

G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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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

Fourth evaluation round

Thematic focus: Addressing vulnerabilities to trafficking in human beings

Reply submitted on 24 November 2025

Introduction

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

The first round of monitoring of the Convention provided an overview of its implementation by States Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking, in particular trafficking for the purpose of labour exploitation, and the vulnerability of children to trafficking. The third evaluation round focused on trafficking victims' access to justice and effective remedies.

GRETA has decided that the fourth evaluation round of the Convention will focus on **vulnerabilities to human trafficking** and measures taken by States Parties to prevent them, detect and support vulnerable victims, and punish the offenders. This includes a focus on the use of information and communication technology (ICT), which brings structural changes to the way offenders operate and exacerbates existing vulnerabilities.¹

A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. The concept of 'vulnerability' appears in Articles 4 (definitions), 5 (prevention of trafficking in human beings) and 12 (assistance to victims) of the Convention. According to paragraph 83 of the Explanatory report to the Convention, 'by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce.'

GRETA refers to the ICAT Issue Brief No. 12/2022 on Addressing vulnerability to trafficking in persons which refers to vulnerability as 'those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked'. It classifies vulnerability factors in three categories: personal (for example, age, gender, ethnicity, disability), situational (for example, destitution, unemployment, legal status) and contextual (for example, discriminatory laws, policies and social norms, armed conflicts, crises) factors, which interact and may increase the risk of human trafficking for certain individuals, groups and/or communities.² Vulnerability to human trafficking is also subject to intersectional factors, such as gender, belonging to a minority group and socio-economic status.

Applying a socio-ecological approach to the analysis of vulnerability to human trafficking demonstrates how different risk factors influence vulnerability, and how protective factors may reduce the risk of victimisation by increasing resilience.³ The socio-ecological model considers the complex interplay between individual, relationship, community and societal factors. It helps to understand how anti-trafficking strategies should: (a) reduce the vulnerability of individuals, (b) work with the communities

¹ [Paolo Campana, Online and Technology-Facilitated Trafficking in Human Beings, Council of Europe, April 2022.](#)

² [ICAT Issue Brief No. 12 on Addressing vulnerability to trafficking in persons - Search \(bing.com\)](#)

³ https://www.avoicforcentraloregon.com/uploads/1/3/9/9/139904528/socio_ecological_model_and_trafficking.pdf

(which may also include relationships) concerned to ensure that their practices or current dynamics do not exacerbate or contribute to vulnerabilities to human trafficking and, (c) change a number of system-driven or structural elements (such as policies) so that they do not facilitate but discourage an environment conducive to human trafficking.

In addition to the thematic focus on vulnerabilities to human trafficking, GRETA has decided that each State Party will receive **country-specific follow-up questions** related to recommendations not implemented or partially implemented after the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. 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. 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 third evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, 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.

Part I – Addressing vulnerabilities to trafficking in human beings

I. PREVENTION (Articles 5, 6 and 7)

1. Do you have specific data/research/analysis of what makes people vulnerable to trafficking in human beings (THB) in your country? Please provide information on the categories/groups of people identified as being at risk of becoming victims of human trafficking, and how they are addressed in the national anti-trafficking strategy and/or action plan. Have you identified geographical regions or economic sectors in your country as particularly vulnerable to THB, and how do you address them in your strategy or policy?

The Centre for Intelligence against Terrorism and Organised Crime (CITCO), in its capacity as the focal point for the National Rapporteur on Trafficking in Persons, is responsible for compiling and producing official statistics on the trafficking and exploitation of human beings. To this end, it collects data from the law enforcement bodies and based on this information, produces an annual report on the situation in Spain.

Both these reports and the experience of the law enforcement bodies indicate that the most prevalent vulnerability factor among the identified victims is a lack of financial security or means of subsistence that would enable them to enjoy a decent standard of living, as well as a genuine lack of opportunities to escape this situation.

Currently, the majority of identified victims are women from Latin America, mainly from Colombia, Venezuela, and Paraguay.

Dealing with these types of situations requires both the implementation of preventive measures and the execution of awareness-raising campaigns.

On 18 November 2021, we completed the drafting of the National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023 (PENTRA), Spain's first plan to comprehensively address all aspects of human trafficking and its associated forms of exploitation.

The need for such a plan had been repeatedly recommended to Spain by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) as a fundamental basis for a holistic approach to the phenomenon from the perspective of crime prevention and prosecution, as well as for the detection, identification, protection, assistance and recovery of its victims.

The 2019-2023 National Strategy to Combat Serious and Organized Crime included the fight against human trafficking as one of its priorities and envisages various lines of action in the field:

strengthening and improving protection and assistance for victims, preventing and prosecuting the crime, and ensuring the necessary interinstitutional cooperation and coordination at national and international levels.

The last of these lines of action translated into 'establishing a dedicated national strategic plan to combat human trafficking and exploitation', with coordination entrusted to the Ministry of the Interior's State Secretariat for Security, in collaboration with other relevant agencies. In turn, and reporting to the State Secretariat, CITCO, as the focal point for the National Rapporteur on Trafficking in Human Beings, would be responsible for coordinating the work required to implement it.

Such an ambitious plan, which sought not only to combat this crime but also to provide adequate assistance and protection to its victims, necessitated close cooperation and consensus between the various bodies of the General State Administration. These included, in addition to the Ministry of the Interior itself, the Ministries of Justice; Gender Equality; Social Rights and 2030 Agenda; Inclusion, Social Security and Migration; Labour and Social Economy; Education and Vocational Training; Foreign Affairs, European Union and Cooperation; as well as the General Council of the Judiciary and the Public Prosecutor's Office⁴.

However, it was evident that a plan of this nature, which puts victims at the centre of all actions and includes numerous measures designed to assist and protect them, would not have been viable without the collaboration of specialised civil society organisations. For this reason, when drawing up the plan, every effort was made to consult these entities, represented by the Spanish Network against Trafficking in Persons (RECTP), which comprises more than thirty organisations linked in one way or another to the fight against trafficking and providing support to its victims. Without them, this plan would not have been possible and would have been susceptible to significant shortcomings.

In addition, valuable contributions were made by the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the International Labour Organization (ILO).

The PENTRA is based on the following general principles: placing **victims at the centre** of all actions undertaken by the public authorities; customising care for victims to their different situations of **vulnerability**; giving due consideration to the **gender dimension**; establishing a **comprehensive concept** of trafficking that encompasses all the purposes of the crime; adopt a **multidisciplinary approach** that guarantees the necessary interaction between both public and private stakeholders, _____

⁴ The names of the ministries given here were those in use at the time the plan was introduced in November 2021.

engaging especially civil society, and, finally, tackling appropriately the demand for services of victims of human trafficking.

It is articulated in five large sections. Firstly, an **executive summary** that serves as an introduction and outlines the structure of the plan. This is followed by a **general framework** that begins with an updated analysis of the national and international regulations, along with the strategic and operational tools currently available in these domains, and then provides the latest insights into the state of trafficking at both national and international levels. The third section outlines the plan's **overall objective and guiding principles**, including its purpose and the principles on which it is founded. This is followed by a description of the plan's 5 priorities, 16 lines of action, and 62 specific measures.

The priorities established by the PENTRA are: to improve the **detection and prevention** of human trafficking; to strengthen the processes of **identifying, referring, protecting, assisting and facilitating the recovery** of victims of human trafficking; to bolster the **prosecution of these crimes**; to encourage **cooperation and coordination** on both national and international fronts; and lastly, to **boost and stimulate knowledge around** human trafficking issues.

Once the PENTRA's term of validity had ended, it was evaluated, and this evaluation is currently pending submission. Following the presentation of the evaluation, work will begin on drawing up a second plan, thereby also complying with one of the measures of the Second National Human Rights Plan 2023-2027.

An overview of the recent studies and research on human trafficking, conducted by the **Ministry for Gender Equality** and specifically focusing on sexual exploitation and prostitution, is provided **below**:
~~**Macro-study. Trafficking, sexual exploitation and prostitution of Women: a quantitative approach** (Ministry for Gender Equality, 2024).~~

- The study shows that human trafficking for the purpose of sexual exploitation, the victims of which are predominantly women and girls, is deeply linked to structural gender inequality rooted in a patriarchal vision of women's inferiority and their role in serving men.
 - The feminisation of poverty and the globalisation of migration are identified as factors that facilitate this trafficking.
- **Prostitution in digital contexts** (Institute of Women, 2023).

With regard to vulnerability factors and the categories/groups of people susceptible to becoming victims of human trafficking, this study found the following:

- It states that the feminisation of poverty and migration, together with the growing precarity of women, are structural factors that increase vulnerability.
- It points out that most people engaged in prostitution are migrant women, many with irregular legal status, mainly from South America (Brazil, Paraguay), China, Eastern Europe (Romania) and Africa (Nigeria).
- It estimates that more than 90% of these migrants may be victims of trafficking for the purpose of sexual exploitation, according to the United Nations (UNODC) report cited in the study.
- It also identifies that between 80% and 95% of people who engage in prostitution have suffered some form of prior violence (rape, post-traumatic stress, etc.)

In addition, the **National Pact against Gender Violence**, renewed on 26 February 2025 (hereinafter **the 2025 National Pact**), contains a series of measures to be implemented in relation to the issues raised:

- **Measure 364.** Conduct a diagnostic study on the trafficking and exploitation of women and girls that provides information that can improve detection, with a special focus on situations of vulnerability or disability. It should consider circumstances that may increase risk, such as migration processes, family environments, care settings, and occupational or specialised employment centres, among others.
- **Measure 394.** Conduct a study on the realities of trafficking for the purpose of sexual exploitation and new forms of recruitment, as well as on the operational responses that should be implemented to make it easier for the police to intervene in spaces under a high level of control by pimps, including private residences.
- **Measure 390.** The ministries involved in preventing and combating human trafficking and exploitation, as well as in assisting and protecting its victims, shall periodically report on and assess the current situation of this grave violation of human rights. These reports will provide the foundation for keeping the publications on the Ministry of the Interior's website and the Bulletins of the Government Office (Delegación del Gobierno) for Gender Violence up to date. They will include relevant information on the current situation, presented through a gender lens and with a victim-centred, human-rights based approach that allows for disaggregation by sex, age and type.

The Labour and Social Security Inspectorate (ITSS) has recently established a specific code in its case management system to identify inspectorate actions relating to labour exploitation and human

trafficking. In the medium term, once sufficient documentation is associated with the code, this will enable analyses to be carried out quickly and reliably.

Based on experiences in the field, the agricultural sector is probably the sector most likely to harbour cases of human trafficking. Firstly, it is a labour-intensive sector and therefore susceptible to fluctuations in labour costs; secondly, the fact that its workers are often employed in remote locations and for short periods of time makes it difficult to conduct checks, a circumstance that is exploited by the individuals who engage in these practices.

Within the remit the **Public Prosecutor's Office**, the answer to this question requires an initial section that provides an outline of the process used to collect the data from which the Trafficking Unit obtains information on investigations, criminal proceedings and victims of human trafficking in Spain, and a second section that deals with the conclusions extracted from this information in terms of vulnerability factors, the geographical origins of victims, the incidence of the crime, and the economic sectors most affected.

1.1. Data collection process. Drafting of reports.

Data and information are among the most important tools at our disposal for enhancing our understanding of a criminal phenomenon and developing effective strategies to combat it, particularly when dealing with a crime as complex as human trafficking, which is often linked to transnational organised crime. In this context, **data and its processing** are crucial: systematically and accurately collecting and subsequently studying data is our only recourse for understanding how a crime is evolving (new trends, routes, means of commission, etc.), enabling us to produce forward-looking reports and, as far as possible, adopt preventive measures.

Since Article 177 bis of the Criminal Code came into force in December 2010, pursuant to the reform introduced by Organic Law 5/2010, of 22 June, which for the first time regulated human trafficking as a separate offence, the Human Trafficking and Immigration Unit has taken on the monitoring and coordination of all investigations and cases relating to this offence in Spain, with its significant efforts in the area of data collection and processing being particularly noteworthy. Monitoring is carried out through what we call '**follow-up proceedings**', with the data contained in these files coming from two sources: on the one hand, reports drawn up by the Policía Nacional, Guardia Civil and regional police forces; and, on the other, from the information sent to us by the specialised designated prosecutors for Human Trafficking and Immigration in each province, both in relation to ongoing pre-trial criminal investigations and to legal proceedings that have been initiated. The data recorded from 2013 to 2024 reveals that **1 578 follow-up case files** were opened, to which we must also add the 110 cases opened so far in 2025.

As part of its commitment to obtaining reliable information, the Human Trafficking Unit worked with the Support Unit of the Public Prosecutor's Office and the technical team to **develop a computerised database** that would enable the effective collection and subsequent use of such information. This database was implemented and became operational in January 2024. Prior to this date, the data collection was equally accurate but was carried out manually using Excel spreadsheets. The information fed into the database (and previously into Excel spreadsheets) is extracted from the aforementioned follow-up proceedings and from searches of official databases of case law collections. The application allows for the different types of trafficking to be distinguished by their purpose, also discriminating by means of commission, specific aggravating factors, procedural status, sex/gender, nationality and age group, both of the victims and the perpetrators, in addition to other specificities. This data is provided to both national bodies and institutions (CITCO, the National Statistics Institute and the Government Office (Delegación del Gobierno) for Gender Violence) and international bodies: the US Department of State, the OSCE (Organization for Security and Co-operation in Europe), EUROSTAT, and also to GRETA.

Furthermore, it is reflected in and forms the basis of the analytical reports produced annually by the Human Trafficking Unit of the Public Prosecutor's Office. In particular, a comprehensive **report** is produced and included as an **Annex to the Annual Report of the Public Prosecutor's Office** (the reports for 2022, 2023 and 2024 are attached to this document as annexes)⁵, in addition to other reports requested by national bodies (for example, the National Strategic Plan against Trafficking—PENTRA—and the National Plan against Forced Labour) and by international organisations such as those mentioned above, of which this report is an example.

The implementation of this IT tool in the Trafficking Unit of the Public Prosecutor's Office and the preparation of the reports mentioned above comply with the lines of action and objectives set out in the State Secretariat for Security's **National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023 (PENTRA)**, which include *'ensuring that data collection is carried out using systems that enhance its availability and comparability, while also allowing for sufficient disaggregation of the information. All this to obtain a more accurate picture of human trafficking and exploitation in Spain' as well as to 'promote a better understanding of the situation, evolution and new trends in human trafficking in the origin, transit, and destination countries, through research and intelligence gathering and by establishing synergies with the academic world that allow for a more realistic picture of the phenomenon with a multidisciplinary approach'*.

⁵ This report was not produced in 2021 due to a restructuring of the Human Trafficking and Immigration Unit; however, quantitative data for that year is provided.

To conclude, we must make one final clarification regarding the data on victims that appears in the follow-up proceedings and analytical reports. This data pertains to potential victims identified during a police investigation, pre-trial proceedings, or criminal cases. It also includes individuals who, while not formally identified by the specialist judicial police units, are deemed to be at 'serious risk' due to factors such as their age (between 18 and 21) or the place in which they are detected. For this reason, the figures provided by other institutions, such as CITCO (Centre for Intelligence against Terrorism and Organised Crime), law enforcement bodies, and non-governmental organisations, do not correlate with those of the follow-up proceedings, as many of the individuals they detect/identify never report the crime or become the subject of a police or judicial investigation.

1.2. Vulnerability factors and sectors affected.

All the data and information referred to in this section are compiled and analysed in detail and exhaustively in the statistical tables and reports that accompany this document. This section, therefore, provides a brief synthesis of the **detected vulnerability factors and affected sectors**, aspects that will also be addressed and expanded upon in the responses to the subsequent questions.

The data provided by the follow-up proceedings positions **Spain as a destination country, receiving victims of trafficking** who are brought to our country to be exploited here, and almost all of them are nationals of third countries (Spanish victims account for less than 2% of those identified). In most cases, victims are recruited in their countries of origin (transnational trafficking), but there are also instances where individuals are recruited after arriving in Spain and completing the migration process (internal trafficking). This means that vulnerability factors can be analysed from two perspectives: the vulnerability in the countries of origin, and the vulnerability of victims after arriving in Spain.

In addition, several other vulnerability factors affect all victims, regardless of whether they are Spanish nationals or foreign nationals.

1.2.1. The origins of foreign victims.

Approximately **98% of trafficking victims in Spain** (including those identified for administrative purposes as potential victims) **are foreign nationals**, and more than two-thirds have irregular legal status or are seeking international protection.

At this point, we should address the migration phenomenon that has affected our country in recent years. Despite the fact that victims of THB, irregular migrants and persons deserving of international protection constitute different categories of transnational migrants, and that THB and trafficking in persons constitute separate and distinct phenomena and crimes, the factors that push people to initiate migratory processes are often closely related to the situations of vulnerability described by

trafficking victims when they explain why and how they were recruited. Demographic, economic, political and even environmental problems in their home countries are directly linked to the **situations of poverty, instability, famine, unemployment, disease and persecution** mentioned by victims when they explain how and why they were deceived, persuaded or seduced into coming to our country. Among the incentives or factors that attract people to Spain are access to better living conditions, work, social services, climate, tolerance, the law and political stability.

In this regard, it is worth noting the increasingly frequent occurrence of mixed migration flows, in which a multitude of people in varying situations travel along the same routes and by the same means of transport, including persons deserving of international protection, victims of trafficking, minors and irregular migrants. These mixed movements pose a major challenge and entail significant management challenges, further complicating the already difficult task of determining whether we are dealing with one situation or another.

In Spain, victims of THB have been identified from several regions, including **America, Africa, Europe and Asia**. Notably, there has been a marked **increase in the number of victims from America**, which in 2024 accounted for **58.3%** of the detected victims in Spain, with all of them coming from Latin America. Moreover, given the fact that a large proportion of the victims whose nationality is not recorded in the follow-up proceedings are also from the same region, the actual proportion is even higher.

In line with this trend, victims of sexual exploitation are no longer predominantly from Romania and Nigeria, as was the case a few years ago, but now overwhelmingly come from Latin America, which accounts for between 70% and 80% of all victims. The number of Colombian victims continues to rise, increasing by 29.7% in 2024 compared to 2023, in line with the parallel growth in migratory flows and the number of asylum seekers and applicants for international protection originating from that country. This means that more than half of the victims of sexual THB identified in Spain in 2024 (specifically 50.3%) are Colombian nationals. They are followed, albeit by a wide margin, by those from Paraguay, Venezuela, Brazil, the Dominican Republic, and Argentina, as well as smaller numbers from other Latin American countries.

In the case of THB for the purpose of labour exploitation, although in 2024 the majority of identified victims also come from Latin America (31.7%, almost all of them Colombian), the difference in relation to other geographical areas is not as disproportionate (27.6% of victims come from Africa, 20.2% from Asia).

Finally, victims of trafficking for the purpose of forced marriage or sexual servitude have been identified as predominantly originating from Romania and Pakistan.

1.2.2. Irregular legal status.

Many foreign victims of THB enter Spanish territory as tourists and then become irregular migrants. Having **irregular legal status** is in itself a vulnerability factor in many cases. People who do not have legal residence under the current administrative regulations, primarily those set out in Organic Law 4/2000, of 11 January, *on the Rights and Freedoms of Foreigners in Spain and their Social Integration* (LOEX) and its implementing regulations (RELOEX, Royal Decree 1155/2024, of 19 November), in most cases **lack a family or social support network, find themselves uprooted, unfamiliar with the Spanish language and legal system, and suffer from significant financial constraints**, which, with few exceptions, puts them in a position of evident vulnerability. This situation makes them, once in our country, even more vulnerable to sexual exploitation and workplace abuse, facing multiple barriers to asserting their rights, chief among which is the **fear of being deported back to their country of origin, which prevents them from reporting the abusive conditions to which they are subjected.**

1.2.3. Means of commission. Fear, coercion, intimidation.

The vulnerability of victims of THB stems not only from the uprooting they are subjected to but also from the means of commission employed by traffickers, as described in the definition of the crime (Article 177 bis of the Criminal Code). Victims often find themselves trapped in a framework of **coercion and fear** that frequently involves threats to the **safety of family members who remain in the country of origin**, and which compels them to endure the abusive and slave-like conditions in which they live without, in most cases, reporting the situation, for fear, not only of being repatriated, but also because of the fear of severe reprisals from their traffickers or exploiters.

1.2.4. The majority of victims are women.

The victims of THB identified in Spain are predominantly young **women** exploited for prostitution, due to factors such as the **feminisation of poverty and patriarchy**. They are typically recruited in their countries of origin with promises of a better life in Spain, generally taking advantage of their **financial hardship** and imposing illegal debts on them during the migration process that they are subsequently forced to repay by submitting to various forms of exploitation.

According to data from the 2024 follow-up proceedings opened by the Trafficking Unit of the Public Prosecutor's Office, and in line with the trends seen in previous years, trafficking for the purpose of sexual exploitation continues, without doubt, to be the most prevalent form, accounting for 73% of investigations, compared to 22% for labour trafficking. The other forms of trafficking remain essentially unchanged, at around 5%. Sexual THB continues to affect more than 60% of all judicially identified victims.

In 2024, 98.7% of all identified victims of sexual trafficking at serious risk (due to the place where they are found or their proximity to being minors) were women. This percentage is similar to those reported for 2022 and 2023. If we add to this the victims of human trafficking for the purpose of forced marriage, who are also women, and those of other forms of the crime, it becomes clear that tackling human trafficking requires a gender-based approach that unequivocally acknowledges the heightened vulnerability of women.

In addition to other **cultural, ethnic and sociological factors**, many of these women come from countries and contexts where being a woman implies being in a clearly **inferior position to men** in terms of access to education, training and employment. Furthermore, they often have significant **family responsibilities** (children, parents, siblings), **mortgages, and pressing debts**, all of which they have to bear alone. Personal factors also come into play, such as **having been victims of abuse, including domestic abuse and gender-based violence**.

1.2.5. Minors, persons with disabilities, and very young adults (individuals only just of legal age).

These elements undoubtedly constitute vulnerability factors, placing individuals in situations where they are particularly susceptible to abuse and exploitation.

Minors are specifically addressed in our criminal justice system, in **paragraph 3 of section 1 of Article 177 bis of the Criminal Code**, which punishes THB involving minors even in the absence of the specified means of commission. Together with disability, minor age constitutes a specific aggravating factor that allows for the imposition of a more severe sentence, as established in Article 177 bis, paragraph 4, letter b). According to the criteria set out in Circular 5/2011 of the Public Prosecutor's Office, the *non bis in idem* principle of double jeopardy does not apply if the aggravating circumstance in section 4, letter b) is invoked in cases where, in addition to the victim being a minor, one of the means of commission specific to trafficking is also present.

According to the data from the follow-up proceedings, **children who have been placed in the protection system** under the guardianship of the administration and live in children's homes, including **unaccompanied foreign minors**, constitute a group at particularly high risk of being targeted by traffickers. **Belonging to a dysfunctional family and/or living in a context of social exclusion** increases the likelihood of being manipulated and lured into exploitation. Similarly, the lack of control over **minors' and young people's access to websites and online dating platforms** is another factor that makes them more vulnerable to the actions of recruiters who use the online environment for their criminal activities.

With regard to migrant minors, there has been an increase in the number of sub-Saharan minors arriving on the coast of the Canary Islands, **accompanied by an adult whose relationship to the minor cannot be determined with any certainty**. In an effort to prevent possible situations of trafficking, in 2024, the Policía Nacional doubled the number of DNA tests carried out to establish the existence or otherwise of a biological link between these minors and the adults who claimed to be their parents but had no reliable proof of the relationship, with the number of tests rising from 577 in 2023 to a total of 1 028 tests in 2024.

In the case of the identified female child victims of trafficking for forced marriage (sexual servitude) in Spain, in addition to their status as minors or very young adults, **gender, cultural and ethnic factors** (girls of Roma or Pakistani origin) come into play, as they are often handed over by their own parents and forced to marry on the basis of intolerable ancestral customs.

We have also detected cases of THB involving people with **physical disabilities** for the purpose of begging, and people with **mental disabilities** for sexual exploitation.

We will return to these issues later.

1.2.6. Economic sectors and spheres.

According to the information gathered in the investigations subject to follow-up, victims of **THB for the purpose of labour exploitation** have been identified in the following economic sectors: domestic service, agriculture and livestock, hospitality and catering, cleaning/warehousing/transport, construction/bricklaying, massage and beauty salons, the textile sector, and mechanical workshops.

According to the follow-up proceedings and the case law that we include in this section, **trafficking for criminal purposes** has also been found in the form of exploiting victims to commit crimes against property, such as the theft of copper cable or fruit (Judgment of Seville Provincial Court (Audiencia Provincial), Section 4, No. 536/2015 of 20-10-2015, case 5679/2015), shoplifting or burglary with forced entry (Judgment of the Balearic Islands Provincial Court, Section 1, No. 200/2023 of 20-04-2023, case 29/2022, Judgment of Madrid Provincial Court, No. 28/25 of 20-01-2025, case 567/2022), online fraud (phishing, Judgment of the Supreme Court (Tribunal Superior), Section 1, No. 59/23 of 06-02-2023, case 2561/2021), indoor cultivation of Marijuana (Judgment of Salamanca Provincial Court, Section 1, No. 32/23 of 24-10-2023, case 19/2023), and, above all, drug trafficking associated with the exploitation of individuals for prostitution, with prostituted women frequently compelled to supply drugs to clients and even consume them themselves in order to weaken their will through addiction (one example among many is the recent Judgment of A Coruña Provincial Court, Section 2, No. 132/25 of 08-04-2025, case 59/2024).

With regard to **trafficking for the purpose of sexual exploitation**, although cases continue to be identified in escort clubs and on the streets, since the pandemic, there has been a gradual acceleration in the shift towards more private and inaccessible settings such as flats and houses, as well as in the use of Internet-enabled online environments for the recruitment, control and exploitation of victims. Both circumstances represent an additional challenge for investigators.

1.2.7. Incidence of the crime in the different regions of our country.

While investigations into THB have been conducted in all the autonomous communities, they have been most prevalent in Madrid, Andalusia, Valencia, Catalonia, Castile and Leon, and the Canary Islands, followed by the Balearic Islands and Galicia.

2. What specific measures are taken to reduce children's vulnerability to THB by creating a protective environment for children? Please provide information in the following areas:

Within the framework of Instruction No. 6/2023 of the State Secretariat for Security, on the 'Master Plan for Peaceful Coexistence and Improved Security in Educational Institutions and their Surroundings', training is provided that includes the prevention of this crime, with the aim of alerting people to the potential risks.

In addition, information is disseminated on social media and joint campaigns are run with NGOs and other specialist entities.

The law enforcement bodies engage in both operational and strategic activities, working bilaterally and within multilateral institutions and organisations such as Europol, Interpol, and Eurojust.

One example of this is their current involvement in the European Multidisciplinary Platform against Criminal Threats (EMPACT), and specifically in an operational action that focuses on minors and the search for resources to improve the safeguarding of their rights.

As previously stated, one of the guiding principles of the National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023 (PENTRA) is to tailor care to situations of vulnerability, taking into account factors intrinsic to the victim (age, gender, disability, the specific type of violence or exploitation they have experienced, etc.), the broader social, economic and political context that may influence their circumstances; their legal status (as a refugee, applicant for international protection or migrant with irregular status), and the vulnerabilities that may arise from the actions of traffickers themselves (isolation, violence, control etc.) All these measures aim to provide adequate and personalised assistance tailored to the specific circumstances of victims, while at the same time

strengthening and adapting existing mechanisms to prevent the re-victimisation of individuals under protection.

Thus, among other things, the PENTRA includes, within Priority 2: identification, referral, protection, assistance and recovery of victims of human trafficking; line of action 2.4: guarantee the protection and recovery of all victims of trafficking; which includes measure 2.4.A: adopt measures to improve assistance, support and protection for victims, regardless of the type of exploitation they have suffered, taking into account their personal circumstances and characteristics, with special consideration for those who may be in a particularly vulnerable situation due to their age, disability, refugee status, status as an applicant for international protection or any other circumstance of similar relevance.

The Human Trafficking and Immigration Unit of the Public Prosecutor's Office reports that the 2011 Framework Protocol for the Protection of Victims, (a document known to GRETA from previous reports), aims to establish operational guidelines for the detection, identification, assistance and protection of victims of human trafficking, to foster coordination among the institutions involved in these processes and to define the mechanisms for the relationship between authorities with responsibilities in the field, as well as the processes for communication and cooperation with organisations and entities that have proven experience in attending to victims of trafficking. Chapter XIV of the Protocol is devoted to SPECIFIC ACTIONS IN CASES INVOLVING CHILD VICTIMS OF HUMAN TRAFFICKING. Identical Protocols have since been approved in the various autonomous communities.

Although many of the issues raised in this second question do not strictly fall within the scope of the Trafficking Unit of the Public Prosecutor's Office, but instead pertain to the Minors Unit and other institutions responsible for child protection, we will first outline some of the conclusions drawn from our follow-up proceedings with regard to child victims of human trafficking (THB); we will then highlight the most significant legislative reforms designed to address and prevent situations in which minors become vulnerable to falling victim to any form of violence, particularly sexual violence and THB; and, lastly, we will address the issue of unaccompanied foreign minors specifically.

2.1. Difficulties in detecting child victims of THB.

Detecting child victims remains a significant challenge, and sometimes they are only identified once they reach legal adulthood, after they have been recruited and exploited, when the possibilities of investigating what happened in the past have already diminished considerably. This problem stems from the special protection afforded to minors by our legal system, which leads to extreme measures being taken to conceal these activities. For example, our Criminal Code classifies any action that

involves inducing, promoting or facilitating the prostitution of a minor, or profiting from it, as a criminal offence. It also penalises anyone who solicits, accepts, or obtains a sexual relationship with a minor in exchange for money or a promise. This means that when minors are involved in prostitution, it occurs in particularly hidden and inaccessible environments.

In the few cases in which minor victims of trafficking have been detected, it remains true that they often come from **troubled families, some of them neglected, with little family or social support**, and are lured into activities like prostitution as a means of obtaining immediate financial gain. Typically, contact with the victims begins **through social media**. The use of the online environment, especially dating applications and instant messaging, significantly complicates police intervention. This is largely due to the protection of privacy rights and the confidentiality of communications, particularly in instances where no complaint has been filed, which is often the case for minor victims.

The data from the follow-up proceedings shows that very few minor victims are identified in Spain, across all types of trafficking, as detailed in the Annual Reports and the attached Reports for 2022, 2023 and 2024. However, it should be noted that this is a matter partially overlapping with the field of cybercrime, which has jurisdiction in cases involving the use of digital tools and related to child pornography offences. For this reason, the prosecutors from both units remain in constant contact to ensure proper coordination.

Each and every task and activity undertaken to further our expertise has been conducted with a focus on children. In the conferences and training events in which we have participated or led (aimed at prosecutors, judges, members of law enforcement bodies, NGO professionals, universities, etc.), we have always dedicated sufficient space to the problems and special protection that children and adolescents who are victims of trafficking and exploitation deserve, having advocated for dedicated protective resources and comprehensive specialist support services for child victims of trafficking and exploitation. Moreover, particular focus has been placed on ensuring their welfare, respect, protection and assistance throughout the course of legal proceedings.

2.2. Organic Law 8/2021, of 4 June, on the Comprehensive Protection of Children and Adolescents against Violence.

This law addresses the right of children and adolescents not to be subjected to any form of violence, and rigorously implements the international treaties ratified by Spain, with a comprehensive approach. Among other provisions, it regulates the duty to report situations of violence affecting children; safe reporting mechanisms for minor victims themselves; the duty to report the existence of Internet content that constitutes a form of violence or abuse towards children or adolescents; it regulates

awareness-raising, prevention and early detection, and includes the obligation on the part of the General State Administration to have a strategy for eradicating violence against children and adolescents, referring to measures in both family and educational settings; it reinforces the exercise of protection functions by civil servants working in social services, as well as the activities that public administrations must carry out and promote to ensure a safe and responsible use of the Internet by children, adolescents, families, educators and the professionals who work with them; it also sets out guidelines for action by law enforcement bodies, among many other provisions.

Title IV (Arts. 53 to 55) of this law refers to actions in centres for the protection of minors. It establishes the obligation for these centres to apply protocols for action, the effectiveness of which will be subject to evaluation, and which must set out the actions to be taken to prevent, promptly detect, and respond to possible instances of violence. **Similarly, within the framework of the aforementioned protocols, emphasis is placed on specific actions for prevention, early detection and intervention in possible cases of abuse, sexual exploitation and human trafficking involving minors who are subject to protective measures and housed in residential centres.**

In addition, it establishes the **appropriate oversight of child protection centres by the Public Prosecution Service** and provides for the necessary IT connection with public child protection agencies, as well as ongoing communication between these agencies and the Public Prosecution Service and, where appropriate, with the judicial authority that ordered the admission.

Organic Law 8/21 **amended Art. 177 bis 1, paragraph 4, of the Criminal Code to impose, in all cases, on perpetrators of the crime of THB when the victim is a minor, *the penalty of special disqualification from any profession, trade or activity, whether remunerated or not, that involves regular and direct contact with minors, for a period exceeding the duration of the custodial sentence imposed by between six and twenty years.***

The aforementioned Law also **amended Art. 192. No. 3 of the Criminal Code**, applicable to any crime of sexual assault involving minors, to crimes relating to prostitution and sexual exploitation and corruption of minors, and to sexual assaults involving victims under the age of 16, to impose on the perpetrators, *in addition to the penalties provided for such crimes, the **penalty of deprivation of parental responsibility or special disqualification from exercising the rights of parental responsibility, guardianship, conservatorship, custody or foster care for a period of four to ten years.***

Lastly, this law amended the regulation of **evidence existing before trial in the Criminal Procedure Act (Arts. 449 bis, 449, ter, 703 bis and 730)**. The use of evidence existing before trial is an appropriate tool for preventing secondary victimisation and is particularly effective when

the victims are minors or persons with disabilities in need of special protection. Moreover, given their particular vulnerability, it makes its use mandatory if the witness is under the age of 14 or a person with a disability who needs special protection. In these instances, once the evidence has been collected prior to the trial, the judicial authority may only summon the victim to provide testimony at the hearing if requested by one of the parties and if it is determined to be essential for the proceedings.

Therefore, minors under the age of 14 and individuals with disabilities requiring special protection only provide testimony in court under exceptional circumstances, with the general rule being that evidence is gathered during the preliminary investigation and played back during the trial, thus avoiding the negative impact that a long delay between the initial statement and the trial date can have on the quality of the testimony and preventing the secondary victimisation of particularly vulnerable victims.

2.3. Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom.

This law, with a clear focus on children and among many other measures relative to the right to comprehensive, specialised, and accessible care, establishes the groundwork for implementing the **Anglo-Saxon Children's House or the Scandinavian Barnahus** model in Spain, a concept that has been gaining traction in other European countries over the past decade. The Public Prosecutor's Trafficking Unit is monitoring the implementation of the Barnahus model in Spain, as it is considered to be of utmost interest in the case of child and adolescent victims of THB. We therefore attended the seminar on '*Barnahus as a Comprehensive Model of Assistance for Child Victims of Sexual Violence*' held in Madrid on 10 February 2023 at the initiative of the Ministry of Social Affairs, the Council of Europe, and the EU, as well as the presentation on 10 November 2023 of the '*Mapping Study and Report on Training Requirements for the Barnahus Project in the Regions of Spain*'.

Law 10/2022 also added, to the aforementioned **Art. 192.3, a final paragraph** according to which it is mandatory to impose *on persons responsible for crimes against sexual freedom (Title VIII of the Criminal Code) without prejudice to the penalties corresponding to the preceding articles, a **penalty of special disqualification from any profession, trade or activity, whether remunerated or not, that involves regular and direct contact with minors**, for a period exceeding between five and twenty years the duration of the custodial sentence handed down in the judgment if the offence was serious, and between two and twenty years if it was deemed less so. In both cases, the penalty will be proportionate to the seriousness of the offence, the number of offences committed and the circumstances applicable to the convicted person.* This penalty must therefore be imposed, even if the victims are not minors, in situations where there are overlapping offences with one being

instrumental to the other involving THB for the purpose of sexual exploitation under Article 177 bis 1 b) (predicate offence), and an offence of coercive prostitution or sexual exploitation under Article 187, or prostitution involving minors under Article 188 of the Criminal Code (offences for the purposes of exploitation).

2.4. Unaccompanied Foreign Minors.

Unaccompanied foreign minors are foreign children and adolescents under the age of 18 who arrive in or are found in Spanish territory without a responsible adult. Behind the Spanish acronym MENAS (*menores no acompañados*) lies a human tragedy involving thousands of children fleeing poverty, misery and war, who are disproportionately affected by the migration crisis and find themselves in a situation of extreme vulnerability. As such, they are entitled to specific protection measures in accordance with the best interests of the child, as provided for in the international and national instruments that regulate their rights.

In 2024, the number of unaccompanied foreign minors arriving in Spain by sea in small boats or other fragile vessels continued the upward trend seen in the previous year, rising from 2 375 in 2022 to 4 865 in 2023 and 5 922 in 2024. The majority are male (5 291), although the number of girls has tripled, rising from 238 detected in 2023 to 631 in 2024.

It is the mission of the Public Prosecution Service is to protect the rights of these minors and to minimise, as far as possible, the risk of them falling victim to the human trafficking networks that exploit their extreme vulnerability.

Until 2024, the THB Unit of the Public Prosecutor's Office was responsible for determining the age of undocumented foreigners whose status as a minor was in question, under the terms established in Article 35 of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (LOEX), Article 48 of the Law on Asylum and Article 12.4 of the Law on the Legal Protection of Minors. By contrast, responsibility for protection was allocated to the Minors Unit. However, on 27 September 2024, a decree from the Public Prosecutor's Office ordered that responsibility for determining age would also be assigned to the Minors Unit, thus unifying the coordination of this area with that relating to the protection of unaccompanied foreign minors.

Determining the age of these minors is not only crucial for their fundamental right to identity and civil status, but also of enormous importance in relation to their legal status as foreign nationals. Above all, however, it is a *sine qua non* condition for their documentation and definitive regularisation under immigration law. Although Article 35.7 of Organic Law 4/2000 states that the residence of minors who are under the guardianship of a public administration in Spain, whether by the decision of a court or any other entity, is considered regular for all purposes, the reality is that the possibility of turning

18 without a definitive resolution on their age puts them at risk of being unable to access legal employment and, consequently, at risk of social exclusion, thereby increasing their vulnerability to trafficking and exploitation.

As a result, the Public Prosecutor's Trafficking Unit has made a concerted effort over many years to address the difficulties involved in applying Arts. 35 of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration and 48 of the Law on Asylum, as well as the controversial age assessment tests. Following the guidelines established by the 2014 Framework Protocol for Unaccompanied Foreign Minors (signed by the Ministries of Justice, the Interior, Employment and Social Security, Health, Social Services and Gender Equality, Foreign Affairs and Cooperation, and the Public Prosecutor's Office), the THB Unit of the Public Prosecutor's Office has drafted internal memos and technical briefs for prosecutors responsible for handling these cases, with a view to bringing them into line with Observation 40/2018 of the Committee on the Rights of the Child and the recommendations of the Ombudsperson. Until an age assessment law is passed that regulates judicial proceedings with full guarantees for minors, prosecutors must continue to perform the function assigned to them by Art. 35 of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration, Art. 48 of the Law on Asylum and Art. 12. 4 of Law 1/1996 on the Legal Protection of Minors. For this reason the THB Unit of the Public Prosecutor's Office has participated in the drafting of a **new Joint Memorandum 1/24, together with the Minors Unit and the Civil Section of the Prosecution Office of the Supreme Court of Justice**, 'on the documentation provided to prove the disputed age of foreigners', which establishes standardised criteria to be used by the various authorities when assessing certain documents provided by foreign nationals to prove their status as minors, as well as good practices in the processing of age determination files.

