

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2020)06

**Report submitted by the authorities of Spain
on measures taken to comply with
Committee of the Parties Recommendation
CP(2018)27 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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Spanish contribution to Recommendation CP (2018)27 on the implementation of the Council of Europe Convention on action against trafficking in human beings.

According to the list of recommendations for immediate action adopted by the Committee of the Parties in its 23rd meeting (9th November 2018), Spain deliver the following contribution¹:

1. **Adopt as a matter of priority a comprehensive national action plan including measures to:**
 - a. **strengthen action to combat THB for the purpose of labour exploitation and improve the identification of, and assistance to, victims of this form of trafficking, involving civil society, trade unions, labour inspectorates and the private sector;**
 - b. **address all victims of trafficking for all forms of exploitation, including forced marriage, forced begging, forced criminality and the removal of organs, while considering the gender dimension of trafficking and the particular vulnerability of children;**
 - c. **prioritize the identification of victims of trafficking amongst asylum seekers and irregular migrants.**

In 2017, the **National Security Strategy** established that organized crime represented one of the most determining threats these days. In this framework, it specifically mentions trafficking in human beings, the different illegal forms of trafficking or money laundering due to their seriousness.

In 2017, the National Police and the Guardia Civil approved their **strategic Plans** for the next few years, establishing the fight against organized crime, which encompasses trafficking in human beings, as a priority for both.

In 2019, the **National Strategy against Organized Crime and Serious Crimes (2019-2023)** was approved. The Strategy covers the fight against trafficking in human beings as one of its priorities. In order to address this phenomenon, it establishes several lines of action, among which, a **National Strategic Plan against Trafficking and Exploitation of Human Beings**, can be underscored. Its drafting is coordinated by the State Secretariat for Security and it includes the participation of all stakeholders.

This Plan, which is currently under draft stage, includes two recent recommendations. On the one hand, the recommendation issued by the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe, which in its last report urged the Spanish authorities to adopt with priority an integral plan to tackle THB in any of its forms, improving identification and assistance to victims. On the other hand, the recommendation of the U.S. Department of State advises our country in its last report about trafficking in human beings to design and implement a new national action plan that addresses all forms of trafficking in human beings appropriately.

The plan presents a structure divided into two blocks: one is the legal framework of the phenomenon of trafficking in human beings together with an updated vision of the situation in our country and the other is the goals and criteria on which it was designed and a series of actions necessary to have an integral approach with full guarantees.

¹ Please note that the response given for a specific section may apply to other recommendations.

For that and following the usual approach of the different protocols, conventions, strategies and action plans that have been developed since 2000 at international level, the Plan is organized around 5 priorities for an effective action against trafficking in human beings:

1. Detection and prevention of trafficking in human beings
2. Protection, assistance and recovery of the victims
3. Prosecution of the crime
4. Cooperation and y coordination
5. Increasing knowledge about this phenomenon

For each of these priorities, action lines and measures have been established that require a prior and fundamental effort in terms of a legislative reform, as well as firm commitment by all stakeholders. These measures affect all purposes of human trafficking, including forced marriages, forced begging, forced crime and organs removal, adopting a victim-centred approach, with a gender perspective and considering the special vulnerability of some victims such as minors or disabled persons.

In order to guarantee the appropriate multidisciplinary approach of the Plan, it is foreseen to take into account the contributions of the organizations and entities of the civil society with respect to the measures drafted.

The future development of this plan includes the implementation of sectorial plans in the area of trafficking for sexual exploitation and labour exploitation (see section 3).

In the area of sexual trafficking, the Comprehensive Plan against Trafficking in Women and Girls for the Purpose of Sexual Exploitation 2015-2018 continues to be implemented despite the fact that it expired on 31 December 2018. Once the 4th Follow-up Report was drafted, it was presented to the members of the Social Forum against Trafficking in human beings for the purposes of sexual exploitation for its agreement and brought to the Council of Ministers for their knowledge. The Plan is under evaluation by an external evaluator and a set of indicators created in the Working Group of the Social Forum is being applied.

The evaluation aims at analysing the implementation of the Plan from the quantitative and the qualitative perspective in order to draft recommendations and areas for improvement for future plans and policies related to THB for the purposes of sexual exploitation, as well as to draft new measures and actions according to the State Agreement against Gender Violence.

The evaluation of the Plan will be finalized in 2020 and will be used to determine what instrument must be created for the implementation of new measures and to address the challenges and proposals for improvement included in it. Therefore, this questionnaire is filled in using information from the preliminary report drafted on December, warning that its conclusions may be nuanced once the evaluation process is over. Likewise, we will try to reflect information regarding the period requested, eliminating aspects that refer to previous and subsequent years, as the Plan encompasses a wider period, i.e., from 2015 to 2018.

Notwithstanding the above, the reports corresponding 2017 and 2018 are available and can be found in the following links: [2017](#) and [2018](#).

Once the evaluation process has ended, a new Plan focused again on sexual trafficking of women and girls is foreseen.

Apart from that, since 2018, as a consequence of the approval by the Spanish Parliament and the Senate of the Reports for a State Agreement against Gender Violence, the work on trafficking for the purposes of sexual exploitation revolves around 10 pillars, with special attention to the enforcement of measures specifically related to trafficking of women and girls for sexual exploitation (Pillar 8). Notably, an integral law for combating trafficking for sexual exploitation is foreseen to be drafted.

On the other hand, regarding the specific measures developed in the period in question (2017-2019), the following are to be highlighted:

I. Reinforcement of the inter-institutional collaboration through:

- Commission for the Follow-up of the application of the Framework Protocol of Victims of Trafficking (28th October 2011), established on the 7th of June 2012.
- Social Forum against Trafficking for the purposes of sexual exploitation, created in 2009.
- Coordination at national level: Sectorial Conference on Equality (Regulation of 21 May 2012); and Unit for Coordination and Violence against Women at the Government Delegations and Sub-delegations, and the Directorates of the islands, with functions since 2013.
- Regular coordination meetings with the National Rapporteur against Trafficking in Human Beings (Ministry of the Interior, according to the Directive 2011/36/EU, of 5 April).

II. Fostering the involvement of professionals from different areas in the early detection of potential victims and improving their access to assistance and protection. In order to do so, we must reinforce the practical implementation of sectorial protocols created for this purpose, such as:

- Protocol for detection and assistance to children victims of trafficking in human beings, approved by the Childhood Observatory on the 1st of December 2017, who are especially vulnerable to trafficking and sexual exploitation. To promote its implementation, it is foreseen to include it as an appendix to the Framework Protocol for the Protection of Victims of Trafficking in Human Beings (2011).
- Appendix to the Healthcare Protocol for the detection of potential victims of trafficking by healthcare staff, approved by the Commission on Gender Violence of the Inter-territorial Council of the National Healthcare System on the 24th of April 2018. The Government Delegation monitors its application thanks to the Commission on Gender Violence, in which it participates.
- Protocol for the referral of potential victims of trafficking in human beings who apply for international protection at airports (15th of October, 2019). For the correct functioning of this protocol, the participation of the Ministry of the Interior needs to be formalized.

III. Support to the victims reinforcing assistance services for their specific needs.

Currently, programmes against trafficking of human beings for the purposes of sexual exploitation receive the following financing lines:

- Annual grants call of the Government Delegation for Gender Violence with a budget of EUR 4,000,000. One new feature is that the Project of General State Budget for 2020 includes an increase in this budget, with the additional amount of EUR 1,250,000.
- Financing programmes to combat trafficking of women in the framework of the grant call to be paid by the allocation of part of the income tax (0.7%) for other social purposes (out of the EUR 7 million allocated to violence against women, approximately EUR 2 million will be designated to these specific programmes).

