being collected, assessed and analysed; therefore they will not be available until the end of this year.

Regarding the data for 2011, 2012, 2013 and 2014 on trafficking on human beings for purposes of sexual exploitation, police units have played an important role over the last years to fight this criminal activity, carrying out relevant administrative inspections and police investigations in cooperation with the Ministry of Employment and Social Security (Inspectorate for Labour and Social Security). However, this data is not included in the Management Data System on Trafficking in Human Beings – BDTRATA -- [Spanish Acronym] of the Intelligence Centre against Terrorism and Organised Crime. On the contrary, data for 2015 have been entered.

Number of victims identified by a state body or mandated NGO as entitled to any of the rights or entitlements of the services provided for in the Convention (detailed by sex, age, nationality, form of exploitation, internal or transnational trafficking and body which identified them).

In Spain, the identification of victims of trafficking in human beings is carried out by police units which are, under the provisions in force, specifically trained in the prevention and fight against this trafficking and the identification and assistance of the victims. The following Tables show the number of victims that have been identified.

	2011	2012	2013	2014	2015
Total (children and adults)	234	125	264	153	267
Boys	0	0	0	3	0
Girls	7	6	12	4	3
Total number of children	7	6	12	7	3
Adult men	17	2	1	4	101
Adult females	210	117	251	142	163
Total number of adults	234	119	252	146	264

	2011	2012	2013	2014	2015
Total number of victims trafficked for sexual exploitation	234	125	264	153	133
Total number of trafficked men for purposes of sexual exploitation	17	2	1	7	4
Total number of trafficked women for purposes of sexual exploitation	217	123	263	146	129

	2011	2012	2013	2014	2015
Total number of victims trafficked for forced labour					134
Total number of trafficked men for purposes of forced labour					97
Total number of trafficked women for purposes of forced labour					37

2011		2012		2013		2014		2015	
Nationality	Number of victims	Nationality	Number of victims	Nationality	Number of victims	Nationality	Number of victims	Nationality	Number of victims
Your country	8	Your country	0	Your country	15	Your country	10	Your country	22
Romania	65	Romania	34	Romania	130	Romania	77	China	49
Russia	49	Paraguay	34	Nigeria	34	Nigeria	16	Romania	42
Bulgaria	27	Brazil	15	Paraguay	32	Bulgaria	14	Portugal	38
Nigeria	18	China	7	Brazil	10	Paraguay	9	Nigeria	17
Paraguay	18	Nigeria	6	China	9	Brazil	6	Lithuania	17
Brazil	15	Bulgaria	2	Dominican Republic	8	China	5	Bulgaria	11
Dominican Republic	6	Ecuador	2	Bulgaria	6	Dominican Republic	4	Paraguay	10
China	4	Equatorial Guinea	2	Bosnia and Herzegovina	3	Ecuador	2	Pakistan	10
Morocco	3	Russia	2	Côte d'Ivoire	3	Morocco	2	Morocco	8
Lithuania	2	Ukraine	2	Morocco	3	Cameroon	1	Colombia	6

Nationality	Number of victims	Nationality	Number of victims	Nationality	Number of victims	Nationality	Number of victims	Nationality	Number of victims
Nicaragua	2	Algeria	1	Algeria	2	Colombia	1	Brazil	5
Ukraine	2	Colombia	1	Cameroon	1	Cuba	1	Dominican Republic	4
Venezuela	2	Morocco	1	Colombia	1	Poland	1	Russia	4
Albania	1	Dominican Republic	1	Guinea	1	Russia	1	Cuba	2
Cuba	1	Unknown	15	Italy	1	Thailand	1	Ukraine	2
Ecuador	1		125	The Netherlands	1	Uganda	1	Venezuela	2
Estonia	1			Democratic Republic of the Congo	1	Venezuela	1	Benin	1
Unknown	9			Czech Republic	1		153	Belgium	1
	234			Russia	1			Cameroon	1
				Venezuela	1			Costa Rica	1
					264			Eslovenia	1
								Ghana	1
								Equatorial Guinea	1
								Italy	1
								Kenya	1
								Malawi	1
								Democratic Republic of the Congo	1
								Rwanda	1
								Uganda	1
								Bosnia and Herzegovina	1
								France	1
								Georgia	1
								India	1
								Moldova	1
									267

	2011	2012	2013	2014	2015
Citizens from your country victims of human trafficking (in your country)	0	0	14	8	7

Source: Intelligence Centre against Terrorism and Organised Crime

Number of alleged victims the relevant authorities had “reasonable grounds” to believe them being victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking and the body which identified them).