In the field of safeguarding the rights of children and adolescents, notable among the measures adopted by Spain since the last GRETA evaluation round is the creation of the **Ministry of Youth and Children** (Royal Decree 829/2023, of 20 November), the cornerstone of which—Organic Law 8/2021, of 4 June, on the Comprehensive Protection of Children and Adolescents against Violence — **is currently under review**.

The law, which focuses on awareness raising and the prevention and early detection of all forms of violence against children and adolescents, particularly within the spheres of family, education, health, social services, new technologies, sports, leisure activities and law enforcement, requires significant development on the part of all stakeholders involved. **The follow-up report, published in 2023**, identified the areas where more exhaustive work is needed. This, together with the reports prepared by civil society organisations working to protect children and adolescents, the reports and

recommendations of the Ombudsperson, and the available data on the reality of violence against children and adolescents, all point to the need for further progress in the comprehensive protection of children and adolescents, with a particular focus on appropriate preventive and remedial measures, strengthening protection frameworks and including measures to ensure the proper implementation of the provisions. For this reason, **in 2025, a Group of Experts was set up to review and improve the Organic Law on the Comprehensive Protection of Children and Adolescents against Violence** and their contributions have been taken into account in the proposed amendment, which is currently being processed and pursues the following objectives:

- Guarantee comprehensive and effective protection for children and adolescents against all forms of violence.
- Ensure a consistent nationwide application of the law, guaranteeing the principles of equality and non-discrimination.
- Reinforce some of the principles set out in the Organic Law on the Comprehensive Protection of Children and Adolescents against Violence, thereby strengthening the protection of rights and freedoms.
- Protect and guarantee the best interests of the child as a primary consideration in all actions taken by the public and private sectors.

Another particularly important measure that serves as an umbrella for the protection of the rights of children and adolescents is the publication of the *National Action Plan for the Implementation of the European Child Guarantee (2022-2030) -PAEGIE-*, which identifies trafficked or sexually exploited children and adolescents as particularly vulnerable groups and, therefore, as beneficiaries of the measures set out in its five fundamental pillars:

- Early childhood education and care;
- Education and extra-curricular activities;
- Healthy nutrition;
- Healthcare;
- Housing.

December 2024 saw the publication of the *First Biennial Progress Report on the Implementation of the European Child Guarantee*.

a. protecting children's rights from attitudes, customs, behaviour and practices that can have an adverse effect (including child, early and forced marriage, and illegal adoption);

The Ministry for Gender Equality reports that **Organic Law 8/2021, of 4 June, on the Comprehensive Protection of Children and Adolescents against Violence**, expressly recognises human trafficking for any purpose, forced marriage and child marriage as forms of violence (Art. 1.2). These acts fall under the framework of preventive, protective and remedial action provided for by the law. Article 3 outlines the purposes of the law, which are to raise social awareness, develop specific protocols and mechanisms, and create safe and inclusive environments across all areas that affect childhood, with the aim of eliminating attitudes, practices and customs that have adverse effects. In the family sphere, Article 26 stipulates that the public administrations must implement specific programmes to prevent practices such as child marriage, school drop-out, and the assumption of responsibilities inappropriate for their age, as well as to offer support for positive parenting (Arts. 26.1.i and 26.3). Additionally, Article 54 requires residential protection centres to have specific protocols in place to prevent, detect and intervene in cases of abuse, sexual exploitation and human trafficking, with a gender-based approach and inter-institutional coordination.

The **Strategy for the Eradication of Violence against Children and Adolescents** (Ministry of Social Rights and Agenda 2030, 2023)

- **Strategic Area 2: Culture of Good Treatment and Zero Tolerance towards Violence.** Establishes measures focused on prevention, awareness-raising and the promotion of children's rights. They include campaigns against harmful practices such as child marriage; actions tailored to different ages to ensure that children and adolescents are aware of their rights and resources for protection; emotional and sexual education focused on the prevention of abuse, grooming and exploitation; and materials for families on positive parenting and the elimination of gender stereotypes. It also incorporates training for professionals who work with minors, the inclusion of adult victims of child abuse in the design of public policies, and institutional transparency in the implementation of the Strategy. Furthermore, it provides for the regulatory implementation and practical application of the Organic Law on the Comprehensive Protection of Children and Adolescents against Violence, with legislative reforms, judicial specialisation and the implementation of the Barnahus model.
- **Strategic Area 3: Safe Environments.** This area is broken down into four lines of action: (3.1) the creation of a culture of protection in all institutional settings that care for children; (3.2) systematic training for professionals; (3.3) education for families and carers; and (3.4) recognising

the role that children and adolescents can play in evaluating and improving their environments and activities.

- **Strategic Area 4: Specialised Multidisciplinary Care.** Reinforces the commitment to comprehensive intervention, providing (4.1.6) for guaranteed access for children and adolescents—especially the children of victims of gender-based violence and trafficking—to specialised resources for victims of gender-based violence and human trafficking. It also provides (5.1.2.2) for the promotion of interdisciplinary approaches in services such as the Ministry of Justice's Victim Assistance Offices, Family Meeting Points, and support services for victims of gender-based violence, trafficking and sexual exploitation, ensuring a more coordinated response that effectively addresses the complexity of these situations.

The **Preliminary Draft of the Comprehensive Organic Law against the Trafficking and Exploitation of Human Beings** aims to prevent secondary victimisation in all administrative and judicial proceedings, as well as to offer special protection to minor victims and, in all cases, to guarantee the protection of victims regardless of their legal status and their ability or willingness to cooperate with the authorities in the investigation of the crime or in any eventual criminal proceedings. Additionally, minor victims would benefit from additional safeguards from the moment they are identified, which would always be applied in accordance with the principles of expediency, specialisation and the best interests of the child.

Furthermore **Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom**, lays the foundations for the implementation in Spain of the **Barnahus model** for minor victims, which has been rolled out across other European countries in the last decade. The national 'Barnahus Spain' project, promoted by the Spanish government in collaboration with the European Union and the Council of Europe, has drawn up national and regional roadmaps to deploy the model throughout the country, and is currently in its second phase (2024–2027). The current degree of implementation varies depending on the autonomous community. In parallel, courts specialising in violence against children have been set up in some cities, reinforcing the model with institutional coherence. Despite the progress made, full implementation will require further consolidation of resources, training and inter-institutional coordination nationwide.

The **2025 National Pact against Gender Violence** includes the following measures:

- **Measure 316.** Collaborate with the autonomous communities in promoting the Barnahus model, so that child and adolescent victims of sexual violence can access a tailored, coordinated and specialised procedure, which includes the provision of a child and adolescent-friendly space that is respectful of victims and fosters a positive response to legal proceedings.

- **Measure 182.** Take further steps to prevent secondary victimisation by furnishing the courts hearing cases of violence against women and other specialised courts with facilities that prevent confrontation between victims and aggressors and equipping them with adequate audiovisual resources to guarantee the full rights of victims to be in a safe environment that safeguards their privacy during proceedings. These same facilities may be used for cases of sexual assault and human trafficking for the purpose of sexual exploitation.
- **Measure 183.** Modify courthouses to make them more child-friendly, for example, by installing Gesell chambers specifically to ensure that minors receive appropriate care.

The Ministry of Youth and Children reports that, in compliance with the provisions of Organic Law on the Comprehensive Protection of Children and Adolescents against Violence, in 2022 and 2023, the *National Strategy for Children's and Adolescents' Rights (2023-2030) -EEDIA-* and the *Strategy for the Eradication of Violence against Children and Adolescents (2023-2030) -EEVIA-*, mentioned in the previous report, were published.

In June 2025, responsibility for evaluating the Strategy for the Eradication of Violence against Children and Adolescents was awarded to the consulting firm Red2Red, to assess its degree of compliance and effectiveness. The first implementation report, which assesses compliance with the measures during 2023 and 2024, will be available in December this year.

Furthermore, work will begin in 2026 on the development and publication of the operational plans for both strategies.

With regard to specific measures aimed at preventing child marriage, it is considered a form of violence against children in Article 1.2 of the Organic Law on the Comprehensive Protection of Children and Adolescents against Violence and is therefore subject to the prevention measures set out in both strategies and in the Law (Article 26.3), such as the awareness campaigns promoted by the Ministry of Youth and Children to combat violence against children and adolescents.

Finally, with regard to illegal adoption, Law 54/2007, of 28 December, on International Adoption establishes the necessary guarantees in its procedures to ensure the best interests of the child and respect for their rights, with the aim of preventing and combating the abduction, sale or trafficking of children and adolescents.

The Commission on Violence against Children and Adolescents (CoViNNA) was created to protect these rights within the scope of the health sector. Measures in this area are set out in the Common Protocol for Healthcare System Action against Violence in Childhood and Adolescence (2023), which was approved by the Interterritorial Council of the National Healthcare System (CISNS) in 2024 (hereinafter, the Protocol).

b. developing children’s life skills (including media literacy and online safety skills), knowledge and participation;

The **Draft of the Organic Law for the Protection of Minors in Digital Environments** (currently being processed) seeks to implement measures to guarantee the protection of minors in online environments. Its key objectives include supporting the development of children's digital skills in the online environment and their ability, enabling them to critically to assess online content and detect misinformation and abusive material. It also sets out measures in the field of education, such as training activities in schools to improve digital skills, with the aim of fully integrating pupils into the digital society and teaching them how to use and interact with digital technologies safely, healthily, sustainably, critically and responsibly for learning, work and participation in society, as well as lessons on the prevention of sexual violence.

The **Report by the Committee of Experts for the Creation of Safe Online Environments for Children and Youth** (Ministry of Youth and Children, 2024) sets out measures related to training and education. For example:

- Strengthen the elements of the educational curriculum that promote life skills, foster the well-being and health of children and adolescents and address social concerns that affect them: safe digital environments, media and information literacy, emotional and sexual education, and health education.
- Reinforce content related to emotional and sexual education.

The Ministry of Youth and Children reports that specifically in relation to the **digital rights** of children and adolescents, the following measures are particularly noteworthy:

- Strategic area 8 of the National Strategy for Children’s and Adolescents' Rights (EEDIA) (*Ensuring the Effectiveness of Children's and Adolescents' Rights in relation to the Online Environment*) is divided into three lines of intervention: digital inclusion, guaranteeing the right of access to information and the safe use and management of digital content, and personal data protection.
- Strategic area 3 of the Strategy for the Eradication of Violence against Children and Adolescents (*Safe Environments*) contains provisions on establishing measures to ensure the safe access to and use of technologies by children and adolescents.
- Within the framework of objective 2.6 of the National Action Plan for the Implementation of the European Child Guarantee (*Eliminating the Digital Divide*), specific measures are set out to train vulnerable children in digital skills.

As a concrete example of the existing commitment to the digital rights of children and adolescents and linked to measure 39 of the National Action Plan for the Implementation of the European Child Guarantee, a wide-ranging **educational leisure programme is currently being implemented to train children in vulnerable situations in digital skills**, financed with funds from the Recovery, Transformation and Resilience Plan. The aim is to ensure the digital inclusion of 950 000 children and adolescents, giving priority to those at risk of poverty or social exclusion.

In addition, in 2024, the **Committee of Experts for the Development of Safe Online Environments for Children and Youth** was established, which, in December of that same year, published a diagnostic report on how technology is impacting minors. Building on the work undertaken by this committee, a **Draft of the Organic Law for the Protection of Minors in Digital Environments** is currently going through the legislative process.

In relation to **children's participation**, Final Disposition No. 17 of the Organic Law on the Comprehensive Protection of Children and Adolescents against Violence established the National Council for the Participation of Children and Adolescents (CEPIA), which held its inaugural meeting in December 2021. In addition, fostering the participation of children is a cross-cutting element of both the National Strategy for Children's and Adolescents' Rights (EEDIA) and the National Action Plan for the Implementation of the European Child Guarantee. Since its constitution, the council's members have been consulted on important policies and strategies in the field of childhood and adolescence, and in this context, their proposals for the implementation of the Barnahus model in Spain in 2024 were of particular note.

The Common Protocol for Healthcare System Action against Violence in Childhood and Adolescence (2023) covers digital violence, although no specific activities have yet been initiated in this area. The Spanish Council for the Participation of Children and Adolescents was consulted during the drafting of the Protocol, resulting in a specific report and presentation for childhood and adolescence.

The Ministry of Health, in coordination with the Ministry of Education, also runs a Healthy Schools Initiative that aims to promote emotional well-being and prevent and address violence, among other issues.

c. putting in place a system for monitoring and reporting cases of abuse;

One example we can point to is the **Common Guide to Detecting, Reporting and Referring Cases of Child Sexual Exploitation in Children's Homes, with a Particular Focus on Girls and Adolescents** (Ministry for Gender Equality, 2022).

The Common Protocol for Healthcare System Action against Violence in Childhood and Adolescence (2023) includes guidelines for detecting, reporting, registering, and following up on cases in healthcare settings.

The Ministry of Youth and Children reports that, recognising the essential importance of having reliable data that allows for a uniform understanding of the extent of violence against children, the last GRETA evaluation of Spain reflected the provisions of Articles 44 and 56 of the Organic Law on the Comprehensive Protection of Children and Adolescents against Violence in relation to the creation of two national registers (the Unified Registry of Social Services on Violence against Children (RUSSVI) and the Central Register of Information on Violence against Children and Adolescents (RCIVIA)) to raise awareness of the phenomenon and facilitate effective intervention.

With regard to the Unified Registry of Social Services on Violence against Children (RUSSVI), **two pilot phases were conducted** in various autonomous communities **between 2024 and 2025**, following which, the tool was evaluated and feedback for improvement was gathered. Specific training on the tool is now planned for the different professionals who will be utilising it.

Lastly, in relation to the Central Register of Information on Violence against Children and Adolescents (RCIVIA), the Ministry of Youth and Children is **currently developing the specific regulation that will govern it, which will be issued as a Royal Decree.**

- d. providing training to child care professionals, legal guardians, education professionals;**

Organic Law 8/2021, of 4 June, on the Comprehensive Protection of Children and Adolescents against Violence recognises the need to establish effective prevention measures to combat violence against children and adolescents by providing adequate information to children and adolescents, specialising and improving professional practice in the various areas of intervention, supporting families by providing them with positive parenting tools, and strengthening the participation of minors (Article 3.b).

Furthermore, Title III of **Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom**, relating to training, establishes that professional specialisation shall be guaranteed at all levels of the administration by ensuring that all members of the professional sectors mentioned in this Title receive both compulsory initial training and continuous training. This mandate applies particularly to personnel involved, whether directly or indirectly, in the prevention, detection, redress and response to sexual violence and in providing assistance to victims who have a direct relationship with their aggressors, with special emphasis being placed on training personnel

who have direct and regular contact with minors. Some of the sectors mentioned in the Title are as follows:

- Training in the field of teaching and education (Art.24)
- Training in the healthcare, social care and social services sector (Art.25)
- Training for law enforcement bodies (Art.26)
- Training for members of the Judiciary and Public Prosecutor's Office and all personnel working in the justice administration bodies (Art.27)
- Training for personnel working in the legal profession (Art.28)
- Training for personnel working in the forensic field (Art.29)
- Training for personnel working in prisons and other detention or custody centres (Art.30)
- Training for personnel working abroad (Art.31)
- Measures relating to the assessment, verification and accreditation of universities and university degrees (Art.32)

Furthermore, within the framework of the **2025 National Pact** against Gender Violence, renewed by the plenary session of the Congress of Deputies on 26 February 2025, there are specific measures aligned with these aspects, such as:

- **Measure 48.** Implement two-pronged measures to combat the trafficking of women and minors for the purpose of sexual exploitation: firstly, measures aimed at prevention and detection through the provision of targeted training for all professional teams, particularly those in the fields of healthcare and social services. And secondly, initiatives to raise social awareness, drawing on real cases of survivors and advice from specialist organisations.

The **Preliminary Draft of the Comprehensive Organic Law against the Trafficking and Exploitation of Human Beings** would provide for the implementation of measures in line with the recommendation made, such as, for example, specialised training for public employees involved in the prevention, detection and identification, assistance to victims and prosecution of human trafficking and exploitation.

In particular, it would adopt the necessary measures to guarantee specialised training for members of law enforcement bodies working in specialist teams to combat the trafficking and exploitation of human beings. It would also provide for expert training for social services personnel working in the areas of prevention, detection, identification and care for the victims of human trafficking and exploitation.

The aforementioned National Strategic Plan against Trafficking and Exploitation of Human Beings (PENTRA) also includes specific measures related to these matters:

- **Measure 1.2.C.** Promote training, involvement and collaboration in the detection of human trafficking among public administration staff and members of the judiciary and prosecution service who may have direct or indirect contact with potential victims.
- **Measure 1.2.D.** Undertake initiatives to inform and train private-sector personnel working in the most relevant sectors on human trafficking, thereby fostering awareness and engagement in its detection.
- **Measure 1.3.D.** Promote, at different educational levels, the inclusion of training and information for young people to discourage demand.

The Prevention and Health Promotion Strategy of the National Health System (SNS) includes, among its priority interventions, a positive parenting programme to promote emotional well-being in children. Two online courses are available, one for health professionals (Positive Parenting: improving health and well-being from 0-3 years; Training for the development of face-to-face group activities) and another for the general public, both of which are currently being updated.

The Common Protocol for Healthcare System Action against Violence in Childhood and Adolescence (2023) also includes, among its priority preventive interventions, home visits from the prenatal period and until two years of age, and individual and group positive parenting programmes, among others.

Through an agreement with the EU Asylum Agency, courses on detecting trafficking in persons have been given to **professionals** working in the child protection systems of the different autonomous communities, and the Ministry of Youth and Children delivered a 100-hour online training course in 2023 on 'The trafficking of children and adolescents for the purpose of sexual exploitation: comprehensive care for victims'.

- e. **access to education and health care for vulnerable children, including from minority groups, unaccompanied migrant children, and children of migrant workers;**

For the children of legally employed migrant workers, access to healthcare is provided through one of the types of coverages outlined in Article 3, sections 2 or 3 of **Law 16/2003, of 28 May, on the Cohesion and Quality of the National Health System**. By contrast, the children of migrants are covered under Article 3 ter of the same law.

Article 3. Holders of the right to health protection and healthcare.

1. All Spanish nationals and foreign nationals permanently residing in Spain are entitled to health protection and healthcare.

Notwithstanding the foregoing, persons entitled to healthcare in Spain under EU regulations on the coordinated social security systems or bilateral agreements covering the provision of healthcare shall have access to that healthcare, provided that they are residing in or temporarily visiting Spain, in the manner, to the extent and under the conditions established in the aforementioned EU or bilateral provisions.

2. In order to exercise the right referred to in section 1, with the costs being covered by the competent public administrations, the persons entitled to these rights must be in one of the following situations:

- a) Be a Spanish national and habitually resident in Spain.
- b) Have their right to healthcare in Spain recognised by any other legal title, even if they do not ordinarily reside in Spain, provided that there is no third party obliged to pay for such care.
- c) Be a foreign national with permanent legal residence in Spain and not be obliged to prove compulsory health insurance coverage by other means.

3. Any person who, pursuant to section 2, is not entitled to healthcare services paid for by public funds may obtain access to such services by subscribing to a special agreement and paying the corresponding contribution or fee.

Article 3 ter. Health protection and healthcare for foreign nationals who are in Spain but do not have legal residence in the Spanish territory.

1. Foreign nationals who are not registered or authorised to reside in Spain are entitled to health protection and healthcare under the same conditions as Spanish nationals, as established in Article 3.1.

2. Said care shall be paid for from the public funds of the competent administrations, provided that said persons meet all of the following requirements:

- a) They are not required to prove compulsory health coverage by other means, pursuant to the provisions of European Union law, bilateral agreements and other applicable regulations.
- b) They are unable to export their right to health coverage from their country of origin or provenance.
- c) There is no third party obliged to pay.

The Common Protocol for Healthcare System Action against Violence in Childhood and Adolescence (2023), prioritises:

- Guaranteeing early access to pre- and postnatal services during pregnancy, particularly if there are risk factors or situations of violence.
- Guaranteeing early access to pre- and post-adoption or foster care services, including psychoprophylaxis programmes, particularly if there are risk factors or situations of violence.
- If translation, interpretation, or sign language support is required, efforts will be made to provide trained personnel of the child's preferred gender to ensure universal access to comprehensive, quality care
- Facilitating access to specialist resources for the recovery of life goals and social inclusion: educational support programmes, access to youth employment, etc.
- Services, spaces, and procedures must be designed and provided that are accessible, adapted, child-centred and familiar to children, well-promoted and advertised, safe, sensitive, confidential, staffed by trained personnel and tailored to their characteristics and emotional states; respecting their sex, sexual orientation, gender identity and expression, with special consideration given to the specific support and communication needs of children with disabilities, as well as to their cultural, ethnic, and social backgrounds and the social factors that can lead to situations of vulnerability.

f. birth registration for all children born in the country.

All children born in Spain are registered in the Civil Registry, even if their parents are foreign nationals, as established in Article 9 of Law 20/2011, of 21 July, on the Civil Registry, which states: 'The Civil Registry shall record all registrable events and acts affecting both Spanish nationals and those relating to foreign nationals that occur on Spanish territory.'

3. What measures are taken in your country to address vulnerabilities related to the gender dimension of human trafficking?

Within the framework of Instruction No. 6/2023 of the State Secretariat for Security, on the 'Master Plan for Peaceful Coexistence and Improved Security in Educational Institutions and their Surroundings', training is provided that includes the prevention of this crime, with the aim of alerting people to the potential risks, with a particular focus on gender, especially in relation to sexual exploitation, where women account for the highest percentage of victims.

In addition, information is disseminated on social media and joint campaigns are run with NGOs and other specialist entities on the subject of sexual exploitation.

With regard to criminal proceedings, we would point out that Law 4/2015, on the Status of Victims of Crime, offers victims the broadest possible legal and social remedy, not only in terms of

reparation for the damage suffered in the context of criminal proceedings, but also in terms of minimising other traumatic psychological and emotional effects that their experience may have produced, regardless of their procedural status. GRETA is already familiar with this regulation, which sets out a comprehensive catalogue of procedural and extra-procedural rights for all victims of crime, emphasising the adoption of special and appropriate measures for victims with special needs or those who are particularly vulnerable, including victims of gender-based violence, minors and individuals with disabilities.

Law 4/2015 has undergone several amendments under **Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom** to guarantee protection for victims of sexual violence, including those affected by THB for the purpose of sexual exploitation, as well as their access to assistance and support services.

In line with the provisions of the Law on the Status of Victims of Crime and with the advances in the area of protecting vulnerable victims during criminal proceedings, **Royal Decree-Law 6/2023, of 19 December**, introduced the new **Article 258 bis into the Criminal Procedure Act**. This article establishes that special measures are to be implemented to ensure that the taking of statements or questioning of the accusers, witnesses or experts in cases involving **victims of gender-based violence, sexual violence, trafficking in human beings, minors, or persons with disabilities** may be conducted remotely from the locations in which they are officially receiving support, care, counselling, or protection, or from any other suitable location, as long as they have adequate means to verify their identity and can meet the necessary conditions for participation.

At this juncture, we should highlight several other legislative reforms that have recently been enacted in our country: the approval of the aforementioned Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, the new Immigration Regulation (RELOEX) approved by Royal Decree 1155/2024, of 19 November, and Organic Law 1/2025, of 2 January, on the Efficiency of the Public Service for Justice.

3.1. Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom

Organic Law 10/2022, which adopts a clear gender and childhood-focused perspective, considers sexual violence to be any act of a sexual nature that is non-consensual, or which restricts an individual's freedom to pursue their own sexual life in any public or private sphere. This includes all offences listed in Title VIII of Book II of Organic Law 10/1995, of 23 November, of the Criminal Code. Female genital mutilation, forced marriage, sexual harassment and **trafficking for the purpose of sexual exploitation** are also classified as sexual violence.

This organic law aims to prevent sexual violence and **safeguard the rights of all victims**, laying the foundations for eliminating the additional obstacles encountered by some victims due to gender discrimination. To ensure prevention, provide an effective response for victims and impose appropriate punishments for these offences, central importance is given to implementing comprehensive, interdisciplinary measures that promote specialist, coordinated institutional and professional actions.

It includes the following provisions, among many others:

- It provides for the development of protocols and training to improve the detection of sexual violence in three key areas—education, health and social care—with the aim of identifying and responding to the most hidden forms of sexual violence, such as female genital mutilation and cases of forced abortion and sterilisation
- It addresses the training measures needed to ensure the specialisation of professionals with direct responsibility for the prevention and detection of sexual violence, as well as comprehensive care, protection and justice, as one of the principal guarantees of the application of this Organic Law. It contains measures for training in the fields of teaching and education, health, social and health care, social services, and law enforcement. It also provides for training for members of the judiciary and the Public Prosecutor's Office
- It includes measures to safeguard the financial autonomy of victims, with the aim of facilitating their comprehensive recovery through the provision of aid and measures in the fields of work and public employment
- With regard to the right to comprehensive, specialised and accessible support, it defines the scope and guarantee of this right, which shall include, at the very least, information and guidance for victims, immediate and crisis medical and psychological care as well as long-term recovery care, assistance with economic, employment, housing and social needs, prior legal advice and free legal assistance in proceedings arising from the violence, follow-up on their claims for rights, translation and interpretation services, and specialist assistance for women with disabilities and children
- It regulates the actions of law enforcement bodies. Specifically, it establishes the obligation to provide specialist police services and improve the quality of care during the reporting process, in addition to thorough investigation and adequate protection for women and children at risk

The sixth final provision of Organic Law 10/2022 amended **Article 31 bis of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (LOEX), to prevent the initiation of administrative disciplinary proceedings against foreign women who are victims of sexual violence and report their situation as**

such, as is already the case for victims of gender-based violence. This amendment is particularly significant because although victims of THB with irregular legal statuses, including those trafficked for the purpose of sexual exploitation, remain subject to the provisions of Article 59 bis of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration, Article 31 bis may be applied in cases where even if the elements of the crime of trafficking (means of commission, recruitment, transfer) cannot be proven, those of coercive prostitution or sexual exploitation, i.e. the crimes that result from the human trafficking, can be. Under this article, regardless of their legal status, any female foreign national who is a victim of gender violence is entitled to the rights recognised in Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender Violence; similarly, those who have been affected by sexual violence are entitled to the rights enshrined in the Organic Law on the Comprehensive Guarantee of Sexual Freedom, as well as, in both cases, the protection and security measures established in current legislation.

3.2. The new Immigration Regulation approved by Royal Decree 1155/2024, of 19 of November, (RLOEX).

The new regulation rewords **Art. 137** and provides for the possibility that the Public Prosecution Service may exercise the protective duty attributed to it by law to furnish the victim of a crime falling within the scope of Art. 31 bis of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (LOEX), where appropriate, with a report detailing evidence of sexual violence for the purpose of proving their situation and accessing the rights recognised in the aforementioned Art. 31 bis of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration.

Furthermore, Royal Decree 1155/2024, of 19 November, reworded **Art. 140 of the new Immigration Regulation**, which now states that once criminal proceedings have concluded with a conviction or judgment establishing that a foreign national has been a victim of sexual violence, the Public Prosecution Service shall notify the relevant Immigration Office and Police Station so that a residence and work permit may be granted based on exceptional circumstances. And if provisional authorisation has not previously been requested, the Public Prosecution Service shall inform the foreign national that it can apply for temporary residence and work permits on their behalf, as well as on behalf of any children, minors, and ascendants referred to in the article. Thus, the task of notifying the relevant authorities that a conviction or judgment from which it can be inferred that a foreign national has been a victim of sexual violence—including THB for the purpose of sexual exploitation—has been handed down, now falls to the Public Prosecution Service, which is a hugely

important step in terms of guaranteeing the rights of foreign nationals to seek administrative regularisation.

3.3. Organic Law 1/2025 on the Efficiency of the Public Service for Justice

Organic Law 1/2025 has reworded **Article 89 of the Organic Law on the Judiciary**, which, in section h) **assigns to the divisions dealing with violence against women** the responsibility for conducting investigative proceedings to bring criminal charges for the offences against sexual freedom provided for in Title VIII of Book II of the Criminal Code, for the crimes of female genital mutilation, forced marriage, sexual harassment, **and trafficking for the purpose of sexual exploitation if the victim of the crime is a woman**, in order to comply with the twentieth final provision of Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, concerning specialisation in sexual violence. This rewording represents a clear commitment to the previously lacking specialisation of judicial bodies, assigning jurisdiction over crimes of human trafficking for the purpose of sexual exploitation to the divisions dealing with violence against women if the victim is female.

The Ministry of the Presidency, Justice and Relations with the Parliament reports that trafficking for the purpose of sexual exploitation primarily affects women and girls, as does trafficking for the purpose of labour exploitation in traditionally female-dominated sectors such as domestic service and agriculture. Trafficking in human beings is therefore a form of violence and discrimination against women and a serious obstacle to the achievement of real equality between women and men and to women's enjoyment of their fundamental human rights and freedoms.

For this reason, the measures in the area of the Public Service for Justice described in question 36 have been developed with the gender perspective in mind.

According to data from the Statistics on Convicted Persons published by the National Statistics Institute on 18 September 2025, in 2024, there were 3 936 adults registered on the Central Register of Sex Offenders with final convictions for crimes against sexual freedom committed in 2024 or previously. Adults committed 5 230 offences, which is an increase of 50.8% compared to 2023. Of these, the offence with the most significant percentage increase was human trafficking, with 157 incidents representing an increase of 248.9% compared to 2023.

Specifically, the gender perspective underpins the measures designed to improve access to justice, such as taking statements from victims in specially designed rooms; having statements taken by someone of the same gender as the victim; the practice of employing evidence existing before trial; measures to prevent questions being asked about the victim's private life if they are not relevant to the criminal offence being prosecuted; and measures relating to witness protection. Its incorporation

will also help increase victims' confidence in access to justice and in the justice system's response, thereby increasing the number of criminal proceedings and sentences handed down to punish the crime.

The Ministry for Gender Equality reports that **Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom**, sets out measures to address vulnerabilities related to the gender dimension of gender-based trafficking, such as:

- Comprehensive support services for victims of trafficking and sexual exploitation that are specifically tailored to their unique needs.
- In an effort to prevent sexual violence in both the public and private spheres (including the digital sphere), the public administrations, within their respective realms of responsibility, will conduct the following campaigns (Art. 9):
 - o Awareness-raising and sensitisation campaigns specifically targeting men, teenage boys and younger boys with the aim of eradicating prejudices based on stereotypical gender roles, actively contributing to the prevention of all forms of violence covered by this organic law and reducing the demand for services linked to sexual exploitation and pornography that normalise sexual violence.
 - o Awareness-raising and sensitisation campaigns aimed at discouraging the demand for services linked to sexual exploitation, prostitution and pornography that normalise sexual violence, as well as highlighting the consequences for women in prostitution.
- Measures and campaigns will be implemented to prevent, raise awareness and encourage the reporting of cases of female genital mutilation and the trafficking of women for sexual exploitation and forced marriage. This will involve collaborative efforts between national and international agencies and entities through bilateral or multilateral agreements designed to promote the exchange of information and achieve this goal within the framework of international development cooperation (Art.13.3).
- Detection of cases of female genital mutilation and the trafficking of women for the purpose of sexual exploitation and forced marriage (Art.22)
- The right to comprehensive, specialised and accessible assistance: i) Specialised care for minor victims of sexual violence and victims of trafficking and sexual exploitation (Art. 33.i)
- Comprehensive, specialised and accessible support services: c) Services for victims of trafficking and sexual exploitation: services that include, as a minimum, psychological support, legal assistance and social guidance in their own language (Art.35.c).

- Funds earmarked for reparations to victims: these funds may be used to finance the assistance provided for in Article 55.2 of the aforementioned Organic Law, as well as measures aimed at promoting employment and financial independence, with a particular focus on assisting victims of sexual exploitation and trafficking for the purpose of sexual exploitation, in coordination with the autonomous communities and local authorities (Art.56.2).

The **2025 National Pact** against Gender Violence, renewed by the plenary session of the Congress of Deputies on 26 February 2025, contains several specific measures that are aligned with the above aspects, notably those numbered 48, 94, 102, 108, 120, 121, 156, 182, 192, 224, 228, 240, 267, 268, 269, 296, 315, 334, 364, 381, 389, 390, 391, 392, 393, 394 and 395.

With regard to the **2022-2026 Operational Plan for the Protection of the Human Rights of Women and Girls Victims of Trafficking, Sexual Exploitation and Women in Contexts of Prostitution (Plan Camino)**, the overall objective is to prevent and detect the trafficking and sexual exploitation of women and girls, and to strengthen the comprehensive assistance, protection and redress they receive. It also seeks to guarantee their human rights and offer real alternatives to women in prostitution through consolidated institutional actions. Its specific objectives are as follows:

- Improve official information on trafficking, sexual exploitation and prostitution (including mapping and qualitative/quantitative data).
- Reduce the demand for these crimes through education and awareness campaigns aimed particularly at adolescent boys and adult men.
- Ensure the early detection of victims by public services (health, education and social services), with a particular focus on minors.
- Consolidate the victim accreditation system without the need to file a prior complaint, to facilitate access to rights and formal identification.
- Guarantee victims' financial and residential autonomy, as well as their access to the health system and dignified alternatives for their lives.
- Facilitate the regularisation of documentation for foreign women in situations of extreme vulnerability as a means of emancipation.
- Ensure access to public health, including physical and psychological rehabilitation, with inclusive services for victims with disabilities.

The plan is structured around five lines of action, aligned with recommendations from the Council of Europe (GRETA) and the CEDAW Committee. It includes both emergency measures for 2022–2023 and medium- to long-term actions (2024–2026).

Within the scope of the powers attributed to the Ministry for Gender Equality, through the Government Office (Delegación del Gobierno) for Gender Violence, **public grants are awarded annually to projects supporting women and girls who are victims of human trafficking for the purpose of sexual exploitation and their underage or disabled children.** For the purposes of these grants, projects aimed at supporting women and girls who are victims of trafficking for the purpose of sexual exploitation are considered to be those aimed at implementing initiatives in the following areas:

- a) Comprehensive support pathways, including measures providing care, protection, subsistence and redress for victims, regardless of their administrative status and whether or not they have availed themselves of the recovery and reflection period provided for in Article 59 bis of Organic Law 4/2000, of 11 January. These programmes may or may not include detection mechanisms.
- b) The provision of one or more of the following services, if they do not form part of a comprehensive pathway: mechanisms for identifying potential victims (mobile units, helplines, distribution of materials, visits to clubs and flats, etc.), information and advice, psychosocial care, healthcare, legal support, referral to other resources and/or help with (re)integration into society and the labour market, including training activities.
- c) Assistance in situations of particular vulnerability, in which actions are taken to prioritise the detection of and care for minor victims, foreign women with irregular legal status, applicants for international protection and victims with disabilities and mental health problems, among others.

Also available are **public grants for programmes and projects aimed at awareness-raising, prevention, and research and innovation with a view to eradicating the various forms of violence against women.**

Royal Decree 634/2022, of 26 July, regulating, within the framework of the Recovery, Transformation and Resilience Plan, the Direct Award of Grants from the Ministry for Gender Equality to Various Entities for the Integration into Society and the Labour Market of Women and Girls Victims of Trafficking, Sexual Exploitation and Women in Contexts of Prostitution, has as its primary objective to regulate the direct granting of subsidies to various social organisations nationwide (Médicos del Mundo, Mujeres en Zona de Conflicto, Adoratrices, Fundación Cruz Blanca and APRAMP) to promote the development of programmes aimed at supporting and improving the integration of women and girls who are victims of trafficking, sexual exploitation and prostitution into society and the labour market. The purpose of the grants is to

expand access to comprehensive support services for all forms of violence against women, ensure coverage throughout the country, especially in areas with fewer resources, improve employment and social opportunities for female victims, and promote equality and social cohesion. The grants form part of the 'Spain Protects you against Gender-based Violence' Plan, within Component 22 of the Recovery, Transformation and Resilience Plan (PRTR). They are aligned with measure I.4, which supports the integration of victims into the labour market in the context of recovery from the COVID-19 crisis.

Also of note is Article 47 **of Royal Decree-Law 6/2022, of 29 March, adopting Urgent Measures within the Framework of the National Plan to Respond to the Economic and Social Consequences of the War in Ukraine**, establishing an accreditation system that recognises the status of victims of trafficking or sexual exploitation through reports issued by public services or specialist social entities, regardless of whether a complaint has been filed. This accreditation guarantees access to welfare rights, such as the Minimum Basic Income, and facilitates referral to comprehensive support services. In addition, the government and the autonomous communities work together to define standard procedures that ensure an effective, gender-sensitive response.

Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom expands the definition of sexual violence to include victims of trafficking for the purpose of sexual exploitation by recognising that all victims of trafficking for the purpose of sexual exploitation are also victims of sexual violence and are therefore entitled to the same rights as other victims. In the area of protecting and caring for victims, services have been set up to reinforce the comprehensive approach. These include the 016 helpline, ATENPRO, 24-hour crisis centres, and a telematic monitoring system.

- The **016 service** is a free, confidential telephone resource available 24 hours a day, 365 days a year, providing information, legal advice and immediate psychosocial support to victims of violence against women, including human trafficking for the purpose of sexual exploitation. Calls to the number cannot be traced on phone bills and it is available in 53 languages, as well as in formats accessible to people with disabilities. In addition to directly assisting victims, the 016 helpline also supports those close to them, such as family members or friends, with the aim of building a support network that can contribute to their protection and recovery.
- The **ATENPRO** service (Telephone Assistance and Protection Service for victims of violence against women) is an immediate response mechanism that offers support to women at risk through a mobile tele-assistance system with geolocation. Aimed primarily at victims who do not live with their aggressor and have agreed to participate in the programme, this service provides personalised care and continuous monitoring 24 hours a day, enabling the rapid deployment of

emergency services in the event of danger. ATENPRO combines this immediate response with psychosocial support, empowering women to be independent and increasing their sense of security as they recover and escape from violent situations.

- Playing a similar role are the **24-hour crisis centres** for victims of sexual violence, which include the victims of human trafficking for the purpose of sexual exploitation. The Recovery, Transformation and Resilience Plan committed Spain to setting up 52 crisis centres, one in each province and autonomous city. These centres are specialist facilities offering comprehensive, free and confidential care to women who have suffered any form of sexual violence, regardless of whether they have officially reported it. They operate 24 hours a day, 365 days a year. There are currently **59 crisis centres** in operation.

4 What specific measures are taken to reduce the vulnerability to trafficking of persons from disadvantaged minorities? Please provide information on policies and measures in the following areas:

Organic Law 13/2022, of 20 December, amended the Criminal Code to increase the penalties for trafficking in human beings *when the victim's vulnerability has been caused or aggravated by displacement resulting from an armed conflict or a humanitarian disaster.*

Law 13/2022 was passed in light of the millions of Ukrainians displaced throughout Europe as a result of the war, tens of thousands of whom are in Spain, having been forced to leave their country in extreme circumstances. The legislature has taken into account that these people, particularly the displaced women and children, are exposed to situations of extreme vulnerability and, therefore, to potential traffickers.