- Transfer of competencies of the State Agreement against Gender Violence to Autonomous Regions, Autonomous Cities and local institutions.

IV. Improving knowledge on trafficking of women and girls for sexual exploitation.

It is foreseen to reinforce the process of reception and data systematization by specialized organizations conducting a study to analyze the potential improvements of methods and techniques in the process of gathering statistical information by the institutions that receive the subsidies from the Government Delegation in order to standardize and harmonize criteria, indicators and variables, as well as terminology, and designing a simple form with clear instructions that provides homogeneous and reliable data about this matter.

2. **Finalise the development of a comprehensive and coherent statistical system on measures to protect and promote the rights of victims of trafficking as well as on the investigation, prosecution and adjudication of THB cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims are asked to provide information for the national database.**

In this field, the work done in recent years by the Counter-Terrorism and Organised Crime Intelligence Centre (CITCO) is worthy of special mention.

CITCO's specific functions include management of the information supplied by the State Security Forces referring to the various categories of human trafficking (sexual, occupational, forced marriage, begging, criminal activities) from a twin standpoint: preventive and repressive.

In the field of human trafficking, the CITCO has concentrated on devising a data-collection system making it possible to use the information available on the phenomenon, initially the sexual aspect, while acting as a basic tool in elaborating strategic intelligence on the matter.

The following are the essential objectives of this collection of data:

- To learn about the reality of human trafficking.
- To define the profiles of the victims and of those committing the crime.
- To define the zones and places where prostitution occurs.
- To distribute human and material resources among the State Law Enforcement Agencies.
- To respond to the requirements of national and international institutions.

On this basis, the foundations were laid for the human trafficking data base (BDTRATA) which can be summarised as follows:

- It is able to collect data on all types of human trafficking. Until 2014, the data used referred to the sexual aspect, given the existence of a Comprehensive Plan in this field. Since 2015, the data for labour have been incorporated and, since 2016, those on the other aims of trafficking dealt with in our current legal provisions. This is a key point to be kept in mind when analyzing the statistical data included in this report.
- The base has a twin profile. On the one hand, the preventive dimension, from the inspections carried out by police forces in centres of prostitution or which may house suspicious labour activities. On the other, repressive action, in the

form of police reports drawn up on the basis of the alleged commission of a crime of human trafficking.

- The police unit assigned an inspection or to draft a report is entrusted with the introduction of all the information into the data base, and the units above the one recording verify the quality of the data.
- The CITCO monitors the information, checks it, gives its final endorsement, and uses it to design strategic intelligence.

The base took on a dimension of maximum relevance with the approval of the First Comprehensive Plan to Combat Human Trafficking for Sexual Exploitation (2009-12). Under this Plan, the Ministry of the Interior and specifically the CITCO should:

- Include the specific intelligence data in the files analysing organised groups, for subsequent use.
- Integrate the information on investigations into criminal trafficking networks.
- Draw up reports on this criminal phenomenon.
- Implement coordinated operations in this area.
- Enhance coordination with authorised centres in other countries

Following approval of the Comprehensive Plan to Combat Trafficking of Women and Girls for sexual exploitation (2015-2018), the CITCO was given the specific task of updating and improving the human trafficking data base, encouraging the incorporation of information from all administrations and from the organisations specialised in integral care for victims.

Moreover, since 2014, the Centre has been designated as a focal point for trafficking in human beings, as backup to the National Human Trafficking Rapporteur.

In addition, since 2014 the Centre has been designated as the focal point for trafficking in human beings to support the National Rapporteur. As such, CITCO maintains frequent contacts with the other public administrations involved as well as with the Specialised Office of the General Prosecutor, receiving the statistical reports that are used in the various reports delivered to international organizations and to learn the true nature and dimension of the phenomenon at the national level. National Rapporteur and its focal point also hold regular meetings with civil society organizations and entities, from which they receive information and statistical data on their activities in the field of human trafficking.

In addition to the above, the Specialised Office of the General Prosecutor monitors all the offences of human trafficking, including comprehensive and complete statistics of all investigations, prosecutions and sentences. For the General Prosecutor's Office, the fight against human trafficking has been a priority from the very beginning and continues to be so, at the same level as the fight against drug trafficking, terrorism or environmental crimes. Not for nothing does it constitute a subject of specialization within the structural organization of the Office.

Every year on the website <https://www.fiscal.es> a monographic study on the Monitoring of the Crime of Human Trafficking is published. This Study incorporates the statistical tables regarding the victims broken down by different variables: sex, age, type of exploitation, country of origin and/or destination. In addition, it has been a matter of special relevance in the Report of the Attorney General's Office for 2019, as it incorporates a Monographic Study on Human Trafficking in Spain, in which a detailed criminological study is carried out on the evolution of the phenomenon in our country since 2013.

It should also be noted that, in addition to the fact that the monitoring and/or coordination of proceedings for crimes of human trafficking is entrusted to prosecutors specializing in the subject, the Foreign Nationals Unit of the FGE carries out exhaustive monitoring and control of all such cases opened in the national territory through the initiation of so-called follow-up proceedings. These files are opened (one for each case), with the aim of learning about, coordinating, advising on and providing an unambiguous response to the trafficking procedures.

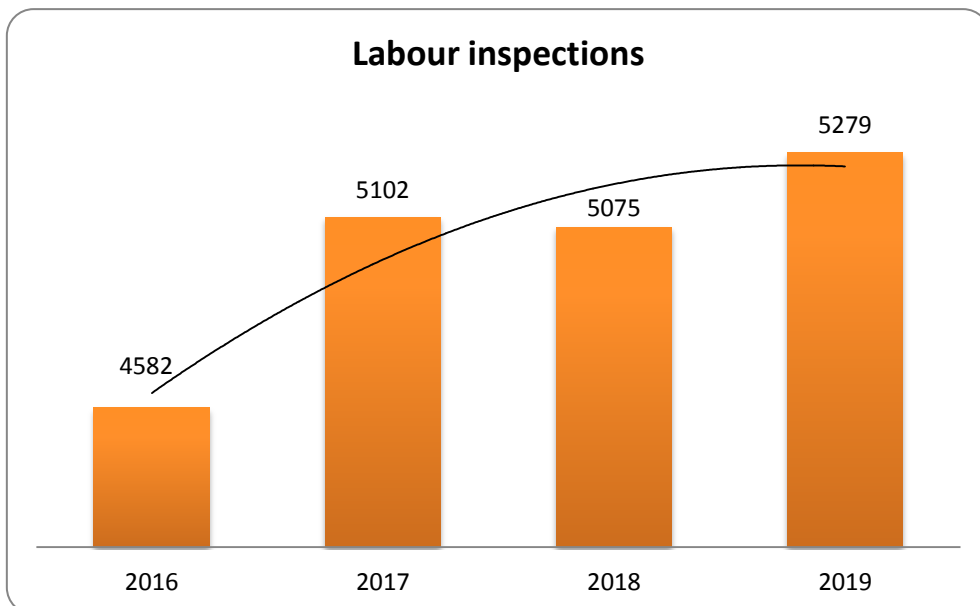
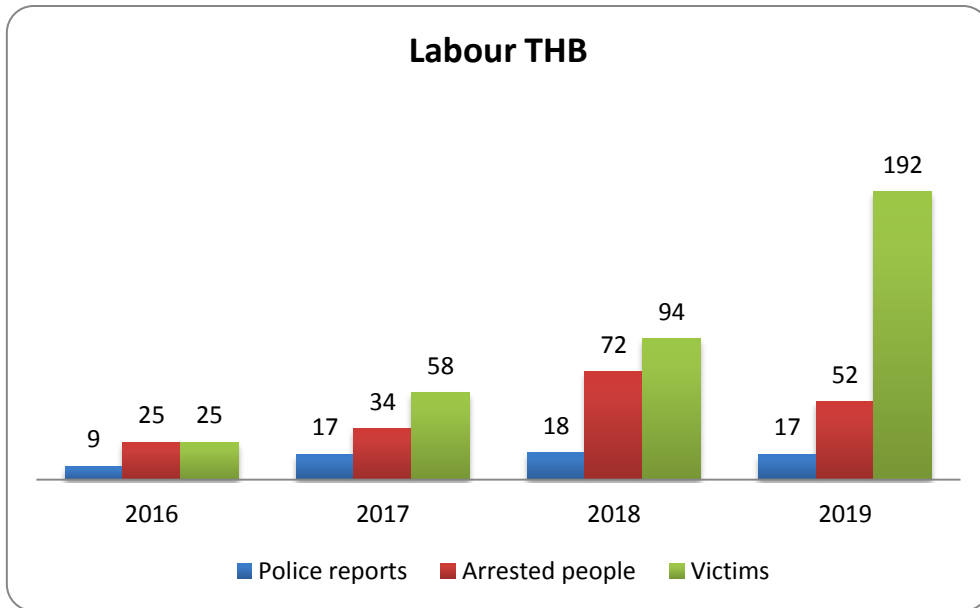
The Follow-up of the Crime of Trafficking Diligences (insofar as they aim at the judicial prosecution of the crime) are compatible with other relevant criminological documents such as the one carried out by CITCO, from the perspective of police investigation.