Please clarify if the figure includes the victims formally identified or it is an additional number.

In Spain, the term “alleged victims” is not recognized by those responsible for the identification of the victims –whether they are victims or not of THB–.

In Spain, people at risk identified by the prevention work of Law Enforcement Agencies are registered but no victim or alleged victim category is used, that is, only the following people are registered:

- Victims of trafficking in human beings, and
- People at risk (may not be necessarily alleged victims)

Number of victims granted a period of recovery and reflection (if possible disaggregated by sex, age, nationality and form of exploitation).

Granted Periods of Recovery and Reflection									
2011		2012		2013		2014		2015	
F	M	F	M	F	M	F	M	F	M
62	4	63	5	92	7	59	3	86	9
Total: 66		Total: 68		Total: 99		Total: 62		Total: 95	

Source: Office of the Commissioner-General for Aliens and Borders (National Police)

Number of victims who received assistance (if possible detailed by sex, age, nationality, form of exploitation, national or transnational trafficking)

Although no exact data is available, the majority of victims of human trafficking identified by police corps received any kind of assistance: psychological, legal, medical, interpretation service and shelter. This assistance was provided by NGOs and entities with proven experience in victims assistance.

Number of victims who were granted a residence permit, with an indication of the type of permit and its duration (if possible, disaggregated by sex, age, nationality and form of exploitation).

The following table shows the number of temporary and permanent residence permits that have been granted to victims of trafficking in human beings for sexual and labour exploitation who have collaborated with Law Enforcement Agencies, as provided for in Article 144 of Royal Decree 557/2011 of 20 April by which Regulation implementing the *Ley Orgánica 4/2000* on rights and liberties of foreign nationals in Spain and their social integration is approved, after being amended by *Ley Orgánica 2/2009*.

YEAR	NATIONALITY	GRANTED
2011	NIGERIA	1
	TOTAL	1
2012	BRAZIL	4
	INDIA	1
	THAILAND	1
	TOTAL	6
2013	BOLIVIA	1
	BRAZIL	3
	CHINA	2
	INDIA	1
	MALAYSIA	1
	NIGERIA	6
	PARAGUAY	3
	DOMINICAN REPUBLIC	2
	TOTAL	19
2014	BRAZIL	1
	NIGERIA	16
	PAKISTAN	2
	PARAGUAY	1
	REPUBLIC OF MOLDOVA	1
	DEMOCRATIC REPUBLIC OF THE CONGO	2
	OTHER NATIONALITIES	2
	TOTAL	25
2015	CAMEROON	2
	NIGERIA	28
	PARAGUAY	3
	DOMINICAN REPUBLIC	1
	RUSSIA	2
	Other nacionalities	2
	TOTAL	38

Source: Office of the Commissioner-General for Aliens and Borders (National Police)

The following table shows the number of initial temporary residence and working permits granted based on exceptional circumstances (personal situation), as provided for in Article 59 bis. 2 and Article 144.1 y 5 of Royal Decree 557/2011 of 20 April by which Regulation implementing the *Ley Orgánica 4/2000* on rights and liberties of foreign nationals in Spain and their social integration is approved, after being amended by *Ley Orgánica 2/2009*.