This legal provision extends to anyone who finds themselves in this situation. However, we should point out that we are not aware of any cases in which this aggravating circumstance has been applied since its approval, as there have been very few detected cases involving victims of THB from Ukraine since the conflict broke out. We will return to this issue later.

Law 12/2009 regulating the Right to Asylum and Subsidiary Protection recognises persecution on grounds of gender (Article 7.1.e) and includes an explicit reference to the particularly vulnerable situation of victims of trafficking who apply for international protection and who must be guaranteed special treatment (Article 46). Under this legal framework, and in line with international standards, the Spanish authorities responsible for asylum matters have been recognising the special protection afforded by this status to victims of trafficking who meet the requirements of the definition

of refugee set out in the Geneva Convention Relating to the Status of Refugees and who cannot safely return to their countries of origin.

The Trafficking Unit of the Public Prosecutor's Office remains in regular contact with Spain's law enforcement bodies to insist that the international instruments ratified by Spain recognise the compatibility of the rights derived from the identification of a victim of human trafficking (especially those provided for in Art. 59 bis of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (LOEX)) with those that would correspond to them if they were also eligible for international protection. Directive (EU) 2024/1712 is equally clear on this point, stating that *'Victims of trafficking in human beings have the right to apply for international protection or equivalent national status. They are also able to benefit from a residence permit under Council Directive 2004/81/EC, where applicable (11). Therefore, Member States should ensure that the relevant two procedures are complementary and do not preclude one another'*.

a. research;

In all police investigations, once identified, victims of trafficking are informed of their rights regardless of whether they report the crime or not.

Steps are also taken to rescue them as soon as their existence, location, and the danger they may be in are known, regardless of whether doing so may affect the investigation.

Studies previously mentioned, including:

- Macro-study. Trafficking, sexual exploitation and prostitution of women: a quantitative approach (Ministry for Gender Equality, 2024)
- Prostitution in digital contexts (Institute of Women, 2023)

The Operational Plan for the Protection of the Human Rights of Women and Girls Victims of Trafficking, Sexual Exploitation and Women in Contexts of Prostitution 2022-2026 (Plan Camino):

- Line of Action 1 'Research and data collection'. Specific objective: to improve official information on the extent of trafficking, sexual exploitation and prostitution, including mapping and qualitative and quantitative information on the reality of these women and girls. As an emergency measure, the first macro-study of women and girls trafficked for the purpose of sexual exploitation and in a situation of prostitution in Spain is planned. This study will also examine the geographical distribution of these victims across the country. To this end, the study will estimate the number of women and girls and their geographical distribution as a first step towards a future qualitative diagnosis. In the medium term, during the period 2024-2025, a system is expected to be put in

place to manage and periodically analyse data from the Ministry for Gender Equality on trafficking for the purpose of sexual exploitation, sexual exploitation and prostitution. This system will be coordinated alongside the other existing official information systems on trafficking and sexual exploitation to ensure complementary coverage and provide a foundation for evaluating the impact of implemented policies.

The **2025 National Pact**, from which the following measures can be cited:

- **Measure 394:** Conduct a study on the realities of trafficking for the purpose of sexual exploitation and new forms of victim recruitment, as well as the operational responses that should be implemented to make it easier for the police to intervene in areas under a high level of control by pimps, including private residences.
- **Measure 364:** Conduct a diagnostic study on the trafficking and exploitation of women and girls that provides elements that can improve detection, with a special focus on situations of vulnerability or disability. It should consider circumstances that may increase risk, such as migration processes, family environments, care settings, and occupational or specialised employment centres, among others.

b. information, awareness-raising and education campaigns;

The law enforcement bodies are actively involved in ongoing information, training, and awareness campaigns focused on human trafficking. They attend the various forums to which they are invited. Examples of their participation include:

- Training sessions for new prosecutors and judges organised by the General Council of the Judiciary.
- Training at immigrant reception centres for both adults and dependent minors under the Ministry of Inclusion, Social Security and Migration.
- Participation in training sessions and round tables organised by public and private universities.
- Engagement in debate forums, either as speakers or attendees, organised by third sector entities.

The police forces in Spain use social media to share information and raise awareness among groups that are particularly vulnerable due to their age, enabling them to access basic information without the need to visit a police station. Individuals are directed to helplines that cater specifically for victims of trafficking, as well as to specific email addresses where they can receive support from specialists experienced in assisting victims of this crime.

The goal is to inform potential victims about the risks of being recruited and to encourage them to call the helpline to report their situation before the exploitation occurs.

- **Campaign to raise awareness and prevent the trafficking of women for the purpose of sexual exploitation: Stop the trafficking of women. Don't invest in suffering (2017):** Campaign to prevent and raise awareness of the trafficking of women and girls for the purpose of sexual exploitation. The trafficking of human beings for the purpose of sexual exploitation constitutes a profound violation of human rights, using individuals, mainly women and girls, as mere commodities, restricting their freedom and undermining their dignity. To end this, it is necessary to bring to light and raise awareness of its existence in our communities. It cannot be ignored that the fate of victims of trafficking for the purpose of sexual exploitation is prostitution. Therefore, the demand for sexual services is identified as one of the main causes of this serious violation of human rights. It is crucial that our society rejects the consumption of human beings in order to achieve its eradication.
- **Guide to Resources for Victims of Trafficking for the Purpose of Sexual Exploitation (2018):** This guide provides information on the resources offered by non-profit organisations and public bodies/agencies whose purpose is to specifically assist women and girls who are victims of trafficking for the purpose of sexual exploitation. The information is supplied by the organisations offering the assistance and by the autonomous communities and the cities of Ceuta and Melilla through the Sectoral Conference on Gender Equality. The guide details the resources available, both in terms of their geographical location and the type of support they offer, specifying the services provided and the places available.
- **'STRAWBERRY GIRLS' exhibition:** The Government Office (Delegación del Gobierno) for Gender Violence organised an exhibition entitled 'Strawberry Girls', which focused on one of the most common routes into trafficking: the recruitment of manual labourers in Morocco for the strawberry harvest in Spain. The aim of the exhibition was to provide a space for reflection, awareness-raising and solidarity with the victims, as well as with all the people and organisations that fight tirelessly to eradicate trafficking.
- **Film Forum 'AVA':** Coinciding closely with the International Day Against Sexual Exploitation and Trafficking of Women and Children, a double event was held on 17 September 2024 as part of the film forum series and parallel awareness-raising activities organised by the Government Office (Delegación del Gobierno) for Gender Violence. The event consisted of the screening of the documentaries *AVA* and *PORNOXPLOTACIÓN* by Mabel Lozano. The documentary *AVA* won the 2024 Goya Award for Best Short Documentary.

c. socio-economic initiatives targeting underlying and structural causes;

Support for the third sector is key to providing a comprehensive, human rights-based response to women and girls who are victims of trafficking for the purpose of sexual exploitation. The national government has introduced various funding initiatives to strengthen both direct support for victims and social awareness.

In 2024, there will be three calls for grant applications, which have already been mentioned above:

- **Public grants for projects supporting women and girls who are victims of human trafficking for the purpose of sexual exploitation and their underage or disabled children:** EUR 7 000 000 was allocated to finance projects run by 47 organisations.
- **Public grants for programmes and projects that seek to raise awareness, prevent, educate, research and innovate in order to eradicate the various forms of violence against women:** although not exclusively focused on trafficking, many of these projects address the issue from different perspectives (prevention, research, welfare and healthcare, etc.) In 2024, with 225 applications received, a total of EUR 6 976 488.91 was allocated to fund projects.
- **Grants for general interest activities considered to be socially beneficial:** managed by the State Secretariat for Social Rights, with the participation of the Government Office (Delegación del Gobierno) for Gender Violence. In 2024, these grants funded initiatives providing comprehensive support to victims of trafficking, including prevention, (re)integration and specialised legal assistance, among others.

d. education, vocational training and job placement programmes.

With regard to the training events provided to the professional teams in the Offices for Assistance to Victims of Crime (hereinafter, the OAVD), which has included specific content on human trafficking, as part of the *training course for procedural managers of the OAVD and the National High Court's Office for Information and Assistance to Victims of Terrorism*, which took place on 20 and 21 October 2022, a presentation was given by the Spanish Red Cross' Human Trafficking Unit (Social Inclusion Department) on their 'actions in the field of assisting victims of human trafficking for the purposes of sexual and labour exploitation'.

Royal Decree 634/2022, of 26 July, regulating, within the Framework of the Recovery, Transformation and Resilience Plan, the Direct Award of Grants from the Ministry for Gender Equality to Various Entities for the Integration into Society and the Labour Market of Women and Girls Victims of Trafficking, Sexual Exploitation and Women in Contexts of Prostitution, whose purpose is to expand access to comprehensive support services for all forms

of violence against women, guarantee the availability of assistance throughout the country—especially in areas with fewer resources—enhance the employment and social opportunities of female victims and promote equality and social cohesion.

In the renewed **2025 National Pact, measure 269** is of note, establishing that: priority shall be given to victims of sexual exploitation and trafficking for the purpose of sexual exploitation in publicly funded training programmes designed to improve the employability of persons with disabilities.

Operational Plan 2023/2026 for the National Strategy for Roma Equality, Inclusion and Participation.

SPECIFIC OBJECTIVE 11 Increase the empowerment, participation and activity of Roma women in the labour market.

- **Measure: 11.3.** Implementation of training and awareness-raising activities aimed at stakeholders in the education system and the labour market to combat stereotypes, gender bias and the multiple forms of discrimination to which Roma women are exposed, within the framework of the operational programmes of the ESF+. Led by the Ministry of Labour and Social Economy (State Secretariat for Employment and Social Economy) and the Ministry for Gender Equality (Government Office (Delegación del Gobierno) for Gender Violence).

Actions 2023-2026: Training and integration programmes for women who are victims of gender-based violence or trafficking and sexual exploitation.

5. What specific measures are taken to reduce the vulnerability to THB of persons with disabilities? Please provide information in the following areas:

To reduce the vulnerability of persons with disabilities to THB, several prevention and protection measures have been adopted, including improving the accessibility of support services, providing specialised training for the personnel tasked with assisting victims, conducting targeted awareness-raising campaigns and using adapted communication technologies. In addition, there are specific protocols for the care of victims with disabilities to ensure their inclusion in all policies and services and guarantee they receive personal assistance and procedural facilitation in their preferred language and environment.

Of particular note is the Framework Protocol for Protection of Victims of Human Trafficking, which includes measures to improve detection, assistance and inter-institutional coordination and focuses especially on care for vulnerable groups such as persons with disabilities.

Reference has already been made to **Law 4/2015 on the Status of Victims of Crime and Organic Law 8/21, of 4 June, on the Comprehensive Protection of Children and**

Adolescents against Violence, which amended the regulation of **evidence existing before trial** in the Criminal Procedure Act (Arts. 449 bis, 449 ter, 703 bis and 730), making it an exception to the rule for persons with disabilities in need of special protection to testify at trial. The general rule is now to gather evidence before trial during the investigation phase and play it back at the trial, thus avoiding revictimisation. Similarly, we have already highlighted the **new Art. 258 bis of the Criminal Procedure Act**.

Also mentioned above is the fact that disability constitutes a **specific aggravating** factor that requires the imposition of a harsher penalty than the basic punishment (i.e., a prison sentence of 8 years and 1 day to 12 years) as established in Article 177 bis, point 4, letter b), in cases where the victim is **particularly vulnerable due to disability**.

Year after year, the number of identified victims of THB with disabilities in Spain remains exceptionally low, as shown in the follow-up proceeding reports included in the annexes. Identifying victims with intellectual disabilities of below 33% is particularly challenging due to the complexity involved in detecting these types of disabilities. The situations faced by these individuals are not always readily apparent and are frequently linked to additional vulnerabilities, such as a lack of education, illiteracy, and language barriers, which complicate both detection and subsequent diagnosis.

a. deinstitutionalisation, including community and family-based services for children and support for independent living;

Measure 156 of the 2025 National Pact provides for: the implementation of a network of fully accessible resources in every autonomous community to provide shelter for victims of sexual exploitation and trafficking for the purpose of sexual exploitation, as well as for their children, where applicable. This network must include at least one emergency housing facility that is accessible and specifically adapted to meet the needs of victims with disabilities.

b. monitoring institutions and foster families accommodating persons with disabilities;

While there is currently no specific monitoring of victims of trafficking in human beings with disabilities, there is a heightened awareness of their particular vulnerability. Additionally, the Ministry of Social Rights, Consumer Affairs and Agenda 2030 oversees various bodies that are responsible for protecting and ensuring the rights of persons with disabilities. These include the Royal Board of Trustees on Disability and the Disability Assistance Office. Furthermore, at a regional level, the various autonomous communities also have similar bodies.

c. procedure for the selection and appointment of legal guardians and monitoring of their work;

In the Spanish legal system, the procedure for selecting, appointing and supervising legal guardians is primarily regulated by the Civil Code (Arts. 199 to 269), reformed by Law 8/2021, which adapts guardianship to the principles of the Convention on the Rights of Persons with Disabilities, the Law on Voluntary Jurisdiction, and other complementary regulations such as the Law on the Protection of Assets of Disabled Persons (also reformed by Law 8/2021).

Law 8/2021, which came into force on 3 September 2021, replaces the incapacitation system with a framework of support measures that grant persons with disabilities full legal capacity while prioritising their wishes. The traditional guardianship system has been abolished and replaced by conservatorship, (generally care-based), as well as other arrangements such as enhanced de facto care and legal advocacy.

Thus, with the reform of the Civil Code by Law 8/2021:

- Guardianship is reserved exclusively for non-emancipated minors who are not under parental authority (Art. 199).
- For adults with disabilities, guardianship is replaced by support measures such as conservatorship or de facto guardianship (Arts. 250 et seq.).
- The will, wishes and preferences of the person in question are prioritised.
- The role of the legal representative is reinforced in cases of conflict of interest or temporary incapacity.

In terms of legal proceedings, these are initiated by filing a claim before the Court of First Instance (Tribunal de Primera Instancia). The judge hears the person concerned, requests medical, social and psychological reports, and assesses the level of support required.

The appointment of the guardian is recorded in the Civil Registry once they have formally accepted the role.

The guardian must submit an inventory of the ward's assets upon accepting the role (Art. 224). In terms of accountability, they must periodically report to the court on the management of the ward's assets, any relevant decisions made on their behalf and any changes in the ward's personal circumstances.

The guardian will need judicial authorisation for the sale of real estate, the acceptance of inheritances, medical procedures of particular importance, contracts, etc.

The judge may review the suitability of the guardian, modify or terminate the guardianship if the circumstances change, and revoke the appointment on the grounds of negligence, abuse or conflict of interest.

d. access to adequate accommodation, education and work;

Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, states the following:

- **Article 42. Access to housing:** *'The public administrations shall prioritise access to public housing and housing assistance programmes for victims of sexual violence, under the terms established. Similarly, they shall prioritise access to residential establishments and other care centres for dependent persons, for victims of sexual violence.'*
- **Article 38 on Labour and Social Security Rights** recognises a series of labour and social security rights aimed at protecting female workers who are victims of sexual violence. As a result, women in this situation have the option to adjust their work circumstances through measures such as reducing or reorganising their working hours, changing their workplace, adapting their job responsibilities, or suspending their contract, with their job being reserved for up to six months, extendable by court order to a maximum of eighteen months. They are also entitled to unemployment protection, and this coverage extends to foreign nationals in accordance with the applicable regulations.

Companies that hire unemployed individuals to fill positions vacated by workers exercising these rights receive incentives, including 100% rebates on social security contributions. Upon their return, the same working conditions and any necessary adjustments due to disability must be guaranteed.

In addition, absences resulting from the physical or psychological effects of sexual violence are considered justified and eligible for remuneration, provided that they are certified by the social or healthcare services and are reported promptly. Finally, protection is provided for self-employed workers who, if temporarily forced to stop working due to the effects mentioned above, will be exempt from paying social security contributions for six months; during this time, they will still accrue contributions for benefit purposes and retain their status as registered workers.

- **Article 39. Specifically targeted employment programme:** 1. Within the framework of the annual employment plans referred to in Article 11 of the recast text of the Law on Employment, approved by Royal Legislative Decree 3/2015, of 23 October, a specific programme of action will be included for victims of sexual violence who are registered as jobseekers. This programme will include measures to assist with the establishment of a new self-employed activity. 2. Unemployed

female workers who have suffered sexual violence, as well as self-employed female workers who have ceased their activity due to the effects of sexual violence, shall be entitled, when registering as a jobseeker, to claim the financial assistance referred to in Article 41, as well as to participate in specific job placement programmes.

In this regard, some specific measures from the **2025 National Pact** are also worthy of note:

- **Measure 269.** Prioritise victims of sexual exploitation and trafficking for the purpose of sexual exploitation in publicly funded training programmes designed to improve the employability of persons with disabilities.
- **Measure 268.** Grant priority access to accessible housing, residential establishments and other care centres for people in situations of dependency to victims of trafficking with disabilities.
- **Measure 108.** Define and include measures for positive action in the procedure for recognising the equivalence of foreign qualifications and studies held by victims of sexual exploitation or trafficking for the purpose of sexual exploitation and victims of gender-based violence. These measures should include exempting individuals who can provide documentary evidence of their status from paying any fees associated with these procedures.

e. access to information and reporting/complaints mechanisms which are accessible to persons with disabilities.

Of note among the measures adopted to reduce vulnerability are campaigns to increase public awareness of the indicators. The goal is to alert potential victims to the risk of being recruited and to encourage them to call the helpline to report their situation before the exploitation occurs. This is all done using fully inclusive, easy-to-read language.

Article 33 of Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, which deals with the right to comprehensive, specialised and accessible care, states that: all persons covered by section 2 of Article 3 of the Organic Law are entitled to comprehensive, specialised and accessible care to help them overcome the physical, psychological, social or other consequences of sexual violence. This right shall include, as a minimum: h) Personal assistance, as a resource available to women with disabilities to strengthen their autonomy in all legal proceedings, protection and support measures, and services for victims.

Measure 267 of the 2025 National Pact aims to *'define and implement a specific protocol to assist persons with disabilities who fall victim to trafficking and exploitation, through concrete measures that offer them special protection and which must be fully accessible and adapted to the individual needs of the victim, including personal assistance and procedural facilitation. Assess and*

certify, as a matter of urgency, the disability status of presumed victims of trafficking and sexual exploitation, as well as the processing of other social and economic benefits associated with that status. Should there be any doubt about a person's disability status, it will be presumed that they have a disability until the results of the official assessment are available. Promote training for staff who provide assistance to victims of trafficking and exploitation, covering intersectionality and situations of particular vulnerability, such as disability'.

The **Framework Protocol for the Protection of Victims of Human Trafficking**, sets out as a general principle that the actions provided for in said Framework Protocol are based on a human rights approach, focused on assisting and protecting victims, preventing their revictimisation and fostering their cooperation in criminal proceedings against traffickers. These actions are applied from a gender perspective and with an integrated approach, adapted to sex, age and other situations of vulnerability, such as pregnancy, health issues or disability. Thus, the institutions and administrations responsible must adhere to the following principles:

- a) Ensuring that victims are informed of their rights and receive appropriate and specialised information.
- b) Tailoring assistance and protection mechanisms to the age, gender and specific needs of trafficking victims, paying special attention to their vulnerabilities.
- c) Providing multidisciplinary support delivered by trained professionals, with the involvement of civil society organisations.
- d) Guaranteeing access to support and protection systems for all victims, without it being conditional on their cooperation with the investigation of the crime.
- e) Preventing secondary victimisation, seeking to reduce the suffering and harm caused to victims through the implementation of measures designed to aid their recovery and avoid further traumatic experiences, particularly during criminal proceedings.
- f) Ensuring their physical, psychological, and social recovery and rehabilitation.
- g) Protecting the privacy and identity of victims.

The Ministry of the Presidency, Justice and Relations with the Parliament is fully committed to promoting and guaranteeing access to justice for individuals with disabilities and has enacted various regulations to that end. In this regard, the following can be highlighted:

- Law 1/1996, of 10 January, on Free Legal Assistance (Article 2, amended by Organic Law 1/2025, of 2 January,) recognises the right to free legal assistance, regardless of the existence of resources to litigate, for victims of (...) human trafficking in proceedings that are related to, derive from or

are a consequence of their status as victims, as well as to individuals with disabilities who need special protection if they are victims of (...) crimes of human trafficking.

- Law 8/2021, of 2 June, which amended Law 1/2000, of 7 January, on Civil Procedure and Law 15/2015, of 2 July, on Voluntary Jurisdiction to incorporate, in both cases, an Article 7 bis relating to accommodations for persons with disabilities. Similarly, Royal Decree-Law 6/2023, of 19 December, amended Article 109 of the Criminal Procedure Act to the same effect.

Said Article 7 bis (Accommodations for persons with disabilities and older people) states:

1. In proceedings involving persons with disabilities and older people who so request, and in all cases involving individuals aged 80 or over, the necessary adaptations and accommodations shall be made to assure their participation on an equal footing.

For these purposes, persons aged 65 or over shall be considered older people.

In the case of people with disabilities, the necessary adaptations and accommodations shall be made upon request by any of the parties or the Public Prosecution Service, or ex officio by the court itself.

For older people who have not yet reached the age of 80, these adaptations and accommodations will be made at the request of the person concerned.

For those aged 80 or over, these adaptations and accommodations will be made both at the request of the person concerned and ex officio by the court itself.

The adaptations shall be made at all stages and in all proceedings in which they are deemed necessary, including in communications, and may relate to communication, understanding and interaction within the legal environment.

2. Both individuals with disabilities and older people have the right to understand and be understood in any necessary proceedings. To this end:

a) All communications, whether oral or written, addressed to persons with disabilities, persons aged 80 or over, and older people who have requested it, shall be made in clear, simple and accessible language, in a manner that takes into account their personal characteristics and needs, using means such as easy-to-read formats. If necessary, the notification shall also be sent to the person who assists the person with disabilities in exercising their legal capacity.

b) Persons with disabilities shall be provided with the necessary assistance or supports to enable them to make themselves understood, including interpretation in legally recognised sign languages and means of support for oral communication for individuals who are deaf, hard of hearing or deafblind.

c) The participation of an expert professional who will act as a facilitator by performing the necessary adaptation and accommodation tasks required to ensure the person with a disability can understand and be understood shall be permitted.

d) Persons with disabilities and older people may be accompanied by a person of their choice from the first moment of contact with the authorities and public officials.

3. In accordance with the provisions of this article, all proceedings, both in the declaratory and enforcement phases, in which any of the interested parties is a person aged 80 or over, shall be given priority.

Work is currently underway, in conjunction with the Ministry of Social Rights, Consumer Affairs and Agenda 2030, to develop regulations governing the role of the expert facilitator. Specifically, representatives of the Ministry of the Presidency, Justice and Relations with the Parliament sit on the Committee of Experts on Facilitators, which was set up under the auspices of the Royal Board of Trustees on Disability by the Ministry of Social Rights, Consumer Affairs and Agenda 2030 to devise said regulations.

- Organic Law 5/2024, of 11 November, on the Right to Defence, includes several articles on protecting people with disabilities in their dealings with the justice administration bodies.

Specifically, Article 4 regarding the right to legal assistance states, in section 1: 'Natural and legal persons have the right to receive the legal assistance necessary for them to effectively exercise their right to defence. The right to receive the effective legal assistance guaranteed by this provision also includes the right to make or request the necessary adjustments to ensure the right of cognitive accessibility for persons with intellectual or developmental disabilities to the legal process in which they are involved, requiring the use of technical, human or professional resources to ensure the enforcement of this right.' For its part, section 4 on free legal assistance states that 'special consideration shall be given to the accessibility of individuals with disabilities, and in particular the specific needs of women and children with disabilities'.

Article 6 on the right to information states in its first section: 'Those entitled to the right to defence have the right to be informed in a clear, simple, understandable and universally accessible manner of the legal procedures available to defend their rights and interests before the public authorities. The necessary supports, tools, and adjustments may be used to ensure accessibility for persons with disabilities or anyone else who requires them. In the case of minors, the existing mechanisms must be adapted so that the information is appropriate to their age, maturity and language.' This right is complemented by the provisions of section 5 of Article 6, which states: 'In the judicial sphere, the Ministry with jurisdiction over justice, the autonomous communities with jurisdiction

in this area, and the General Council of the Judiciary shall ensure that the use of technical or computerised means during judicial processes do not constitute a barrier to guaranteeing the effectiveness and certainty of the right to information, particularly for older people and individuals with disabilities, ensuring that the digital divide does not preclude the effectiveness of this right.'

Article 9, concerning the right to clear language in procedural documents, decisions and communications, states in its second paragraph: 'Court resolutions, those of the Public Prosecution Service and those issued by the justice administration bodies' court clerks shall be drafted in clear, understandable and straightforward language, so that they can be understood by their addressees, taking into account their personal characteristics and specific needs, without prejudice to the need to use technical legal terms to ensure their accuracy and quality. In the case of individuals with disabilities who have difficulty understanding, for the ex officio adaptation of communications and court resolutions, the justice administration bodies shall use the means or methodologies best suited to the individual's needs.'

Article 10 sets out the rights before the courts and in relations with the justice administration bodies; it states: 'Those entitled to the right of defence before the courts and in their dealings with the justice administration bodies shall have, among others, the following rights:

- o) Recognition of disability as a criterion meriting special legal protection and access to universally accessible resources.'

Finally, Article 19 on the duties of members of the legal profession states that: 'To ensure effective defence for clients with disabilities, legal professionals shall implement the necessary additional safeguards as needed.'

6. How do you ensure in practice that an assessment of the vulnerability and special needs of asylum seekers is carried out at an early stage? What procedures are followed when vulnerability to THB is detected? Please provide information on policies and measures in the following areas:

The early assessment of the vulnerability and specific needs of asylum seekers is a priority concern. As a result of this concern, the Trafficking Unit of the Public Prosecutor's Office has participated in working meetings with members of the Office for Asylum and Refugees, the Minors Unit of the Public Prosecutor's Office, and the Subdirectorate-General for International Protection, to examine the draft asylum procedure for processing applications for international protection from unaccompanied and separated minors, organised by the Ministry of the Interior's Subdirectorate-General for International Protection 2023 (Madrid).

The 2011 Framework Protocol for Victims of THB already provides that if, during the review of an application for international protection, there are signs that the applicant may be a victim of human trafficking, the Office for Asylum and Refugees must notify the Asylum Division of the Department for Immigration and Borders (Comisaría General de Extranjería y Fronteras) so that, in turn, the matter can be communicated to the appropriate police unit for identification and a decision as to whether the provisions of Article 59 bis of Organic Law 4/2000 apply. Similarly, the protocol establishes that when an alleged victim of human trafficking is detected at the border, the police unit responsible for immigration control shall immediately notify the corresponding Provincial Office for Immigration and Borders, which shall, as soon as possible, take the appropriate measures for the victim to be identified by specially trained officers and, where appropriate, for the period of recovery and reflection to be initiated. Furthermore, if their return is appropriate, it will not be carried out until the victim identification procedure has been completed, in accordance with the provisions of Article 59 bis of Organic Law 4/2000.

Training and education in the indicators of THB for the law enforcement officials and staff from the Office for Asylum and Refugees who conduct interviews with asylum seekers is absolutely essential, as is training for staff in CATES (Temporary Assistance Centres for Migrants) and CIES (Immigration Removal Centres), and this is something we constantly reiterate.

In 2022, the Human Trafficking and Immigration Unit of the Public Prosecutor's Office led two crucial inter-institutional working groups that were formed in the latter half of 2021. These groups have become known as the 'Ukraine Group' and the 'Barajas Group'.

Madrid-Barajas Airport Group / Visit to the Airport

This group was set up in July 2021 to address certain issues at Madrid-Barajas Airport that could hinder the identification of potential victims seeking international protection. After a series of scheduled meetings between the various institutions involved (Policía Nacional, the Central Unit for Immigration Networks and Document Fraud (UCRIF), the Provincial Office for Immigration and Borders, the Airport Police Station, the Office for Asylum and Refugees, the Spanish Commission for Refugees (CEAR), UNHCR, the Spanish Network against Trafficking in Persons, the Red Cross and other specialist NGOs), a broad consensus was reached on guidelines for action and coordination and a unified list of indicators was created and approved at the meeting on 29/9/22. Additionally, in response to the needs identified by the Policía Nacional, a group of seven specialist officers from the Provincial Office for Immigration and Borders has been permanently assigned to the airport, where they conduct face-to-face screening and detection among foreign asylum seekers and provide support to colleagues at the border checkpoint.

To gain a better understanding of the situation on the ground and verify the functioning of the border filter and the procedure for asylum seekers followed at the airport, the Hon. Division Prosecutor of the Unit, the two prosecutors assigned to it, the specialised designated prosecutor for Immigration in Madrid and the specialist prosecutors from her department visited the facilities designated as the Inadmissible Persons Room and the Asylum Seekers Room in Terminal 1 of the airport on 3 November 2022. They assessed not only the condition of the facilities, but also the system followed during interviews between asylum seekers and officers of the Policía Nacional, staff from the Spanish Commission for Refugees (CEAR), who are tasked with providing legal assistance, and the Red Cross. It was found that foreign nationals receive adequate support and guidance and are treated optimally by the personnel of the aforementioned institutions. Some issues were in the process of being addressed, specifically, arranging for staff from the Office for Asylum and Refugees (case investigators) to be present to ensure that their access to the assessments carried out by the officers of the Policía Nacional, lawyers from the Spanish Commission for Refugees (CEAR), and Red Cross staff would no longer be limited to written communication.

Considering the progress made and the objectives already achieved, it was decided that the Madrid Regional Public Prosecution Service, through the specialised designated prosecutor for immigration, would assume responsibility for coordinating future meetings of this working group.

Ukraine Group

The second of the aforementioned working groups was set up on the initiative of this Central Unit following the outbreak of the war in Ukraine. Concerns around the early detection and prevention of potential trafficking cases among the more than 130 000 Ukrainian refugees who have been granted international protection in our country, particularly women and minors, led to the convening of a series of meetings of this working group, which includes the Policía Nacional, Guardia Civil, the Office for Asylum and Refugees, the Spanish Commission for Refugees (CEAR), the Ministry of Inclusion, specialised NGOs and, recently, the National Rapporteur on Trafficking. In addition to the sectoral protocols and action plans that had already been approved—the Policía Nacional's Operational Plan for Ukraine and the Ministry of Inclusion, Social Security and Migration's Protocol for the Prevention, Detection, Care and Referral of Possible Victims of THB in Reception, Assistance and Referral Centres (CREADES), among others—it was decided that a meeting point that would allow all the institutions involved to discuss the practical challenges they had encountered during their work with Ukrainian displaced persons was needed. Specific solutions were sought, such as introducing a series of 'filter questions' in the questionnaires used by the management entities of Reception, Assistance and

Referral Centres (CREADES)⁶ in family reunification interviews, establishing training plans for the staff working in these centres, providing accessible information and a 'self-identification' card to displaced persons, direct two-way communication between the police and NGOs, the control of mass arrivals, supervision and registration of host families, etc. Once beyond the initial emergency reception phase, the focus shifts to monitoring refugees who transition to a system of autonomy and those who remain outside the protection system, as well as to third-country nationals and the use of social media to recruit potential victims.

Since the war began and displaced persons from Ukraine started arriving in Spain, the number of identified trafficking victims has been insignificant. As of the date of this report, there is only one ongoing legal case involving a victim of trafficking for the purpose of labour exploitation in the domestic service sector. Another two potential child victims were detected upon arrival in Madrid, but the legal proceedings were dismissed due to a lack of sufficient evidence to proceed. These positive results demonstrate that the protocols and preventive systems that have been implemented, among them the establishment of this inter-institutional working group, are proving effective.

As already noted, the protocol for detecting and responding to possible cases of human trafficking establishes a common procedure for action and equips the various professionals, departments and agencies involved in identifying potential victims with practical tools. This common procedure aims to ensure consistency in the handling of the affected group, regardless of the professionals or entities that intervene or the geographical location of the potential victims.

As soon as any of the guiding indicators have been identified and their relevance assessed, the case must be reported to the designated professional assigned to the centre or entity. The referral to the designated professional must be made in accordance with the instructions provided by the management or person in charge of the assistance centre or unit, and it must be supported, where appropriate, by any information/documentation that has been gathered and that may corroborate the possibility that the person concerned is a victim of trafficking.

Upon detecting signs that the person may be a victim, the necessary steps must be taken, in coordination with the designated professional, to inform and refer them to any medical, psychological, social, financial, legal, or other resources they may need.

Recommended criteria for referrals:

- a. Specific resources for victims of trafficking should take precedence over general resources.

⁶ Reception, Assistance and Referral Centres for displaced Ukrainian nationals. Four of these centres were set up in Spain: Pozuelo de Alarcón (Madrid), Málaga, Barcelona and Torrevieja (Alicante)

b. As far as possible, it should be ensured that the potential victim is accompanied by a professional to the resource to which they are referred, providing them with any assistance they may require.

Once the appropriate referral interventions have been made, they must be communicated to the designated professional so that they can be recorded and kept up to date.

In 2024, the Directorate-General for International Protection strengthened the Vulnerable Persons Service, which is part of the new Subdirectorate-General for International Protection and Statelessness. This service is specifically responsible for ensuring that the procedures for international protection, temporary protection or protection as a stateless person instigated by persons affected by any factor of vulnerability are processed with the appropriate measures and guarantees. Therefore, it focuses its efforts on improving the procedures that may be used by individuals who require special procedural guarantees due to factors derived from being a potential victim of human trafficking (THB), among others.

The possibility of being a victim of THB is included among the grounds for analysing and assessing the applicant's persecution as a member of a particular social group, for the purposes of recognising their right to claim international protection. In this context, as provided for in Article 46 of Law 12/2009, of 30 October, regulating the Right to Asylum and Subsidiary Protection, in response to the situation of particular vulnerability, the necessary measures will be adopted to ensure that applications for international protection made by victims of human trafficking, amongst others, are given differential treatment, where appropriate.

Furthermore, in the interest of implementing improvements in access to and the processing of applications for international protection, the new **Instruction of the State Secretariat for Security and of the Undersecretariat of the Interior on the Procedure for International Protection** was signed on 27 March 2025. The purpose of the Instruction, which came into force on 1 April 2025, is to **unify criteria and establish guidelines for accessing the international protection application procedure** in order to guarantee legal certainty for foreign nationals seeking access to the procedure, the speed and transparency of its processing, and to simplify the management of the procedure for all civil servants involved. This new Instruction focuses on strengthening, among other things, specific issues such as:

- Assurances regarding access to the procedure.
- Ensuring effective coordination between legal assistance and interpretation services.
- Identifying special needs at the time of filing, indicating the actions to be taken in each case, including for suspected victims of trafficking.

- The content and form of the interview.

Specifically, section e) of point FOUR of the aforementioned Instruction concerns the special assistance and support measures that must be adopted by the civil servants responsible for interviewing potential victims of human trafficking.

a. provision of comprehensive and accessible information, in a range of relevant languages, on the rights of asylum seekers, indicators of THB, rights of victims of THB, and contacts of relevant organisations;

If law enforcement officers detect indicators of trafficking during an interview, they inform the person concerned of their rights as a victim and verify their identity in collaboration with specialist entities who are responsible for ensuring the victim receives support while liaising with the investigating units.

Spain's law enforcement bodies have access to a network of translated documents in various languages, as well as translators hired and provided by different companies, covering most languages and some of the regional dialects used in the countries from which migrants are known to originate.

These translators may be hired through recommendations made by police departments that work or have worked with them in the past on various investigations and are therefore trusted in their dealings with potential victims.

Similarly, it is not uncommon for people from the various NGOs that attend victim identification interviews to be survivors of trafficking themselves who, in addition to performing their own duties, sometimes also act as interpreters.

Under current legislation, NGOs or specialised entities MUST be present during the identification process and, once the victim has been identified, they themselves conduct an interview with the victim to inform them of their 'path and process' to recovery.

The right to translation and interpretation is recognised in the Statute of Victims of Crime (Law 4/2015, of 27 April,) and in the Organic Law on the Judiciary (Organic Law 6/198, of 1 July).

With regard to **informing potential victims of THB of their rights**, the Directorate-General for International Protection has designed a section on its website that provides information for people in vulnerable situations, such as potential victims of THB. The page is intended for people seeking international protection, temporary protection and protection as a stateless person: [Asylum and Refugees | International Protection: Women and girls](#)

In this respect, with regard to the guarantees provided for in the international protection procedure, it should be noted that, as stipulated in Article 16.2 of Law 12/2009, of 30 October, all applicants for international protection are entitled to the assistance of an interpreter when submitting their

application. Consequently, applications may be filed in any language, without any prior restrictions in terms of having to use a specific language. To this end, the company providing the interpreting service is obliged to provide interpreters for any language that may be required to facilitate effective communication with the applicant.

Similarly, section FIVE of the aforementioned Instruction contains provisions on the assistance of interpreters, as provided for in Law 12/2009, of 30 October.

b. access to legal assistance and representation;

Victims of THB have a right to receive legal assistance in the form of free legal counsel and aid both prior to and during criminal proceedings. For this reason, potential victims are informed of this right from the outset of the proceedings. In some autonomous communities, this right is reinforced by the availability of a legal assistance service. In most cases, however, the NGO itself provides legal services to the victim.

The Law on Free Legal Assistance recognises the right of foreign nationals who can prove that they lack sufficient resources to pursue legal action to receive free legal assistance and defence and representation during administrative court proceedings and preliminary administrative proceedings that may result in them being refused entry into Spain, returned, or deported from Spanish territory, as well as in all asylum proceedings.

With regard to the section on '**access to legal assistance and representation**', in accordance with the provisions of Article 16 of Law 12/2009, of 30 October, regulating the Right to Asylum and Subsidiary Protection, all persons applying for international protection shall be entitled to free legal assistance, which shall extend to the filing of the application and the entirety of the procedural process. In this respect, section SIX, point one, of the Instruction of the State Secretariat for Security and of the Undersecretariat on the Procedure for International Protection of 27 March 2025, specifies that '*if the applicant for international protection so requires, legal assistance may be provided through the following options:*

- a) An on-duty lawyer from the relevant Bar Association;*
- b) A non-governmental organisation or non-profit entity focused on assisting migrants or people in vulnerable situations;*
- c) Personal choice, at the expense of the interested party.'*

Lastly, it should be noted that when, during the process of formally registering or reviewing an application for international protection or statelessness, there are signs that the applicant may be a victim of human trafficking, this information must be reported to the Asylum Division of the Department for Immigration and Borders (Comisaría General de Extranjería y Fronteras) to ensure

that the Central Unit for Immigration Networks and Document Fraud (UCRIF), the competent police unit for these issues, is notified.

c. access to decent accommodation, health (including psychological) care, work and education.

Once their application is accepted, asylum seekers in Spain are entitled to healthcare, which includes access to the basic services provided by the National Health System, with both general and specialist medical coverage provided even before a decision on their application has been reached.

This right is contingent on their **status as individuals seeking international protection**, rather than on the outcome of their application.

Access to healthcare for asylum seekers is covered by Spanish legislation through Royal Decree-Law 7/2018, of 27 July, on Universal Access to the National Health System.