3. Intensify efforts to prevent THB for the purpose of labour exploitation, in particular by:

- a. **expanding the capacity and mandate of labour inspectors so that they can be actively engaged in the prevention of THB, including in private households;**
- b. **addressing the risks of THB in the agricultural sector and ensuring that sufficient resources are made available to labour inspectors to fulfil their mandate, including in remote locations at risk of THB;**
- c. **training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;**
- d. **reviewing the regulatory systems concerning migrants working as home care workers and ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking;**
- e. **strengthening the monitoring of recruitment and temporary work agencies and supply chains and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;**
- f. **raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;**
- g. **working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec (2016)3 on human rights and business.**

Trafficking in human beings for labour exploitation is a priority for the State security forces in terms of prevention as well as acting against it. While between 2016 and 2017, 9,684 labour inspections were carried out, between 2018 and 2019 this figure increased by 7% amounting to 10,354, resulting in 23,780 workers inspected.

Police investigations have had a similar performance. Between 2016 and 2017, 26 police reports were drafted with the result of 59 people arrested and 83 victims identified. Between 2018 and 2019, there were 35 police reports with 124 people arrested and 286 victims identified.



In January 2019, the Guardia Civil, in collaboration with the documentary maker Mabel Lozano, presented the campaign [#trabajoforzoso](#) (*#forcedlabour*) against trafficking in human beings for the purposes of labour exploitation. This project aims at preventing and raising awareness among the society about this “harsh reality” where we “have to encourage reporting and show clear intolerance”.

In July 2019, the Guardia Civil and the association A21 presented a campaign against trafficking in human beings for the purposes of forced labour and labour exploitation, whose goal was the prevention of trafficking by means of sensitization and protection of victims in shelters and temporary stay accommodations, as well as the prosecution of the traffickers and the reinforcement of the legal response.

Information leaflets under the title [“Passport to indicators of trafficking”](#) in nine languages were distributed with a list of indicators very easy to understand to alert potential victims of trafficking for forced labour and encourage them to report. Soon,

and coinciding with the harvesting campaign, more leaflets will be distributed among people who may be at risk of being recruited by criminal groups.

These leaflets were distributed in the units of the Guardia Civil, in the Ministry of Employment (which sent them to centres for temporary stay of immigrants in Ceuta and Melilla and different centres for assistance to refugees).

Likewise, they were also distributed at the General Prosecutor's Office, the General Council of the Judiciary, National Rapporteur, NGOs, trade unions, Government Delegation for Gender Violence, Ministry of Defence, etc.

As regards Labour Inspection, the **Master Plan for a Decent Job 2018-2020** points out that the State Labour and Safety Inspection plays an essential role in identifying potential cases of THB. In case of detection of a presumed victim, a report including the facts and subjects they victim may know is given to the Prosecutor's Office (without prejudice to the fact that the identification of possible victims corresponds to specialized units of the State security forces).

The Plan covers three fundamental pillars for Labour Inspection in this matter:

1. Collaboration with the State security forces, reinforcing checks and detection.
2. Training for the civil servants working in the Labour Inspection so they can identify situations of trafficking during an inspection, contributing to the improvement of the victims' situation.
3. Collaboration with the General Prosecutor's Office. In this sense, the possibility of an agreement between the General Prosecutor's Office and Labour and Social Security Inspection is under study. This would define a general framework of collaboration between both institutions to combat job insecurity. One of the topics under this agreement would be trafficking in human beings.

In line with the Master Plan, the Labour Inspection has always considered that the investigation in trafficking in human beings must be done together with the State security forces with the aim of providing the judges and the prosecutors the best and most comprehensive information, as they all have a common goal: fighting against trafficking in the most efficient way possible.

The current Collaboration Agreement between the Ministry of Employment and Social Security and the Ministry of the Interior for the coordination between the Labour Inspection and the State security forces, published on the 8th of November 2013, has been the pillar of this collaboration having the fight against trafficking in human beings for the purposes of labour exploitation as one of its specific goals.

These joint actions fall within the framework of the area of irregular or shadow economy. Logically, out of all these actions, a small percentage corresponds to investigations of potential cases of labour exploitation or trafficking for the purposes of forced labour, forced services, slavery or similar practices. Even if these cases are not usually part of the daily work of the inspectors, they do deserve absolute attention and a very thorough investigation.

Currently, with the view to renewing and improving the ***Collaboration Agreement between the Ministry of Employment and Social Security and the Ministry of the Interior for the coordination between the Labour and Social Security Inspection and the State security forces***, the Labour Inspection has provided a draft of the new agreement to the State Secretariat for Security of the Ministry of the Interior in order to improve joint action and the quality of the results.

We need to highlight that in 2018 and 2019 the then Ministry of Labour, Migrations and Social Security started to work to approve a nationwide Action Plan against compulsory labour and other forced activities. The Plan responds to the obligation derived from the ratification by Spain of the Protocol 2014 on the ILO's Forced Labour Convention 1930 (num. 29) but also responds to the appropriateness of having a national instrument for coordination and union of all administrations and civil society (social agents and specialized institutions, NGOs) regarding forced labour (understood in the sense of the Convention 29 of the ILO) and also trafficking in human beings for the purposes of forced labour, servitude or slavery. Currently, it is at the draft stage and its approval is foreseen in the near future.

Regarding the training of key actors involved in the fight against labour trafficking, we would like to highlight that all prosecutors undergoing initial training receive theoretical and practical classes on this subject and that every year courses and lectures are planned by the Judicial School itself for the on-going training of non-specialist prosecutors. We are aware that this system is widespread in other sectors of the Administration. In fact, members of the Specialised Office of the General Prosecutor, as well as other specialist prosecutors in the area of trafficking, actively participate year after year in training courses for judges and magistrates organised by the General Council of the Judiciary, in training courses for the State Security Forces and Corps, and even in training courses for civil servants from different administrations or public entities. Moreover, we also collaborate in specialized courses on trafficking organized by Bar Associations and non-governmental organizations.