	2012	2013	2014	2015
TEMPORARY RESIDENCE PERMIT BASED ON EXCEPTIONAL CIRCUMSTANCES   Children of victims of trafficking in human beings <16 years old in Spain (Art. 59 bis.2 <i>Ley Orgánica 4/2000</i> ). Personal situation	0	2	4	3
TEMPORARY RESIDENCE AND WORK PERMIT BASED ON EXCEPTIONAL CIRCUMSTANCES   Victims of trafficking in human beings (Art. 144. 1 y 5 <i>Ley Orgánica 4/2000</i> ). Personal situation.	1	2	8	16
TOTAL	1	4	12	19

Source: Central Register of Foreign Nationals

Number of victims that demanded a compensation and received it (where possible broken down by gender, age group, nationality and type of exploitation), with an indication as to whether the compensation was provided by the perpetrator or by the State and the amount granted.

The Public Prosecutor is entrusted with requesting compensation for all victims of any offence. This compensation is claimed and obtained in the course of criminal proceedings against traffickers, and it is not necessary that victims initiate other compensation proceedings.

This obligation is consistently fulfilled by the Public Prosecutor except in cases where the victims themselves voluntarily and expressly waive compensation.

The amount of said compensation must be paid by the defendant or defendants. Since compensations depend on the physical and psychological damage suffered by the victims, they are calculated on a case-by-case basis and may vary.

	Death toll	Gender	Age	Nationality	Type Exploitation	Amount Compensation
2012	1	F	Adult	Bulgaria	TSH Sexual	4,000 Euros
	2	F	Idem	Paraguay	Idem	30,000 Euros (15,000 Euros)
2013	1	F	Minor	Romania	Idem	10,000 Euros
	1	F	Idem	Romania	Idem	60,000 Euros
	2	F/M	Adult	Romania	TSH Mendicidad	300 Euros
	1	F	Adult	Nigeria	TSH Sexual	60,000 Euros
2014	1	F	Idem	Idem	Idem	15,000 Euros

Death toll	Gender	Age	Nationality	Type Exploitation	Amount Compensation	
1	F	Idem	Romania	Idem	7,000 Euros	
1	F	Idem	Guinea	Idem	6,000 Euros	
1	F	Minor	Romania	Idem	6,000 Euros	
1	F	Adult	Romania	Idem	15,000 Euros	
3	F	Idem	Nigeria	Idem	125,000 Euros (To one of them)	
2	F	Idem	Nigeria	Idem	12,000 Euros (6,000 Euros)	
2	F	Minor	Romania	Idem	65,000 Euros (45,000 and 20,000 Euros)	
2015	2	F	Adult	Nigeria	TSH Sexual	30,000 Euros to each of them
	2	F	Adult	Idem	Idem	4,700 Euros to each of them
		Minor				
	2	F	Idem	Romania	Idem	18,000 Euros to each of them
	2	F	Adult	Idem	Idem	55,000 and 10,000 Euros
		Minor				10,000 Euros
	1	F	Adult	Idem	Idem	3,000 Euros
	39	F	Idem	Russia	Idem	3,000 to each of them
	9	F	Idem	Romania	Idem	NO
	2	F	Idem	Nigeria	Idem	20,000 Euros to each of them
	1	F	Minor	Romania	Idem	40,000 Euros
	3	F	Adult	Idem	Idem	71,000 and 49,000 Euros
		Minor				
	2	F	Idem	Idem	Idem	45,000 Euros
						20,000 Euros
	1	F	Adult	Idem	Idem	15,000 Euros
	2	F	Idem	Nigeria	Idem	3,800 to each of them
	1	F	Idem	Romania	Idem	12,000 Euros
	2	M	Idem	Idem	Trafficking in Human	2,000 to each of them