In general, this access to the healthcare system is subject to the same conditions as for the national population. The general point of entry into the system is through primary care, hospital and primary care emergency services, and hospital care provided by the health services of the autonomous communities. Publicly funded psychological care is integrated into the multi-professional primary care teams, mental health services and the psychological care provided in hospitals.

This includes dedicated psychological care provided by the public health system for the victims of violence, torture or trafficking, as part of a comprehensive approach to their recovery and (re)integration. It may also be provided by specialist third-sector organisations.

When signs of trafficking are detected, a protocol is activated for immediate referral to organisations specialising in comprehensive care for victims of trafficking. These organisations offer psychological support (as well as legal, social and health-related support) and draw up a personalised intervention plan. Early detection is key to preventing revictimisation and guaranteeing access to the rights recognised by Spanish and European legislation.

The 2012 Strategy on Gender-based Violence mentions the trafficking of women and girls for the purpose of sexual exploitation as one of the most serious forms of violence against women and notes that, due to its specific nature, it may be the subject of dedicated plans and actions. In addition, a 2017 protocol on trafficking for the purpose of sexual exploitation is annexed to the national health system's common protocol for healthcare in cases of gender-based violence. It details both its psychological and psychosocial impact and the need for intervention.

According to the content of ANNEX II of Royal Decree 1030/2006, of 15 September, establishing the portfolio of standard services provided by the National Health System and the procedure for updating it, the portfolio of standard primary care services, includes:

2. Recommendation or prescription and, where appropriate, the carrying out of diagnostic and therapeutic procedures

h) Psychological, emotional, social, morbidity and quality of life tests.

6. Specific care and services for women, children, adolescents, adults, older people, at-risk groups and the chronically ill

6.1 Children's care services.

6.1.3 General advice on child development, harmful habits and healthy lifestyles.

[...]

6.1.6 Detection of health problems with onset at different ages that may benefit from early detection in coordination with specialised care, through activities aimed at:

c) Detecting and monitoring children with physical and mental disabilities.

7. Mental health care

7.5 Diagnosis and treatment of psychopathological disorders in childhood/adolescence.

In the **National Strategy for Preventing and Fighting Poverty and Social Exclusion. 2024-2030**, this aspect is addressed by several measures and laws approved during the period of validity of the previous strategy and in Strategic Challenge 2, where it converges with other strategies.

2.3. Measures and laws approved during the period of validity of the previous strategy:

- **L 2.2.2 Incentivise the hiring of people who have greater difficulty accessing employment** (young people, women after childbirth and child-rearing, Roma women, people with disabilities, people suffering from social exclusion, homeless people, women who are victims of gender-based violence, etc.) by improving their employability.

Development of a training and integration programme for women who are victims of gender-based violence or trafficking and sexual exploitation.

- **L 3.2.1. Step up support for vulnerable individuals and families**

Measures to combat human trafficking and exploitation – National Strategic Plan against Trafficking and Exploitation of Human Beings 2021–2023. Implementation of the Operational Plan for the Protection of the Human Rights of Women and Girls Victims of

Trafficking, Sexual Exploitation and Women in Contexts of Prostitution 2022-2026 (Plan Camino). Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, which consolidates a framework of rights for victims of trafficking for the purpose of sexual exploitation and pimping.

STRATEGIC CHALLENGE 2. SOCIAL INVESTMENT IN PEOPLE

Improve access for the most vulnerable groups (the long-term unemployed, young people without training or employment, young people leaving care, people with disabilities, people with mental health issues and addictions, **victims of trafficking** or forced labour, the prison population, etc.) to personalised pathways to integration into society and the labour market, through improved coordination between social and health resources.

STRATEGIC OBJECTIVE 2.2. TRAINING AND QUALITY EMPLOYMENT: Foster quality employment in all sectors of activity and promote life-long learning and skills development, in line with the current Spanish Strategy for Employment Activation and its annual Plans for the Promotion of Decent Employment.

2.2.1 Reinforcement of proactive employment and training policies, ensuring closer coordination with social integration policies to adapt them to the real needs of unemployed people, including those who are most at risk of exclusion and furthest from the labour market, such as the long-term unemployed, young people without training or employment, young people leaving care, people with disabilities, people with mental health issues and addictions, **victims of trafficking** or forced labour, the prison population and other vulnerable groups, strengthening collaboration between employment and training services and social services

2.2.2 Encourage the hiring of people who face greater difficulties in accessing employment (young people, women after childbirth and child-rearing, people with disabilities, people at risk or in a situation of social exclusion, including homeless people, disadvantaged Roma people, transgender people, women who are victims of gender-based violence or sexual violence, women who are pregnant or at risk while breastfeeding, women who are victims of gender-based violence, **women who are victims of human trafficking for sexual or labour exploitation, victims of trafficking and forced labour**, etc.), through measures such as:

- Promoting 'reserved jobs' for social integration companies and special social initiative employment centres.
- Facilitating access to public administration contracts limited to compliance with certain social clauses (achieving effective equality between men and women, promoting fair trade and ethical consumption, etc.)

- Incentives designed to promote the employment of people with greater difficulties in accessing employment.

7. What specific measures are taken to reduce the vulnerability to THB of migrant workers (including seasonal workers, seconded/posted workers, domestic workers, diplomatic household employees)? Please provide information on policies and measures in the following areas:

- a. provision of comprehensive and accessible information, in a range of relevant languages, on migration and labour laws, worker protection and contacts of relevant organisations;**
- b. provision of clear employment contracts;**
- c. access to decent work and housing, health care, social services and education;**
- d. possibility to change employers;**
- e. access to confidential complaints mechanisms;**
- f. right to join trade unions and to engage in collective bargaining;**
- g. legal avenues for regularising their stay in the country.**

In Spain, everyone, regardless of whether they are Spanish citizens or foreign nationals, has the right to access basic social services and benefits, in accordance with the provisions of Article 14 of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration. In addition, services for victims of trafficking and sexual exploitation have been incorporated into the public social services system, in accordance with the provisions of Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom. The basic social benefits are universally accessible and guaranteed to all individuals regardless of the group to which they belong.

When a person accesses primary social services assistance, professionals assess their circumstances and identify any other relevant resources specific to their situation that they may be able to access. In the case of human trafficking, 95% of victims are migrant women with irregular legal status, no financial resources and no housing, who require support from almost all the basic social services benefit programmes: information, guidance and referral; support for the household unit; social and labour inclusion; and economic subsistence benefits.

In these cases, it is essential for the accrediting body in each province to certify the person as a victim of trafficking, so that they can access the specific resources earmarked for this group. In some

autonomous communities, the social services themselves can act as the accrediting body, but in most cases, accreditation is handled by third-sector organisations.

Finally, it should be noted that in the new State Social Services Information Management System (SEGISS), there is a tab dedicated to reporting 'Other situations of violence' (to differentiate it from the tab for gender-based violence). At present, of the four tabs on violence, only those for older people and/or people with disabilities and for other forms of violence have been developed. The remaining two are still pending inclusion in the State Social Services Information Management System (SEIGSS) because they require data migration from the Social Services User Information System (SIUSS). The types of violence covered by this new tab are as follows (including trafficking in second place):

- Sexual assault
- Trafficking for the purpose of sexual exploitation
- Other forms of trafficking in human beings
- Female genital mutilation
- Forced marriage
- Violence based on ethnicity/race/nationality
- Violence based on ideology/religion/beliefs
- Violence based on sex/gender
- Violence based on sexual orientation/gender identity

As a general rule, from the outset of proceedings, the law enforcement bodies offer victims of THB the possibility of invoking Organic Law 19/1994, of 23 December, on Protection of Witnesses and Expert Witnesses in Criminal Proceedings, in order to safeguard their identity and thereby enhance their protection, assigning them a unique alphanumeric code that remains in custody and is only disclosed to the investigating judge in separate documents, in a sealed envelope.

However, courts sometimes have to reveal the identities of victims to uphold the rights of the detainee. This can lead to the victim's identity being disclosed during the trial, prompting them to withdraw their statement.

The law enforcement bodies have not yet carried out any campaigns specifically targeting migrant workers, but a campaign designed to provide general information on the indicators of trafficking, without targeting any specific form of exploitation, has been launched and disseminated in collaboration with the organisation A21.

From the strict perspective of the Labour and Social Security Inspectorate (ITSS), of particular note is access to confidential reporting mechanisms, which will be discussed in the answer to question number 21.

Additionally, in the context of the work carried out by the Labour and Social Security Inspectorate (ITSS), it is worth highlighting the provision of Article 129.2 of Royal Decree 1155/2024, of 19 November, approving the Regulations of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (ROEX), which recognises the right to obtain a temporary residence permit for individuals who cooperate with the labour administration by proving, through any means of evidence, that they are or have been working illegally for a minimum of six months in the two years prior to the start of their cooperation. This permit may be requested on the initiative of the party concerned or by the administration and, where applicable, will include the report on the infringement issued by the Labour and Social Security Inspectorate (ITSS).

In the general context of the regulations governing the rights and freedoms of foreigners in Spain, and without prejudice to the provisions of the competent bodies in this regard, of note, on the one hand, is Title V of the ROEX, on *Residence and Work for Seasonal Activities* (Arts. 100 to 112) and, on the other, Chapter V of Title VII of the same, entitled *Temporary Residence and Work due to Exceptional Circumstances for Foreign Nationals who are Victims of Human Trafficking* (Arts. 148 to 155), which will be referred to in the answer to question number 11.

In the context of employment, Spanish law generally requires that employment contracts be drawn up in writing if the provision of services is to exceed four weeks (Art. 8.2 of Royal Legislative Decree 2/2015, of 23 October, adopting the Recast Text of the Workers' Statute Law). These contracts must contain the minimum information established by Royal Decree 1659/1998, of 24 July, implementing Article 8, section 5, of the Workers' Statute Law in relation to providing workers with information on the essential aspects of the employment contract. This information is, in accordance with Article 2.2 of that regulation, as follows:

- a) The identity of the parties to the employment contract.*
- b) The start date of the employment relationship and, if it is a temporary employment relationship, its expected duration.*
- c) The registered office of the company or, where applicable, the address of the employer and the workplace at which the worker will habitually provide their services. If the employee will regularly provide services at different workplaces or in mobile or itinerant workplaces, these circumstances must be noted.*

- d) The category or professional group of the job performed by the employee or a summary description of the job, in terms that allow the specific nature of the work to be understood with sufficient precision.*
- e) The amount of the initial base salary and salary supplements, as well as the frequency of payment.*
- f) The duration and distribution of the ordinary working day.*
- g) The duration of holidays and, where applicable, the methods for allocating and determining those holidays.*
- h) The notice periods that, where applicable, the employer and the employee are obliged to respect in the event of termination of the contract or, if it is not possible to provide this information at the time of disclosure, the methods for determining these notice periods.*
- i) The collective bargaining agreement applicable to the employment relationship, specifying sufficient details that allow it to be identified.*

If the work is to be carried out abroad, Article 3 of Royal Decree 1659/1998 requires additional information on:

- a) The duration of the work to be performed abroad.*
- b) The currency in which the salary will be paid.*
- c) Remuneration in cash or in kind, such as allowances, compensation for expenses or travel costs, and benefits linked to the provision of services abroad.*
- d) Where applicable, the conditions for the repatriation of the worker.*

With regard to trade union membership, Article 1 of Organic Law 11/1985, of 2 August, on Trade Union Freedom enshrines the right of all workers to join a trade union of their choice for the protection of their professional rights and interests. Article 315 of Organic Law 10/1995, of 23 November, on the Criminal Code, states that a prison sentence of six months to two years or a fine of six to twelve months shall be handed down to anyone who, by deceit or abuse of a situation of need, were to prevent or limit the exercise of trade union freedom or the right to strike. Should the conduct be carried out by coercion, a prison sentence of one year and nine months to three years or a fine of eighteen to twenty-four months shall be imposed. With regard specifically to foreign nationals, Article 11 of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (LOEX), establishes that *foreigners have the right to freely join a trade union or professional organisation under the same conditions as Spanish workers.*

8. Do labour inspectorates and other authorities checking workplace conditions possess a comprehensive mandate, and adequate human, financial and technical resources, to conduct regular, proactive workplace inspections in all economic sectors, with a particular emphasis on high-risk sectors prone to exploitation? How do labour inspectors co-operate with other authorities and trade unions? Is there a separation between labour inspection and immigration control functions?

Within the framework of the Agreement between the State Secretariat for Security and the autonomous State Agency for Labour Inspection and Social Security, for coordination between the Labour and Social Security Inspectorate and the law enforcement bodies in the fight against irregular employment and social security fraud, the law enforcement bodies frequently collaborate with and accompany the regional labour inspectorates when required, creating a synergy that allows for full cooperation.

During these inspections, labour inspectors check the documentation required for a person to be working for someone else, initiating as many proceedings as the situation requires (including for violations of immigration law), while the police force specialising in immigration checks the documentation that determines the individual's legal status in Spain.

Law 23/2015, of 21 July, regulating the Labour and Social Security Inspectorate System, grants inspectors and deputy inspectors a wide range of powers, which are based on those set out in Convention 81 of the International Labour Organization.

The Labour and Social Security Inspectorate (ITSS) Report for 2023 indicates that, on average, there were 1 041 inspectors and 1 157 deputy inspectors that year, who, in the course of their primary duties in workplaces, were able to identify cases of forced labour, labour exploitation, and human trafficking. In 2025, basic training and awareness-raising activities will commence for new recruits, aiming to equip them with the fundamental knowledge needed to identify these situations.

In addition, each Provincial Inspectorate has a designated inspector who specialises in forced labour and trafficking and has received specific training that equips them to address any potential incidents in their region. The last training course took place in November 2022, and another is scheduled for September 2025.

The Labour and Social Security Inspectorate (ITSS) cooperates with the law enforcement bodies on a permanent basis under the Cooperation Agreement signed between the State Agency for Labour Inspection and Social Security and the State Secretariat for Security, published in the Official State Gazette on 8 May 2023. There is also ongoing cooperation with the Public Prosecution Service,

although this is not regulated by any legal instrument beyond the duty of cooperation outlined in Article 17 of Law 23/2015, of 21 July, regulating the Labour and Social Security Inspectorate System.

In relation to collaboration with trade unions, Article 17 of Law 23/2015, of 21 July, regulating the Labour and Social Security Inspectorate System stipulates that the Labour and Social Security Inspectorate (ITSS) should seek cooperation with trade unions and business organisations. Consequently, there is a fluid relationship with social partners at the provincial level. Furthermore, the National Anti-Fraud Office of the Labour and Social Security Inspectorate (ITSS) is exploring stable avenues of cooperation with various social entities working to combat human trafficking.

Lastly, it should be noted that the role of the Labour and Social Security Inspectorate (ITSS) is not to oversee immigration in general but rather the employment of foreign nationals, as provided for in Article 12 of the Law 23/2015, of 21 July, regulating the Labour and Social Security Inspectorate System and Article 253 of Royal Decree 1155/2024, of 19 November, approving the Regulations of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (ROEX).

9. How are employment and recruitment agencies regulated and monitored? Are all stages of the recruitment process, including advertisements, selection, transport, and placement, subject to regulation? Are recruitment fees and related costs prohibited from being borne by workers or jobseekers?

Employment and recruitment agencies are regulated by Article 43 of Law 3/2023, of 28 February, on Employment. In accordance with this provision, employment and recruitment agencies may commence their activity on the basis of a statement of compliance. Article 43 also stipulates that the services of employment and recruitment agencies must be free of charge for jobseekers.

The provisions relating to employment and recruitment agencies in the Law on Employment are supplemented by Royal Decree 1796/2010, of 30 December, regulating Employment and Recruitment Agencies.

Spanish legislation does not provide detailed regulations on advertisements, selection, transport and placement. The aspects covered by the aforementioned regulations are:

- Providing information to public employment services
- Respecting dignity, privacy and data protection
- Complying with labour and social security regulations

- Compliance with accessibility standards for persons with disabilities, as well as ensuring the correct relationship between the positions offered and the required profile, so as not to discriminate against persons with disabilities
- Upholding the principle of equality in access to employment, avoiding discrimination on any personal or social grounds

According to Article 5 of Royal Decree 1796/2010, employment and recruitment agencies are subject to monitoring and inspection by public employment services and to action taken by the Labour and Social Security Inspectorate (ITSS).

Royal Legislative Decree 5/2000, of 4 August, adopting the Recast Text of the Law on Infringements and Sanctions in the Social Court, sets out in Articles 14 to 16 the offences relating to employment, establishing in Article 16 that acting as an employment or recruitment agency without having submitted the corresponding statement of compliance constitutes a very serious offence.

10. How do you prevent and sanction abuses of legal constructions such as self-employment, letter-box companies, sub-contracting, and posting of workers, which may be used to commit THB?

Spanish employment regulations on sub-contracting establish a duty of corporate oversight, with joint and several liability in the event that a contractor or sub-contractor commits an infringement. These obligations are set out in Article 42 of the Workers' Statute Law with regard to salary obligations; in Articles 16 of Royal Legislative Decree 8/2015, of 30 October, approving the Recast Text of the General Law on Social Security and 42 of the Workers' Statute Law in relation to social security, as well as Article 24 of Law 31/1995, of 8 November, on the Prevention of Occupational Risks in relation to health and safety.

In the area of foreign labour, Article 55.7 of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration establishes joint and several liability for both the financial penalties resulting from the sanctions and any other liabilities arising from the employer's obligations to the public authorities or the worker.

Beyond the issue of sub-contracting chains, in cases where the exact employment relationship is opaque, the actions of the Labour and Social Security Inspectorate (ITSS) are aimed at lifting the veil, determining the real employer and holding them accountable.

The legal framework that the Labour and Social Security Inspectorate (ITSS) uses to sanction violations is established by Royal Legislative Decree 5/2000, of 4 August, adopting the Recast Text of the Law on Infringements and Sanctions in the Social Court.

11. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration and legal employment opportunities accompanied by decent work conditions?

The employment programmes for beneficiaries of the International Protection Reception System are designed and implemented in collaboration with all parties involved in recruitment: non-profit organisations, employer companies, trainers, guidance counsellors and labour experts, who instruct applicants on their rights and obligations when working in Spain, working hours and breaks, wages, etc., to prevent abuse and irregular or illegal situations.

As indicated in question number 7, in the context of the Labour and Social Security Inspectorate (ITSS), Article 129.2 of Royal Decree 1155/2024, of 19 November, approving the Regulations of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (ROEX) recognises the right to obtain a temporary residence permit for individuals who cooperate with the labour administration by proving, through any means of evidence, that they are or have been working illegally for a minimum of six months in the two years prior to the start of their cooperation. This permit may be requested on the initiative of the party concerned or by the administration and, where applicable, will include the report on the infringement issued by the Labour and Social Security Inspectorate (ITSS).

In the area of human trafficking, and without prejudice to the provisions of the competent body, of relevance is Chapter V of Title VII of the ROEX, which regulates temporary residence and work in exceptional circumstances for foreign victims of human trafficking. This chapter provides for the updating of the framework protocol for the protection of victims of trafficking, the identification of potential victims from third countries, the recovery and reflection period (which is extended to 90 days compared to the previous version of the regulation), exemption from liability for collaboration or in response to the victim's personal situation, the procedure for authorising residence and work, assisted return, the situation of minors and the family reunification of children who are not in Spain.

Also, within the framework of legislation on foreign nationals but unrelated to human trafficking, Chapter III of Title V of the ROEX regulates seasonal work, setting out the guarantees and rights applicable to these workers, with employers being obliged to guarantee the following conditions to holders of a residence and work permit (Art. 107):

a) Those arising from compliance with the requirements set out in this title for the granting of a residence and work permit for seasonal jobs.

b) The provision, prior to the signing of the employment contract, of a copy of the contract translated into a language that the worker understands.

c) The organisation of travel to Spain and return travel to the country of recruitment. The employer shall bear the cost of the former and the latter, unless expressly stated otherwise in the document in which they commit to organising the journey.

In all cases, the employer shall bear the cost of return travel between the point of entry and the place of accommodation and between the place of accommodation and the point of departure on return. The employer shall also bear the cost of travel from the place of accommodation to the place of work.

This obligation shall extend, as indicated, to each annual trip during the period of validity of the multi-year authorisation for circular migration.

d) The measures necessary to ensure the return of workers to their country of origin once their work contract has ended.

e) Compliance with the health control requirements set by the relevant health authority, both in the workplace and at border controls, or during intermediate journeys, assuming the cost thereof.

f) Payment of the cost of the medical insurance referred to in Article 102.

g) Provision of the measures set out in all the plans or protocols that employers are required to implement to comply with the current regulations on equality, the prevention of sexual harassment and gender-based harassment at work, and others.

Article 107.2 of ROEX stipulates that seasonal workers have the right to receive the same treatment as national workers under the terms established in the LOEX. Should the permit be revoked due to non-compliance by the employer, the employer must pay compensation to the seasonal worker in accordance with the applicable regulations.

For its part, Article 108 of the ROEX states that in their interactions with the authorities, workers have the right to be informed in a language they understand. Meanwhile, Article 109 regulates accommodation, and Article 110 governs situations involving a change of employer.

12. How do your country's law and policies to discourage demand that leads to THB address particular vulnerabilities and groups at risk of THB?

The Trafficking of Human Beings is one of the most serious crimes addressed by the current Criminal Code. It is punished independently of any attempt to smuggle the victim across a border. This distinction is significant because it means it is treated as a separate offence, with a separate penalty imposed for each victim involved.

Within the framework of Instruction 6/2016, of the State Secretariat for Security on Actions of Law Enforcement Bodies to Fight Trafficking in Human Beings and Collaborate with Organisations and

Entities with Proven Experience in Assisting Victims, awareness campaigns have been carried out alongside the various NGOs with which cooperation protocols have been signed to increase knowledge of the crime and discourage demand.

The National Strategic Plan against Trafficking and Exploitation of Human Beings (PENTRA) includes a dedicated line of action aimed at discouraging demand, specifically line of action 1.3 Discourage the demand for services provided by victims of trafficking and exploitation, which consists of the following specific measures:

- **Measure 1.3.A.** Discourage any advertising or incitement to consume sexual services or any other types of services associated with any form of exploitation—whether explicit or covert—by promoting instructions, standards and/or codes of ethics in the advertising and communications carried out by public and private institutions and entities (public administrations, media, advertising companies, etc.).
- **Measure 1.3.B.** Undertake specific actions to raise awareness of the reality of trafficking in all its forms, aimed in particular at discouraging the demand for prostitution in the case of sexual exploitation, and at employers and intermediaries in the field of forced labour.
- **Measure 1.3.C** Promote the necessary legislative changes to end the demand for all services involving victims of human trafficking and exploitation, in accordance with the provisions of Article 19 of the Council of Europe Convention on Action against Trafficking in Human Beings and Article 18.4 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.
- **Measure 1.3.D.** Promote, at different educational levels, the inclusion of training and information for young people in order to reduce demand.

The Trafficking and Immigration Unit of the Public Prosecutor's office has repeatedly insisted in successive reports that discouraging demand, in addition to implementing measures that focus on education, prevention and awareness-raising within the framework of a **Comprehensive Law Against Trafficking**, will require legislative changes that unequivocally address the criminalisation of pimping in all its forms, under the premise that the victim's consent is irrelevant.

In this regard, we should point to the involvement of the Division Prosecutor for the Human Trafficking and Immigration Unit in drafting a **future Comprehensive Law against Trafficking and Exploitation**. The Division Prosecutor was appointed to work with the Special Division of the General Codification Commission created by Ministerial Order of the Minister for Justice on 27 March 2022 to draft a comprehensive legal bill to combat human trafficking. The work of the aforementioned Commission ended in June of the same year with the presentation of a text that served as the basis

for the Draft Bill, which ultimately did not complete its parliamentary process because Parliament was dissolved in June 2023 and new elections were called.

Subsequently, meetings have been held with the Ministry for Gender Equality's Government Office (Delegación del Gobierno) for Gender Violence with a view to it providing input for a potential future Draft Bill, which it is hoped will be reactivated for approval.

The General Council of the Judiciary reports that the discouragement of demand constitutes a highly effective prevention mechanism in the fight against human trafficking, despite the fact that the prevention of the crime does not fall within the remit of the courts and is not the responsibility of judges, who act in accordance with the rule of law and the principle of legality, applying the laws enacted and approved by the legislature.

Nevertheless, one cannot overlook the fact that the General Council of the Judiciary has frequently signalled that legislative reforms in this regard would be desirable: for instance, the adoption of measures such as the criminalisation of all forms of pimping, which, in Spain, is currently only categorised as a crime in exploitation cases.

The case law of the Supreme Court (Tribunal Supremo) in regard to this issue is particularly instructive, with some of its resolutions going so far as to state the following, Judgment of the Supreme Court 396/2019 of 24 July: '(...) the trafficking of human beings was carried out for the purpose of sexual exploitation, and to this end it was necessary to deceive the government's immigration controls, and once in our country, force the victims into prostitution in various escort clubs scattered throughout the nation, places where human dignity has no meaning whatsoever, for the sole purpose of obtaining the profit that the women were brought here to generate, as if they were objects from which to attempt to extract maximum financial return while said persons remain in conditions that make them vulnerable to exploitation. One does not need to travel to far-off countries to observe 21st-century slavery at close quarters; one need only venture into places close to home, on the sides of our roads, to find one or several escort clubs where prostitution is practised using women who are forced into slavery and who, with no sense of shame, are bought and sold in different establishments, while being forced even to 'pay' for the journey to their own indignity.'

This paragraph reveals what the highest court in the land thinks about the situation of women who are forced into prostitution in so-called 'escort clubs'. However, Judges may only apply the laws passed by parliament, and the current wording of Article 187 of the Criminal Code only criminalises pimping in cases of exploitation. The criminalisation of pimping in all its forms would therefore be highly desirable.

The Ministry for Gender Equality reports that **Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom** recognises victims of trafficking for the purpose of sexual exploitation as victims of sexual violence, sets out measures for investigating and preventing the demand for sexual exploitation, enshrines a set of rights for victims and provides for measures to obtain justice and reparation.

It states in Article 9.1.d that to prevent sexual violence in both the public and private spheres—the digital realm included—public administrations must work within their respective areas of competence to promote awareness-raising and sensitisation campaigns aimed at discouraging the various services linked to sexual exploitation, prostitution and pornography that normalise sexual violence while also highlighting the consequences for the women who are prostituted.

Furthermore, under Article 11, advertising using gender stereotypes that encourage or normalise sexual violence against women, girls, boys and adolescents, as well as advertising that promotes prostitution under the terms established in Law 34/1998, of 11 November, General Law on Advertising, shall be considered unlawful.

At the time of writing this report, the Ministry for Gender Equality is working on a Draft Bill for the abolition of prostitution.

As stated in the rationale for the **Preliminary Draft of the Comprehensive Organic Law against the Trafficking and Exploitation of Human Beings**, the existence of trafficking and exploitation of human beings is a systemic problem that is connected to the productive system and patterns of consumption. It is an issue that is intrinsically linked to our demand, as a society, for goods and services, and to the conditions under which these are produced or provided. Therefore, the eradication of human trafficking and exploitation cannot be entrusted solely, nor fundamentally, to the critical need for criminalisation and effective prosecution. It is also imperative that we raise social awareness of the existence, scale and ramifications of the phenomenon in our daily lives. It calls for radical changes to our patterns of consumption and production and business models, and for the adoption of concrete measures to tackle exploitation and slavery, such as protecting labour rights and guaranteeing decent working conditions.

In terms of prevention, in addition to raising social awareness at different levels, measures in the field of education provide for the inclusion, at all stages of the academic system and as part of age-appropriate training on human rights, of awareness-raising activities that incorporate the concepts of human trafficking and exploitation to discourage demand for the goods and services produced or provided by the victims of these crimes.

In the **Operational Plan for the Protection of the Human Rights of Women and Girls Victims of Trafficking, Sexual Exploitation and Women in Contexts of Prostitution 2022-2026 (Plan Camino)**, Line of Action 2 on preventing and discouraging demand has the specific objective of discouraging demand for trafficking, sexual exploitation and prostitution through educational activities at all stages of the education system and awareness-raising activities aimed particularly at adolescents, young people and men.

Measure 400 of the **2025 National Pact** also echoes this idea: Promote measures to combat pimping by imposing penalties on pimps and providing female victims with adequate and comprehensive support services.

The Ministry of Youth and Children reports that Article 57 of the Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender Violence introduced specific regulations in relation to being on the Central Register of Sex Offenders, which is now called the **Central Register of Sexual Offenders and Trafficking in Human Beings**, developing and expanding the protection afforded to minors by improving the system that requires anyone seeking to carry out activities involving regular contact with minors to obtain a certificate from the aforementioned register to prove that they have no criminal record for crimes against sexual freedom and/or integrity or human trafficking. It establishes the absence of a final conviction for any offence against sexual freedom and the protection of a minor's sexual integrity classified in Title VIII of Organic Law 10/1995, of 23 November, on the Criminal Code and any offence of human trafficking classified in Title VII bis of the Criminal Code as a **mandatory requirement for access to professions, trades and activities involving regular contact with minors**. To this end, anyone seeking access to said professions, trades or activities must prove this circumstance by providing a clean certificate from the aforementioned register, even for non-paid placements and volunteer activities involving minors, as outlined in Articles 58 and 59.

Additionally, the sixth final provision amended Organic Law 10/1995, of 23 November, on the Criminal Code. In relation to trafficking, section 1 of Article 132 now reads as follows: 'For crimes involving attempted murder, the injuries set out in Articles 149 and 150 or habitual abuse under Article 173.2, for crimes against liberty, offences against sexual freedom and integrity and in crimes of trafficking of human beings, where the victim is under the age of 18, the terms shall be computed from the date on which the victim attains the age of 35 years, and in the event of the victim's demise prior to reaching that age, from the date of the victim's death.'

13. How do your country's legislation and practice ensure that there is an individual assessment of protection needs at the borders prior to any refusals of entry or expulsions?

All applications for international protection made at border posts are examined on a case-by-case basis, as provided for in Article 17.4 of Law 12/2009, of 30 October, regulating the Right to Asylum and Subsidiary Protection. These applications are dealt with in accordance with the provisions of Article 21 (applications submitted at border posts) of the aforementioned Law 12/2009, of October.

Law enforcement bodies conduct border control checks on passengers entering and leaving Spanish territory through legal open borders, which constitutes both the first and second line of action in Spain.

In this first filter, people are classified according to the passport they carry (citizen of the European Union or of an associated country) or whether they have a residence permit as a family member of an EU citizen.

If the person is a national of what is referred to as a third country, they proceed to the second filter, where checks are carried out to ensure that the person wishing to enter the Schengen area meets the requirements in terms of their passport, visa, medical insurance and financial solvency, among other factors.

14. What measures are taken to prevent THB in sports? What sectors and categories/groups of people have been identified as being at risk?

As a regulated professional activity, the same measures apply as for any other occupation, with no specific additional measures having been adopted.

With regard to this particular circumstance, those most at risk are young people from third countries who are promised a sporting career in Spain.

15. Have you identified online practices that may increase the risk of becoming a victim of THB for different forms of exploitation? What mechanisms have been developed to prevent the misuse of information and communication technology for THB purposes? What is the practical effect of their implementation?

The law enforcement bodies have issued warnings on social media about the dangers of these platforms and the potential for minors to misuse them without supervision.

One of the sites with the highest incidence of prostitution and potential sexual exploitation is OnlyFans, primarily due to its secrecy and business model.

There has been an increase in the recruitment of victims on online platforms through fraudulent advertisements that pose a risk to particularly vulnerable individuals who may fall victim to one of the various forms of exploitation. Awareness campaigns have been carried out in conjunction with organisations specialising in victim protection, but none have specifically addressed the unlawful use of technology, opting instead to focus on broader topics.

Within the framework of the Spanish Presidency of the Council of the European Union in the second half of 2023, the National Rapporteur's Office submitted a proposal to produce a report on the impact of the digital sphere, information, communication and relationship technologies and the Internet on human trafficking. This led to the preparation of a report entitled 'The Trafficking and Exploitation of Human Beings Online. A New Reality for an Old Problem' with the collaboration of 21 Member States through the European Network of National Rapporteurs or equivalent mechanisms, law enforcement bodies, the Public Prosecutor's Human Trafficking and Immigration Unit, and civil society through the Spanish Network against Human Trafficking.

Recognising that technology is transforming the way in which traffickers operate worldwide; that the rapid evolution of digital technologies and the widespread use of online platforms have opened up new avenues for traffickers to recruit, exploit, and control victims and that the use of the Internet, social media, encrypted messaging applications and online classified ads has enabled traffickers to operate with greater anonymity, speed, and reach, the Centre for Intelligence against Terrorism and Organised Crime (CITCO), in its capacity as a focal point for the National Rapporteur on Trafficking in Persons and in collaboration with the Organization for Security and Co-operation in Europe (OSCE), is organising a workshop for policymakers and criminal justice practitioners entitled 'Addressing Technology-facilitated Trafficking in Spain', which will take place at the headquarters of the Ministry of the Interior on 24 and 25 November, with the participation of national law enforcement bodies (Policía Nacional and Guardia Civil), Autonomous Community Police Forces (Ertzaintza and Mossos d'Esquadra), the Public Prosecutor's Office, the National Cybersecurity Institute (INCIBE), judges and senior judges.

16. What measures are taken to raise awareness of the risks of technology-facilitated THB, including among children, parents, teachers, child care professionals and social workers? What technology-based initiatives exist in your country to disseminate information to groups/communities at risk of THB?

Within the framework of Instruction No. 6/2023 of the State Secretariat for Security, on the 'Master Plan for Peaceful Coexistence and Improved Security in Educational Institutions and their Surroundings', training on the risks associated with technology, including the prevention of THB, is provided.

Social media campaigns promoting the responsible use of technology are ongoing, highlighting the dangers of sharing personal information, regardless of what that may be, such as photographs intended for public viewing or any other information that could be subject to criticism or vulnerable to hacking, potentially providing access to more sensitive data.

Joint campaigns with NGOs and specialist entities are also being conducted.

In all the reports produced by the Trafficking and Immigration Unit of the Public Prosecutor's Office, as well as in the training courses offered to prosecutors, law enforcement bodies, NGOs, and other public and private organisations and institutions, there is a strong emphasis on highlighting the dangers posed by the use of new technologies for trafficking and exploitation, especially in relation to children and adolescents.

The incursion of new technologies has impacted every stage of the trafficking process. The increase in their usage has led traffickers to adapt their modus operandi to cyberspace, taking advantage of online platforms and technology to advertise, recruit and exploit potential victims, constituting an emerging threat, particularly for younger people. Threats to share sexually explicit images of victims on social media or to send them to family members or friends have become one of the most commonly used methods to exert pressure during the exploitation phase, and one that is particularly effective with minors and adolescents.

The Trafficking Unit of the Public Prosecutor's Office is fully committed to training and raising awareness around trafficking and new technologies, particularly where children are concerned. This commitment is reflected in its active participation in numerous events addressing the issue, many of which support campaigns initiated by non-governmental organisations to raise awareness of the risks posed by the Internet in terms of the recruitment and sexual exploitation of children and adolescents. Examples include: the 'Conference on Digital Pornography: Gateway to Prostitution', organised by the Government Office (Delegación del Gobierno) in the Autonomous Community of the Balearic Islands in 2024 (Palma de Mallorca); the 'Conference on Trafficking for the Purpose of Sexual Exploitation in the Digital Age', organised by the NGO Diaconía and the Provincial Government Office (Delegación del Gobierno) in Teruel in 2024 (Teruel); the Seminar on 'Trafficking and New Technologies', organised by the NGO Diaconía in 2022 (Madrid); participation in the launch of the campaign 'Tiktok Trafficking' with the NGO APRAMP in 2023 (Madrid); the conference 'Your game, your rules?', a campaign launched by the NGO Diaconía to mark the European Day for the Protection of Children against Sexual Exploitation and Sexual Abuse in 2023 (Madrid); the 6th #Break the Chain seminar entitled 'The New Frontiers of Exploitation and Trafficking', organised by the NGO Diaconía in 2023 (Madrid); and the course on 'The dual role of ICTs in crimes of violence against women', organised by the General Council of the Judiciary in 2023, Córdoba.

In 2024, the Ministry for Gender Equality, through the **Government Office (Delegación del Gobierno) for Gender Violence**, organised a summer course at the Complutense University of Madrid in San Lorenzo de El Escorial entitled '**Pornography and Sexual Violence**'. The course was one of several initiatives undertaken by the Government Office (Delegación del Gobierno) for Gender Violence, under the Ministry for Gender Equality, aimed at raising awareness of the impact, harm, and risks associated with the consumption of pornography.

The Ministry of Youth and Children notes that Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender Violence defines violence perpetrated through information and communication technologies, particularly digital violence, as a form of violence against children and adolescents (Article 1.2); provides for the training of schoolchildren in digital rights, safety and responsibility (Article 33); and establishes specific obligations for public administrations to ensure the safe and responsible use of the Internet—through education and awareness campaigns and measures to support families (Article 45)—and to periodically assess and monitor content with a view to creating safe digital environments (Article 46).

Thus, both the National Strategy for Children's and Adolescents' Rights (EEDIA) and the Strategy for the Eradication of Violence against Children and Adolescents (EEVIA) contain specific provisions on the effectiveness of the rights of children and adolescents in the online environment. In particular, the Strategy for the Eradication of Violence against Children and Adolescents contains measures such as promoting ongoing research into the number and nature of the risks to which children and adolescents are exposed through the Internet and promoting specific helpline services on the safe and responsible use of the Internet.

For its part, the **Report of the Committee of Experts for the Creation of Safe Online Environments for Children and Youth (2024)** devotes a specific section to the potential risks that social networks pose to children and adolescents: grooming, sextortion and trafficking for the purposes of exploitation in pornography or prostitution. It also proposes the elaboration of a specific action plan to combat violence linked to pornography, including awareness-raising activities for children, adolescents and their families.

In terms of technology-based measures or initiatives to disseminate information and raise awareness, **Spain's National Cybersecurity Institute (INCIBE)** offers cybersecurity services aimed at promoting the safe use of technologies by children and young people through the **Internet Segura for Kids (IS4K) initiative**, which in turn forms part of the 'Safer Internet Centre in Spain' project. Their website provides educators, families and young people with resources and teaching materials on a range of topics.

17. How do you cooperate with ICT companies and Internet service providers, including content hosts and social media, in preventing THB?

Collaboration with law enforcement bodies varies greatly depending on the platform. While some, such as UBER and BOOKING, cooperate fully, others, such as eDreams, have not responded either positively or negatively.

Social networks are governed by the rules and legislation applicable in the country where they have their headquarters, which is not always as transparent as one might wish.

The Human Trafficking and Immigration Unit of the Public Prosecutor's Office reports that in order to protect victims and prevent the sharing of content that violate their rights and freedoms from amplifying the adverse effects of such conducts, both Directive (EU) 2024/1385, in Article 23, and Directive 2011/93/EU provide for measures aimed at ensuring their removal from the virtual environment. Similarly, Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on digital services, in force since 17 February 2024, strengthens this protection framework by setting out specific obligations for digital service providers regarding, for the purposes hereof, the compliance with orders to act issued by judicial or administrative authorities in relation to illegal content (Article 9) and the establishment of specific measures for the online protection of minors (Article 28).