In addition, both State security forces and labour inspectors receive specific and specialized training on human trafficking, including for the purpose of labour exploitation

Finally, with respect to the recommendation on ***reviewing the regulatory systems concerning migrants working as home care workers and ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking***, article 18 of the Spanish Constitution guarantees the inviolability of the home. This fundamental right is also protected by Article 7 of the Charter of Fundamental Rights of the European Union and by Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Therefore, the Inspectorate has to clearly respect the inviolability of the home.

The fact that the access to a private home differs from the access to other workplaces does not mean that there are not investigations on this field. If necessary, a court order can be requested, and the employer can also be asked to appear before the inspector at the Inspectorate office and to present all the documents that are needed for the investigation.

4. Ensure that unaccompanied and separated children benefit from effective care arrangements, including accommodation, access to education and healthcare, so that they are not exposed to risks of trafficking.

Regarding underage victims, on the 1st of December 2017 the Childhood Observatory approved an appendix to the Framework Protocol for the Protection of the Victims of Trafficking in Human Beings: [Actions to detect and assist under age victims of trafficking in human beings.](#)

The appendix provides guidance to professionals from different areas (public authorities, agencies, institutions and civil society organizations) to recognize signs of

trafficking in possible under age victims establishing a catalogue of specific signs or evidence to detect potential under age victims and to provide them with an efficient procedure to refer them to protection and assistance services and to cover their specific needs effectively.

Likewise, its goal is to promote inter-institutional cooperation to improve assistance to under age victims of THB for any purposes in order to minimize, to the extent possible, primary victimization using prevention, early detection and immediate action and to avoid secondary victimization that may be suffered during the process of their identification.

Therefore, in order to guarantee the best interests of the minor at any moment and to prevent the possibility of them being again subject to trafficking in their adult life. This appendix aims at making the specific characteristics of underage victims known and establishing guidelines for standardized action that foster early detection of possible victims and proposing specific actions that reinforce the system of protection of children in these situations of special vulnerability, contributing to their safety, physical and psychological recovery, education and finding a long-lasting solution for their future.

The appendix also has the following specific goals:

- Providing a tool to professional staff that helps to make decisions about intervention with under age victims of THB.
- Raising awareness, training and informing professionals in case of situations of great vulnerability, adapting their actions to the individual characteristics of the underage victims of THB.

5. Take further steps to improve the timely identification of victims of THB, and in particular:

- a. ensure that, in practice, formal identification of victims of THB does not depend on the presence of sufficient evidence for the initiation of criminal proceedings;**
- b. continue to strengthen multi-agency involvement in the identification of victims of trafficking by formally recognising the role of specialised NGOs in the decision-making process leading to identification;**
- c. increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by reinforcing the capacity and training of labour inspectors and involving trade unions;**
- d. pay increased attention to the proactive detection of victims of trafficking among asylum seekers and persons placed in immigration detention, as well as migrants arriving in the autonomous cities of Ceuta and Melilla, allowing sufficient time to gather necessary information and taking into account their traumatic experience. In this context, training on the identification of victims of THB and their rights should be provided to asylum officers and staff working in centres where such persons are placed (CIE, CETI²);**
- e. ensure the availability and quality of interpreters and cultural mediators during the investigation process.**

² Foreigners' Internment Centre and Temporary Immigrant Stay Centres.

The identification of potential victims of trafficking in human beings (Article 59 bis LOEX³ and Articles 140-144 LOEX implementing Article 10 of the Warsaw Convention) in Spanish law does not depend on the existence of sufficient evidence to initiate criminal proceedings. In Spain, both Directive 2012/29/EU of the European Parliament and the Council and its basic principles have been transposed (a person must be considered a victim regardless of whether he or she has been identified, arrested, accused or convicted the offender and regardless of the family relationship between them) as the logical and theological interpretation derived from Article 10 of the Warsaw Convention but also from the United Nations General Assembly Resolution of 12th of October 2010 (Global Action against Trafficking in Human Beings) and the Communication from the Commission to the European Parliament and the Council - COM (2017) 728 final - of 4 December 2017 (interpretative document of Directive 2011/36 EU) according to which **outside criminal proceedings Any victim of trafficking in human beings in any form is entitled to assistance and support from the very moment the competent authorities have reasonable grounds to believe that she or he may have been trafficked.**

Apart from the above mention, in 2016 the **Instruction 6/2016, of the State Secretariat for Security, on actions by the State security forces in the fight against trafficking in human beings and on the collaboration with organizations and institutions with accredited experience in assistance to victims**, was approved. This Instruction establishes that National Police and Guardia Civil will implement the figure of the Social Partner in THB, whose aim is not only to have a new tool to prevent and combat this type of crime, but also to favour coordination in the actions conducted by the State security forces with the different organizations and institutions in charge of protecting their victims.

The social partners in each province have achieved a context of mutual trust between the institutions involved in the fight against this crime. The regular and direct contact between the police forces and the representatives of civil society results, more and more frequently, in obtaining information that facilitates the initiation of investigations in which neither the victims nor the NGOs file a complaint in advance.

The Instruction includes the procedures to detect and identify the victims according to the Framework Protocol of Protection of Victims of Trafficking in Human Beings, of 28 October 2011, establishing that State security forces will contact specialized organizations in order to have their participation once a possible victim has been detected, in early identification and in the interview after the identification, creating a formal space for the participation of the civil society in this process to guarantee a better protection of and assistance to victims.

In 2018, the National Rapporteur for Trafficking in Human Beings, using its Focal Point (Intelligence Centre against Terrorism and Organized Crime, CITCO) evaluated the first year of implementation of this Instruction, presenting the results in December 2018 during one of the follow-up meetings organized on a biannual basis.

The **recommendations** of the report are as follows:

- Using a multidisciplinary and human rights approach in all the actions related to THB placing the victim in the centre of the process and guaranteeing an appropriate perspective in line with the victim's gender.

³ [Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration.](#)

- Providing priority assistance to those who can have a special vulnerability, such as unaccompanied minors, foreigners in irregular situation, victims with disabilities, etc.
- The social partners at national level must have a proactive role for the purposes of permanently monitoring the activities of the territorial partners and the correct implementation of the Instruction in their respective organizations.
- Keeping the social partners up-to-date so they can provide continuous training in their units.
- Including awareness raising activities about the phenomenon of THB in the training of the State security forces, with the collaboration of specialized organizations.
- Preparing and disseminating codes of good practices on collaboration between specialized organization and the State security forces based on the experience after the approval of the Instruction 6/2016.
- Reinforcing knowledge on THB in general and the Instruction 6/2016 specifically at all training levels of the State security forces, especially at the basic training level.
- Improving mutual knowledge as regards capabilities and resources of the State security forces and specialized organizations.
- Establishing a calendar for regular meetings between the territorial partners and the specialized organizations working in their territory.
- We must highlight that the identification interview to a victim is an administrative action separate from statement-taking during the preparation of the Police report. For this reason, the guiding principle of the interview should be to check whether there is enough evidence for the said identification and this can never be subject to the victim's decision to collaborate during the investigation.
- Facilitating appropriate spaces for the assistance and the interview to possible victims of THB.
- Creating assistance resources for purposes different to sexual exploitation and also for men victims of this crime.
- Evaluating constantly the possible need to reinforce human and material resources of the units under the State security forces with competences in this matter, paying special attention to those that need to face situations of THB at the border and in international protection proceedings.
- In order to have a real picture of THB in Spain, we need to remind the territorial units of the need to include all the actions recorded on the database BDTRATA, under the State Secretariat for Security.
- Finding alternatives to inform the State security forces about those cases where the victims do not wish to report, respecting the legislation about protection of personal data in force.
- Requesting the specialized organizations their collaboration since evidence of THB is found, as well as orchestrating streamlined mechanisms for collaboration in case of Police interventions that may lead to locating victims of THB.