Death toll	Gender	Age	Nationality	Type Exploitation	Amount Compensation
				Beings for labour exploitation	
2	F	Idem	Idem	Trafficking of Human Beings for sexual exploitation.	THEY WAIVE COMPENSATION
1	F	Minor	Nigeria	Idem	NO
2	F	Adults	Idem	Idem	15,000 Euros to each of them
1	F	Idem	Romania	Idem	65,000 Euros
2	M	Idem	Idem	Trafficking in Human Beings for begging	30,000 Euros to each of them
1	F	Minor	Idem	Idem	40,000 Euros
3	F	Adult	Idem	Idem	71,000 and 49,000 Euros
		Minor			
2	F	Minors	Idem	Idem	45,000 and 20,000 Euros
1	F	Adult	Idem	Idem	15,000 Euros
2	F	Adult	Nigeria	Idem	3,800 to each of them
1	F	Idem	Romania	Idem	12,000 Euros
2	F	Idem	Idem	Trafficking in Human Beings for labour exploitation	2000 Euros to each of them
2	F	Idem	Idem	Trafficking in Human Beings for sexual exploitation	THEY WAIVE COMPENSATION
1	F	Minor	Nigeria	Idem	NO
2	F	Adult	Idem	Idem	15,000 Euros to each of them
1	F	Idem	Romania	Idem	65,000 Euros
2	M	Idem	Idem	Trafficking in Human Beings for begging	30,000 Euros to each of them

Fuente: Fiscalía de Extranjería

Number of victims repatriated to their country of origin (assisted return). (Where possible broken down by gender, age group, nationality and type of exploitation.)

Number of victims repatriated from their country of origin to another country (where possible broken down by gender, age group, nationality and type of exploitation.)

Assisted return from Spain									
2011		2012		2013		2014		2015	
F	M	F	M	F	M	F	M	F	M
--	--	--	--	29	0	12	0	21	3
Total: 9		Total: 16		Total: 29		Total: 12		Total: 24	

Source: Secretary of State for Immigration and Emigration (Ministry of Employment and Social Security)

Number of investigations of cases of Trafficking in Human Beings.

Instructed police records	2011	2012	2013	2014	2015
Total	87	55	97	75	80

Source: Centro de Inteligencia contra el Terrorismo y el Crimen Organizado (Center of Intelligence against Organized Crime and Terrorism)

The data provided for the years 2011, 2012, 2013 and 2014 correspond to the police records instructed as a result of investigations initiated for the offence of Trafficking in Human Beings for sexual exploitation, while in the data for 2015 included those instructed for an offence of Trafficking in Human Beings for labour exploitation (Trafficking in Human Beings for sexual exploitation: 63 and Trafficking in Human Beings for labour exploitation: 17)

Number of prosecutions of cases of Trafficking in Human Beings.

	Accusations/Prosecutions														
	2011			2012			2013			2014			2015		
	THB S	THB L	Begging	THB S	THB L	Begging	THB S	THB L	Begging	THB S	THB L	Begging	THB S	THB L	Begging
Number of prosecutions	0	0	0	9	0	0	29			18	0	1	12	4	2
Number of defendants	0			15			120			49	0	2	36	12	16

Fuente: Fiscalía de Extranjería

Number of convictions for Trafficking in Human Beings that resulted in sentences of deprivation of liberty, with an indication as whether these sentences were served or suspended and their length.

In 2011 there were no convictions related to the offence of Trafficking in Human Beings.

## Year 2012

Two (2) sentences were imposed (in both cases there were convictions according to the meaning of the Public Prosecutor) for offences of Trafficking in Human Beings for sexual exploitation that took place in 2011:

- Conviction: Barcelona 26-11-2012
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution, physical assaults and suicide attempts.
  - Sentences of deprivation of liberty for those convicted: Six years and seven months.
- Conviction: Madrid 26-12-2012
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution, sexual abuse and intimidation.
  - Sentences of deprivation of liberty for those convicted: Thirty seven years.

## Year 2013:

Six (6) convictions were imposed in trials for Trafficking in Human Beings, five of them for sexual exploitation and one for begging.

- Conviction: Barcelona 06-12-2013
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution, physical assaults and forgery of documents.
  - Sentences of deprivation of liberty for those convicted: Twelve years, six months and one day.
- Conviction: Madrid 08-03-2013
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution, physical assaults and threats.
  - Sentences of deprivation of liberty for those convicted: Nine years.
- Conviction: Madrid 22-04-13
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution, physical assaults and forgery of documents.
  - Sentences of deprivation of liberty for those convicted: Twelve years.
- Conviction: Madrid 30-12-2013
  - Type: Trafficking in Human Beings for sexual exploitation and forced prostitution.
  - Sentences of deprivation of liberty for those convicted: Twelve years.