This concern for safeguarding the interests of the most vulnerable from the irregular use of the cyberspace has led our country to submit to the Parliament, in March 2025, the Draft of the Organic Law for the Comprehensive Protection of Minors in Digital Environments. Such document, which is the result of the work of a large group of multidisciplinary experts and of the contributions from various institutions, and that, at the time of writing this report, is beginning its parliamentary journey, lays down a set of proposals aimed at guaranteeing the rights and interests of children and adolescents and fostering the responsible use of technologies by this community in the various online activity areas in which they focus their education, hobbies, actions related to personal interests and leisure as well as, ultimately, their relationships with others. These provisions include protective measures in the education and health sectors, along with proposals to revise important regulation such as Organic Law 3/2018 on Protection of Personal Data and Guarantee of Digital Rights, in order to raise the age of consent for the transfer of personal data to 16, the Criminal Procedure Act, the Organic Law on the Judiciary and the Criminal Code. The latter includes new provisions of particular interest, aimed both at strengthening the protection of minors as victims of aggressions in cyberspace, particularly those affecting their sexual freedom, and at preventing the recurrence of such behaviours.

The previously cited study carried out by the National Rapporteur against Trafficking, 'The Trafficking and Exploitation of Human Beings Online. A New Reality for an Old Problem' (2024), analyses the use of online platforms by criminal networks and proposes best practices such as collaboration with social media platforms and specialised training. Pages 41-44 of this study list the various collaboration agreements.

Additionally, the Ministry of the Interior has established agreements with online platforms to detect suspicious content, particularly on social media and fake advertising websites, and develop joint operational protocols for police forces and technology companies to facilitate information sharing and speed up the identification of victims and traffickers.

Some of the most important initiatives include:

- The NOVICOM Project (Accem, 2023). Funded by the Ministry for Inclusion and the EU. Studies the impact of relation, information and communication technologies (RICT) on trafficking and proposes emerging initiatives, such as the use of data analysis to detect patterns of recruitment and exploitation.
- The HEROES project, funded by Horizon 2020, has brought together ICT experts, law enforcement bodies and NGOs to develop artificial intelligence tools to detect child sexual exploitation and trafficking content.

The General Council of the Judiciary advises that judges only intervene after a crime has been committed, rather than during the prevention phase. However, it is important to note that various judicial investigations are currently underway into sexual exploitation on platforms used for pornography production, such as the case of OnlyFans, and as these platforms cannot guarantee that their content is free from sexual exploitation and child pornography, it would be desirable to pursue legislative reforms at both the European and Spanish levels so that they are only allowed to operate in neighbouring countries if they safeguard human rights.

The Ministry for Gender Equality reports that the **Bill for the Improvement of Democratic Governance in Digital Services and the Regulation of the Media**, approved by the Spanish Government on 29 July 2025, seeks to regulate specific channels for reporting illegal content on online platforms. This would provide an institutional mechanism for citizens and entities to report content that may involve trafficking, sexual exploitation, etc. It also provides for sanctioning powers for the National Markets and Competition Commission (CNMC) and the protection of minors, which is relevant in cases of trafficking content.

18. How are policies and practices aimed at preventing THB informed by the experiences of victims and at-risk individuals?

The voices of victims and their experiences are represented through specialist organisations dedicated to providing assistance, protection and support to victims of trafficking in several forums and bodies, including:

- The National Rapporteur on Trafficking in Human Beings (Ministry of the Interior)
- The Social Forum against Trafficking for the Purpose of Sexual Exploitation (Government Office (Delegación del Gobierno) for Gender Violence, Ministry for Gender Equality).
- The Working Group for the monitoring of the National Action Plan against Forced Labour and other Forced Activities (Ministry of Labour). In relation to this issue, in 2023, the State Agency for Labour Inspection and Social Security set up a working group to draft a unified list of indicators for trafficking for the purpose of labour exploitation, which included the Trafficking Unit of the Public Prosecutor's Office and received valuable contributions from the entities involved.
- The Working Group for the monitoring and final evaluation of the National Strategic Plan against the Trafficking and Exploitation of Human Beings (PENTRA), 2021-2024 – (CITCO, Ministry of the Interior).
- Working groups led by the Human Trafficking and Immigration Unit of the Public Prosecutor's Office referred to above (the Airport Group and Ukraine Group).

As an example of public policies that address the needs of victims, represented by specialised entities, we can cite the Agreement of the Sectoral Conference on Gender Equality of 27 May 2022, approved by Resolution of the State Secretariat for Equality and against Gender-based Violence on 7 July 2022. This agreement regulates the administrative recognition of victims of human trafficking and/or sexual exploitation, attributing the task of preparing a detection report that will serve as the basis for the issuance of the administrative accreditation document by the competent authority to social entities duly recognised by the public administration.

The Spanish Network Against Trafficking in Persons is a group comprising more than 30 non-governmental organisations that was set up with the aim of optimising the prevention and prosecution of this serious crime from multiple perspectives, with a comprehensive, victim-centred approach. The Trafficking Unit meets twice a year with representatives from the group to discuss and address the realities faced by victims, technical and legal issues and practical matters; guidelines for action are sought when shortcomings in the protection system are detected, and possible solutions for specific cases are also studied.

At the periodic coordination meetings convened by the specialised designated prosecutors for trafficking and immigration in each province, representatives from organisations working with victims are always present, in accordance with the provisions of the 2011 Framework Protocol for the Protection of Victims of Trafficking.

Lastly, and as noted in the responses to earlier questions, survivors of trafficking are consistently invited to share their personal experiences and recovery processes at all training events conducted or attended by the Trafficking Unit of the Public Prosecutor's Office.

It should be noted that before any law receives final approval, it undergoes a public hearing process, during which it is made available to citizens, organisations and the relevant sectors so that they can share their opinions, suggestions, or objections. This procedure not only ensures transparency in the legislative process but also encourages citizen participation and enhances the quality of the law.

In this context, and specifically in relation to the preparation of the **Preliminary Draft of the Comprehensive Organic Law against the Trafficking and Exploitation of Human Beings**, a public hearing and information procedure was opened from 3 to 26 April 2024. Fifty-six contributions were received, among which there was consensus in favour of approving the law. Reports were also obtained from autonomous communities and ministries. On 18 March 2024, at an extraordinary plenary session of the Social Forum against Trafficking, a working group was set up to study and analyse the preliminary draft. This working group presented a report that has been incorporated into the processing of the preliminary draft. Regular meetings have been held with the co-proposing ministries and entities, and a group of experts has been set up to inform the preliminary draft.

The **Social Forum against Trafficking** was established on 14 July 2009 in accordance with the Comprehensive Plan to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation 2009-2012. The purpose of the Forum is to promote the exchange of information and views between organisations specialising in assisting victims of trafficking for the purpose of sexual exploitation and the relevant authorities (ministries, autonomous communities and local authorities), with a view to improving cooperation between all parties involved and with a focus on promoting and protecting human rights.

In this context, the **2025 National Pact** establishes:

- **Measure 94:** Maintain and foster the participation of civil society in the continuous improvement of public policies aimed at eradicating violence against women in all its forms. In particular, the presence and participation of feminist organisations and those specialising in violence against women shall be guaranteed in the bodies established for this purpose, such as the National Observatory on Violence against Women, the Social Forum against Trafficking for the Purpose of

Sexual Exploitation and the Council for Women's Participation, as well as in similar bodies at autonomous community and local levels.

- **Measure 48:** Implement two-pronged measures to combat the trafficking of women and minors for the purpose of sexual exploitation: firstly, measures aimed at prevention and detection through the provision of targeted training for all professional teams, particularly those in the fields of healthcare and social services. And secondly, initiatives to raise social awareness, drawing on real cases of survivors and advice from specialist organisations.

Within the scope of the Labour and Social Security Inspectorate (ITSS), we reiterate the information provided in section 7 on the possibility of obtaining a residence permit in exchange for cooperating with the employment authorities, in accordance with Article 129.2 of Royal Decree 1155/2024, of 19 November, approving the Regulations of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (ROEX), as well as the information provided in question 11 on temporary residence and work permits for foreign victims of human trafficking in exceptional circumstances.

II. IDENTIFICATION OF VICTIMS AND PROTECTION OF THEIR RIGHTS (Articles 10, 11, 12, 14 and 16)

19. Among the victims of THB identified, were any subjected to exploitation on the basis of their sexual orientation and/or gender identity (LGBTI+: lesbian, gay, bisexual, transgender or intersex), especially teenagers and young adults? If yes, did any of them report on police misconduct?

An individual's sexual orientation and/or gender identity constitutes sensitive personal data that is subject to the highest level of protection, generally prohibiting its processing (collection, storage, sharing, etc.)

Under no circumstances are complaints filed by citizens classified according to sexual orientation or gender identity.

While some associations have expressed their dissatisfaction, and that of some of the victims, with the treatment received from police officers (lack of tact and understanding, intrusive questions, or forcing uncomfortable situations, etc.), nothing has been formalised in writing, and we have been unable to assign the person voicing the complaint to any of the groups specified above.

There have been cases in which potential transgender victims ultimately chose not to report the exploitation.

20. What specific measures are taken to ensure that trafficked persons who are migrant workers, including in an irregular situation, are identified as victims of THB and have access to the rights provided for in the Convention? Is there cooperation with specialised NGOs, trade unions, and employers to enhance the identification and protection of potential victims within these at-risk groups?

In Spain, any person identified as a victim of human trafficking is entitled to the same rights, regardless of their personal circumstances.

Within the framework of the Agreement between the State Secretariat for Security and the Autonomous State Agency for Labour Inspection and Social Security, for coordination between the Labour and Social Security Inspectorate and the law enforcement bodies in the fight against irregular employment and social security fraud, the law enforcement bodies carry out preventive inspections, in conjunction with the Labour and Social Security Inspectorate, to detect and identify potential victims of labour exploitation.

21. What measures are in place to encourage victims of THB to report their situation to the authorities and/or civil society organisations?

The law enforcement bodies conduct campaigns aimed at potential victims to raise awareness of the availability of both their in-house resources and those of NGOs to encourage reporting in this area.

There are two ways to report trafficking to the Labour and Social Security Inspectorate (ITSS).

- The first is to file a complaint, as regulated in Article 20 of Law 23/2025, of 21 July, regulating the Labour and Social Security Inspectorate System.

The complaint procedure is public, meaning that anyone (victim or not) can file one. Complaint forms are available in Spanish, English, French, Bulgarian, Romanian and Ukrainian.

Anonymous complaints will not be processed. The identity of the complainant is confidential. The complaint must be submitted in person to the Provincial Inspectorate or online via the electronic office. Once the proceedings have been concluded, the relevant Inspector or Deputy Inspector sends a report to the complainant.

- The second way to report breaches of social regulations to the Labour and Social Security Inspectorate (ITSS) is via the labour fraud mailbox, available on its website <https://oeitss.mites.gob.es/buzonitss/>.

Communications sent via this mailbox are anonymous and do not constitute a formal complaint. Following an assessment by the Labour and Social Security Inspectorate (ITSS), the communications submitted may be incorporated into the planning of the inspection.

All cases of trafficking reported through the labour fraud mailbox are dealt with and forwarded to the Provincial Inspectorates for urgent processing.

Lastly, we refer once again to the information provided in section 7, regarding the possibility of obtaining a residence permit in exchange for cooperating with the labour authorities, in accordance with Article 129.2 of Royal Decree 1155/2024, of 19 November, approving the Regulations of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration (ROEX).

22. What specific measures are taken in your country to detect/identify and refer to assistance possible victims of THB at the borders? What measures are taken in your country to identify victims of THB during the examination of asylum applications and prior to the return of persons whose applications are rejected?

The law enforcement bodies specialising in border control receive training on how to detect and assist potential victims of human trafficking in the courses they take to qualify for a role in this specialist field.

If a possible trafficking victim is detected by law enforcement bodies stationed at international border posts, they conduct an identification interview in the presence of a specialist organisation, often a member of the Spanish Commission for Refugees (CEAR), with an interpreter if necessary.

Once the victim has been identified, they are informed of their rights, and the prosecution and governmental authorities are notified so that they can authorise their entry into the country.

The first asylum interview is conducted by police officers, who carry out an initial assessment and may potentially detect victims of trafficking.

The task of subsequently reviewing and studying the file falls to an investigator assigned to the Office for Asylum and Refugees. If this investigator, in their review or in data that may subsequently appear or be provided by the applicant or an entity caring for them due to their situation of vulnerability (whether public or private, and/or under the authority of the General State Administration) finds evidence of trafficking, they notify the specialist police unit, which will then work to locate, find, and identify the victim, providing an account of the outcome before proceeding to close the file.

Within the scope of the Ministry of the Interior, in 2024, the Directorate-General for International Protection (DGPROINT) strengthened the Vulnerable Persons Profiling Service, which is overseen by the new Subdirectorate-General for the Processing of International Protection and Statelessness. This service is specifically responsible for ensuring that international protection, temporary protection or protection as a stateless person may be applied for by anyone with any form of vulnerability with the

appropriate measures and guarantees. Therefore, it focuses its efforts on improving procedures that may be used by persons who require special procedural guarantees due to factors such as being a potential victim of human trafficking (THB), among others.

In March 2025, a draft of the '**Protocol for the Processing of Applications for International Protection and the Recognition of Statelessness Status for Potential Victims of Human Trafficking**' was prepared and is currently being circulated internally within the Directorate-General for International Protection. Its purpose is to **provide tools and establish standardised guidelines** for personnel at the Directorate-General for International Protection tasked with processing applications for international protection and the recognition of stateless persons in cases that may involve human trafficking, with the overarching aim of enhancing compliance with the relevant regulations.

The aforementioned Protocol also seeks to establish **mechanisms that facilitate the exchange of information, foster an effective communication** of actions, and **enhance networking among various stakeholders** to ensure an efficient institutional response. It should be noted that the key points to consider when assessing vulnerability factors and how they affect international protection are set out in the supporting documents prepared by the European Union Agency for Asylum (EUAA) and UNHCR.

Additionally, if, while reviewing an application for international protection or statelessness, there are signs that the applicant may be a victim of human trafficking, this information must be reported to the Asylum Division of the Department for Immigration and Borders (Comisaría General de Extranjería y Fronteras) to ensure that the Central Unit for Immigration Networks and Document Fraud (UCRIF), which is the competent police unit for these issues, is notified.

Given that training is crucial to the effective processing of these applications, we would like to point out that, to ensure that knowledge in this area remains current, the European Union Agency for Asylum (EUAA) provides training in the field of trafficking victims to the staff at the Directorate-General for International Protection (DGPROINT) responsible for reviewing and recommending decisions on applications for international protection.

At our maritime borders, the Directorate-General for Humanitarian Care and the International Protection Reception System (DGAHSAPI) coordinates the initial assistance provided on the coast to migrants arriving by sea as part of the humanitarian assistance programme. Before undergoing identification and registration by the Policía Nacional, the Red Cross assesses the condition of the new arrivals and their basic needs, including food, shelter, and medical or psychological assistance.

Should any signs of THB be detected, the case is reported and referred to the competent institutions (see point 6).

With regard to our air borders, Madrid-Barajas Airport serves as the main entry point for asylum seekers in Spain. For this reason, the Barajas Procedure was established to refer potential victims of human trafficking who are seeking international protection. The task of detecting signs of THB during the international protection application interview generally falls to the Office for Asylum and Refugees (OAR), which reports to the Ministry of the Interior. The Office for Asylum and Refugees must then notify the Spanish Red Cross representative in the Barajas Asylum Room so that specialised personnel can intervene.

23. What measures are taken in your country to identify victims of THB in immigration detention centres and prisons?

Spain does not have immigration detention centres. The centres that do exist are

- **CIE – Immigration Removal Centres:** for foreigners who have been issued with a court order for deportation and are awaiting repatriation to their country of origin.

These centres are guarded by police officers who have been trained to detect possible victims and report any suspected cases in accordance with criteria designed to ensure the safety and protect the integrity and human rights of the person in question.

They are also supported by personnel from the Red Cross, who have been trained to detect potential victims and are required to report them to the police for identification.

- **CATE – Temporary Assistance Centres for Migrants:** reception centres for migrants arriving by boat on the Spanish coast. These centres were created to provide a safe place for recently arrived migrants to receive first aid and medical care while their identity is being verified. The maximum length of stay is 72 hours.

The centres are run by the Policía Nacional, with staff specialised in detecting potential trafficking victims, who report to members of the Provincial Office for Immigration and Borders for assessment and identification.

- **CETI – Temporary Stay Centres for Migrants:** These centres are run by the Ministry of Inclusion, Social Security and Migration and managed by organisations selected by the Ministry.

The staff working in these centres report directly to the Ministry of Inclusion, Social Security and Migration and receive training from law enforcement bodies on the importance of complying with the Framework Protocol for Protection of Victims of Human Trafficking, particularly section V.D.1.

'Detection by other services or entities', in which the location of a potential victim is reported to the law enforcement bodies for possible identity verification.

The Spanish prison system is designed to identify, from the moment of admission, the unique needs and challenges of each individual so that, based on these aspects and the interests expressed by the detainee, a plan for their social reintegration can be drawn up during their time in prison.

Within this framework, healthcare and therapeutic professionals (educators, social workers, psychologists, lawyers, etc.) play a key role in detecting possible victims of trafficking in human beings (THB) during the interviews conducted on admission, as well as, both during the initial and subsequent interviews, corroborating any relevant evidence found when reviewing the individual's documentation.

Furthermore, it is not unusual for a prisoner who has not previously disclosed that they are a victim of THB to do so while participating in one of the treatment programmes offered by the Prison Administration; they may even become aware of it for the first time themselves.

Three of the most notable interventions that help to facilitate the identification of these victims are:

- The 'Ser Mujer' (Being a Woman) Programme, aimed at women serving prison sentences for various crimes who, in many cases, have themselves been victims of other crimes, including sexual exploitation. The programme fosters a deeper understanding of this reality, creating a safe space in which the women can recognise and express their experiences of violence, exploitation or coercion. This then allows them to be referred, if deemed appropriate, to specialist entities or NGOs.
- The 'Framework Programme for Intervention with Foreign Prisoners', as the name suggests, is designed to support foreign nationals in Spanish prisons, among whom it is not uncommon to find victims of human trafficking.
- The 'Programme for the Control of Sexual Aggression' (PCAS): although aimed at individuals who have sexually assaulted adults and/or minors, it is relatively common for participants to reveal during therapy that they have themselves suffered abuse, in some cases in the context of a human trafficking offence.

All of the interventions described facilitate both the early identification of victims and their rehabilitation.

24. What services are available in your country to provide specific assistance to particularly vulnerable victims, such as:

Currently, the provision of support services for victims of trafficking, including accommodation, counselling and recovery, has been transferred to specialised civil society organisations, which are funded through grants that they can access by submitting programmes.

A significant portion of the budget is earmarked for women and girls who have been victims of human trafficking for the purpose of sexual exploitation, which means that associations or public institutions that do not specialise in human trafficking but in providing care to people with various needs, cater for the victims of other types of exploitation.

Within the International Protection Reception System, people with disabilities and those with severe mental and physical trauma are considered particularly vulnerable. Wherever possible, they are provided with healthcare, psychological or legal assistance tailored to their needs, specific training, and an extension of the maximum length of stay within the reception system.

At this point we should highlight two guides that provide information on rights and resources:

- **Guide to Resources for Victims of Trafficking for the Purpose of Sexual Exploitation.**
- **Guide to Rights for Victims of Gender-Based Violence and Sexual Violence.**

The **preliminary draft of the Comprehensive Organic Law against the Trafficking and Exploitation of Human Beings** seeks, with regard to the right of access to assistance and support services, to establish that the public authorities shall guarantee that from the moment of detection, throughout the identification process, and for as long as necessary after definitive identification, all victims of trafficking or exploitation shall have access to the following resources should they require them:

- Appropriate and safe accommodation, including emergency housing.
- Specialised medical and psychological assistance.
- Specialised social assistance.

Said assistance must be personalised and provided in a language the victim understands, with the help of an interpreter and a cultural mediator, if necessary.

a. persons with disabilities;

In relation to this aspect, we can cite the following measures from the 2025 National Pact:

- **Measure 267:** Define and implement a specific protocol to assist persons with disabilities who fall victim to trafficking and exploitation, through concrete measures offering them special

protection, which must be fully accessible and adapted to the individual needs of the victim, including personal assistance and procedural facilitation. Urgently assess and certify the disability status of presumed victims of trafficking and sexual exploitation, as well as process other social and economic benefits associated with that status. Should there be any doubt about a person's disability status, it will be presumed that they have a disability until the results of the official assessment are available. Promote training for staff who provide assistance to victims of trafficking and exploitation, covering intersectionality and situations of particular vulnerability, such as disability.

- **Measure 240:** Ensure comprehensive rehabilitation and reparation through specialised services for victims of sexual exploitation and trafficking for the purpose of sexual exploitation, including for those who are particularly vulnerable, such as individuals with disabilities. To this end, expert advice shall be sought from organisations and professionals in the field of disability.

b. LGBTI+ persons;

On 22 July 2025, the Council of Ministers approved the first LGTBI Strategy and the first National Trans Strategy, as proposed by the Ministry for Gender Equality. Their implementation responds to the obligations set out in Law 4/2023, of 28 February, for the Real and Effective Equality of Transgender People and for the Guarantee of the Rights of LGBTI People and represents a concrete step towards effective equality for these groups.

The National Strategy for the Equal Treatment and Non-Discrimination of LGBTI People was created with the aim of being the primary instrument for regional collaboration in promoting and implementing the policies set out in Law 4/2023. It will be renewed every four years and serves as a roadmap to be followed by the various administrations, in collaboration with the private sector and civil society.

The document incorporates the basic principles governing action in the field of non-discrimination, as well as measures aimed at preventing and eliminating it. It also sets out information, awareness-raising and training initiatives, with a particular focus on preventing LGBTI-phobic violence. This is the government's first national strategy for LGBTI+ issues, spearheaded by the Ministry for Gender Equality, and has been approved by all the autonomous communities, as well as Ceuta and Melilla, having received a favourable report from the Sectoral Conference on Gender Equality last June.

For its part, the National Strategy for the Social Inclusion of Trans People is the government's inaugural strategic framework specifically aimed at supporting this community, and it is designed to fulfil the constitutional commitment to eliminating the barriers that impede the effective equality of trans individuals. It will also be a rolling four-year strategy and will serve as the principal mechanism for advancing, executing, and coordinating the policies outlined in Law 4/2023.

Among other actions, the Trans Strategy includes measures for positive and priority action in the areas of employment, education, health and housing, while also focusing on eradicating discrimination and transphobic violence. It also seeks to enhance our understanding of the realities faced by trans people through research and analysis.

c. victims with children;

Measure 156 of the **2025 National Pact** sets, as an objective, the implementation of a network of fully accessible resources in every autonomous community to provide shelter for victims of sexual exploitation and trafficking for the purpose of sexual exploitation, as well as for their children, where applicable. This network must include at least one emergency housing facility that is accessible and specifically adapted to meet the needs of victims with disabilities.

Within the **Strategy for the Eradication of Violence against Children and Adolescents** (EEVIA), Measure 4.1.6 stipulates the following: 'Ensure that children and adolescents who are the sons and daughters of victims of gender-based violence and trafficking have access to the network of specialised care resources for victims of gender-based violence and to resources specialising in trafficking and children'.

Indicator: Number of care resources created that offer comprehensive care programmes for children and adolescents who are victims of trafficking, as well as the children of victims of trafficking, in all autonomous communities and cities. Number of children referred to specialist services following the referral protocol.

d. victims with severe mental and physical trauma;

No additional information provided

e. homeless persons;

The National Strategy to Combat Homelessness in Spain 2023–2030, approved on 11 July 2023, explicitly includes victims of human trafficking among the particularly vulnerable groups most in need of assistance.

The strategy establishes a framework for action that seeks to address the situation endured by more than 28 500 people in Spain and to reduce the number of people who find themselves involuntarily homeless by 95% over the next seven years.

In particular, Specific Objective 5 of the strategy seeks to guarantee the right to health and well-being, paying particular attention to mental health, addictions, disabilities and protection from gender-based violence, trafficking and prostitution. In this regard, line of action 5.10 focuses on providing

specific support to homeless people who are victims of gender-based violence, trafficking and/or prostitution, guaranteeing the psychological and social assistance they require.

Furthermore, Objective 8 of the strategy, situated within the third pillar dedicated to personalised responses, focuses on providing suitable accommodation solutions that are tailored to the diverse needs and preferences of individuals experiencing homelessness, including those who have been victims of trafficking, through professional intervention.

f. **other.**

No additional information provided

25. How do you support the (re)integration of victims of THB? What processes are in place in your country to provide assistance to victims of THB exploited abroad after their return?

In response to this question, we can cite the '**Public grants for projects supporting women and girls who are victims of human trafficking for the purpose of sexual exploitation and their underage or disabled children**', which, in 2024, distributed EUR 7 000 000 between 47 specialist social entities. Meanwhile, the '**Public grants for programmes and projects aimed at raising awareness, prevention, sensitisation, research and innovation for the eradication of various forms of violence against women**' channelled EUR 6 976 488.91 into initiatives which, although not exclusively focused on trafficking, address key aspects such as prevention, knowledge generation, psychosocial intervention and discouraging the demand for prostitution. Finally, within the framework of the '**Grants for the implementation of activities considered to be of social interest**', managed by the State Secretariat for Social Rights with the participation of the Government Office (Delegación del Gobierno) for Gender Violence, in 2024, projects were funded to provide comprehensive assistance to victims of trafficking, prevention and care for women in prostitution and specialised legal support.

The **Preliminary Draft of the Comprehensive Organic Law against the Trafficking and Exploitation of Human Beings** would provide a framework for coordinated and effective action to combat human trafficking at both national and international levels, with elements such as:

- The priority axes of international cooperation: prevention, protection and support for victims—including in cases of repatriation to their countries of origin—the prosecution of the crime, and the pursuit of redress for the victims.
- Bilateral agreements with countries of origin.
- Cooperation on comprehensive support for victims in the event of return.

- Cooperation on compensation.

The **Operational Plan for the Protection of the Human Rights of Women and Girls Victims of Trafficking, Sexual Exploitation and Women in Contexts of Prostitution 2022-2026 (Plan Camino)**, with a budget of EUR 204 023 000, reinforced comprehensive measures to assist, protect and provide redress to women and girls who are victims of trafficking for the purpose of sexual exploitation and in contexts of prostitution, and consolidated the institutional measures and actions necessary to guarantee their rights, including a plan for their integration into society and the labour market.

Additionally, **measure 391** of the new **2025 National Pact** states: 'Enhance international cooperation on human trafficking for the purpose of sexual exploitation, increasing funds for international cooperation to facilitate the detection of cases and provide support for returned victims, as specified in Law 1/2023, of 20 February, on Cooperation for Sustainable Development and Global Solidarity'.

Other measures included in the pact are also relevant:

- **Measure 120:** Improve the procedures for obtaining the right to asylum for survivors of forced marriage and victims of trafficking for the purpose of sexual exploitation.
- **Measure 121.** Advocate, within the framework of international cooperation, for more resources to be allocated to measures that combat gender-based violence within the protocols for action in refugee camps (trafficking, sexual assault, etc.) Make public funding conditional on the signing of mandatory codes of ethics and conduct by members of organisations and their employees, in an effort to combat violence against women and girls.
- **Measure 391.** Enhance international cooperation on human trafficking for the purpose of sexual exploitation, increasing funds for international cooperation to facilitate the detection of cases and provide support for returned victims, as specified in Law 1/2023, of 20 February, on Cooperation for Sustainable Development and Global Solidarity.

26. 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.

Royal Decree 1155/2024, of 19 November, approving the Regulations of Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain and their Social Integration, provides in Chapter IV (Arts. 142–147) for the issue of temporary residence and work permits due to exceptional circumstances for collaboration against organised networks. In this regard, it should be noted that in

Spain, most victims of exploitation are also victims of organised crime networks. The permit is granted by the State Secretariat for Security.

Similarly, Chapter V of the aforementioned Royal Decree (Arts. 148–155) covers temporary residence and work permits for foreign victims of human trafficking in exceptional circumstances, with two types of permits available: one for cooperation with the authorities responsible for prosecuting the crime (granted by the State Secretariat for Security) and one based on the victim's personal circumstances (granted by the State Secretariat for Migration).

27. What measures are in place to ensure that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known?

Of general application is Organic Law 3/2018, of 5 December, on the Protection of Personal Data and Guarantee of Digital Rights, which adapts the European Union's General Data Protection Regulation (GDPR, Regulation (EU) 2016/679) to the Spanish legal framework.

At the start of their investigation, and especially during the initial examination, law enforcement officers offer the child and their representatives an opportunity to invoke Organic Law 19/1994, of 23 December, on Protection of Witnesses and Expert Witnesses in Criminal Proceedings, encoding their names under a key whose correlation with their full names is known only to the investigative team and the judge, to whom it is sent in a sealed envelope that must be kept in their custody.

During the remainder of the investigation and hearing, the name may be disclosed only if authorised by the investigating judge or the competent court and only following a request from the defence, which must argue that the detainee's rights to defence and confrontation are at stake, as a result of the victim's anonymity, and any decision to disclose the name must be accompanied by a report from the prosecution service indicating whether the disclosure is appropriate.

Moreover, to ensure that the identity or any other information that could identify minor victims of trafficking is not made public, several other legal and protective measures have been adopted. In Spain, Organic Law 1/1996 on the Legal Protection of Minors, explicitly prohibits the media from sharing information, images, or data that could identify minors who are victims of crimes.

Furthermore, **Article 20 of Organic Law 8/2021**, of 4 June, on the Comprehensive Protection of Children and Adolescents against Violence, lays down the following provisions in relation to **protection and safety for children and adolescents**:

'The public administrations, within the scope of their powers, shall establish the appropriate mechanisms to guarantee the confidentiality, protection and safety of persons who have reported situations of violence against children and adolescents to the authorities.'

*Educational institutions and leisure facilities, as well as establishments in which minors habitually reside, shall implement all necessary measures to ensure the protection and **safety of children and adolescents who report a situation of violence.***

*The judicial authority, acting ex officio or upon the request of a party, may implement the protective measures provided for in the **regulations applicable to witness protection** if it determines that such measures are necessary due to the potential risks or dangers associated with the submission of a complaint as outlined in the preceding articles’.*

Organic Law 19/1994, of 23 December, on Protection of Witnesses and Expert Witnesses in Criminal Proceedings, is applicable to minors. Having assessed the risk, the judge shall take the necessary measures to protect the identity, address, profession and place of work of witnesses, without prejudice to the right of the defendant's defence to challenge this, and may take the following decisions, among others: a) That their name, surname, address, place of work and profession, or any other information that could be used to identify them, shall not be recorded in the proceedings, with a number or other code being used for this purpose; b) That they appear for any proceedings using any procedure that makes normal visual identification impossible; c) That the address of the court involved be established as their address for the purposes of summonses and notifications, which shall be sent confidentially to the addressee.

Prosecutors must always take a proactive stance by requesting that the court apply protected witness status to all victims of THB, especially if they are minors. They must also ensure the enforcement of the rights recognised by the aforementioned **Law 4/2015, of 27 April, on the Status of Victims of Crime**. Its Art. 22, on the right to the **protection of privacy**, establishes that judges, courts, prosecutors and other authorities and officials responsible for criminal investigations, as well as all those who in any way intervene or participate in the process, shall adopt, in accordance with the provisions of the law, the necessary measures to protect the privacy of all victims and their families and, in particular, to **prevent the sharing of any information that could facilitate the identification of minor victims** or victims with disabilities in need of special protection. In addition, Arts. 20 and 25 refer to the right to avoid visual contact between the victim and the offender, for which communication technologies may be used, and measures may be taken to ensure that the minor can be heard without being present in the courtroom, and for the hearing to be held without the presence of the public.

Furthermore, the Criminal Code establishes penalties for anyone who improperly discloses information about minors that could put them at risk.

In the field of ethics, codes of journalistic conduct also require the preservation of minors' anonymity and the prevention of their revictimisation.

Lastly, specific protocols such as the Framework Protocol for the Protection of Victims of Human Trafficking include guidelines to help institutions and the media to act in a coordinated fashion, ensuring the confidentiality of children's identities at all times.

Members of the judiciary can refer to the guidelines on judicial criteria when dealing with human trafficking, drawn up by the General Council of the Judiciary.

This guide, which will be reviewed and updated, aims to compile and disseminate to all members of the judiciary good procedural practices in human trafficking cases, including the recommendation to consider victims as protected witnesses under the Spanish Witness Protection Law, which broadens their scope of protection by preventing, during the investigative phase, even those under investigation from accessing victims' identification or location data, among other possible protective measures.

28. What measures are in place aimed at encouraging the media to protect the private life and identity of victims?

Various measures have been adopted in Spain to encourage the media to protect the privacy and identity of victims of human trafficking. In the legal sphere, Law 4/2015, of 27 April, on the Status of Victims of Crime expressly recognises the right of victims to have their privacy respected and their identity protected, while Organic Law 1/1996 on the Legal Protection of Minors expressly prohibits the sharing of images or data relating to minor victims.

Furthermore, the 2011 Framework Protocol for the Protection of Victims of Human Trafficking establishes specific guidelines for handling information pertaining to these cases.

In terms of professional ethics, the codes of ethics of the Spanish Federation of Journalists' Associations and other professional associations call for the dignity of victims to be preserved, avoiding sensationalism and revictimisation.

Similarly, institutions such as the General Council of the Judiciary, the Public Prosecutor's Office, and the Ministry for Gender Equality have issued best-practice guidelines for the media.

This issue has also been addressed within the framework of the regular meetings held by the National Rapporteur on Trafficking in Persons and the Spanish Network against Trafficking in Persons—which brings together more than 30 civil society organisations specialising in protecting and assisting victims—and work has now begun on organising a joint seminar on the coverage of human trafficking in the media and on preventing any sharing of information that could put both victims and the organisations that assist them at risk.

In October 2024, the Communication Guide for Barnahus in Spain was published within the framework of the joint project between the European Union and the Council of Europe entitled '**Strengthening child-friendly justice through effective cooperation and coordination among Barnahus-type services in Spanish regions**', implemented by the Council of Europe in close collaboration with the Ministry of Youth and Children and the Ministry of the Presidency, Justice and Relations with the Parliament, which contains guidelines for communicating the Barnahus model in Spain. In **Line 3: Raise awareness of the Barnahus model and the prevention of sexual violence against children and adolescents in society in general**, it envisages the carrying out of actions with the media to prevent the secondary victimisation of child and adolescent victims of sexual violence by said media.

Specifically, it proposes the creation of a guide for journalists on **how to report on sexual violence against children and adolescents, avoid secondary victimisation and promote the Barnahus model**, which is expected to be approved on 12 November at the meeting of the Advisory Group.

News coverage of sexual violence against children and adolescents requires a high degree of ethical and professional responsibility. Words and images can either help by highlighting the severity of the issue or, if not chosen carefully, lead to the secondary victimisation of people who have already suffered enough. Accordingly, the guide aims to provide journalists with strategies and recommendations for addressing the issue from a **meticulous, respectful perspective that prioritises the rights of children and adolescents**.

Law 13/2022, of 7 July, General Law on Audiovisual Communication. General principles of communications, including the obligation to respect individual privacy, honour and personal image (Article 4) Self-regulation. Self and co-regulated codes of conduct, to voluntarily adopt guidelines with requirements for accountability in their monitoring and enforcement (Article 12).

Beyond the scope of self-regulation, also of note is the obligation, included in the framework mandate imposed by the Spanish Parliament on the Spanish Radio and Television Corporation (RTVE), to guarantee the most scrupulous respect for the right of all individuals to personal and family privacy and their own image. Under the framework mandate, information relating to people's private lives will only be reported when the facts are considered to be of general interest, public relevance, newsworthy, or when the holder of the rights expressly authorises their dissemination. RTVE must pay particular attention to the broadcasting of dramatic situations, balancing the interests of news reporting with the duty to avoid inflicting unnecessary pain on victims and their families.

The protection of victims' privacy and identity is covered in the Preliminary Draft of the Comprehensive Organic Law against the Trafficking and Exploitation of Human beings, which is currently being debated in parliament. It includes measures related to digital media and new technologies, ensuring the dignity and rights of victims while establishing a special duty of care in the graphic portrayal of information. It provides for training in the curricula of degree programmes and specialist courses for journalism and media professionals.

Lastly, training and awareness-raising activities for journalists are carried out in collaboration with specialised NGOs such as APRAMP and Proyecto Esperanza, with the aim of encouraging respectful reporting. All these measures seek to balance the right to information with the preservation of safety, dignity and the information itself.

29. Have there been cases of diplomatic households (of your country's diplomats abroad and of foreign diplomats in your country) employing domestic staff in conditions which could be forced labour or human trafficking? If yes, how was the issue of diplomatic immunity addressed? How were the victims identified, assisted and protected?

There have been no reported cases, either abroad involving Spanish diplomats or in Spain involving foreign diplomats, of domestic staff being employed in conditions that could constitute forced labour or human trafficking.

For foreign diplomats in Spain, the hiring of domestic staff adheres to Spanish labour regulations, and, for accreditation purposes, a copy of the contract, an annual bank statement showing wage payments, and proof of medical coverage are required.

30. What specific steps are taken in your country to identify victims of THB amongst persons recruited and exploited by terrorist/armed groups?

No links to or actual cases of victims of human trafficking who have been recruited or exploited by armed or terrorist groups have been identified.

However, our law enforcement bodies have specialist units to address each of these issues, and they work together to uncover cases where exploitation and coercion may have been involved.

31. Are there requirements in your country's legal framework for the detection and removal of THB-related Internet content, and what are the sanctions for non-compliance? Is there a code of conduct for providers? If a person is detected as a presumed victim of THB in the process, how is this person referred to assistance?

In Spain, there are legal requirements for the detection and removal of Internet content related to THB:

The removal of online content may be ordered as a precautionary measure under Art. 13 of the Criminal Procedure Act, and failure to comply could constitute an offence under Article 468 of the Criminal Code.

Articles 177 bis and 189 of the Criminal Code classify the trafficking and sharing of material related to sexual exploitation as a crime, setting prison sentences and fines for those who promote or facilitate such content.

The Law on Information Society Services and Electronic Commerce (Law 34/2002) obliges digital service providers to collaborate with the competent authorities to remove any illegal content immediately. Failure to comply with these obligations may result in administrative financial penalties and, in the most serious cases, criminal liability. Specifically, Article 8 empowers the competent authorities to order the removal or blocking of content that violates human dignity, childhood, public order or safety.

With regard to self-regulation, there is a Code of Conduct for Internet Service Providers, promoted by the Ministry of the Interior and organisations such as the National Cybersecurity Institute (INCIBE) and Red.es, which commits technology companies to act diligently in detecting, reporting and removing content linked to trafficking.

If, during an investigation or removal of content, a person is identified as a suspected victim of human trafficking, the Framework Protocol for the Protection of Victims of Human Trafficking is immediately activated. Following formal identification by the law enforcement bodies, the protocol establishes that victims should be referred to specialised assistance services coordinated by public administrations and accredited NGOs, which offer safe accommodation, psychological care, legal assistance and social support, thereby guaranteeing a comprehensive response that focuses on protecting the victim.

In Spain, the legal framework for detecting and removing online content related to human trafficking for the purpose of sexual exploitation has been strengthened in recent years, particularly following the implementation of both European and national regulations governing the activity of online platforms.