The **Framework Protocol for the Protection of Victims of Trafficking in Human Beings** of 2011 has continued to be implemented. For practical purposes, this Protocol is the national referral mechanism in Spain, facilitating the task of the professionals involved in the detection, identification, assistance and recovery of the victims.

The Protocol is a very valuable tool in terms of cooperation among institutions that establishes for the first-time formal communication systems among competent

administrations and recognizes the work of non-governmental organizations specialized in assisting the victims.

As it was established in the Additional Provision of the Royal Decree 557/2011, of 20 April, approving the Regulation of the Law on Foreigners, its scope for application is extended to all victims of trafficking in human beings, without discrimination on grounds of sex, nationality or administrative situation in case of foreign victims.

Its territorial scope of application is extended to all Spanish territory, without prejudice of the approval of regional protocols to guarantee its development in the aspects related to the competences of the autonomous regions, especially as regards the provisions included in the Framework Protocol about assistance and protection to the victims, communication and cooperation among institutions in the territory and participation of the specialized organizations, as well as implementation of the provisions related to under age victims.

On the 24th of April 2018, an **Appendix on the “Healthcare action in case of trafficking in human beings for the purposes of sexual exploitation”** to the Common Protocol for Healthcare Action in case of Gender Violence 2012 in the National Health System was approved. This Appendix is a complement to the content already included in the Common Protocol for Healthcare Action in case of Gender Violence 2012 and its goal is making the specific characteristics of THB of women and girls for sexual exploitation known in the context of healthcare services and establishing guidelines for standardized action that promotes early detection of possible victims of THB or sexual exploitation as well as action when a case has been detected.

The Appendix includes information allowing healthcare staff to recognize on a simple way possible signs of trafficking for sexual exploitation and provides them with information regarding the details they need to gather and the actions they need to conduct to communicate a case, allowing the formal identification of the victim, their assistance and their specialized protection.

Finally, we must mention that in the beginning of 2019, a series of meetings were held to prepare a **Procedure for the referral of potential victims of trafficking in human beings who apply for international protection at Madrid-Barajas airport**. The elaboration of this protocol is due to the fact that the Ministry of Interior and the organizations working at the airport have identified the need for drafting a specific referral procedure for potential victims of THB that arrive at the airport, where specialized organizations participate conducting a specialized interview to all potential victims and a procedure for their referral to a place adapted to their specific needs.

The goal of this Procedure is establishing action guidelines when foreign nationals of legal age or family units arrive to Madrid Barajas airport and request international protection when any professional with responsibilities over this process suspects they could be victims of THB, so that they are correctly referred within the framework of the Reception System for international protection applicants and beneficiaries. This is coordinated by the Ministry of Labour, Migrations and Social Security through the General Sub-directorate of Programmes of International Protection, under the General Directorate for Inclusion and Humanitarian Assistance (DGIAH). In the case there is no appropriate place for the victim within the national Reception System, the Government Delegation for Gender Violence might provide one for the victim.

The Madrid-Barajas Airport Procedure includes the following questions:

- Identification of the units and professionals involved in the development of functions under this Procedure.

- Establishing the functions each professional or unit involved may undertake if there are signs of a possible victim.
- Guidelines for the intervention of organizations specialized in THB, so they can assess the signs identified by the professionals who are in contact with potential victims of THB who apply for international protection when they arrive to Madrid Barajas airport.
- Order of action for a correct referral of potential victims of THB who apply for international protection based on the needs detected.

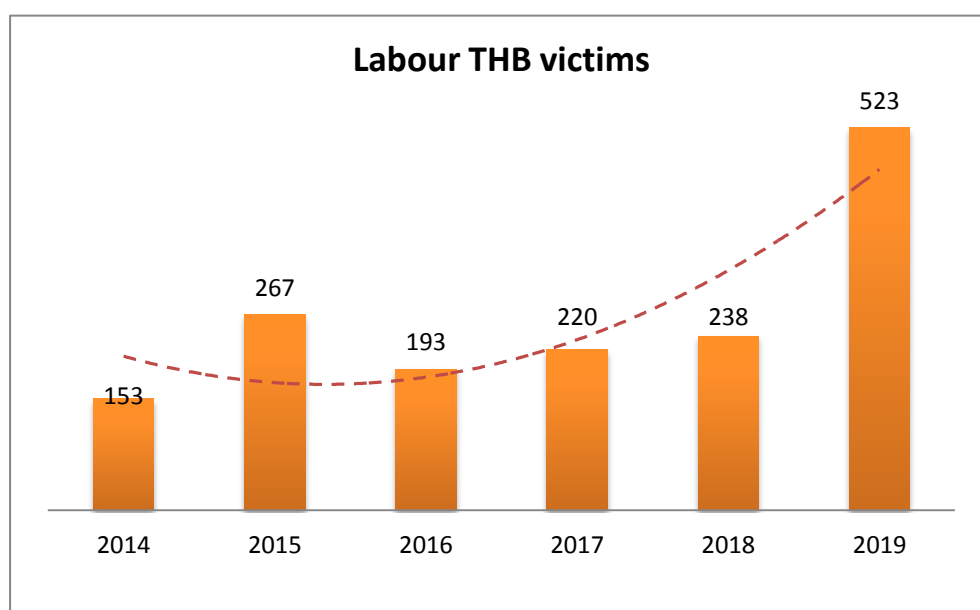
This Procedure was implemented on a temporary basis on the 1st of July 2019 to test it and it was signed up and entered into force officially on the 15th of October 2019.

In the period from July to December 2019, 15 cases were registered in the framework of this procedure. Out of the 15 cases, 9 were women and 6 were men.

Due to the moment when it was approved, it is impossible to evaluate its effectiveness or impact.

However, considering the figures about the number of victims of THB provided by the Intelligence Centre against Terrorism and Organized Crime (CITCO), we observe an increase in the number of victims in the last few years.

While for the period 2014-2016 a total of 593 victims of THB were identified, for the period 2017-2019 it amounted to 1,081 victims, which reveals the substantial improvement in detection and identification, thanks to the different actions implemented in the last few years.



In the field of migrant victims and applicants for international protection, the activities financed by the General Directorate for Inclusion and Humanitarian Assistance (State Secretariat for Migrations, Ministry of Inclusion and Social Security) should also be highlighted⁴:

- **Programme NOVICOM “Promoting knowledge, awareness raising and implementation of social support actions to immigrant women forced into**

⁴ This section is complemented by the information contained in section 6

prostitution and victims of trafficking”. *Association Spanish Catholic Commission for Migration.*

The purpose of this project is to prevent and eradicate violence against women, specially trafficking of women and girls, involving the different social agents that may have a role in combating trafficking in human beings. Among others, large sectors of the population, such as teenagers and youth, media or technical staff from civil society organizations, and healthcare, legal and security professionals.

The goals of this project are: developing awareness-raising activities, workshops and seminars, promoting the identification of victims and people at risk, drafting and disseminating information and materials, responding the request of professionals from the media and healthcare system, exchanging experiences, information, strategies and best practices, and promoting network work with administrations and civil society organizations. In the period 2017-2019 (until the 1st semester), a total of 14 women were assisted.

Results in 2017:

- Awareness-raising talks in educational centres and universities: 6. Total of 223 participants.
- Update courses: 12 for professionals. Number of participants 104 (31 men and 73 women).
- One seminar “All against trafficking”. Number of participants 42 (9 men and 33 women).
- 9.903 accesses to thematic courses about THB.
- 7 meetings of the Spanish network against THB.
- 2 meetings with the European Platform of Social Organizations against THB.
- 10 meetings with different institutions (Prosecutor’s Service of Paraguay, Social Forum).
- Meetings with professionals from the private sector. One meeting was held with 20 participants.
- Group dynamic for professionals who are victims of trafficking in the context of prostitution or vulnerability. 15 participants.
- Drafting of the “Diagnostic report on women and children in Spain who are victims of trafficking for the purposes of sexual exploitation”. This report has been distributed to 45 institutions and organizations.