- Conviction: Cadiz 28-06-2913
  - Type: Trafficking in Human Beings for begging, physical assaults and sexual abuses.
  - Sentences of deprivation of liberty for those convicted: Nineteen years.
- Conviction: Cuenca 02-04-2013
  - Type: Trafficking in Human Beings for sexual exploitation.

In relation to this last sentence, it should be noted that the person accused was found guilty of the offence of prostitution and was acquitted of the offence of trafficking of which he was accused by the Public Prosecutor since the events had taken place before the the entry into force of article 177 bis of the Criminal Code.

#### Year 2014

Eight (8) convictions were imposed in trials for Trafficking in Human Beings for sexual exploitation.

- Conviction: Madrid 25-12-2014
  - Type: Trafficking in Human Beings for sexual exploitation and forced prostitution.
  - Sentences of deprivation of liberty for those convicted: Seven years.
- Conviction: Vigo 14-05-2014
  - Type: Trafficking in Human Beings for sexual exploitation.
  - Sentences of deprivation of liberty for those convicted: Three years.
- Conviction: Madrid 12-06-2014
  - Type: Trafficking in Human Beings for sexual exploitation and sexual abuse.
  - Sentences of deprivation of liberty for those convicted: Fourteen years.

In relation to this sentence, it should be noted that it has been reversed by the Supreme Court, that suspends the conviction for trafficking and maintains the conviction for sexual abuse.

- Conviction: Castellon 27-07-2014
  - Type: Trafficking in Human Beings for sexual exploitation and forced prostitution.
  - Sentences of deprivation of liberty for those convicted: Twenty eight years and nine months.
- Conviction: Madrid 12-06-2014
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution and physical assaults.
  - Sentences of deprivation of liberty for those convicted: Eight years.

- Conviction: Barcelona 15-09-2014
  - Type: Trafficking in Human Beings for sexual exploitation, money laundering, criminal organization and others.
  - Sentences of deprivation of liberty for those convicted: Hundred and twenty five years and eighteen months.
  
- Conviction: Valencia 24-03-2014
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution and physical assaults.
  - Sentences of deprivation of liberty for those convicted: Five years and six months.
  
- Conviction: Madrid 24-10-2014
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution, criminal organization and others.
  - Sentences of deprivation of liberty for those convicted: Forty five years, six months and two days.

#### Year 2015

Twenty (20) convictions were imposed in trials for Trafficking in Human Beings: eighteen for Trafficking in Human Beings for sexual exploitation, one for Trafficking in Human Beings for labour exploitation and one for Trafficking in Human Beings for begging.

- Conviction: Las Palmas 25-09-2015
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution and irregular immigration.
  - Sentences of deprivation of liberty for those convicted: Twenty years.
  
- Conviction: Pontevedra 01-07-2015
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution, irregular immigration, money laundering and others.
  - Sentences of deprivation of liberty for those convicted: Fourteen years and seven months.
  
- Conviction: Malaga 15-01-2015
  - Type: Trafficking in Human Beings for sexual exploitation and others.
  - Sentences of deprivation of liberty for those convicted: Seventy seven years, as well as nine months.