Organic Law 7/2021, of 26 May, on the Protection of Personal Data Processed for the Purposes of Prevention, Detection, Investigation and Prosecution of Criminal Offences and the Enforcement of Criminal Penalties allows the processing of personal data to prevent, detect and investigate crimes, including human trafficking, and authorises law enforcement bodies to collect digital information for the purpose of identifying victims and traffickers.

Lastly, Article 13 of the Criminal Procedure Act, as amended by Organic Law 10/2022 on the Comprehensive Guarantee of Sexual Freedom, allows judges to adopt precautionary measures to remove illegal content from the Internet without waiting for a final judgment, especially in cases of serious crimes such as trafficking.

In another area, the Spanish Data Protection Agency's Priority Channel allows for the urgent removal of sexual or violent content published without consent, especially if it affects vulnerable groups such as victims of trafficking.

Instruction 6/2016 of the State Secretariat for Security establishes protocols for action by the law enforcement bodies. It includes working with ICT companies and social networks to detect trafficking in online environments.

Penalties for non-compliance:

In Spain, failure to comply with an order to remove, block or delete content related to human trafficking for the purpose of sexual exploitation may result in administrative and criminal penalties, particularly in the case of content disseminated via online platforms, social media or web hosting services.

In the administrative sphere, failure to comply with an order to suspend transmission, data hosting or network access when ordered to do so by a competent authority (Art. 38.2.b of the Law on Information Society Services and Electronic Commerce) is considered a very serious offence. It carries a fine of between EUR 150 001 and EUR 600 000 and may result in a ban on operating in Spain for up to two years in the event of a repeat offence.

In proceedings for serious or very serious infringements, measures such as the temporary suspension of activity, the sealing or seizure of equipment and documents, and public notices regarding wrongful conduct may be adopted.

In the criminal sphere, the Draft of the Organic Law for the Protection of Minors in Digital Environments is currently undergoing parliamentary processing (Congress of Deputies on 11 April 2025).

This preliminary draft involves several amendments to the Criminal Code, specifically to its general section, which are also applicable to human trafficking offences:

Thus, it adds as a new penalty (ex Art. 33.2l); Art. 33.3 m), and Art. 33.4 j): the prohibition of access to or communication through social networks, forums, communication platforms, or any other virtual space.

Along the same lines, under special disqualifications (deprivation of rights), it adds the special disqualification from public employment or office; profession, trade, industry or commerce, or other activities, including those implemented or operated in virtual spaces, (ex Art. 39 b), and the prohibition of access to or communication through social networks, forums, communication platforms or any other virtual space, (ex Art. 39 k).

This same bill introduces a new type of criminal offence: (ex Art. 173 bis)

'A prison sentence of one to two years will be imposed on anyone who, without the authorisation of the individual concerned and with the intent to undermine their moral integrity, shares, displays, or transfers their physical image or voice if it has been generated, modified, or recreated by automated systems, software, algorithms, artificial intelligence, or any other technology, in a manner that appears real and simulates situations of a sexual or seriously humiliating nature. The penalty shall be from one year and six months to two years if the victim is a minor or a person with a disability in need of special protection.

The upper range of the penalty shall apply if said deepfake material is disseminated through social media, the Internet or the use of technology, in such a way that it becomes accessible to a large number of people in the virtual space.

The judicial authorities shall order the adoption of the necessary measures for the removal of the content referred to in the preceding paragraphs, for the interruption of services that predominantly offer such content, or for the blocking of both in cases where they originate abroad.'

For its part, the proposed reform of Article 544 bis of the Criminal Procedure Act, within the aforementioned preliminary draft, allows for said removal as a precautionary measure.

Code of conduct for providers:

While there isn't a universal code applicable to all providers, there are several principles and practices that information providers and companies can adopt, and these are outlined in the various codes of conduct designed to prevent trafficking and exploitation within the supply chain.

A specific code of conduct for combating human trafficking and exploitation by information society service providers would not be a single, standardised document, but would be integrated into broader

corporate or supply chain codes of conduct. These codes set expectations for suppliers to maintain ethical standards and respect human rights, and information society service providers (such as online services or platforms) should include provisions to prevent and address trafficking, ensuring that their employees and operations do not contribute to exploitation and establishing channels for reporting issues and imposing sanctions.

Article 18 of Law 34/2002 (Law on Information Society Services and Electronic Commerce) refers to Codes of Conduct:

Article 18. Codes of conduct.

1. The public administrations will promote, through coordination and advice, the elaboration and application of voluntary codes of conduct by corporations, associations or commercial, professional and consumer organisations, in the matters regulated by this Law. The General State Administration shall, in particular, encourage the drawing up of codes of conduct at EU or international level.

Codes of conduct affecting consumers and users shall also be subject to Chapter V of Law 3/1991, of 10 January, on Unfair Competition.

Codes of conduct may address, in particular, procedures for detecting and removing illegal content, protecting recipients from unsolicited electronic commercial communications and out-of-court procedures for resolving disputes arising from the provision of information society services.

2. When drawing up these codes, the participation of consumer and user associations and organisations representing persons with physical or mental disabilities must be ensured, to the extent that their respective interests are affected.

Where their content may affect them, codes of conduct shall have particular regard for the protection of minors and human dignity, and specific codes on these matters may be drawn up where necessary.

The public authorities shall encourage, in particular, the establishment of industry-wide standards for the classification and labelling of content and the adherence of providers to these standards.

3. The codes of conduct referred to in the preceding paragraphs shall be accessible electronically. Their translation into other official languages of the State and of the European Union will be encouraged in order to make them more widely available.

The aforementioned Draft of the Organic Law for the Protection of Minors in Digital Environments refers to codes of conduct in Article 13:

Article 13. Promotion of public-private collaboration, co-regulation and standardisation.

The Ministry for the Digital Transformation and the Civil Service, in collaboration with the competent departments, will encourage providers of fixed-location Internet access services to adopt a code of conduct. This code will establish the mechanisms and parameters for secure configuration that these providers must implement when offering services in publicly accessible areas, such as schools, colleges, libraries, civic centres, public offices, and healthcare facilities. The goal is to prevent minors from accessing inappropriate content.

If, during the process, a person is identified as a suspected victim of human trafficking for the purpose of sexual exploitation, how are they referred to support services?

In Spain, when a suspected victim is identified during efforts to detect and remove online content related to human trafficking for the purpose of sexual exploitation, a procedure for referral to support services—governed by the Framework Protocol for the Protection of Victims of Human Trafficking and the specific protocols established by specialised organisations—is triggered.

Potential victims may be identified by police forces, specialist NGOs, or even online platforms that work in collaboration with the authorities. The detection process involves analysing suspicious content on social media, websites, or apps in which signs of recruitment, coercion, or exploitation have been observed.

Once detected, the individual is assessed through a preliminary interview and, if appropriate, the process of formal identification by specialised police units is initiated and carried out with a focus on human rights, the gender perspective, and consideration of the individual's situation of vulnerability.

The presumed victim is referred to accredited entities for comprehensive assistance, such as APRAMP, Proyecto Esperanza or Fundación Cruz Blanca. This referral may come from internal sources (social or healthcare services), external sources (law enforcement bodies or courts) or voluntary sources (if the person requests help directly).

Once referred, the victim receives safe accommodation, medical, psychological and legal care, as well as help with their integration into society and the labour market. In the case of foreign nationals, the recovery and reflection period can be activated, residence and work permits can be requested, or assisted voluntary return can be arranged.

The entire process is conducted in coordination between the Ministry of the Interior, the Government Office (Delegación del Gobierno) for Gender Violence, the Public Prosecution Service, accredited NGOs and autonomous community social and healthcare services, ensuring a comprehensive and specialised response.

III. INVESTIGATION, PROSECUTION, SANCTIONS AND MEASURES (Articles 4, 18, 19, 23, 24, 27, 28 and 30)

32. Is the abuse of a position of vulnerability part of the human trafficking offence in your country's law? How are the concepts of 'vulnerability' and 'abuse of a position of vulnerability' defined in law? Have they been subject to judicial interpretation? If yes, please provide relevant case-law.

The basic crime outlined in **Article 177 bis of the Criminal Code**, lists the means of commission that must be present, as alternatives, in the conduct of the perpetrator: violence, intimidation or deceit, or **the abuse of a situation of superiority or need, or the vulnerability of the victim**, or the delivery or receipt of payments or earnings to obtain the consent of the person with control over the victim. The means of commission refer to the methods used by the perpetrator to force or subdue the victim's will, and therefore, the victim's consent becomes irrelevant. **For trafficking to occur, the perpetrator who recruits, transports, houses or exploits the victim must use one of the methods mentioned above.** The means of commission are 'alternative', in the sense that any one of them is sufficient to constitute the crime of trafficking in each of its phases. However, this does not mean that the same means must be used throughout the entire process.

The provision itself offers us an assessment criterion by establishing that **'there is a situation of need or vulnerability when the individual in question does not have another real or acceptable alternative, other than submitting to the abuse'**. Although the legislature uses two different terms, and need is usually associated with circumstances of significant economic hardship, poverty or lack of financial means to subsist or to meet pressing debts, these circumstances still represent a form of *vulnerability*.

Supreme Court (Tribunal Supremo) judgments No. 422/2020 and No. 565/2020 examine the concept of vulnerability and state the following: *'It is added by the legal doctrine that includes both situations in which the perpetrator has power over the victim and situations in which the victim is in a position of inferiority due to a variety of causes. These methods of abuse require the perpetrator to take advantage of their position of dominance over the victim, which stems from a **situation of inequality, objective need or personal vulnerability**, thereby facilitating the trafficking because the victim is more easily exposed to subsequent acts of personal exploitation, or, as established in Art. 2.2 of the aforementioned Directive 2011, the person in question has 'no real or acceptable alternative', other than submitting to the abuse.'*

The law does not define the concept of **'abuse'**, but it is an element of the offence that has been addressed by legal doctrine and case law. For this element to be deemed present, it is not sufficient

for the victim merely to be in a situation of *need or vulnerability*, the perpetrator must also '*abuse*' this situation. In other words, they must take advantage of it by acting in a way that exploits the victim's fragility or helplessness. Consequently, the perpetrator must have at least some degree of awareness of this situation (see the Judgment of the Provincial Court (Audiencia Provincial) of Madrid of 28-6-23, Section 1).

The courts' requirements in relation to proving this awareness of the situation of vulnerability, as a prerequisite for abuse or exploitation, are, in many cases, excessively strict. Examples of this can be found in some of the rulings included in the Case Law Bulletins prepared by the Trafficking Unit of the Public Prosecutor's Office, which are attached to this report as annexes.

However, the prevailing criterion is that, while the perpetrator need not have exact or detailed knowledge, they must have sufficient grounds to logically conclude that the victim is in a vulnerable situation. In this regard, Judgment of the Supreme Court No. 677/22, Section 1 of 4-7-2022, in relation to a case of human trafficking involving Nigerian women, asserts that *the victim's situation of need, which renders the conduct unlawful, may be established at any phase of the perpetrator's actions*, requiring only that it be exploited to obtain consent. *The determination of the victim's situation of need in Nigeria is immaterial, as the appellant orchestrated the victim's transportation from Libya—where she was stranded—to Italy and Spain. Therefore, there was already abuse of the situation during the transfer. And it is likely that the perpetrator was also cognizant of the victim's circumstances at the point of origin.*

In any case, this is a highly case-specific area, which the courts can interpret in various ways depending on the circumstances of each case.

As an example of an assessment that is much more in line with human rights and gender perspectives, and with a decidedly more sensitive view of the idiosyncrasies of trafficking victims, we include below the rationale behind the Judgment of Section 5 of the Provincial Court of Barcelona No. 320/24 of 25-04-2024, case 144/2023, whose arguments we share: '*To the above can be added an indisputable inference: either the protected witness came to Spain under false pretences with regard to the work she would be doing (and deception is one of the elements of the crime), or she came knowing that she was going to engage in prostitution, **but in that case it can be inferred that she must have been in a situation of extreme need, as only such a situation would explain why someone would agree to go to a foreign country to engage in prostitution, while in an illegal situation, far from her family, and agreeing to place herself under the control of a person with whom she had only had a telematic conversation.***' The Supreme Court also found similarly in the Judgment handed down by Section 1, No. 224/22 of 09-03-2022, case 10511/2021, which states the following: '*The exploited women found themselves in situations of need or*

vulnerability in their home countries, and it was precisely this need or vulnerability that not only explains why they came to Spain but also why they felt compelled to accept the control of the defendants. Once this aspect has been established, the victim's consent is irrelevant (Article 177 bis.3). Whether it was the witness who contacted the appellants for help or whether they were the ones who made the first contact is also immaterial. What is relevant is that, taking advantage of her situation of need, when they made contact, they proposed that she come to Spain to earn money by engaging in prostitution, with the aim of obtaining, in turn, a portion of the earnings she would make.'

Also of interest is the Judgment of the Provincial Court of Salamanca No. 34/23 of 27/10/23, which states that *prostitution is, in most cases, an activity that people turn to out of necessity, but the victim's situation of need and vulnerability in this case means that accepting the need to prostitute herself cannot be considered a voluntary decision. On the contrary, the victim resigned herself to remaining in prostitution due to the aforementioned circumstances: deception, intimidation and, most notably, the fact that she had been deliberately placed in a situation of vulnerability and defencelessness that left her with no real alternative other than to submit to exploitation.*

33. Is the special vulnerability of the victim considered as an aggravating factor for the offender's sentence?

There is abundant case law in which the fact that a victim of trafficking was a minor has been considered an aggravating factor (Judgment of the Supreme Court (Tribunal Supremo) 861/2015 of 20 December, Judgment of the Supreme Court 53/2014 of 4 February, and Judgment of the Supreme Court 399/2022 of 22 April).

Of interest in this regard is Judgment of the Supreme Court 677/2022 of 4 July, which applies section 4.b of the aforementioned Article 177 bis to a woman who, in addition to the expected vulnerabilities typically associated with victims of human trafficking, was found, in accordance with the first section of the same article, to have been affected by an additional element of illegality in her situation of vulnerability, which justified the application of this aggravating circumstance. Thus, the Court of Instance (Tribunal de Instancia) understood, and the Supreme Court ratified, that it can be inferred from the facts of the ruling that *coercive action was imposed on a person who was in a clearly perceptible context of particular personal fragility. The proven facts of the ruling describe how the victim had been uprooted from her country of origin and her family. In addition, she suffered the adversity of a clandestine migration, being subjected to significant risks to her life, such as crossing the Mediterranean in an inflatable boat from which she had to be rescued. She also endured police persecution, which led to her being imprisoned in two countries: Libya and Italy. She later realised that her efforts had not achieved the goal that had driven her and that she had been misled about the prospects for the future she could attain. And, recounting how she ended up asking her family*

for help after being released by the Italian authorities, she describes how she found herself in our country without any social or family support structure and unable to speak the language. A set of circumstances that were known to the appellant—having played a role in their occurrence—and which represent absolute disregard for the dignity of the victim and the most basic duties of human solidarity.

With regard to the circumstance of special vulnerability arising from a victim being pregnant, reference must be made to Judgment of the Supreme Court No. 172/2024 of 27 February, which, in a supposed case of human trafficking for the purpose of labour exploitation, applies the aforementioned aggravating circumstance to one of the victims who, at the time of the events, was forced to work in exploitative conditions while being a minor and pregnant, and despite being at a very advanced stage of gestation. This aggravating circumstance is also applied in the Judgment of the Autonomous Community High Courts of Justice (Tribunales Superiores de Justicia) of Extremadura, Section. 1, of 16-04-2024, in a case of THB for the purpose of sexual exploitation.

In relation to the recruitment of particularly vulnerable individuals for subsequent exploitation, one of the conditions exploited by traffickers and which warrants this additional element of illegality and, consequently, an enhanced penalty, is when the victim is a person with a disability. This is evident in case law, notably Judgment of the Supreme Court 196/2017 of 24 March, in which the convicted parties recruited people who were vulnerable due to their economic circumstances, health problems or mental illness, with the aim of having them at their exclusive disposal, not only to perform all kinds of tasks for them without receiving any remuneration in return, but also so that they could profit from the pensions or social benefits to which they were or could be entitled, for which purpose the perpetrators created an environment characterised by physical and verbal aggression and harassment, subjecting the victims to living conditions that were utterly precarious and lacking even the most basic dignity. The defendants were convicted of human trafficking for the purpose of servitude with the aggravating circumstance of special vulnerability due to the victims being physically or intellectually disabled.

The special vulnerability of the victims was also noted in the Judgment of the Supreme Court, Section. 1, of 27-02-2024, No. 172/2024, due to their mild-moderate mental disability, minority age and the fact that one of them was pregnant.

We would also cite, due to its relevance, Judgment of the Supreme Court, Section 1, No. 867/23 of 23-11-2023, case 10253/2023, and, in particular, the recent Judgment of the Provincial Court (Audiencia Provincial) of Alicante, Section 2, No. 426/24 of 29 November, in which, in a case of trafficking for the purpose of begging, the aggravating circumstance of Article 177 bis 4 b) is applied, due to the 'special vulnerability' of the victim, who has a disability. This judgment refers to Judgment

of the Supreme Court 677/2022 of 4 July, which addresses the problem of concurrence between the basic offence of abuse of vulnerability and the aggravated offence of special vulnerability. In this context, the aggravation is understood not only as a heightened degree of unlawfulness connected to the inherent concepts of need or vulnerability present in the basic offence (when the person in question has no other real or acceptable alternative but to submit to the abuse) in the quantitative sense of there being a more extreme degree of vulnerability, but also as a crucial factor related to the legal rights of dignity and freedom. In the basic offence, vulnerability is seen as a socio-economic, personal, family or relational reality that conditions the subject to endure a situation they would never have accepted were it not for the conditions of social exclusion directly exploited by the perpetrator. It is therefore equivalent to other forms of nullifying consent. By contrast, aggravation views vulnerability through the lens of subjective fragility, such that it requires not only a form of restriction on the capacity to choose, but also a presumed erosion of the most basic principles of human solidarity. While the legislature recognises a series of circumstances in which these social standards apply, it deliberately refrains from providing an exhaustive enumeration of situations requiring special protection. Instead, it introduces the potential for invoking aggravating circumstances when an individual's vulnerability is heightened by their unique personal circumstances, through a reference that is not only left open but also requires consideration from the perspective of a special ethical imperative to comply with the most fundamental obligations of individual solidarity.

34. According to national case-law, what forms of vulnerability are mostly abused by offenders in human trafficking cases? Please provide specific examples that show how the concept of 'abuse of a position of vulnerability' is used in practice. What are the challenges in its application? Is it sufficient to prove the existence of a position of vulnerability of the victim, or must it also be proven that the defendant knew or should have known of the victim's vulnerability, and intentionally manipulated the victim on this basis?

The means of 'abuse of a position of vulnerability' should be assessed taking into account logical reasoning and the reality of life, as well as the **circumstances of each specific case and the circumstances of each victim – disability, illness, extreme youth, sexual orientation, social and cultural exclusion, member of indigenous communities or minorities, persecution; situation of uprooting and helplessness in a foreign country, migration or displacement; irregular administrative situation, the victim does not speak the language; pressure on victims and their families to break their will; situation of inequality, objective needs or personal fragility.** Vulnerability is often the result of a combination of factors which, in short, significantly limit the victim's ability to refuse exploitation.

Supreme Court (Tribunal Supremo) Judgment No. 420/2016 states the following: *'The legal definition included in the 2015 reform may be of use to establish the interpretation and scope of this means prior to the reform, not only on the basis of the aforementioned directive, but also because said scope has now been specifically defined by the legislature as a matter of logic and reality of life. According to the description in the 'factum', it is clear that the protected witnesses had no other alternative than to accept the sexual exploitation initially planned, especially since, according to the Provincial Court, one knew her fate and the other at least suspected it. All this in a context of uprooting and helplessness in a foreign country, forced to repay the amounts demanded by the traffickers and the pressure on them and their families to break their will.'*

The Judgment of the Autonomous Community High Courts of Justice (Tribunales Superiores de Justicia) of Andalusia, of 7 June 2023, analyses the concept of 'vulnerability' of the victim. It refers to the judgment (No. 233/2022), of 5 October 2022, of the same court, which establishes that: *'The guidance note on the concept of 'abuse of a position of vulnerability' as a means of committing the criminal offence of trafficking in human beings, as laid down in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (V.12-56246 (S), § 2.5), emphasises **the need to take into account the victim's perspective with regard to assessing the needs or vulnerability, stating that 'Abuse of a position of vulnerability occurs when an individual's personal, situational or circumstantial vulnerability is intentionally used or otherwise taken advantage of [...] for the purpose of exploiting him or her, such that the person believes that submitting to the will of the abuser is the only real or acceptable option available to him or her, and that belief is reasonable in the light of the victim's situation. In determining whether the victim's belief that he or she has no real or acceptable option is reasonable, the personal characteristics and circumstances of the victim should be taken into account.'***

The fact that a woman knows the activity she is going to carry out in the place of destination is one of the main challenges, which will be addressed below, related to the new trends in trafficking. Whether there is a criminal offence in cases where victims of THB for the purpose of sexual exploitation know the activity they will be engaged in is often questioned by courts, which cast doubt on their claims. It is therefore necessary to emphasise that deception may also be partial (regarding conditions), as well as *vulnerability in the place of origin*, which is not always easy to prove. For an evaluation of the victims' statements from a social and gender-based perspective, see Judgment of Salamanca Provincial Court (Audiencia Provincial), Section 1, 23/7/22, included in the Case-Law Bulletin for the second half of that year.

The psychosocial reports issued by specialised entities (NGOs) providing support and assistance to victims of trafficking in human beings, forensic expert reports, as well as those that other public bodies with competence in this field may elaborate, are extremely useful in order to prove the *vulnerability of victims both in origin and destination*. In the case of persons recruited in other countries, obtaining these reports may require the use of international judicial cooperation instruments to request them in the countries of origin.

Judgment of the Autonomous Community High Courts of Justice of Castile and Leon, No. 111/24, of 12 November 2024, which upheld the acquittal delivered by the Provincial Court (AP) of Burgos, of 24 April 2024, did not consider the abuse of vulnerability to be sufficiently proven, arguing as follows:

'Nor would have been given a definitive ruling on the specific exploitation of this particular situation of vulnerability or need, which should be called into question, since the defendants were unaware of the witness when she arrived in Spain, as it was she who contacted the defendants, and it has not been proven that the defendants contacted her directly or indirectly in her country of origin, and although it is presumable that she lacked financial resources and was therefore in a situation of vulnerability, given the type of activity she was going to engage in, this is a mere presumption... Beyond the economic hardship that may exist in their country of origin, the fact that violence, intimidation or deception was used, or that their personal or economic need or vulnerability was abused has not been proven in the trial. It was the lack of means and opportunities in their country that led them to seek information on the possibility of moving to Spain in order to seek employment, and that she was told about the catering sector (it was not established that the defendants did so), but ultimately she decided to work as a prostitute, as the working and economic conditions offered to them seemed, a priori, acceptable. This is a key nuance, since we do not consider it to be established that the defendants informed of the victim's situation of need or vulnerability in order to recruit her for the purpose of sexual exploitation, completely discarding the use of other means such as violence, intimidation or deception in such recruitment.'

Judgment of Barcelona Provincial Court, Section 5, No. 320/24, of 25 April 2024, already mentioned in question 32, ruled otherwise. Judgment of the Autonomous Community High Courts of Justice of Madrid, No. 256/24, of 11 June 2024, upholding Judgment of Madrid Provincial Court, of 30 January 2024, may also be mentioned. This judgment does consider that it has been established the vulnerability of the victims, as documented by the actions carried out by the authorities of their country of origin (Uruguay). Such actions have proven the precarious situation of the victims at the time they were recruited, before they were transferred and harboured by the defendants in Spain, who took advantage of their situation in their country of origin and also of their irregular stay in our country in order to sexually exploit them for financial profit. It follows from the Criminal Chamber of

the Supreme Court's settled case-law that their consent is irrelevant in this context, given their situation of vulnerability or precariousness. The defendants took advantage of the victims' **situation of need and economic precariousness in their country of origin. It is thus irrelevant whether there was consent to engage in prostitution, and it is equally irrelevant whether it was the witnesses who contacted the defendants asking for help or whether it was the defendants who made the first contact.** What is important is that once they arrived in Spain, **taking advantage of their vulnerable situation in our country**, the defendants took the money earned by the women. *'On the premiss **that the four victims were aware that they were coming here to be engaged in prostitution and that their complaints are based on the conditions in which they were forced to work**, in the industrial estate enduring cold and heat, working more than 10 hours a day without a break to eat and being monitored... the fact is, as set out previously, that they came due to their **precarious economic situation in their country of origin and did so assuming that they would engage in prostitution**, it is thus a situation of need or vulnerability of the victim referred to in Article 177 bis; but also, when they arrive in Spain, even if they came to engage in such activity, they continued working in prostitution, while the defendants took advantage precisely of this situation of need or vulnerability, even with the consent of the victims, and made profit from the exploitation of the protected witnesses, thereby the criminal offence fulfils the criteria for punishment laid down in paragraph 2 (circumstances a) and b)) of Article 187(1) of the Criminal Code. In this case, the criminal activity manifests itself in different criminal acts, one may be considered instrumental to the other, but with their own sufficient substantive content that the criticism both deserve should not be ignored. (Supreme Court Judgment, 4/11/2021).'*

Vulnerability due to a situation of economic precariousness or need in the country of origin is one of the most common root causes of trafficking. However, 'generic references to economic difficulties or the situation in the country of origin' are often considered insufficient by courts. It would be necessary to prove that perpetrators had more specific knowledge of the victims' situation in that place. See Judgment of Pontevedra Provincial Court, Section 4, 23/2/23; or Judgment of the Autonomous Community High Courts of Justice of Castile and Leon, No. 79/23, 3/10/23

In the Judgment of the Autonomous Community High Courts of Justice of Castile and Leon, 23/10/23, upholding Judgment of Salamanca Provincial Court, 21/11/22, it was concluded that the protected witnesses were deceived and persuaded to leave the country by the perpetrators, who took advantage of their situation of need or vulnerability caused by the extreme poverty in Nigeria. This judgment is one example of many in which the abuse of a position of vulnerability is not the only means used by perpetrators, but is combined with others, such as deception (whether total or partial) and

intimidation (through voodoo). Equally, with regard to a Nigerian victim, see Judgment of the Autonomous Community High Courts of Justice of Madrid No. 436/23, 28/11/23, upholding Judgment of Madrid Provincial Court, No. 169/23, 17/4/23, which also considered that the perpetrators took advantage of her situation of uprooting in Spain.

Judgment of A Coruña Provincial Court, Section 1, of 10 January 2023; Supreme Court Judgment No. 132/2023, of 1 March 2023; and Judgment of Madrid Provincial Court, Section 3, of 17 April 2023, are also of interest with regard to situations in which vulnerability was established.

35. Is the concept of 'abuse of a position of vulnerability' addressed in criminal justice training? Is there any specific guidance on applying this concept? Please provide copies of guidance and/or training materials that shed light on how this concept should be applied in practice.

The Ministry of the Presidency, Justice and Relations with the Parliament has reported that the concept of vulnerability is addressed by forensic professionals working in the Institutes for Legal Medicine and Forensic Sciences, both in their entry-level programmes and in their basic and continuing training. In their daily work, they also assess the physical, mental and social conditions of victims when required to do so by the judicial or prosecuting authorities.

Furthermore, the Centre for Legal Studies, under the Ministry of the Presidency, Justice and Relations with the Parliament, offers a course, as part of its cross-cutting continuing education programme, for people from all legal professions and bodies. Module 2 of this course, called 'FORMS AND MANIFESTATIONS OF VIOLENCE AGAINST WOMEN IN THE WORLD', includes content related to 'Trafficking in women for sexual exploitation' and the concept of the situation of vulnerability of victims. Two editions of this course have been organised each year since 2021, with 15 teaching hours and 250 places per edition.

The General Council of the Judiciary has reported that Spanish judges receive specific training on Trafficking in Human Beings, including the concept of vulnerability.

It should be noted that the Judicial College, the body responsible for the initial training of judges, offers a specific training module on Trafficking in Human Beings.

Furthermore, there are continuing education plans that always include specific training on THB every year, addressing elements of this criminal offence, including vulnerability.

Besides, all judges have access to the Guide of Criteria for Judicial Action on Trafficking in Human Beings, which contains a section aimed at explaining the concept of vulnerability.

The concept of abuse of a position of vulnerability is addressed in all training events conducted by the Human Trafficking and Immigration Unit of the Public Prosecutor's Office.

In order to promote and advance the training and specialisation of prosecutors, the Central Unit for Human Trafficking participates in and conducts the following courses and modules on trafficking in human beings and related crimes.

- Initial training. – The programme developed by the Public Prosecutor's Office (FGE), in collaboration with the Centre for Legal Studies (CEJ), aimed at training new public prosecutors includes a specific module on trafficking in human beings and immigration run by the unit. Classes 51 to 61 of the Prosecutorial Career (from 2012 to 2024).
- Continuous training. – The Unit for Human Trafficking runs training courses, and also participates in other cross-cutting courses, in this field. It should be noted the following courses delivered from 2022 and 2024:
 - o Course 'Other Manifestations of Violence against Women, Sexual Violence' – 2022, Gender-Based Violence Unit of the Public Prosecutor's Office (Madrid)
 - o Course 'Victimological Perspective on the Crime of Trafficking in Human Beings and Related Behaviours' – CEJ and FGE, Madrid 2022
 - o Webinar on 'New Challenges in the Fight of Trafficking in Human Beings' – CEJ and FGE, 2023
 - o Course 'When the Commodity is Human Beings' – run by the Division Prosecutor for Human Trafficking and Immigration Unit. (CEJ and FGE), 2022, 2023 and 2024 editions.
 - o 'Online Introductory Course on Specialisation in Human Trafficking and Immigration,' aimed at all members of the Prosecutorial Career who wish to specialise or improve their knowledge in this field. (developed in 2024, start date February 2025)
 - o Course 'The Prosecutor and the Protection of Minorities. A Cross-cutting Perspective: Persons with Disabilities, Hate, Human Trafficking and Immigration' – with the participation as speakers of all prosecutors from the unit (CEJ and FGE).
 - o Preparation and Implementation of the Module on Human Trafficking and Immigration in the 'Cross-cutting Course on Gender Perspective' – (CEJ and FGE), 2022, 2023 and 2024 editions.

- Panel on Prostitution and Trafficking in Children, in the course 'The Functions of the Public Prosecution Service in Defending the Interests and Rights of Minors' – Summer School of the Public Prosecution Service – (CEJ and FGE).

Furthermore, in order to improve the training and specialisation of members of the Judicial Police, whose training is a key priority, the Public Prosecutor's Office is committed to achieving this objective every year, and has participated in training events between 2022 and 2024, such as:

- Preparation of training materials for online courses on trafficking and smuggling in human beings for Judicial Police officers, both junior and senior, from Policía Nacional and Guardia Civil– 2021 to 2024 editions, Centre for Legal Studies (CEJ).
- Training conference on 'Specialised Investigation into Trafficking and Smuggling in Human Beings' – Updating and Specialisation Centre of the Policía Nacional, 2022, (Madrid).
- Course on 'Trafficking and Smuggling in Human Beings' – Directorate-General of Policía Nacional (PN). – 2022.
- Conference on 'New Challenges in Trafficking and Sexual Exploitation' – 2022, Erzaintza (Bilbao)
- 12th, 13th and 14th 'Conference of Trafficking in Human Beings Researchers' – Technical Unit of the Judicial Police (UTPJ) of the Guardia Civil. – 2022 to 2024 editions
- Conference on 'Actions by the Guardia Civil in the Fight against Trafficking in Human Beings and Collaboration with Organisations and Entities with Proven Experience in Assisting Victims' aimed at Social Interlocutors at the Guardia Civil – UTPJ of the Guardia Civil. – 2022 to 2024 editions, Madrid.
- Online course on 'Trafficking in Human Beings' – General Council of the Judiciary, Judicial College, 2022 and 2023 editions.
- Course 'Crimes against Sexual Freedom' – General Council of the Judiciary, Judicial College. Madrid 2022.
- Course on 'The Normative and Evidential Study of Crimes against Sexual Freedom' – General Council of the Judiciary, 2023, Madrid.
- Course on 'Human Trafficking: The Crime of Slavery' – General Council of the Judiciary, 2023 Madrid.
- Course on 'The Justice Response to Sexual Violence, Progress and Proposals for Improvement' – General Council of the Judiciary, Valladolid. – 2024

- Course on 'The Dual Role of ICTs in Relation to Crimes of Violence Against Women' – General Council of the Judiciary, Córdoba.

All of these training events address 'the abuse of a position of vulnerability', as it is a key element of this criminal offence, and also it is present in almost all cases and forms of trafficking investigated in Spain, regardless of the origin of the victim.

Reference documents in this field include **Circular 5/2011, of 2 November, on Criteria to Harmonise Specialised Action by the Public Prosecution Service in Immigration Matters**, which is an interesting guide developed by the Public Prosecutor's Office to interpret this criminal offence, although it should be read without prejudice to future legislative reforms. It should also be mentioned the **Guide of Criteria for Judicial Action on Trafficking in Human Beings, approved by the General Council of the Judiciary in November 2018**.

36. What procedures and measures exist in your country to take into account the specific needs of vulnerable victims at the different stages of criminal proceedings?

Although various legal provisions addressing this issue have been mentioned in previous questions, it should be highlighted again **Law 4/2015 on the Status of Victims of Crime**, which sets out a series of procedural rights for victims at every stage of the criminal proceedings: investigation, trial and enforcement. The assessment of the victim's needs and the determination of the appropriate protection measures correspond during the investigation phase of the crime to the Investigating Judge or to the Judge of Violence against Women, without prejudice to the provisional evaluation and decision that must be carried out and adopted by the prosecutor, in the investigation proceedings, or the police officers acting in the initial phase of the investigations. During the trial phase, it is the judge or court hearing the case that assess the needs and determines the protection measures.

Said Law 4/2015, of 27 April, on the Status of Victims of Crime, transposes the provisions of Directive 2012/29/EU of the European Parliament and of the Council, of 25 October 2012, thus recognising a series of procedural and ex-procedural rights for all victims of crime (including the right to information, the right to interpretation and translation, the right of access to assistance and support services, and the right to compensation). It also includes references to special regulations for victims with special needs or who are particularly vulnerable. Finally, this law ensures special protection to certain groups victims who are particularly vulnerable through the transposition of two other directives: Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA.

Law 4/2015, of 27 April, provides for the adoption of specific protection measures based on the personal circumstances of the victim, the nature of the crime and its circumstances, the seriousness of the harm and damage caused to the victim, as well as his/her vulnerability. The protection measures will be adopted after an assessment of the victim's particular circumstances to determine their special protection needs, taking into account, on one hand, the personal characteristics and circumstances of the victim, especially in the case of persons with a disability, if they are minor victims or a victim in need of special protection or there are concurring factors of particular vulnerability. On the other hand, said assessment will take into account the nature of the crime and the seriousness of the harm and damage caused to the victim, as well as the risk of the crime being repeated, especially in the case of THB.

Thus, the above-mentioned **Article 23, of Law 4/2015, regarding the individual assessment of victims to identify specific protection needs** establishes the following provisions:

1. The protection measures, regulated in the following articles, which must be employed to avoid significant harm to the victim which, otherwise, may arise from the proceedings, must be identified after an assessment of their particular circumstances.

2. This assessment shall, in particular, take into account:

a) The personal characteristics of the victim and particularly:

*1. Whether **the victim has disabilities or whether there is a relationship of dependence between the victim and the alleged offender.***

*2. Whether **the victim is a minor in need of special protection** or whether there are factors which make the victim particularly vulnerable.*

b) The nature of the criminal offence and the severity of the harm caused to the victim, as well as the risk of the crime being repeated. To that end, the assessment shall take particular account of the protection needs of victims of the following crimes:

1.^t Terrorist crimes.

2. Crimes committed by a criminal organisation.

*3. **Crimes committed against the offender's spouse or against a person who is or has been in a comparable sentimental relationship with the offender, even where they do or did not live together, or against the offender's own progeny or progenitors or siblings, whether by blood, adoption or affinity, or those of the offender's spouse or cohabiting partner.***

4. Crimes against sexual freedom and indemnity.

5. Human trafficking.

6. Enforced disappearance.

7. Crimes with racist or anti-Semitic motives or motives related to ideology, religion or beliefs, family situation, the ethnicity, race or nationality of a family's members, their country of origin, gender, sexual orientation or identity, illness or disability.

c) The circumstances of the crime, in particular whether it involved violence.

3. Throughout the criminal proceedings, the protection measures employed for victims who are minors shall take into account their personal situation, immediate needs, age, gender, any disabilities and their level of maturity and shall have a complete respect for their physical, mental and emotional integrity.

4. In the case of minors who are victims of a crime against sexual freedom or indemnity, the measures set out in points a), b), c) and d) of Article 25(1) shall always apply.

Furthermore, this law introduced the **Victim Support Offices**, which, among other functions, shall carry out an assessment of the victim's individual circumstances, especially as regards the circumstances referred to in section 2 of Article 23, in order to determine what assistance and support the victim should be provided with, which may include:

a) The provision of psychological support and assistance.

b) Being accompanied during the trial.

c) Information regarding available psychosocial and welfare resources and, where the victim requests it, referral to them.

d) Special support measures which may be necessary in the case of victim with special protection needs.

e) referral to specialist support services.

Likewise, the measures provided for in Article 25 of Law 4/2015, amended by Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, are the following:

1. During the investigation stage, the following measures may be ordered for the protection of victims:

a) Victims may be interviewed in buildings specially conceived and adapted for the purpose.

b) Victims may be interviewed by professionals who have received special training to reduce or limit harm to the victim, as well as training on gender perspective, or with the help of such professionals.

c) All statements from a single victim may be taken by the same person, except when doing so could have a significant adverse effect on the conduct of the proceedings or where the statement must be taken to a judge or public prosecutor directly.

d) In the case of any of the victims referred to in numbers 3 and 4 of point b) of section 2 of article 23 and victims trafficked for the purpose of sexual exploitation, statements may be taken by a person of the same sex, who also complies with the requirements of letter b) of this section, as the victim where the victim requests it, except when doing so could have a significant adverse effect on the conduct of the proceedings or where the statement must be taken by a judge or public prosecutor directly.

2. During the trial stage, in accordance with the Criminal Procedure Act, the following measures may be ordered for the protection of victims:

a) Measures to avoid visual contact between the victim and the alleged offender, even when giving evidence, for which communication technologies may be used.

b) Measures to ensure the victim can be heard without being present in the courtroom, by using appropriate communication technologies.

c) Measures to avoid the victim being asked questions relating to his or her private life which are not relevant to the offence being tried, apart from exceptional cases where the judge or court considers that they must be answered to adequately assess the facts or the credibility of the victim's statements.

d) Holding a private oral hearing. In such cases, the judge or the presiding judge may, nevertheless, authorise the presence of persons who can show they have a particular interest in the case.

The measures referred to in points a) and c) may also be employed during the investigation stage.

3. One or more of the protection measures referred to in Article 2 of Organic Law 19/1994, of 23 December, on Protection of Witnesses and Expert Witnesses in Criminal Proceedings, may also be ordered for the protection of victims.'