Results in 2018:

- Number of beneficiaries: 321 (246 women and 74 men).
- Awareness-raising talks in universities: 7 in total with 202 participants.
- 1 meeting with professionals from the private sector, held in Seville, in the CAR⁵. 9 attendees.
- One seminar “All against trafficking”, held on the 25th of October in Zaragoza, with 57 attendees.
- 15 informative and awareness-raising workshops about THB and/or exploitation of women: 7 talks with 202 participants. 4 workshops for professionals with 47 attendees.
- 3.154 web visits to thematic courses on THB.

⁵ Refugee Reception Centre

- 19 active participations in courses, conferences, seminars.
- Assistance and counselling to psychologists, social workers and lawyers upon request. 20 professionals.
- Information provided on [ACCEM](#) website. 12 news articles published, 45 posts on Twitter, 11 posts on Facebook and 2 press releases.

Results in 2019 (1st semester):

- Total number of beneficiaries: 719
 - ✓ Women: 425
 - ✓ Men: 294
 - Total of online visits related to the section on THB of the website: 5,375
- **Course “Detection and intervention with victims of trafficking in human beings”.** *Spanish Red Cross.*

Training action with all stakeholders involved in the detection of THB with the aim of improving the processes for detection and identification of victims of THB, so that they can offer a more efficient, flexible response, adapted to the specific needs of each of the victims and the children accompanying them.

Results in 2017:

A seminar with the title “Detection and Intervention with victims of THB” was held in Madrid with the participation of 55 professionals (48 women and 7 men) from the areas of the General Prosecutor’s Immigration Office, Ministry of Healthcare, Social Services, Equality, Ministry of the Interior, State Secretariat for Security, National Police, Guardia Civil, social organizations and Ministry of Labour and Social Security.

- **Nobody offers to be a slave: Against THB.** *Association for the prevention, reintegration and assistance to prostituted women (APRAMP).*

Awareness-raising project headed by professionals to generate zero tolerance against THB.

Results in 2017:

- Beneficiaries: 650
- 550 professionals attended talks, informative sessions on THB and the reality of the victims.
- 55 women were identified as potential victims of THB and/or sexual exploitation and were informed about their rights (by the mobile unit and the 24-hour hotline).
- Awareness-raising actions: participation in social media and the media. 150 participants in talks and conferences where APRAMP⁶ attended. 83 students attended talks and round table discussions organized by APRAMP. Production and dissemination of the short film EXIT as one of the awareness-raising activities.

Results in 2018:

- Beneficiaries: 709
- 777 professionals attended talks, conferences and informative sessions on THB and the reality of the victims.

⁶ Association for the Prevention, Reintegration and Care of Prostituted Women

- 327 students from educational centres and universities attended talks and round table discussions.
- 79 women were identified as potential victims of THB and/or sexual exploitation and were informed about their rights (by the mobile unit and the 24-hour hotline).
- 300 people carried out sensitization actions: participation in social media and the media. They stated they cannot determine their outreach.
- 70 women detected in the mobile unit and the 24-hour hotline.

Results in 2019 (1st semester):

- During the first semester of implementation, information was provided to 56 people, which represented 170 assistance actions. Evidence of THB and/or sexual exploitation was identified in all of them, 21 women in Badajoz and 35 women in Madrid.
- 6 women were identified as possible victims of THB for the purposes of sexual exploitation.

➤ **Social and healthcare areas: a proposal for mediation and training.** *Association for the prevention, reintegration and assistance to prostituted women (APRAMP).*

This awareness-raising project for healthcare staff has the purpose of enabling the proper identification of possible victims and to carry out preventive actions with women in prostitution and possible victims of THB from the healthcare perspective at the mobile unit.

Results in 2017:

- 244 people assisted with socio-healthcare mediation.
- 31 training workshops in sexual education and prevention from the healthcare perspective (137 participants).
- Activities to identify healthcare issues (244 participants).
- Individual and linguistically-adapted actions (244 participants).
- Follow-up of the group in the social and health care areas
- 88 accompaniments to public healthcare services.
- 2 or 3 individualized sessions by participant.

Results in 2018:

- 280 people assisted in socio-healthcare mediation.
- 280 direct healthcare staff.
- 19 training workshops in sexual education and prevention from the healthcare perspective (72 participants).
- Activities to identify healthcare issues (144 participants).
- Individual and linguistically-adapted actions (144 participants).
- 73 follow-ups of the group in the social and healthcare areas.
- 86 accompaniments to public healthcare services.
- 29 informative sessions to 428 healthcare professionals.
- 67 healthcare professionals have received individualized information.

Results in 2019 (1st semester)

- 120 people contacted (115 women and 5 men)
- 50 accompaniments with 33 people
- At least 2 individual actions with 100% of the participants

- Participation of 79 people in group workshops
- 247 professionals contacted, who were given information: 219 of them received an informative session and 28 received information.

The State Secretariat for Migrations assigns EUR 3 million for these items and for the projects described in section 6.

In addition to the above, and with regard to the recommendation **to pay increased attention to the proactive detection of victims of trafficking among asylum seekers and persons placed in immigration detention, as well as migrants arriving in the autonomous cities of Ceuta and Melilla, allowing sufficient time to gather necessary information and taking into account their traumatic experience** In this context, **training on the identification of THB victims and their rights should be provided to asylum officers and staff working in centres where such persons are placed (CIE, CETI)**; the State Secretariat for Migration has partially modified the procedure used with potential victims as from the second half of 2017. Specifically, it has been decided not to refer immediately to a resource in the peninsula after the detection of a possible case, since a high percentage of women (85%) disappeared within a few days. Instead, it was determined with the specialized NGOs to work in the CETIs themselves with the possible women victims of trafficking between 15 days and 3 months. During this time, the trafficking units of each CETI provide them with useful tools to become aware of their situation and to promote their empowerment. For their part, specialized NGOs periodically visit the CETIs to make themselves known to the women, and in this way create a link with them that has made it possible to reduce the percentage of abandonment of devices after referral to resources on the peninsula to 15%.

With regard to the recommendation to provide training on the identification of victims of human trafficking and their rights to the personnel working in the asylum, CETI and CIE offices, the following training actions have been carried out from 2017 to the first half of 2019

- In the CETI in Melilla
 - Training day for professionals of the centre in the first half of 2017
 - Development of a working group on VoTs⁷ in the 2nd half of 2017
 - In-service training course on TSH and intervention in sexual and gender-based violence in residential centres during 2018
 - Annual TSH-specific training course during 2019
- At CETI in Ceuta
 - Training Day for Professionals on Migratory Pathways and VoTs Profiles in the 1st Semester of 2017
 - Training course on trafficking in women and girls for sexual exploitation (reality of Ceuta) in the second half of 2017
 - Course on General Framework of VoTs in 2nd semester 2017
 - Continuing education course on TSH during 2018
 - Annual specific training course on TSH during 2019

Apart from the above mention, we would like to point out that the specialised units on THB of Policía Nacional in Ceuta and Melilla have in recent years established channels of communication with the CETIs' steering bodies, which has been reflected in the preparation of reports on indicators of the trends observed in potential victims of TSH detained in the Centres.