- Conviction: Avila 20-01-2015
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution and physical assaults.
  - Sentences of deprivation of liberty for those convicted: Twenty four years.
- Conviction: Madrid 20-01-2015
  - Type: Trafficking in Human Beings for sexual exploitation.
  - Sentences of deprivation of liberty for those convicted: Seven years.
- Conviction: Audiencia Nacional (National High Court) 26-01-2015
  - Type: Trafficking in Human Beings for sexual exploitation, irregular immigration, money laundering and others.
  - Sentences of deprivation of liberty for those convicted: Twenty eight years and 46 months.
- Conviction: Malaga 18-02-2015
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution and others.
  - Sentences of deprivation of liberty for those convicted: Sixty three years and two months.
- Conviction: Madrid 09-03-2015
  - Type: Trafficking in Human Beings for sexual exploitation and sexual exploitation.
  - Sentences of deprivation of liberty for those convicted: Thirty six years.
- Conviction: Valladolid 27-03-2015
  - Type: Trafficking in Human Beings for sexual exploitation and sexual exploitation.
  - Sentences of deprivation of liberty for those convicted: Twenty three years, as well as nine months.
- Conviction: Madrid 14-04-2015
  - Type: Trafficking in Human Beings for sexual exploitation, sexual exploitation and others.
  - Sentences of deprivation of liberty for those convicted: Hundred and fifty three years.
- Conviction: Madrid 19-05-2015
  - Type: Trafficking in Human Beings for sexual exploitation, sexual exploitation, criminal organization and others.
  - Sentences of deprivation of liberty for those convicted: Sixty two years.

- Conviction: Malaga 03-06-2015
  - Type: Trafficking in Human Beings for sexual exploitation and sexual exploitation.
  - Sentences of deprivation of liberty for those convicted: Sixteen years.
  
- Conviction: Pontevedra 11-06-2015
  - Type: Trafficking in Human Beings for sexual exploitation, sexual exploitation and forgery of documents.
  - Sentences of deprivation of liberty for those convicted: Twenty two years and two months.
  
- Conviction: Malaga 14-09-2015
  - Type: Trafficking in Human Beings for sexual exploitation and forced prostitution.
  - Sentences of deprivation of liberty for those convicted: Thirteen years.
  
- Conviction: Sevilla 25-10-2015
  - Type: Trafficking in Human Beings for labour exploitation and others.
  - Sentences of deprivation of liberty for those convicted: Sixteen years.
  
- Conviction: Madrid 30-11-2015
  - Type: Trafficking in Human Beings for sexual exploitation and others.
  - Sentences of deprivation of liberty for those convicted: Eighteen years.
  
- Conviction: Lerida 01-12-2015
  - Type: Trafficking in Human Beings for sexual exploitation and others.
  - Sentences of deprivation of liberty for those convicted: Twenty eight years and eighteen months.
  
- Conviction: Sta. Cruz de Tenerife 28-12-2015
  - Type: Trafficking in Human Beings for sexual exploitation, forced prostitution and irregular immigration.
  - Sentences of deprivation of liberty for those convicted: Ten years and 12 months.
  
- Conviction: Barcelona 28-12-2015
  - Type: Trafficking in Human Beings for sexual exploitation and sexual exploitation.
  - Sentences of deprivation of liberty for those convicted: Six years and six months.
  
- Conviction: Almeria 13-11-2015
  - Type: Trafficking in Human Beings for begging.
  - Sentences of deprivation of liberty for those convicted: Sixteen years.

In relation to this last sentence, it should be noted that it has been suspended.

Number of sentences resulting in the forfeiture of assets.

Between 2012 and 2015 seven sentences were imposed by which it was ordered the forfeiture of assets and proceeds of crime.

Number of trials resulting in the closure of a business or an establishment that had been used for Trafficking in Human Beings.

Between 2013 and 2015 2 sentences were imposed by which it was ordered th clousure of the establishments where trafficking in persons was committed. In this regard, please note that this crime not always is linked to a business or an establishment.

Number of convictions for using the services of a victim of Trafficking in Human Beings:

In Spain, to use sexual services from a trafficked person is not expressly punishable by law. Potential cases would be dealt with according to other provisions of the Penal Code providing that it would be possible to prove that whoever uses these services does it with the awareness of the specific situation of the victim.

Source: Fiscalía de Extranjería (Foreign Nationals Prosecution Service)







GOBIERNO DE ESPAÑA

MINISTERIO DEL INTERIOR

SECRETARÍA DE ESTADO DE SEGURIDAD

CENTRO DE INTELIGENCIA CONTRA EL TERRORISMO Y EL CRIMEN ORGANIZADO (CITCO)