Furthermore, Article 26 of this law foresees the following measures to protect minors, persons with disabilities in need of special protection and victims of sexual violence:

'1. In the case of victims who are minors, victims with disabilities in need of special protection and victims of sexual violence, as well as the measures provided for in the preceding Article, such measures shall be employed, in accordance with the Criminal Procedure Act, as are necessary to avoid or limit, as far as possible, the conduct of the investigation or the trial becoming a new source of harm for the victim. In particular, the following shall apply:

a) Statements taken during the investigation stage shall be recorded by audiovisual means and may be played in court in the cases and under the conditions determined by the Criminal Procedure Act.

b) Statements may be taken by experts.'

Law 4/2015, of 27 April, grants victims the possibility of participating during the enforcement phase. Article 13 establishes that victims who have requested to be notified of the following decisions may appeal against them in accordance with the Criminal Procedure Act, even when they have not taken part in the case: 'a) An order by the sentence review judge authorising, in accordance with the provisions in the third paragraph of Article 36(2) of the Criminal Code, the possible classification of the convicted individual as a third degree, before half of the sentence has been completed, where the crime committed was one of the following: (...) Human trafficking.'

This law promotes specialised training of professionals on assistance and protection of victims, paying particular attention to the vulnerable ones. More specifically Article 30 states that 'The Ministry of Justice, the General Council of the Judiciary, the Public Prosecutor's Office and the Autonomous Communities, within their respective areas of responsibility, shall ensure that general and specific training relating to the protection of victims during criminal proceedings is included in training courses for judges and senior judges, public prosecutors, court clerks, law enforcement bodies, medical examiners, employees of the Justice Administration, Victim Support Office employees and, where appropriate, officials of the General State Administration of the Autonomous Communities who perform functions in this area. Such courses shall pay particular attention to victims in need of special protection, to those where there are factors which make them particularly vulnerable and victims who are minors or have disabilities.'

Furthermore, the above Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, includes in its scope the crime of trafficking for the purpose of sexual exploitation, so that victims of this crime are covered by the comprehensive prevention, care, assistance and protection measures provided therein.

This law amended Law 1/1996, of 10 January, on Free Legal Assistance, to increase, in particular, the groups of persons to whom this right is granted, regardless of whether they have resources to

litigate, including victims of trafficking. Article 2(h) states that 'h) Regardless of the existence of resources to litigate, the right to free legal assistance is recognised, which shall be provided immediately for victims of gender-based violence, terrorism and trafficking in human beings in procedures that are linked, arise from or are the result of their condition of victims, as well as for minors and persons with a disability needing special protection when they are the indirect victims of crimes of homicide, of the injuries in Articles 149 and 150, of the crime of habitual mistreatment provided for in Article 173(2), of crimes against freedom, of crimes against sexual freedom and of crimes of trafficking in human beings. This right is also applicable, regardless of the existence of resources to litigate, to women and minors who are victims of crimes against sexual freedom provided for in Title VIII of Book II of the Criminal Code, crimes of female genital mutilation, forced marriages and sexual harassment.'

The right to free legal assistance, regulated by Law 1/1996, of 10 January, covers, among other benefits, free legal advice and guidance prior to the proceedings and free defence and representation by a solicitor and a barrister during the legal proceedings. However, in the case of victims of trafficking and other particularly vulnerable victims, pre-trial advice has a broader scope because 'In the case of victims (...) of human trafficking, as well as minors and persons with intellectual disabilities or mental illness, under the terms established in Article 2(g), free legal assistance shall include free advice and guidance immediately prior to the filing of a complaint or lawsuit.'

This free legal assistance, defence and representation service is organised by Bar Associations. They shall have a permanent on-call legal aid to provide the service of lawyer assistance for victims of trafficking in human beings and minors and persons with an intellectual disability or mental illness who are victims of a situation of abuse or mistreatment.

Furthermore, Spain has strengthened access to justice for victims of trafficking in human beings, especially those trafficked for sexual exploitation, through the specialisation of judicial bodies. Organic Law 1/2025, of 2 January, on the Efficiency of the Public Service for Justice, has provided for the creation of the Violence against Women Sections in Courts of First Instance which, in criminal court, will hear from the investigation proceedings so as to demand criminal liability for the crime of trafficking for sexual exploitation when the victim is a woman. On the other hand, also in criminal court, the Violence against Children and Adolescents Sections will hear from the investigation proceedings so as to demand criminal liability for the crime of trafficking in human beings when at least one of the victims is a minor or adolescent.

Organic Law 1/2025, of 2 January, also stipulates that the General Council of the Judiciary, within the scope of its powers, shall evaluate the need for or lack of facilities in the aforementioned sections in order to prevent confrontation between victim and offender during the trial, and shall promote, where

appropriate, the creation of such facilities jointly with the Ministry of Justice and the competent Autonomous Communities. These facilities may be used for cases of sexual assault and human trafficking for sexual exploitation. In any event, they should be fully accessible, a mandatory requirement that environments, products and services must meet in order to be understandable, usable and practicable by all women and minors who are victims, without exception.

In addition, this organic law reinforces the telematic presence in criminal proceedings in which victims of trafficking may intervene. They will do so from the places where they are officially receiving assistance, attention, advice or protection, pursuant to the provisions of Royal Decree-Law 6/2023, of 19 December, approving Urgent Measures for the Execution of the Recovery, Transformation and Resilience Plan in the Field of Public Justice Services, Public Service, Local Regime and Patronage. Organic Law 1/2025, of 2 January, amends Organic Law 5/2000, of 12 January, regulating the Criminal Responsibility of Minors, in order to provide that 'It shall be especially guaranteed that the statements or interrogations of the accusing parties, witnesses or experts are carried out electronically in the following cases, unless the Judge, Court or Public Prosecution Service, through a reasoned resolution, considering the circumstances of the specific case, deems their physical presence:

When they are victims of gender-based violence, sexual violence, trafficking in human beings or when they are minors or victims with a disability. All of them may intervene from the places where they are officially receiving assistance, attention, advice, or protection, or from any other place, as long as they have sufficient means to ensure their identity and the appropriate conditions of the intervention.'

Consequently, Spain is progressing in the digital and procedural transformation of the public justice service in order to improve its efficiency when this service is delivered to citizens, especially victims with specific vulnerabilities. Royal Decree-Law 6/2023, of 19 December, approving Urgent Measures for the Execution of the Recovery, Transformation and Resilience Plan in the Field of Public Justice Services, Public Service, Local Regime and Patronage, sets out measures to generalise the use of telematic means in hearings and procedural acts. Telematic presence shall be especially reinforced in the case of victims of gender-based violence, sexual violence, trafficking in human beings, minor victims or persons with a disability. All of them may intervene from the places where they are officially receiving assistance, attention, advice, or protection, or from any other place, as long as they have sufficient means to ensure their identity and the appropriate conditions of the intervention.

The Criminal Procedure Act ensures the use of the evidence existing before trial to minimise the secondary victimisation of minors and persons with disabilities who are required to intervene as witnesses in the investigation of criminal proceedings related to the criminal offence of trafficking in human beings. Article 449 ter states that:

'When a person under fourteen years of age or a person with disabilities in need of special protection must take part as a witness in judicial proceedings to investigate the crime of homicide, injury, against freedom, against moral integrity, human trafficking, against sexual freedom and indemnity, against privacy, against family relationships, against the exercise of fundamental rights and public freedoms, involving criminal and terrorist organisations and groups and terrorism; the judicial authority shall agree, in any case, to hear the minor as evidence existing before trial, with all of the guarantees of the taking of evidence at the oral trial and in accordance with the provisions of the previous article. This procedure shall be carried out with all the guarantees for accessibility and necessary support.

The judicial authority may order that the hearing of minors under fourteen years of age be carried out by psychosocial teams that support the court in an interdisciplinary and inter-institutional manner, encompassing the work of the professionals who have previously been involved and studying the personal, family and social circumstances of the minor or the person with disabilities with a view of improving their treatment and the taking of evidence. In this case, the parties shall submit any questions they deem appropriate to the judicial authority who, after checking their relevance and usefulness, shall provide them to the experts. After the hearing, the parties may ask the witness for clarifications in the same terms. The statement shall always be recorded and the judge, after hearing the parties, may request a report from the expert giving an account of the proceedings and the development and outcome of the hearing involving the minor.

If the person under investigation is present at the minor's hearing, visual confrontation with the witness shall be avoided, if necessary, by any technical means.

The measures provided for in this Article shall be applied when the criminal offence is considered minor.'

In order to facilitate the practical application of this legal provision laid down in the Criminal Procedure Act, The Ministry of the Presidency, Justice and Relations with the Parliament published the '[Guide of Good Practices for the Taking Witness Statements in Criminal Proceedings from Minors and Persons with Disabilities in Need of Special Protection: Involvement of Forensic Psychology, Particularly in Pre-constituted Evidence](#)' in 2022, which establishes a set of guidelines to offer special protection to minors and persons with disabilities during their participation in criminal proceedings.

In order to support the Administration of Justice through information and communication technologies, Royal Decree 95/2009, of 6 February, regulating the System of Administrative Registers to Support the Administration of Justice, established the creation of different registers, including the

Central Register of Sexual Offenders and Trafficking in Human Beings. Any information on those who have been convicted by final court sentence for crimes against sexual freedom or for trafficking in human beings shall be recorded in this central register, in accordance with Article 3 of Royal Decree 1110/2015, of 11 December, regulating the Central Register of Sexual Offenders and Trafficking in Human Beings, adopted pursuant to the Law 26/2015, of 28 July, amending the system for the protection of children and adolescents, in accordance with Organic Law 8/2021, of 4 June, on the Comprehensive Protection of Children and Adolescents against Violence, as well as of the Fourth Final Provision of Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom. This register provides non-public information with the primary aim of supporting the activities of the judicial bodies, the Public Prosecution Service and law enforcement bodies, as well as serving as the basis to draw up anonymised statistics on the crime of trafficking.

The aforementioned Organic Law 10/2022 has amended Article 83 of the Criminal Code regarding the penalties imposed for the criminal offence of trafficking in human beings, establishing that, in the case of first-time offenders with sentences that do not exceed two years' imprisonment given as suspended custodial sentence, the conditions to be applied shall be the same as for crimes of gender-based violence against a partner or ex-partner, for crimes for which the following may not be imposed: prohibition to approach certain persons, reside in an specific place, establishing contact with certain individuals, as well as the obligations to personal appearance before certain bodies or to participate in training programmes. 'The above prohibitions and duties shall also be imposed for crimes against sexual freedom, of forced marriage, female genital mutilation and trafficking in human beings.' It has also amended Article 83(2) of the Criminal Code to introduce re-education in cases of gender-based violence and crimes against sexual, with a focus on sex education, equal treatment and non-discrimination programmes related to crimes against sexual freedom, of forced marriage, female genital mutilation and trafficking in human beings.

Finally, Royal Decree 650/2023, of 18 July, adopting the Protocol on Forensic Medical Examinations of Detained Persons, incorporates the collection of risk factors associated with gender-based violence and sexual violence, as well as an analysis of the vulnerability factors of detained persons on the basis of their gender or in cases of trafficking in human beings, and the measures to be applied where appropriate.

The General Council of the Judiciary highlights that legislative reforms aimed at making legal proceedings accessible to persons with disabilities have recently been undertaken.

Article 13 of the Convention on the Rights of Persons with Disabilities specifies that States Parties shall ensure effective access to justice for persons with disabilities through the provision of procedural accommodations, in order to facilitate their effective role as participants in all legal proceedings.

In accordance with the undertaking given by our country when ratifying the convention, Article 7 bis of the Criminal Procedure Act establishes that as part of processes in which persons with disabilities participate, the necessary adaptations and adjustments shall be made by the Administration of Justice to guarantee their participation under equal conditions.

In this sense, in order to assist the party with persons in need of protection a facilitator will be appointed, who will submit a report to inform the judge of the necessary adjustments for individuals to participate in proceedings under equal conditions, so that they become subjects, rather than objects, of the proceedings.

The Guide of Criteria for Judicial Action on Trafficking in Human Beings includes specific chapters with general information on victim protection (pages 58, 67), and a specific section (page 169) with an individual assessment of victims' protection needs, the possibility of consider them as protected witnesses, and specific measures such as trying to reduce their appearances in court, using available technologies (videoconference) to avoid any direct physical contact, precautions to avoid accidental contact, the possibility of appearing in court accompanied by a person of their choice, measures to protect the identity and privacy of victims, etc. It should be noted that voice distortion devices are also available if needed during the investigation phase. All these measures are in line with the procedural guarantees of the person under investigation, respecting the rights conferred on them by national laws and Article 6 of the European Convention on Human Rights.

37. If you have criminalised the use of services of a victim of THB, how is this provision applied in practice? Please provide any relevant case-law.

The criminal offence of using the services of a victim of human trafficking has not been introduced in the Spanish Criminal Code as a self-standing criminal offence. In this respect, it should also be noted that Directive 2024/1712/EU has not yet been transposed into Spanish law. However, if such conduct is proven, it is considered a crime of human trafficking, since its perpetrator is the 'necessary co-operator' and, therefore, will be criminally responsible for the criminal offence. The problem lies in the difficulty of establishing whether the 'consumer' was aware that the person providing this service was not acting freely but was being exploited.

Furthermore, it should be noted that whoever requests, accepts or obtains, in exchange for payment or promise, a sexual relationship with a minor or a with a person with disabilities requiring special protection shall be committing a criminal offence of corruption of minors (Article 188(4) of the Criminal Code).

The Preliminary Draft of the Comprehensive Organic Law against the Trafficking and Exploitation of Human Beings criminalises the use of services, benefits or activities, being aware of their situation, of victims of human trafficking or subjected to forced labour or services, servitude or slavery.

38. What technology-based tools and initiatives exist in your country to support investigations and enhance prosecution of THB cases? What training is provided to law enforcement officials, prosecutors and judges on THB facilitated by information and communication technology?

Law enforcement bodies (Fuerzas y Cuerpos de Seguridad) have developed various technology-based tools and initiatives to support investigations and enhance the prosecution of THB cases regardless of the purpose. Particularly, these include the use of platforms monitoring the Internet and social media activity, managed by specialist units and that enable to detect advertisements, forums and websites linked to trafficking and exploitation. The National Cybersecurity Institute (INCIBE) collaborates in identifying and blocking illegal content and a Cybersecurity Helpline is available to receive complaints related to online sexual exploitation.

Spain participates in Europol and Eurojust and also uses shared databases, as well as digital forensics tools, that facilitate the tracing of financial flows and the identification of traffickers at the transnational level. Big data analysis systems and open-source intelligence tools (OSINT) are also used to identify recruitment and exploitation patterns through Internet.

In addition, law enforcement bodies provide and receive training through conferences and courses integrated into specific programmes on THB, including training facilitated through ICT.

The Criminal Procedure Act provides for various technology-based investigation measures, including most particularly the role of the undercover online officer. Law enforcement officials receive training on the application of all investigation measures permitted by law on a regular basis.

Aware of the complexity of the crime of trafficking in human beings and of the profit generated for perpetrators as the main motivation, the Centre for Intelligence against Terrorism and Organised Crime (CITCO), in its capacity as a Focal Point for the National Rapporteur on Trafficking in Persons, in collaboration with the Organization for Security and Co-operation in Europe (OSCE) and the Executive Service of the Commission for the Prevention of Money Laundering and Monetary Offences (SEPBLAC), is planning a Round table discussion on the role of the financial intelligence in detecting and preventing human trafficking in human beings in Spain, which will be held on 26 and 27 of November, with the participation of national law enforcement bodies (Policía Nacional and Guardia Civil), Autonomous Community Police Forces (Ertzaintza and Mossos d'Esquadra), SEPBLAC and financial entities, among others.

The Trafficking and Immigration Unit of the Public Prosecutor's Office refers to the answer to question 1 regarding the IT application for collecting data on investigations, victims and persons under investigation which was implemented by the same in 2024.

Additionally, our legislation sets out a series of technology-based investigation measures that, as it could not be otherwise, are applicable to investigations carried out in the field of THB and that are proven to be extremely useful. Thus, **Organic Law 13/2015, of 5 October, on 'strengthening the procedural guarantees and regulating the technology-based investigation measures'** regulates the '*technology-based investigation measures*' in Chapters IV to X, Title VIII, Book II of the Criminal Procedure Act, thereby filling the legal vacuum regarding the guarantees required in the use of technological advances for the prosecution of criminal offences. It enables to establish strong and protective investigation tools in line with the current state of crime which uses relation, information and communication technologies (RICT) as a facilitating component, and which must be tackled with the same means. In this respect, the following roles are regulated:

- *Interception of telephone and telematic communications.*
- *Capturing and recording oral communications using electronic devices.*
- *Use of technical devices for tracking, location and image capture.*
- *Searches of mass data storage devices and remote access to computer equipment.*

The Public Prosecutor's Office carried out a systematic, in-depth and interpretative analysis of the above roles, through the publication of five circulars: 1/19, 2/19, 3/19, 4/19 and 5/19.

Likewise, Article 282 bis of the Criminal Procedure Act, amended by the aforementioned Organic Law 13/2015, regulates in detail the **undercover online officer**, a very helpful role in the investigation of criminal offences committed through Internet, specifically on social media, as is often the case with the trafficking in human beings.

All training events provided to prosecutors, judges and law enforcement officials, referred to in question 35, address the need to use the technology-based investigation measures regulated in Articles 588 bis a et seq. of the Criminal Procedure Act, as these are crucial tools in the action against organised crime, as well as for locating potential victims and identifying the traceability of illicit gains obtained. Such measures interfere with the fundamental rights, so it is needed to adhere to the 'rules of procedural law' as for their procedural requirements, their practical execution and their contribution to the proceedings. Training in this area is particularly needed for members of law enforcement bodies, as they are the ones who operationally use technology-based tools and they should be aware

of the legal and procedural requirements, so that this kind of evidence would be authorised by judges, and, subsequently, considered as valid incriminating evidence in the proceedings.

The Trafficking Unit of the Public Prosecutor's Office promotes both training and coordination between specialised designated prosecutors for Human Trafficking and Immigration and specialised designated prosecutors for Cybercrime, in order to achieve a more effective investigation of these crimes, using the technology-based investigation proceedings considered most appropriate for this purpose. Telephone interception, location, image capture, surveillance devices in vehicles, sound monitoring, undercover online officer, telephone call traffic and electronic device dumping are used in a large number of investigations. Likewise, there is an urgent need to use police investigation methods based on social media tracking, as well as software that, complying with the guarantees of fundamental rights, enable to access to encrypted messaging systems.

It should be mentioned that the increased use of instant messaging applications has been reducing the operational effectiveness of telephone conversation interception. Better results are being achieved by searching mass data storage devices or by dumping electronic devices, particularly intercepted mobile phones of persons under investigation and terminals that victims deliver on a voluntary basis to the investigators.

The Ministry of the Presidency, Justice and Relations with the Parliament reports that the main topics covered by the initial and continuous training provided to the personnel assigned to institutes for legal medicine and forensic sciences include gender equality, inclusion and action against gender-based violence and sexual violence, digital transformation, as well as ethics and professional conduct from a clinical and social perspective, so that they are able to assess the personal harm caused to the victims of such crimes.

The General Council of the Judiciary reports that, regarding the investigation phase, the Spanish criminal-proceedings regulation sets out various technology-based investigation measures, absolutely crucial at present, since both recruitment and exploitation of victims could be carried out through these channels. In this regard, it should be highlighted that there is a notable increase of cases of trafficking for the purpose of sexual exploitation aimed at production of pornography carried out on platforms, as mentioned above.

In addition to classic communication interceptions (telephone interception), planting of geolocation devices and interception of social media, the existing measures are the use of an undercover online officer or the planting of a software that enables to control devices, and, after devices are intercepted in any entry and search proceedings, to analyse both the devices and the information repositories such as clouds; this requires special attention with the adoption of measures like the change of

passwords by Police Forces during searches in order to appropriately preserve digital evidence. In Spain, a court order authorising to adopt such measures is required.

The existing judicial training already provided in the initial programme at the Judicial College for newly appointed judges includes all these investigation measures and all the procedural guarantees that must be considered.

In the same way, members of the Judiciary provide trainings in courses that address these aspects, intended for Police Forces specialised in action against THB.

Regarding training to judges, which is the responsibility of the General Council of the Judiciary, the continuous training service provided by the latest includes, in its training curricula, events aimed at raising awareness and providing in-depth knowledge on forced labour and human trafficking, both in single-topic events and in others as a cross-cutting issue.

Since 2020, 13 single-topic training events have been carried out on these subjects, offering a total of 825 places and 146 hours of training. To date, two events are still pending to be held in 2025.

YEAR	NUMBER OF TRAINING EVENTS	TRAINING HOURS	PLACES
2021	2	15	200
2022	3	36	150
2023	4	55	100
2024	1	12	25
2025	3	28	350
2026	2		
Total	15	146	825

Additionally, during the same period, those matters were covered in 33 other training events that were not dedicated to a single topic, with a total of 1 044 places offered and 1 006 hours of training.

YEAR	NUMBER OF TRAINING EVENTS	TRAINING HOURS	PLACES
2020	2	114	59
2021	5	58	205
2022	8	99	316
2023	7	155	195
2024	7	534	158
2025	4	46	111
Total	33	1 006	1 044

Regarding 2025 events, not all training programmes have been finalised yet. Therefore, forced labour or human trafficking may be addressed as a cross-cutting issue in some training events still to be held.

Below is the information on the training events referred to:

SINGLE-TOPIC TRAINING EVENTS				
Event code	Training Event	Year	Duration	Places
CU21067	Immigration and Asylum	2021	6	100
CU21087	Trafficking in Human Beings	2021	9	100
CU22005	Trafficking in Human Beings	2022	6	100
EN22058	Meeting Between Senior Judges of the National High Court (Audiencia	2022	14	25

	Nacional) and UNHCR, on Law on Immigration and Asylum			
EN22090	Meeting Between Judges and Senior Judges in charge of the Investigation and of the Oversight of Immigration Removal Centres (CIES). Working Session Between the Ombudsman's Office, Human Rights Organisations and the Department for Immigration and Borders (Comisaría General de Extranjería y Fronteras).	2022	16	25
CU23012	Trafficking in Human Beings: the Crime of Slavery	2023	14	25
EN23044	Meeting Between Senior Judges of the National High	2023	14	25

	Court (Audiencia Nacional) and UNHCR, on Law on Immigration and Asylum			
EN23124	Meeting Between Judges and Senior Judges in charge of the Investigation and of the Oversight of Immigration Removal Centres (CIES). Working Session Between the Ombudsman's Office, Human Rights Organisations and the Department for Immigration and Borders (Comisaría General de Extranjería y Fronteras).	2023	15	25
EX2310	The Crime of Human Trafficking: A Victim-Centred Approach	2023	12	25

CU24113	Trends in the Crime of Human Trafficking	2024	12	25
CU25096	The Crime of Human Trafficking	2025	14	25
CU25030	Immigration and Asylum in Light of the Latest European Regulations	2025	12	25
CV25006WB3	The European Pact on Migration and Asylum: Legislative and Judicial Challenges Regarding its Application in Spain	2025	2	300
CU26016	The Crime of Human Trafficking	2026		
JO26133	Conferences on Immigration: The EU Pact on Migration and Asylum and its Impact on the National Regulations	2026		

CROSS-CUTTING EVENTS					
Event code	Training Event	Year	Duration	Places	Conference
FD20176	Most Relevant Issues in the Criminal Code After the Last Reform	2020	100	30	Crimes of Human Trafficking and Against Workers' Rights.
CU20502	Woman's Body as an Object for Trade	2020	14	29	Trafficking in Human Beings
EX2145	Human Rights and Immigration	2021	15	20	Immigration-Related Crimes: Trafficking in Human Beings, Prostitution and Labour Exploitation
EX2149	Interaction Between the Labour and Social Security Inspectorate (ITSS) and Courts from Various Areas of Law	2021	10	25	Action Plan for the Eradication of Forced Labour: Administrative and Judicial Aspects of the Issue
CU21014	Latest Case Law of the Supreme Court (Tribunal Supremo)	2021	5	100	Crimes Related to Prostitution, Sexual Exploitation and

	Related to Gender-Based Violence and Crimes Against Sexual Freedom and Protection of Minor's Sexual Integrity				Corruption of Minors
EN21057	Meeting Between Judges in Charge of Violence Against Women for a Standardisation of Criteria	2021	14	30	Trafficking in Women for the Purpose of Sexual Exploitation
EN21080	Meeting of the Criminal Chamber of the Supreme Court (Tribunal Supremo) with Senior Judges from the Autonomous Community High Courts of Justice (Tribunales Superiores de Justicia), the National High Court (Audiencia Nacional) and the Provincial	2021	14	30	Latest Lines of Case Law Related to the Crime of Human Trafficking

	Courts (Audiencias Provinciales)				
JO22113	Conferences on Immigration	2022	14	20	Immigration- Related Crimes: Trafficking in Human Beings, Prostitution and Labour Exploitation
AN2202	The Challenge of Immigration	2022	8	15	Criminal Legal Issues in Crimes Against Foreign Nationals' Rights. Protection Measures For Women Who Are Victims of Trafficking.
CU22028	Crimes Against Sexual Freedom	2022	6	100	Trafficking and Prostitution, Crimes Against Women
CU22041	Latest Issues in Immigration Matters	2022	6	100	Particularities of the Asylum Procedure and Protective Measures
EN22072	Meeting of the Criminal Chamber of the Supreme Court (Tribunal Supremo) with Senior Judges	2022	12	30	Latest Lines of Case Law Related to the Crime of Human Trafficking

	from the Autonomous Community High Courts of Justice (Tribunales Superiores de Justicia), the National High Court (Audiencia Nacional) and the Provincial Courts (Audiencias Provinciales)				
EX2217	17th International Symposium of the World Society of Victimology: Victimization in a Digital World	2022	33	15	Sexual Exploitation in Spain
EX2238	EUPROM Seminar: Challenges of the Unaccompanied Minors in the Migration Process	2022	5	6	Minors Who Are Victims of Human Trafficking
JO22002	Conference on the Urgent Analysis of	2022	15	30	Violence and Trafficking in Human Beings. The

	Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents Against Violence				Need to Protect Children from Networks.
CU23012	Trafficking in Human Beings: the Crime of Slavery	2023	14	25	Trafficking in Human Beings: the Crime of Slavery
EX2310	The Crime of Human Trafficking: A Victim-Centred Approach	2023	12	25	Other Forms of Human Trafficking: Forced Criminality and Labour Exploitation. Case Studies and Guide to Good Practices
CT2306	Criminal Court Forum	2023	12	30	Evidence Existing Before Trial. Special Reference to Crimes of Sexual Violence Against Minors and Crimes of Human Trafficking
EN23089	Meeting of the Criminal Chamber of the Supreme Court (Tribunal Supremo) with	2023	14	30	Latest Lines of Case Law Related to the Crime of Human Trafficking

	Senior Judges from the Autonomous Community High Courts of Justice (Tribunales Superiores de Justicia), the National High Court (Audiencia Nacional) and the Provincial Courts (Audiencias Provinciales)				
EN23118	Meeting with Presidents of the Administrative Chambers of the Autonomous Community High Courts of Justice (Tribunales Superiores de Justicia) and the National High Court (Audiencia Nacional)	2023	14	30	The Proposal for a Regulation of the European Parliament and of the Council on Asylum and Migration Management of June 2023
FD23017	Gender-Based Violence: Advanced Course	2023	75	30	Protection of the Rights of Victims of Gender-Based Violence in International Courts

					and International Organisations Dedicated to Protecting Fundamental Rights. Specificities in Terms of Immigration, Asylum and Residence Permits.
JO23086	Conferences on Immigration	2023	14	25	Irregular Immigration and Trafficking in Human Beings in the Case Law of the Supreme Court (Tribunal Supremo)
CU24113	Trends in the Crime of Human Trafficking	2024	12	25	Round Table: Other Forms of Human Trafficking: Forced Criminality and Labour Exploitation. Case Studies and Guide to Good Practice.
JO24046	Conferences on Immigration	2024	14	25	Immigration-Related Crimes: Trafficking in Human Beings, Prostitution and Labour Exploitation

CU24017	Crimes Against Sexual Freedom	2024	12	25	Analysis of Case Law Related to the Crime of Human Trafficking for the Purpose of Sexual Exploitation
EN24066	Meeting of the Criminal Chamber of the Supreme Court (Tribunal Supremo) with the Autonomous Community High Courts of Justice (Tribunales Superiores de Justicia), the National High Court (Audiencia Nacional) and the Provincial Courts (Audiencias Provinciales)	2024	14	25	Latest Lines of Case Law Related to the Crime of Human Trafficking
EX2408	The Dual Role of ICT in Crimes of Violence Against Women	2024	15	25	The Impact of New Technologies on Trafficking in Human Beings
EX2422	4th Academic Course on Violence Against	2024	450	3	Other Forms of Violence Against

	Women Facilitated by the Academic Centre of the Guardia Civil (CUGC)				Women: Trafficking in Human Beings
EX2427	The Justice System's Response to Sexual Violence. Advances and Proposals for Improvement.	2024	17	30	Trafficking in Human Beings for the Purpose of Sexual Exploitation: Violence Against Women and Girls
JO25100	Conferences in Collaboration with the Labour Union CCOO: Social Courts facing the New Case Law and Legislative Challenges	2025	12	25	International Cooperation on Trafficking in Human Beings
CU25021	EU Legal Framework on Gender Equality	2025	6	30	Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 on preventing and combating trafficking in human beings and

					protecting its victims
EN25016	27th Conference Between Professionals from the Justice Administration Bodies and the Transplant Community	2025	14	25	The Crime of Human Trafficking
EXT2501	Issues of Current Concern and of Interest to the Autonomous Community of Extremadura Jurisdiction in 2025	2025	14	31	The Crime of Human Trafficking: Presentation, Dissemination and Review of the Recently Updated 'Protocol on Human Trafficking for the Purpose of Sexual Exploitation' in the Autonomous Community of Extremadura

39. In what ways, if any, does your country utilise provisions from the Council of Europe Cybercrime Convention (Budapest Convention) to fight THB? If not, why is that the case?

The amendments to the Criminal Code and the Criminal Procedure Act have incorporated the provisions of the Conventions ratified by Spain, including the technology-based investigation measures for combating any form of organised and serious crime.

Spain uses the Council of Europe Convention on Cybercrime (Budapest Convention, 2001) as a key legal instrument in its action against trafficking in human beings, especially when carried out through Internet and information technologies, as it provides a common framework for international

cooperation that our country applies to the investigation of transnational trafficking networks, enabling then the rapid exchange of information and electronic evidence with other States Parties.

Further, the Convention helps strengthening the capability of Spanish authorities to request and provide mutual legal assistance in human trafficking crime, regardless of the stage under investigation, i.e. online recruitment or sexual exploitation, as well as on the taking down of online platforms that advertise or undercover such activities.

Spain has incorporated measures set out in the Convention into its domestic legislation, such as the interception and preservation of electronic data, the identification of online-services users and the blocking of illegal content related to trafficking.

Police Forces include units specialised in cybercrime, as well as a cyber trafficking group, that apply this framework to collaborate with Europol, Eurojust and Interpol, ensuring then a coordinated response in criminal prosecution.

In conclusion, Spain does use the Budapest Convention as a legal and practical basis to fight against trafficking in human beings for the purpose of sexual exploitation in the online environment, thereby enabling to strengthen both the effectiveness of the investigations and the international cooperation in the prosecution of traffickers.

The Ministry of the Presidency, Justice and Relations with the Parliament reports that the investigation measures regulated in Section 2 of the Budapest Convention are implemented in the Criminal Procedure Act and are of general application to any investigation on human trafficking criminal offences.

Specifically, Section 2 of the Budapest Convention sets out a series of investigation measures that shall be established by the signatory States, either for the investigation of criminal offences established in the Convention and the collection of electronic evidence of a crime. In particular, it establishes a series of measures that shall be adopted:

Art. 16 Expedited preservation of stored computer data

Art. 18 Production order

Art. 19. Search and seizure of stored computer data

Art. 20 Real-time collection of traffic data

Art. 21. Interception of content data

Measures with similar or identical content are set out in Articles 588 bis et seq. of the Criminal Procedure Act.

Articles 588 bis and ter of the Criminal Procedure Act regulate the interception of telephone and telematic communications, the incorporation of traffic data into the procedure, as well as the duty of assistance and cooperation for providers of telecommunication services, providers of access to a telecommunication network or providers of information society services. Such measures are applicable to the criminal offence of human trafficking, taking into account the established maximum penalty limits.

Articles 588 sexies and septies regulate the search of mass storage devices and are also applicable to the criminal offence of trafficking in human beings.

Similarly, the Criminal Procedure Act, in line with the measures set out in the Budapest Convention, regulates in its Chapter IX, Title VIII, Book II, the possibility to authorize remote searches on computer equipment. This measure may apply to offences committed within criminal organisations or in the instance of offences committed against minors or individuals with judicially-limited capacity; hence, it is applicable to the crime of trafficking in human beings when any of these circumstances arise.

In line with the Budapest Convention, Articles 588 septies and octies of the Criminal Procedure Act also regulate the duty of cooperation for service providers, providers of telecommunication services, providers of access to a telecommunication network or providers of information society services, as well as for any individual who in any way contributes to facilitating communications by telephone or by any other means or system of telematic communication, either logical or virtual, and of preservation of data.

Spain also made the designation required in Article 35 of the Convention establishing the 24/7 Network, which is useful in the investigation of criminal offences, including trafficking in human beings for the purpose of sexual exploitation.

The Human Trafficking and Immigration Unit of the Public Prosecutor's Office reports that on 26 December 2024, the General Assembly of the United Nations (hereinafter, UN) adopted the text of the 'Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes', inspired, to a great extent, by the 2001 Budapest Convention of the Council of Europe (hereinafter, CoE). This new Convention is the result of a collective effort led by the Member States of the United Nations, together with academic institutions from both private sector and civil society, carried out over the last five years and culminated in the development of the draft initially approved in August last year. The purpose of the document, as its name suggests, is to prevent and combat cybercrime in the most efficient and

effective manner, by developing appropriate legal tools, strengthening international cooperation and providing technical assistance and support for capacity building, especially in developing States.

The need to protect the resilience and security of the network and computer systems against the irregular and/or criminal use of such technologies, which has been clearly apparent for several years, has been shaping the States' legislative agenda in the different geographic settings since the beginning of this century, for aspects regarding both the prevention and the criminal investigation and prosecution, promoting at the same time international cooperation on either level. The significant contribution of the Budapest Convention to this process is undeniable, particularly in aspects related to combating cybercrime. Regulations set out in Chapter II, regarding the definition of criminal conducts and criminal investigation measures, inspired and continue to inspire the domestic law of a large number of countries on the five continents and have given rise to many of the provisions contained in the aforementioned UN Convention. So, not in vain, 76 countries from the five continents are currently members of the previously mentioned CoE Convention.

This influence has been particularly strong in the regulatory development carried out from the European Union, especially since the meeting of the Council of the European Union (hereinafter EU) held in November 2008, where it was agreed to take the guidelines of the Budapest Convention as a reference in combating cybercrime. The followings are good examples, among others: Directive 2013/40/EU of 12 August 2013 on attacks against information systems, Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, which was also inspired by the 2007 Lanzarote Convention of the Council of Europe, as well as, to a certain extent, Directive (EU) 2019/713 of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment, incorporated into the Spanish legal system by Organic Law 14/2022 of 22 December.

The impact of the Budapest Convention is clearly noticeable across the EU Member States including in procedural and criminal-investigation aspects. In Spain, this was mainly introduced through the reform implemented under Organic Law 13/2015 of 5 October 2015, which incorporates technology-based investigation tools into our Criminal Procedure Act.

However, scientific and technical advances, together with the far-reaching digitalisation of our society in the last years, largely driven by special circumstances caused by the pandemic, constantly face us with new issues and challenges that need to be addressed in order to guarantee the full exercise of the rights and freedoms of individuals in virtual environments and, ultimately, ensure cyberspace security. The high level of connectivity between individuals, organisations and institutions, the transnational nature of online activities, the potential of AI systems, the exponential growth of e-commerce and the digital economy, sometimes linked to the use of crypto-assets, clearly offer great

benefits and opportunities for the evolution of communities and the development and progress of humanity, but they can also bring adverse effects if used improperly or for illicit purposes. The full awareness of this situation is giving rise to an intensive process of regulatory development, both nationally and internationally, with the aim of taking maximum advantage of those potentials and, at the same time, protecting communities from any adverse effects that may arise.

Ultimately, what is intended is to improve the security and resilience of network and computer systems, to prevent irregular and/or criminal activity on the Internet, and to foster and increase our capacity to investigate, prosecute and punish illegal actions that are planned and/or carried out on the cyberspace. When analysing the regulatory action in the field of prevention over the last year, it has to be mentioned that, in the early days of 2025, the Council of Ministers approved a Draft Bill on Cybersecurity Coordination and Governance, intended to transpose into the domestic law Directive (EU) 2022/2555 on security of network and information systems. This EU provision, known as NIS2 Directive, lay down an updated framework across the EU for the prevention, the early detection and the management of cyber threats, with the aim of strengthening the mechanisms for the protection and resilience of network and computer systems, already established in Directive (EU) 2016/118 of 6 July 2016 (NIS1 Directive), incorporated into the Spanish legal system by Royal Decree-Law 12/2018 of 7 September 2018. In accordance with the same objectives, the Draft Bill currently in process is intended to put in place a National Cybersecurity Centre as the entity in charge of coordinating all matters related to cybersecurity at domestic level. Another important milestone in this area is the entry into force, in December 2024, of the EU Cyber Resilience Act (CRA) – Regulation (EU) 2024/2847 of 23 October 2024 – establishing mandatory cybersecurity requirements for products with digital elements, in order to ensure consumer safety in a more comprehensive and effective way, particularly for those who, due to their circumstances, are most vulnerable.

Specifically, the unwavering purpose of making the use of technical and scientific advances compatible with EU essential values, protection of health, safety and everyone's rights, has likewise given rise to the preparation and development of Regulation (EU) 2024/1689 of the European Parliament and of the Council on artificial intelligence, published on 13 June last year. Following the guidelines of the aforementioned Regulation, in the first months of 2025, Spain has initiated to draft a bill on AI governance that establishes criteria for a proper use of IA, as well as the authorities responsible for monitoring the appropriate use of high-risk AI systems and the non-application of prohibited systems, among other aspects, and which suggests to assign these roles to the General Council of the Judiciary regarding the area of Justice. Furthermore, and with regard to combating cybercrime, the need to develop legal tools that enable an effective criminal response to the emerging forms of violation of

legally protected interests of a strictly personal nature led to the publication last year of Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence. Articles 5 to 9 of this regulation establish as criminal offences certain conducts online that violate these legally protected interests, such as non-consensual sharing of intimate or artificially manipulated material, cyberstalking as a form of unauthorised digital tracking, cyber harassment, cyber flashing and cyber incitement to violence and hatred. These aim to protect girls and women, as well as other potential victims, from acts of violence linked to the use of ICT and from the risk of mass sharing of content that violates their privacy, liberty or dignity, thereby preventing the harmful effects of an unlawful conduct from being amplified. Following the same objective, as part of the EU Strategy Against Child Sexual Abuse for the five-year period 2020-2025, the ongoing process to revise Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse of children was initiated in 2023. The recast of this regulation aims to adjust the definition of the criminal conducts to the forms of sexual abuse and exploitation of minors, which are facilitated by technical advances and capabilities of AI systems – as it is the case with the generation of deepfake child sexual abuse material (hereinafter CSAM) – as well as to enhance legal tools to investigate such behaviours and, at the same time, to foster a better and more effective coordination in preventing such conducts, protecting victims and fighting effectively against these criminal acts.