⁷ victims of trafficking

Finally, Spain would like to highlight that the Ministry of Equality has promoted a **Contingency Plan against gender violence due to the COVID-19 crisis** which, by Royal Decree 463/2020, has meant the confinement of Spanish society.

This Plan will develop measures of strategic and operational nature to prevent, control and minimize the possible negative consequences of the confinement measures on the lives of many victims of gender violence.

In addition, and with the specific aim of guaranteeing the rights of victims of sexual exploitation and trafficking for sexual purposes, as well as the provision of services and resources to meet their specific needs, an **Enhancement** to the above-mentioned Contingency Plan has been designed.

http://observatorioviolencia.org/wp-content/uploads/Plan-Vi%C4%9Bctimas-trata_COVID_definitivo.pdf

The measures included in the extension guarantee:

- The right to information for victims of human trafficking and sexual exploitation and other women in prostitution.
- The detection and identification of victims of trafficking and sexual exploitation and of cases of extreme vulnerability in prostitution contexts
- The integral assistance and protection (Art. 11 of the Directive 2011/36/UE and Art.12 of the Warsaw Convention) of the victims of human trafficking and sexual exploitation, as well as the attention to cases of special vulnerability.
- The declaration of comprehensive care services and safe accommodation as essential.
- The right to a minimum living income for victims who need it and who meet the requirements, also for those who are in an irregular administrative situation.
- The housing alternative, with public entities being able to arrange for the use of tourist accommodation establishments.

In addition to this **Enhancement**, an [Action Guide for women victims of trafficking for sexual exploitation and for women in prostitution](#) has been published.

6. Provide assistance, including safe accommodation, adapted to the specific needs of male victims of THB, in compliance with Article 12 of the Convention.

In this area, we would like to highlight the work carried out by the General Directorate of Integration and Humanitarian Assistance, under the **State Secretariat for Migrations** (currently called General Directorate for Inclusion and Humanitarian Assistance). Its competences encompass three action lines:

- a. Detection of potential victims. In this sense, the intervention of the General Directorate is exclusively related to promoting and facilitating the detection of potential victims, as opposed to having the powers to identify victims (competence assigned to other authorities).
- b. Informing about the detection of potential victims to the State security forces.
- c. Informing victims and referring them to assistance services.

Since the entry into force of the Protocol for the detection and action in case of possible cases of THB for the purposes of sexual exploitation, it was applied in the following area:

- Network of centres for migrations under the currently called Ministry of Inclusion, Social Security and Migrations: Centres for the reception of refugees

and Centres for temporary stay for immigrants and the Unit of Social Work, under the General Directorate.

- Centres and arrangements managed by social organizations that implement projects subsidized by the State Secretariat for Migrations (Ministry of Inclusion, Social Security and Migrations) to assist immigrant population and applicants or beneficiaries of international protection managed by social organizations.

The General Directorate for Inclusion and Humanitarian Assistance regularly issues grant calls for institutions and non-governmental organizations for managing and developing projects aimed at assisting immigrant people and/or applicants or beneficiaries of international protection.

The areas that receive grants where specific actions are developed in the field of THB, and include men as beneficiaries, are:

- Area for Integration of Immigrants
- Area for International Protection and Asylum
- Area for Voluntary Return of immigrant people
- Area for Humanitarian Assistance.

The projects subsidized to social organizations in the period in question for this report (2017-2019) in each of the above-mentioned areas are detailed below:

a) Area for Integration of Immigrants

- **Programme of assistance to women in contexts of prostitution and/or victims of THB for sexual exploitation.** *Solidaridad Amaranta Foundation.*

This programme consists of visits to clubs and apartments, individual assistance and/or group sessions. It also includes actions to support social reintegration with legal counselling, social and labour guidance and intermediation and access to healthcare. In the period 2017-2019 (until the 1st semester), a total of 172 people was assisted (**out of whom 18 were men**).

- **Programme for integral assistance to women in situation of vulnerability and/or victims of THB for the purposes of sexual exploitation.** *Cruz Blanca Foundation.*

This programme tries to identify evidence of THB in order to provide assistance and protection to victims with contact, mediation, referral to the corresponding services and group workshops as well as sensitization initiatives for the general public about the phenomenon of THB.

The goal is to provide an appropriate healthcare, social and labour integration of immigrant women vulnerable to sexual exploitation and/or victims of THB promoting their access to public resources and their personal autonomy by developing individualized roadmaps for each beneficiary of the project. In the period 2017-2019 (until the 1st semester), a total of 499 people (**out of whom 23 were men**) were assisted.

- **Programme for the integral reception to cover basic needs and provide support to immigrant people.** *Cruz Blanca Foundation.*

This programme has a network of houses for immigrants and tries to support immigrant people in temporary stay apartments under supervision. The immigrants, who are in situation of risk or social exclusion, are first given an individualized roadmap. The goal is to prepare them for social and labour integration in a period of between 6 and 12 months with measures to improve their personal and social skills,

measures for economic support, education and customized employment and training plan. This project **assisted 10 men** and 9 women in 2019.

b) Area for International Protection and Asylum.

- **Social and legal assistance and temporary reception for women victims of THB who are asylum seekers and their children.** Adoratrices Slaves of the Blessed Sacrament and of Charity⁸.

This project targets women who are asylum seekers and potential victims of THB and their dependent children, also asylum seekers. The main actions developed within this project are: legal assistance, social intervention and temporary shelter for women victims of THB who are asylum seekers and their children. In the period 2017-2019 (until the 1st semester), a total of 315 people (**out of whom 2 were men**) were assisted.

c) Area for Humanitarian Assistance

- **Project for shelter and humanitarian assistance to victims or possible victims of THB.** *Cruz Blanca Foundation.*

There are 11 specialized places for shelter. They cover: social intervention by means of covering basic needs, information, guidance, legal assistance, language classes, labour orientation and guidance. It is a supervised space, under the guidance and intervention of specialized professionals. In the period 2017-2019 (until 1st semester), a total of 162 people (**out of whom 5 were men**) were assisted.

7. Improve the identification of, and assistance to, child victims of trafficking, on a basis of a specialised co-operation and referral mechanism which is integrated into the existing child protection systems, in particular by:

- a. ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to unaccompanied and separated foreign children, including those arriving by sea and at the autonomous cities of Ceuta and Melilla, as well as to children from Roma communities;
- b. providing further training to stakeholders (police, NGOs, child protection authorities, social workers) as well as guidance for the identification of child victims of THB for different purposes, including the exploitation of begging and exploitation of criminal activities;
- c. setting up sufficient shelters with qualified staff and assistance services for presumed child victims of trafficking, for different forms of exploitation;
- d. taking steps to address the problem of unaccompanied children disappearing by providing suitable safe accommodation and adequately trained supervisors or foster parents;
- e. Ensuring long-term assistance for the integration of child victims of trafficking.

Apart from the contribution made in section 4, and with regard to the protection of minors, the General Directorate for the Rights of Children and Adolescents updates that on October 2, 2019 the Delegate Commission for Social Services of the Territorial Council of Social Services and the System of Autonomy and Care for Dependant

⁸ *Adoratrices Esclavas del Santísimo Sacramento y de la Caridad*, in Spanish.

People, approved three technical documents on minimum criteria of coverage, quality and accessibility in foster care, residential care and in temporary stay programs for foreign minors. (Accessible on the website of the Children's Observatory: <https://observatoriodelainfancia.vpsocial.gob.es/estadisticas/docsTecnicos/home.htm>)

Likewise, the Children's Observatory has been working for months within the Working Group of Minor Migrants, in the development of a new model of care for unaccompanied migrant children and adolescents, in collaboration with the Autonomous Communities and the ministerial departments involved. This work is pending approval at a forthcoming plenary session of the Children's Observatory.