However, as already mentioned, an effective response to these new forms of violation requires not only the definition of unprecedented criminal conducts, or the adjustment of the existing ones to the forms of commission that are not provided for, but also the development of legal tools that contribute to enhancing the opportunities to investigate such serious crimes and to identify their perpetrators. This is addressed by the draft regulation currently being worked on by the European Union with the aim to define at the EU level measures aimed at facilitating the detection of CSAM content in the virtual environment, a matter currently regulated on a provisional basis by Regulation (EU) 2024/1307 of 29 April 2024, that temporarily derogates the application of specific provisions of Directive 2002/58/EC of 12 July 2002 on privacy in communications, and which would prevent the use of certain tracking and location technologies commonly used for this end. Furthermore, in order to protect victims and prevent the sharing of content that violates their rights and freedoms from amplifying the adverse effects of such conducts, both Directive (EU) 2024/1385, in Article 23, and Directive 2011/93/EU provide for measures aimed at ensuring their removal from the virtual environment. Similarly, Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on digital services, in force since 17 February 2024, strengthens this protection framework by setting out specific obligations for digital service providers regarding, for the purposes hereof, the compliance with orders to act issued by judicial or administrative authorities in relation to

illegal content (Article 9) and the establishment of specific measures for the online protection of minors (Article 28).

This concern for safeguarding the interests of the most vulnerable from the irregular use of the cyberspace has led our country to submit to the Parliament, in March 2025, a draft of organic law for the comprehensive protection of minors in digital environments. Such document, which is the result of the work of a large group of multidisciplinary experts and of the contributions from various institutions, and that, at the time of writing this report, is beginning its parliamentary journey, lays down a set of proposals aimed at guaranteeing the rights and interests of children and adolescents and fostering the responsible use of technologies by this community in the various online activity areas in which they focus their education, hobbies, actions related to personal interests and leisure as well as, ultimately, their relationships with others.

These provisions include protective measures in the education and health sectors, along with proposals to revise important regulation such as Organic Law 3/2018 on Protection of Personal Data and Guarantee of Digital Rights, in order to raise the age of consent for the transfer of personal data to 16, the Criminal Procedure Act, the Organic Law on the Judiciary and the Criminal Code. The latter includes new provisions of particular interest, aimed both at strengthening the protection of minors as victims of aggressions in cyberspace, particularly those affecting their sexual freedom, and at preventing the recurrence of such behaviours. Finally, in this succinct overview of the regulatory developments on the subject matter concerned, reference should be made to the ongoing work aimed at aligning domestic legislation with the e-Evidence legislative package, namely Regulation (EU) 2023/1543 and Directive (EU) 2023/1544, both of 12 July 2023, as well as to the multiple studies and reflections currently being undertaken from the different specialised areas of the Public Prosecution Service regarding the European production and preservation orders for electronic evidence in criminal proceedings and for the execution of custodial sentences, whose contribution to a coordinated response to cybercrime at the EU level is unquestionable. Likewise, it is important to highlight our effort to a swift ratification of the Second Additional Protocol to the Budapest Convention, opened for signature on 12 May 2022 and signed by Spain on the same date, which also aims to foster and facilitate the cross-border collection of electronic evidence for the purpose of criminal investigation under a much broader and more open framework than the previous one, as its future application extends beyond the EU territory.

This document is of essential value to our country as it enables to strengthen and channel our cooperation against cybercrime with competent authorities from Spanish-speaking countries with which, for sharing a common language, we need to collaborate on multiple and varied investigations related to cybercrime. Not in vain are a significant number of Latin American countries currently

members of the aforementioned international Convention – Argentina, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Panama, Paraguay and Peru –, and some others, such as Uruguay, are close to signing it.

Part II – Country-specific follow-up questions

40. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's previous reports:

- **put in place a National Referral Mechanism defining the roles and procedures to be followed by all stakeholders that may come into contact with victims of trafficking and ensure that formal identification of victims of THB does not depend on the presence of sufficient evidence for the initiation of criminal proceedings;**

Please refer to the reply to the mid-term report of the 3rd Evaluation Round submitted last June.

- **guarantee effective access to compensation for victims of THB, including by reviewing the eligibility criteria for access to the 'public aid' under Law 35/1995 and to the Wages Guarantee Fund;**

Please refer to the reply to the mid-term report of the 3rd Evaluation Round submitted last June.

- **improve the procedures for the identification of child victims of trafficking, in particular among unaccompanied foreign children;**

Please refer to the reply to the mid-term report of the 3rd Evaluation Round submitted last June.

In the case of the Guardia Civil, the units responsible for investigating human trafficking are also specialised in assisting minors victims of crime. Despite the small number of minors identified as victims, all necessary measures are taken to ensure their safety and implement reception measures according to their particular needs.

In addition, law enforcement bodies (Fuerzas y Cuerpos de Seguridad) participate in training provided by the organisations responsible for the management, monitoring and assistance to minors placed in Residential Protection Centres for Minors (Centros de Protección de Menores) to learn how to identify minors at an early stage before exploitation occurs.

As for the Policía Nacional, there is collaboration between specialised police units, that is, between police units specialising in human trafficking and those responsible for all aspects relating to the management of minors, whether foreign and/or national minors, with or without guardians.

- **increase the number of places in specialised accommodation for male victims and victims of forms of exploitation other than sexual exploitation;**

Please refer to the reply to the mid-term report of the 3rd Evaluation Round submitted last June.

- **ensure that all presumed foreign victims of trafficking, including EU/EEA nationals, are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12 paragraphs 1 and 2, of the Convention during this period.**

Please refer to the reply to the mid-term report of the 3rd Evaluation Round submitted last June.

41. Please provide information on developments in your country since GRETA's third evaluation report concerning:

- **emerging trends of trafficking in human beings;**

Some aspects on emerging trends detected in the phenomenon of trafficking in human beings have already been noted in the previous sections.

A) The incursion of new technologies into the phenomenon of trafficking in human beings.

The use of relation, information and communication technologies (RICT) is present at every stage of the human trafficking criminal process, as stated in the reply to question 16. The possibility of online recruitment and exploitation, in which victims may be seduced or lured in their own homes and then forced to perform, for instance, sexual acts via live streaming for clients who are even in other countries, confronts us with a new scenario that might even lead us to reconsider the scope of the moving process (recruitment, transport and accommodation) of trafficking.

The use of cyberspace enables traffickers to overcome geographical distances to contact with each other, with victims and consumers. Technology provides the means to facilitate the cross-border transportation of victims and international money transfers, thereby streamlining

relations between recruiters in the country of origin and exploiters in the country of destination.

The follow-up proceedings in human trafficking cases initiated in 2024 show a gradual increase in recruitment through platforms, social media and websites. However, direct or mixed recruitment, in which personal relationships based on family, friendship or other type of ties are combined with the use of social media or online platforms remains predominant. As already stated in previous reports, gathering data on the use of social media for this crime is not an easy task since it is not established as a criminal offence and cannot often be verified at the start of investigations. Furthermore, as mentioned above, there are many cases of 'mixed' recruitment, where social media is used and, at the same time, someone known to the victim is involved or an online relationship is established with the victim, which is more typical of 'direct' recruitment.

Many follow-up proceedings state that victims are generally recruited through social media or unidentified websites, although there are specific references to the use of *milanuncios.com* [Spanish popular classified advertising website], WhatsApp, Facebook, Tinder, Wechat, TikTok as well as other dating sites, erotic and dating sites, and sexual services websites not specified.

This method of recruitment is also seen in trafficking for human beings for the purpose of labour exploitation.

Directive (EU) 2024/1712 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims cites as 'aggravating circumstance' *'the fact that the perpetrator facilitated or committed, by means of information and communication technologies, the dissemination of images or videos or similar material of a sexual nature involving the victim'*, which will usually take place during the exploitation stage as a means of advertising the victim's sexual services and reaching a greater number of potential 'clients' or as a method to exert pressure on the exploited persons, who are threatened with having these images shared with their family members or friends, to ensure that they continue to engage in prostitution. It therefore seems that European legislators have decided to maintain the 'neutral' nature of the means of commission at the recruitment stage. Thus, for instance, dissemination on social media by recruiters of fake or misleading job adverts, 'escorts', 'masseur' or 'night club hostess' jobs, adverts of places in 'relax apartments' or recruitment through contact websites would not be included as aggravating circumstances. Under the Spanish criminal legislation, regulations regarding procuring neither do provide for the prosecution of these announcements if the situation of exploitation cannot be proven.

B) Trafficking for the purpose of sexual exploitation and drug trafficking

Crimes of human trafficking for sexual exploitation are almost always committed **in conjunction with drug trafficking**, as perpetrators force victims exploited in prostitution to sell drugs to clients or even supply them to the victims so as they become drug users and their debt increases. **These women are never investigated or prosecuted for public health offences as they are covered by the non-punishment principle provided for in Article 177 bis 11 of the Criminal Code.**

C) New profile of victims of trafficking for the purpose of sexual exploitation

The fact that **most victims are from Latin America** is starting to have an impact on judicial investigations since **the profile of women is changing**. In fact, in many cases, victims of human trafficking for sexual exploitation who are nationals of Latin America countries are aware they are going to engage in prostitution in Spain but are deceived regarding the conditions and are ultimately subjected to situations of genuine exploitation ('partial deception').

In this regard, there is a line of case law that maintains, among other things, that access to protection and regularisation measures is irrelevant to questioning the subjective credibility of the testimony, and that there may exist the possibility of partial deception and abuse of the vulnerable situation of victims who come to Spain aware that they are going to engage in prostitution but without knowing the specific conditions, finding themselves in a situation of neglect from a legal, personal, economic and social protection point of view upon their arrival, with no other viable alternative.

The follow-up proceedings on trafficking in human beings in Latin America, finds, on the one hand, that it is extremely **common that victims and perpetrators share the same nationality**, and, on the other hand, that traffickers are in many instances **relatives, friends or acquaintances of these women** who convince them of the benefits of life in Spain, whether engaging in prostitution, or doing domestic work or working as hairdressers or waitresses in bars and restaurants, which later proves to be false. The fact that traffickers are family members or acquaintances and also arrange their journey and send them money to come to Spain makes it difficult to prosecute the crime as victims are under greater pressure due to the family ties with the traffickers and the potential consequences of legal proceedings, even also the risk of reprisals or their situation being made public in their country of origin through the internet.

D) Exploitation in private settings

Flats, detached houses and private homes have established themselves as the locations where sexual exploitation mostly takes place, and their use has increased considerably after the COVID-19 pandemic. However, victims continue to be exploited in brothels and on the street/industrial parks. The use of 'short-term holiday lets' rented for prostitution for short periods of time has also been detected. Problems accessing flats and private homes where victims are exploited for prostitution are proving critical since they make detection and police action extremely difficult. These are places protected by the right to inviolability of the home, where exploitation of victims takes place secretly and in an 'apparently' voluntary manner. The very frequent 'mobility' from one location to another is also an added problem. Access to victims also becomes more difficult for NGOs because they are subject to greater control and are moved from one flat to another in short periods of time. Since the COVID-19 pandemic, street prostitution has shifted to private homes, reports of forced marriages have risen and there have been increased reports of exploitation of domestic workers, which is intertwined with other sexual violences.

E) Increased number and gender diversification of victims:

In 2024, 513 victims of human trafficking (including 20 minors) were rescued by the law enforcement bodies (Fuerzas y Cuerpos de Seguridad), an increase of 3% over the previous year and the second highest figure since records began, only behind that seen in 2019. Of that number, 63% were women and 37% men, most of them from Latin America (67%), mainly from Colombia and Venezuela.

F) Rise in labour exploitation:

Trafficking in human beings for the purpose of labour exploitation has significantly increased, exceeding, in some cases, sexual exploitation. In 2024, 246 victims of labour exploitation were rescued. Victims are usually young men from Colombia, India, Pakistan, Morocco and Senegal.

G) Challenges to identify and protect victims:

Despite efforts made, identifying victims remains a challenge.

- **the legislation and regulations relevant to action against THB.**

International Binding Regulation for Spain

- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)

- Council of Europe Convention on Action against Trafficking in Human Beings (CETS No 197) – Warsaw 16/05/2005
- Directive 2011/36/EU and Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 on preventing and combating trafficking in human beings and protecting its victims
- Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime
- Convention on the Elimination of all Forms of Discrimination against Women – CEDAW 18/12/79 and the Declaration on the Elimination of Violence against Women – DEVAW 20/12/93
- Istanbul Convention on preventing and combating violence against women and domestic violence of 11 May 2011.
- Budapest Convention on Cybercrime of 23 November 2001
- Council of Europe Convention against Trafficking in Human Organs (Santiago de Compostela Convention) of 25 March 2015
- The 1951 Geneva Convention Relating to the Status of Refugees of 28 July supplemented by the New York Protocol of 31 January 1967.

Internal Regulations

- Criminal Code, Organic Law 10/1995 of 23 November
- Criminal Procedure Act, Royal Decree of 14 September 1882
- Organic Law 4/2000, of 11 January, on the Rights and Freedoms of Foreigners in Spain (LOEX) and their Social Integration and Regulation adopted by Royal Decree 1155/2024 of 19 November
- Organic Law 4/2015, of 27 April, on the Status of Victims of Crime
- Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom
- Organic Law 19/1994, of 23 December, on Protection of Witnesses and Experts Witnesses in Criminal Proceedings
- Law 12/2009, of 30 October, on the Right to Asylum and Subsidiary Protection
- Organic Law 8/2015, of 22 July, amending the Children and Adolescents Protection System

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- Law 26/2015, of 28 July, amending the Children and Adolescents Protection System
 - Organic Law 8/2021, of 4 June, on the Comprehensive Protection of Children and Adolescents against Violence
 - Organic Law 1/2025, of 2 January, on Measures Regarding the Efficiency of the Public Service for Justice
 - 2011 Framework Protocol for Protection of Victims of Human Trafficking
 - Autonomous Community protocols for the implementation of the Framework Protocol
 - Framework Protocol for Unaccompanied Minors of 13 October 2014
 - Protocol of the Subdirectorate-General for Migrant Integration on Detection and Action against Potential Cases of Trafficking in Human Beings for the Purpose of Sexual Exploitation
 - Annex to the Framework Protocol for Protection of Victims of Human Trafficking on Measures for the Detection and Assistance of Minors Victims of Human Trafficking
 - Annex on 'Healthcare Response to Trafficking in Human Beings for the Purpose of Sexual Exploitation' to the Common Protocol for Healthcare Response to Gender Violence 2012 of the National Healthcare System
 - Instruction 6/2016 of the State Secretariat for Security on Actions of Law Enforcement Bodies to Fight Trafficking in Human Beings and Collaborate with Organisations and Entities with Proven Experience in Assisting Victims
 - Instruction of the State Secretariat for Security and of the Undersecretariat of Interior on the International Protection Procedure
 - Referral Procedure for Potential Victims of Human Trafficking Seeking International Protection at Madrid-Barajas Airport
 - National Pact against Gender Violence (2025)
 - Operational Plan for the Protection of the Human Rights of Women and Girls Victims of Trafficking, Sexual Exploitation and Women in Contexts of Prostitution 2022-2026 (Plan Camino)
 - Royal Decree-Law 6/2022, of 29 March, adopting Urgent Measures within the Framework of the National Plan to Respond to the Economic and Social Consequences of the War in Ukraine

Finally, and although already set out in this report, work is currently under way on a Comprehensive Organic Law to Combat Trafficking and Exploitation of Human Beings. The aim is to establish a single legislative framework that facilitates understanding and addresses in a comprehensive manner the fight against human trafficking and exploitation, with a multidisciplinary and human rights-based approach focused on victims, providing for a gender perspective and addressing the special needs of children and adolescents. The law takes a holistic approach that covers all forms of human trafficking and exploitation, regardless of the purpose.

- **the institutional and policy framework for action against THB (co-ordinating bodies, specialised entities, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

As for the Public Prosecutor's Service as an institution, it should be first noted that the Public Prosecutor's Office has a specialised Human Trafficking Unit that coordinates the work of provincial specialised designated prosecutors, on a daily basis, providing them with legal advice and support they may need, and establishing common interpretative criteria. The specialists form a network of 101 people, which comprise national and provincial specialised designated prosecutors and liaison officers working with the local prosecutor's offices.

For its part, the Human Trafficking Unit of the Public Prosecutor's Office carries out comprehensive monitoring of all court cases on human trafficking initiated in Spain, crimes committed against the rights of foreign nationals and prostitution crimes through the opening of the follow-up proceedings files that contains all the vicissitudes of the course of the judicial proceedings until they are concluded with a final and non-appealable judgment. These follow-up proceedings files serve as the basis for the preparation of this report and they are therefore attached.

Also, as previously mentioned, since March 2021, the Human Trafficking Unit has a permanent liaison officer from each specialised unit for trafficking in human beings of the Spanish police forces (Policía Nacional, Guardia Civil, Mossos d'Esquadra/Catalonia and Ertzaintza/Basque Country) with whom it meets on a regular basis.

This liaison role can also be found at provincial level, where provincial specialised designated prosecutors maintain regular contact with the law enforcement bodies specialised units and convene six-monthly /annual meetings as required in the said 2011 Framework Protocol for the Protection of Victims of Human Trafficking. These meetings are attended by senior police officers specialised in the investigation of human trafficking crimes, a representative of the

Labour and Social Security Inspectorate or the equivalent body of the Autonomous Communities and a representative of the concerned Autonomous Community Government Office (Delegación de Gobierno) or Provincial Government Office (Subdelegación del Gobierno). Civil society organisations operating in the province are also convened and, on the invitation of the presidents of the Autonomous Community High Courts of Justice (Tribunales Superiores de Justicia), the presidents of the respective Provincial Courts (Audiencias Provinciales) may also attend it as well as the Representative Judges (Jueces Decanos) who considered it appropriate.

Finally, apart from participating in bodies, fora and instruments that bring together the Spanish institutions to fight human trafficking at national and international level, previously mentioned (section 17 and 18 of this report, among others), the Human Trafficking Unit of the Public Prosecutor's Office meets regularly with NGOs specialising in the field and convenes a coordinating meeting every six months with the Spanish Network against Trafficking in Persons.

At the General Council of the Judiciary level, the Commission for Gender Equality has all the lines of action of the General Council of the Judiciary on trafficking in human beings.

Recently, the Gender Equality Specialists Network, in which a human trafficking working group will be established, has been set up within the General Council of the Judiciary. The group will be responsible for reviewing the guidelines on the criteria for judicial action against trafficking in human beings and analysing case law on the matter. Also, efforts will be made to draw up conclusions and develop best practice recommendations, which will be communicated to the judges, and hold regular meetings with legal actors involved in combating human trafficking, allowing us to identify problems and find solutions.

Likewise, the International Relations Service of the General Council of the Judiciary ensures that Spanish judges participate in different areas of international cooperation through specific anti-human trafficking cooperation programmes participating with programmes and institutions such as Fiap (Foundation for the Internalisation of Public Administrations), El PACCTO, UNODC, etc.

Within the sphere of the Ministry for Gender Equality:

- **Social Forum against Trafficking for the Purpose of Sexual Exploitation**
- The **Framework Protocol** provides for collaboration with organisations with accredited experience in assisting victims and there are also specific protocols at community

autonomous level on institutional action to combat human trafficking for the purpose of sexual exploitation (e.g., protocols in Galicia, Catalonia, Extremadura).

- A **working group** has been set up within the **Sectoral Conference on Gender Equality** to review the procedure to grant the status of victim of trafficking for the purpose of sexual exploitation.

In the field of the Nacional Rapporteur, follow-up meetings have continued to be held every two months with all public stakeholders and civil society entities. The National Rapporteur, through its focal point (Centre for Intelligence against Terrorism and Organised Crime (CITCO)), monitors and assesses the implementation of Instruction 6/2016 of the State Secretariat for Security on Law Enforcement Bodies to Combat Human Trafficking and Collaborate with Organisations and Bodies with Proven Experience in Assisting Victims.

- **the current national strategy and/or action plan for combating trafficking in human beings (objectives, main activities, budget, bodies responsible for the implementation, monitoring and evaluation of results);**

The National Strategic Plan against Trafficking and Exploitation of Human Beings (PENTRA) is based on the following general principles: placing **victims at the centre** of all actions undertaken by public authorities, customising the assistance provided to victims to the diverse situations of **vulnerability**, giving due consideration to the **gender dimension**, committing to a **comprehensive concept** of trafficking that encompasses all the purposes of this crime, establishing a **multidisciplinary approach** that ensures the necessary interaction between all stakeholders, both public and private, specially civil society, and, finally, tackling appropriately the **demand** for services of victims of human trafficking.

It is divided into five large sections. Firstly, an **executive summary** that serves as an introduction and outlines the structure of the plan. This is followed by a **general framework** with an updated analysis of the national and international regulations, along with the strategic and operational tools currently available in these domains, and the latest insights into the state of trafficking at both national and international levels. The third section outlines the plan's **overall objective and guiding principles**, including its purpose and developing the principles on which it is founded. This is followed by a description of the plan's priorities, lines of action and measures, specifically 5 priorities, 16 lines of action, and 62 specific measures.

The priorities established by PENTRA are: to strengthen the **detection and prevention** of human trafficking; to improve the **identification, referral, protection, assistance and recovery** of human trafficking victims; to bolster the **prosecution of this crime**; to

encourage **cooperation and coordination** at national and international level, and lastly, to **boost and stimulate knowledge** about human trafficking.

Once PENTRA's effective period had ended, an evaluation, which has yet to be submitted, was conducted. Following this, work will begin on drawing up a second plan, thereby also complying with one of the measures of the Second National Human Rights Plan 2023-2027.

➤ **recent case-law concerning THB for different forms of exploitation.**

Please see **CASE-LAW BULLETINS** 2021, 2022, 2023, 2024 (*CONTENTS: Section 3 – 'Case-law Bulletins'*) attached as supporting documentation.

Listed below are the links. Please note that there are judgments of Provincial Courts (Audiencias Provinciales), which are the criminal prosecution bodies of first instance for this type of crimes, also some of the National High Court (Audiencia Nacional), and of the Supreme Court (Tribunal Supremo), which is the highest court in Spain that delivers judgments of cassation and sets precedents.

Year 2023

Supreme Court (Tribunal Supremo)

- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:6008,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:6008)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:5096,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:5096)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:4283,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:4283)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:3784,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:3784)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:2412,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:2412)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:2948,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:2948)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:1837,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:1837)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:1428,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:1428)

- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:656,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:656)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:375,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2023:375)

Provincial Courts (Audiencias Provinciales)

- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB U:2023:1023,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB U:2023:1023)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB :2023:15475,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB :2023:15475)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AP MA:2023:4394,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AP MA:2023:4394)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APS A:2023:614,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APS A:2023:614)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APS A:2023:540,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APS A:2023:540)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB U:2023:882,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB U:2023:882)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:API B:2023:2626,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:API B:2023:2626)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APS S:2023:507,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APS S:2023:507)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AP M:2023:14671,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AP M:2023:14671)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AP O:2023:2661,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AP O:2023:2661)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APC O:2023:689,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APC O:2023:689)
- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AP M:2023:14590,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AP M:2023:14590)

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- [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:10896,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:10896)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APS:2023:775,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APS:2023:775)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:9324,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:9324)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APMA:2023:1600,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APMA:2023:1600)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APIB:2023:1149,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APIB:2023:1149)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:6229,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:6229)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APAL:2023:810,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APAL:2023:810)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APH:2023:850,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APH:2023:850)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APL:2023:288,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APL:2023:288)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APSG:2023:9,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APSG:2023:9)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APP:2023:462,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APP:2023:462)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB:2023:922,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB:2023:922)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:4840,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:4840)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB:2023:4325,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB:2023:4325)
 - [https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APMA:2023:973,](https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APMA:2023:973)

- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APC:2023:7>,
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APGC:2023:2593>,
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APMA:2023:1540>,
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2023:20483>,

Year 2024

Supreme Court (Tribunal Supremo)

- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2024:5378>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2024:5158>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2024:4504>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2024:3729>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2024:3296>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2024:1462>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:TS:2024:1108>

National High Court (Audiencia Nacional)

- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:AN:2024:5920>

Provincial Courts (Audiencias Provinciales)

- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APA:2024:324>

- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APC:2024:3340>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APCA:2024:2878>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APC:2024:3330>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APSE:2024:2569>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APIB:2024:2887>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APMA:2024:3421>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APCU:2024:435>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APT:2024:1484>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APJ:2024:1167>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APSS:2024:602>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB:2024:8331>,
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APBA:2024:560>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APGC:2024:905>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2024:7484>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APAB:2024:342>

- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB:2024:17199>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APGR:2024:866>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB:2024:10792>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APBU:2024:362>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APB:2024:4732>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APNA:2024:1135>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APBU:2024:184>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APGC:2024:2491>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APM:2024:2878>
- <https://www3.poderjudicial.es/search/juez/login/doc/doclogin.jsp?ECLI=ECLI:ES:APMU:2024:711>

Part III - Statistics on THB

42. Please provide the following statistics, per year starting with 2022, where available disaggregated as indicated below:

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

Please see the Statistical Balance on Trafficking and Exploitation of Human Beings in Spain 2020-2024 available at the following link:

TRAFFICKING AND EXPLOITATION OF HUMAN BEINGS IN SPAIN

- **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

This type of distinction is not made.

- **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

All victims of trafficking in human beings that are formally identified are referred to appropriate services for specialised assistance; however, no statistics are collected on this issue.

- **Number of child victims of THB who were appointed legal guardians.**

The General Council of the Judiciary reports that if it is found that a minor is a victim of trafficking in Spain, a legal guardian may be appointed in case the minor does not have one in Spain and is in a situation of neglect; also if as a precautionary measure taken in criminal proceedings a decision to remove parental responsibility may have been established and the minor would need a legal guardian. All minors with legal guardians other than the parent are registered in the computer systems, but it is neither recorded nor monitored if they are victims of trafficking, without prejudice to the fact that this information is included in the file and known to the legal guardians.

The Human Trafficking and Immigration Unit of the Public Prosecutor's Office notes that Spanish law provides for **administrative guardianship** of minors in a situation of neglect where guardianship is assumed by the public bodies responsible for child protection of the Autonomous Communities and is granted automatically by operation of law in urgent cases.

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

Data disaggregated by age is not recorded.

- **Year 2022**

SEXUAL		LABOUR	
MALE	FEMALE	MALE	FEMALE
3	173	28	4

PROCESSED			
ACCEPTED AND GRANTED		NOT ACCEPTED	CLOSED
122		85	1
MALE	FEMALE		
15	107		

NATIONALITY	NUMBER	
	MALE	FEMALE
COLOMBIA		70
PARAGUAY		26
VENEZUELA	1	14
PERU		11
BRAZIL		10
NIGERIA		10
ROMANIA	7	

NICARAGUA	1	5
MOROCCO	4	2
HONDURAS		6
INDONESIA	6	
INDIA	3	
PAKISTAN	4	
MOLDOVA	1	2
VIETNAM	3	
DOMINICAN REPUBLIC		3
CUBA		2
EL SALVADOR		2
BOSNIA AND HERZEGOVINA		2
RUSSIA		2
CHINA	1	1
SYRIA		1
TANZANIA		1
HAITI		1
GUATEMALA		1
TUNISIA		1
URUGUAY		1
NEW ZELAND		1

GUINEA		1
GUINEA-BISSAU		1

- **Year 2023**

SEXUAL		LABOUR	
MALE	FEMALE	MALE	FEMALE
7	183	43	15

PROCESSED		
ACCEPTED AND GRANTED	NOT ACCEPTED	CLOSED
155	93	-

NATIONALITY	NUMBER
COLOMBIA	112
PARAGUAY	20
VENEZUELA	15
PERU	12
BRAZIL	9
ALBANIA	2
MOROCCO	10
HONDURAS	2

THAILAND	5
DEMOCRATIC REPUBLIC OF THE CONGO	4
PAKISTAN	7
MOLDOVA	2
ARGENTINA	3
DOMINICAN REPUBLIC	21
CUBA	5
MEXICO	1
CAMEROON	2
RUSSIA	2
CHINA	5
SENEGAL	6
BURKINA FASO	2
TAJIKISTAN	1

- **Year 2024**

PERIOD BY TYPE	SEXUAL	LABOUR	CRIMINAL OFFENCES	TOTAL
MALE	3	29	10	42
FEMALE	212	8	3	223
TOTAL	215	37	13	265

NATIONALITY	NUMBER
COLOMBIA	118
VENEZUELA	39
PARAGUAY	20
MOROCCO	17
BRAZIL	10
SENEGAL	8
PERU	6
GUINEA	6
THAILAND	6
NIGERIA	4
ARGENTINA	3
PAKISTAN	3
CHINA	3
DOMINICAN REPUBLIC	3
HONDURAS	3
RUSSIA	2
UZBEKISTAN	2
BOLIVIA	1
PANAMA	1
CONGO-BRAZZAVILLE	1

MYANMAR	1
THE GAMBIA	1
GUINEA-BISSAU	1
EQUATORIAL GUINEA	1
GUINEA	1
NEPAL	1
SOMALIA	1
ALBANIA	1
VIETNAM	1

- **Number of victims of THB granted a residence permit, with an indication of the type of the permit (for the purpose of co-operation in the investigation/proceedings, on personal grounds, other) and its duration (disaggregated by sex, age, nationality, form of exploitation).**

The initial residence permit is granted for 1 year.

TYPE OF PERMIT	COLLABORATION WITH AUTHORITIES		PERSONAL CIRCUMSTANCES	
	MALE	FEMALE	MALE	FEMALE
	21	180	14	26

➤ **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

Following are the tables with the data available on evolution of the refugee status and subsidiary protection (positive decisions) on grounds of trafficking in human beings in the 2022-2025⁷ period, disaggregated and by sex, nationality and age groups.

Positive decisions on international protection, years 2022-2025, **disaggregated by nationality**

Nationality	2025	2024	2023	2022
ALBANIA			1	
BENIN	2			
BRAZIL			1	
CAMEROON	1		5	
CHILE				1
COLOMBIA	11	12	23	12
CONGO-BRAZZAVILLE		1		
CÔTE D'IVOIRE		1		1
CUBA	2	1		
ECUADOR		1		
EL SALVADOR				3
THE GAMBIA	1		1	
GHANA	1			1

⁷ All data for 2025 are provisional as for 30 September 2025

GUINEA			2	2
HAITI		3		
HONDURAS	4		4	1
INDIA			1	
MALI	1			1
MOROCCO	1			
NIGERIA	8	5	34	62
PERU			1	1
DEMOCRATIC REPUBLIC OF THE CONGO	2			1
DOMINICAN REPUBLIC	1			
SENEGAL	1		2	1
SOMALIA	1			
UKRAINE				1
VENEZUELA	3	1	5	
VIETNAM				1
ZIMBABWE	1			
TOTAL	41	25	80	89

Positive decisions on international protection, years 2022-2025, disaggregated by **sex**

Sex	2025	2024	2023	2022
FEMALE	35	19	69	78
MALE	6	6	11	11
TOTAL	41	25	80	89

Positive decisions on international protection, years 2022-2025, disaggregated by **age groups**

Age groups	2025	2024	2023	2022
0-13 years old	6	5	7	18
14-17 years old	2	2	1	3
18-34 years old	29	15	58	59
35-64 years old	4	3	13	9
+65 years old			1	
TOTAL	41	25	80	89

- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**

In virtually all convictions for the crime of trafficking in human beings in which victims claimed compensation, it has been granted. However, it should be noted that the amounts of compensation vary considerably, victims receive between EUR 3 000 and EUR 150 000, in some cases.

There is no information on whether victims have actually received compensation in full or in part.

In some judgments, such as the Judgment of Madrid Provincial Court (Audiencia Provincial) 6229/2023, the criteria of the ECHR case-law in case ECHR Krachunova v. BULGARIA have been applied, so that not only compensation for moral damage was established, but also for loss of earnings.

➤ **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

Within the Reception System of International and Temporary Protection the following persons were assisted:

- 2022: 488 cases of Possible Victims of Trafficking in Human Beings
- 2023: 992 cases of Possible Victims of Trafficking in Human Beings
- 2024: 836 cases of Possible Victims of Trafficking in Human Beings

The Ministry of the Presidency, Justice and Relations with the Parliament has provided the following information:

1. **Compensation:**

Compensation for victims is paid within the framework of legal proceedings. The Spanish Asset Recovery and Management Office (ORGA) has only information regarding cases in which it intervenes, always entrusted to do so by the competent court. In such cases, the amount from the resources managed by the Office, once the final judicial decision on confiscation is passed, will be transferred in the manner provided for in the sixth additional provision of the Criminal Procedure Act and in Royal Decree 948/2015, of 23 October, regulating the Office which establishes the following:

- The judicial body is requested to report on the amount of compensation to victims agreed in the judgment and pending payment. Where appropriate, the amount necessary to pay such compensation shall be transferred to the court.
- The remaining amount shall be transferred to the Treasury

With regard to ORGA's action in human trafficking proceedings, 21 files have been admitted for processing since it was created until 30 June 2025, of which five have been finalised with the following result:

- Amount transferred to the court to pay compensations: EUR 219.00
- Amount transferred to the Treasury: EUR 26 885.00

2. Assistance of victims:

Apart from what was mentioned in the previous point, it should be noted that once the amount requested to pay compensation to victims pending payment has been transferred to the courts, the remainder amount is transferred annually to the Treasury as public law revenue. 50 % of this amount is destined to comply with the purposes established in the sixth additional provision of the LECrim (namely, support programmes of assistance of victims of crimes and action against organised crime), once the operating and management costs of the Asset Recovery and Management Office provided in the Budget of the Ministry of Justice are deducted. The distribution of these resources is fixed by the Committee for the Allocation of the Proceeds of Crime.

Two projects directly related to trafficking of human beings have been financed up to 30 June 2025:

Project	Year	Amount granted CABID
Public Prosecutor's Office - project 'Monitoring of all Human Trafficking Proceedings on National Territory'	Year 2022	EUR 31 384.65
Public Prosecutor's Office - project 'Acquisition of Material Resources for the Public Prosecutor's Office and Acquisition of Materials Necessary for the Proper Performance of the Activities of the Human Trafficking and Immigration Unit of the Public Prosecutor's Office'.	Year 2025	EUR 4 000.00

Although the following projects are not specifically related to trafficking in human beings, they focus on victims of criminal offences, which may include victims of trafficking:

Project	Year	Amount granted CABID
Public Prosecutor's Office - project 'Streamlining the Monitoring System for Vulnerable Victims'	Year 2021	EUR 73 199.50
Ministry of Justice – project 'Office for the Assistance of Victims of Crime (OAVD)'	2019 to 2025: EUR 583 068.08	EUR 72 600.00 (year 2019) EUR 69 484.33 (year 2020) EUR 92 289.97 (year 2021) EUR 72 308.60 (year 2022) EUR 80 000.00 (year 2023) EUR 80 617.13 (year 2024) EUR 115 768.05 (year 2025)

➤ **Number of victims of THB who received free legal aid.**

No information is available on this point.

➤ **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**

Spain ensures that victims of trafficking in human beings will not be subject to forced return or repatriation, promoting instead mechanisms for assisted voluntary return, while respecting

their rights and safety needs. There is no data available on formally identified victims who were returned.

- **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

	2020	2021	2022	2023	2024
Police reports for sex trafficking	68	58	67	108	104
Víctims of sex trafficking	160	136	129	294	256
Police reports for labour trafficking	20	13	29	39	35
Víctims of labour trafficking	99	51	89	195	246
Police reports on trafficking for begging	0	0	0	2	0
Víctims of trafficking for begging	0	0	0	2	0
Police reports for trafficking for criminal activities	2	0	2	2	2
Víctims of trafficking for criminal activities	7	0	9	6	3
Police reports for trafficking for forced marriages	2	3	2	5	8
Víctims of trafficking for forced marriages	3	2	2	5	8

- **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

See DETAILED SUMMARY TABLES OF CHARGES AND JUDGMENTS attached (INDEX: *Section 4 – ‘Detailed Summary Tables of Charges and Judgments in THB’*).

➤ **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

See DETAILED SUMMARY TABLES OF JUDGMENTS attached (*INDEX: Section 4 – 4.3, 4.4, 4.7, 4.8, 4.11, 4.12, 4.15 and 4.16*).

➤ **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**

See DETAILED SUMMARY TABLES OF JUDGMENTS attached (*INDEX: Section 4 – 4.3, 4.4, 4.7, 4.8, 4.11, 4.12, 4.15 and 4.16*).

➤ **Number of judgments in THB cases resulting in the confiscation of assets.**

The money and assets seized from the persons under investigation that originate from illegal activities, i.e. exploitation of victims, are always subject to confiscation and designated first and foremost for victim compensation, which may cover damages caused as a result of the criminal offence (physical, psychological and moral damage) through civil liability, in accordance with Articles 127, 127 bis et seq. of the Criminal Code.

The Case-Law Bulletin for the first half of 2023 includes Judgment of BARCELONA Provincial Court 21/2023, of 9 January, Section 21. DP 1118/2018, which analyses the case law on the concept of confiscation.

The Judgment of the Autonomous Community High Courts of Justice (Tribunal Superior de Justicia) of Castile and Leon No. 15/23 (Appeal Roll 50/22 v. Judgment of Leon Provincial Court, 29-3-22) confirmed the confiscation of the seized money and the closure of the club imposed in the first-instance judgment.

In 2024, Section 4 of the Madrid Provincial Court (Judgment No. 363/2024 of 25 November, from Summary Proceedings 873/21) did indeed give its judgment on an separate confiscation proceedings initiated the previous year upon application by the Public Prosecution Service as a result of proceedings for trafficking, coercive prostitution and criminal offences against public health. The complaint, filed jointly with the asset recovery prosecutor of the Provincial Prosecutor's Office, regarding a significant sum of money that had been sequestered, owned by one of the two defendants, who died before being tried. The ruling upheld the Prosecutor's complaint, thus ensuring that the victim will receive compensation despite the death of the defendant.

With regard to asset investigations, which are essential for further confiscations, provincial specialised designated prosecutors and law enforcement bodies are aware of their importance in the fight against this type of organised crime and thus insist on requesting financial investigation measures, from the outset of investigations, or implementing them during Preliminary Proceedings. They may, if necessary, request the assistance of the ORGA, and international police and judicial cooperation (by a European investigation order or a letter rogatory, as the case may be) or the REDTRAM (Network of Specialised Prosecutors on Trafficking in Persons and Smuggling of Migrants of the AIAMP), since most of the profits obtained are redirected to the countries of origin of the persons under investigation.

Progress is also being made regarding money laundering proceedings, related to or arising from investigations into trafficking and sexual exploitation, such as Summary Proceedings No. 461/22 of the Court of First Instance No. 6 of Murcia, after an indictment for THB and money laundering was filed in 2023, as well as Preliminary Proceedings (DP) No. 521/21 of the Court of First Instance No. 3 of Cartagena, in which testimony has been taken to continue the investigation into money laundering in a separate case, and DP No. 413/22 of the Court of First Instance No. 3 of Santander, Operation 'Cíclope' [Cyclop], which was completed in November 2023.

➤ **Number of convictions of legal entities for THB.**

See DETAILED SUMMARY TABLES OF JUDGMENTS attached (*INDEX: Section 4 – 4.3, 4.4, 4.7, 4.8, 4.11, 4.12, 4.15 and 4.16*).