8. Review the rules and application of the recovery and reflection period with a view to ensuring that:

- a. all possible foreign victims of trafficking, including EU nationals, are systematically informed of the possibility to benefit from a recovery and reflection period. The involvement of specialised NGOs in the victim identification process and the possibility for NGOs to request themselves that a presumed victim of trafficking be granted a recovery and reflection period should be part of this review;**
- b. the relevant authorities are informed of the State's positive obligation to grant a recovery and reflection period to all possible victims of THB, whether or not such a request is made by the presumed victim.**

The recovery and reflection period have the purpose of providing the victim of trafficking in human beings a period of time (at least 90 days as per Article 59 bis of the Organic Act on Foreigners) to the victim can decide whether to collaborate or not with the authorities in the prosecution of the crime. Once the period of reflection has ended, the competent public administrations will carry out an evaluation of the victim's personal situation in order to determine a possible extension of the aforementioned period. 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."

9. Make the State compensation scheme effectively accessible to victims of trafficking, including third-country nationals.

The Unit of Immigration of the Prosecutor General's Office insists in its corresponding instructions for specialized prosecutors on the necessary compliance of the regulations in force regarding the protection of the victims at the different stages of the judicial proceedings. Thanks to this, they promote the following aspects, among others:

- That the victims are largely granted the standing of protected witnesses
- That the victims' statement is made in advance with pre-constituted evidence
- That the participation of the victim in the judicial process is made with the respect, protection and security foreseen under Spanish and international regulations (Directive 2011/36/EU and Directive 2012/29/EU),
- That the necessary measures are adopted to avoid revictimization and avoid for investigations and judicial proceedings to be exclusively based on the victims' statements.

Likewise, there is a generalized practice by the prosecutors we wish to underscore: they request in their prosecution reports the corresponding compensations for the victims for physical, psychological and moral damages sustained, and the Unit of Immigration at the Prosecutor General's Office checks the reports are consistent with the seriousness of the damage suffered.

In order to facilitate appropriate assistance and protection of the victims, there is constant contact with NGOs providing assistance, apart from holding regular meetings with their representatives at the Unit of Immigration at the Prosecutor General's Office as well as at province level, to foster coordination and to address potential shortcomings observed in the application of the Protocols and in the development of the protection measures adopted.

One key task in terms of investigation, prosecution and clarifying the chain of THB is conducted by the General Directorate of Asset Recovery and Management, especially through its Office for Asset Recovery and Management.

The Office for Asset Recovery and Management was created by the Royal Decree 948/2015, of 23 October, following a recommendation of the Directive 2014/42/EU, of 3 April, on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union. It is a body within the General State Administration that aids the Administration of Justice, with competences in location, recovery, preservation, administration and realization of the items, goods, instruments and proceeds coming from criminal activities committed in the framework of the criminal organization and where the crimes have a relevant economic impact, such as drug trafficking, terrorism, trafficking in human beings, money laundering and corruption.

The Office for Asset Recovery and Management works under the Ministry of Justice, through the State Secretariat of Justice, as a General Directorate.

Its ultimate purpose is collaborating with the judicial authorities and the prosecutors to locate crime-related fruits so that the criminal networks are financially strangled and that the crime generating illegal proceeds will never compensate its perpetrator, returning to the society what was illegally obtained.

Among the goals of the Office, we could highlight:

- Optimizing the proceeds obtained from the seizure so that they can be used to give a monetary redress to the victims, paying them the compensations established in the criminal proceedings.
- Collaborating in the financial strangling of criminal networks and in the recovery of assets obtained from crimes, materializing the principle that the crime which generates illegal proceeds will never compensate its perpetrator.
- Return the fruits of the crime into social purposes and strengthening institutions in charge of combating organized crime.
- Providing the competent authorities, the appropriate means that allow them not only to locate, freeze and seize goods, but also to administer them on an efficient and effective way.

- Meeting the obligations of international cooperation and reinforcing the trust in our country.

In November 2018 the **Commission for Equality of the General Council of the Judiciary** presented the **“Guidelines on criteria for judicial action in cases of trafficking in human beings”**. Considering the principle of judicial independence, it is not possible to provide instructions to the judges about the way they must carry out their work, even less about the decisions they must adopt in specific cases. Therefore, any action attempted to be deployed in the area of the judiciary must be in the form of recommendations or good practices.

That is why these Guidelines are a complete catalogue of recommendations and good practices for members of the Judiciary to investigate and prosecute criminal cases of trafficking in human beings in all its forms, and for administrative proceedings that are related to trafficking in human beings (mainly, cases associated to immigration and asylum). Moreover, the Guidelines contain a long section explaining the real significance and dimension of this criminal phenomenon with the aim of informing and raising awareness and another section about informing and facilitating international judicial cooperation in this matter.

The Guidelines have been disseminated online to all the judicial career and to all legal practitioners and have been edited in paper and distributed to all criminal and administrative judicial bodies, as well as all the specialized delegations of the Prosecutor’s Office.

Moreover, the Guidelines contain recommendations to guarantee efficiency and effectiveness in the investigations and judicial proceedings and is precisely designed for this purpose. The case law from the Second Chamber of the Supreme Court can be added to this, making the use of the pre-constituted evidence a more flexible tool, crucial to protect the victims and to facilitate their collaboration on the investigation of the crime.

As regards the legal measures that promote tracing of crime-related money and proceeds, the modification of the regulation on confiscation in the Spanish Criminal Code by the Organic Law 2015 (with the specific introduction of measures to secure confiscation) has enormously facilitated the work of the courts in this sense. The Neutral Judicial Point, allowing for direct online access to information on assets contained in any kind of public files and registers (Tax Agency, Land Registration, Register of Immovable Property, Business Register, etc.) also represented an essential tool to facilitate asset investigation at the courts.

10. Additional remarks

Apart from all the previous comments, Spain would like to add the following information sent by the National Transplant Organization (ONT) in relation to two other recommendations (not for immediate action):

GRETA encourages Spain to ratify the Council of Europe Convention against Trafficking in Human Organs, which entered into force on 1 March 2018, as this could contribute to preventing trafficking for the purpose of organ removal (paragraph 108);

The Spanish Criminal Law criminalizes the trafficking in human beings for the purpose of the removal of organs (article 177 bis) and the trafficking in human organs (article 156 bis). Through the Organic Law 1/2019, of 20 February, article 156 bis of the Criminal Law has been recently modified for a comprehensive alignment with the provisions of the Council of Europe Convention against Trafficking in Human Organs. Spain signed the latest Convention in March 2015, and has now activated the internal procedures for the ratification of this international legal tool.

GRETA considers that the Spanish authorities should strengthen the training and awareness-raising measures aimed at health professionals involved in organ transplantation and other relevant professionals regarding trafficking for the purpose of organ removal, and effectively monitor the operation of private transplant clinics (paragraph 109);

The National Transplant Organization (ONT), along with the relevant professional societies, judges, and State law enforcement agencies organize periodical training activities targeted to healthcare and non-healthcare professionals on the identification, reporting and management of illicit activities in the field of transplantation.

Of note, the practice of donation and transplantation in Spain is highly regulated (Law 30/1979 and Royal Decree 1723/2012) and controlled by the relevant authorities (ONT and Autonomous Regions). There are strict authorization criteria and audit/inspection measures that apply to all hospitals that participate in this activity. Of the 45 centers authorized for the practice of transplantation in the country, only three are private clinics, which operate on the same regulatory standards specified for public hospitals. In addition, strict criteria need to be applied for the authorization of each organ recovery and transplantation procedure – including the participation of an independent medical professional, an ethics committee, and a judge in the live donation procedure.