

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



CP(2025)06

**Report submitted by the authorities
of Spain
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2023)08 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Third evaluation round

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



INTERMEDIATE REPORT ON THE
RECOMMENDATION CP/REC(2023)08
ON THE IMPLEMENTATION OF THE
COUNCIL OF EUROPE CONVENTION
ON ACTION AGAINST TRAFFICKING IN
HUMAN BEINGS BY SPAIN

Madrid, 27 June 2025

List of Topics related to the third evaluation round of the Convention

This report has been prepared in accordance with the framework of the list of GRETA's conclusions and proposals for action set out in the third evaluation report.

Right to information

- **GRETA considers that the authorities should strengthen the systematic provision of information to presumed victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking, including by:**
 - **ensuring the full implementation of Instruction 6/2016 as regards cooperation between law enforcement agencies and specialised NGOs following the detection of presumed victims of THB;**

The Counter-Terrorism and Organised Crime Intelligence Centre (CITCO), as focal point of the National Rapporteur on Trafficking in Human Beings promoted Instruction 6/2016 establishing the criteria for communication, collaboration and cooperation between State Security Forces and specialised civil society entities to assist victims of trafficking in human beings.

Aware of the importance of the Instruction, the CITCO has been monitoring its implementation since then. This has resulted in two assessment reports and the holding of working meetings.

Following the last working meeting in June 2024, conclusions and recommendations were developed. It was stated that after 8 years of implementation, the Instruction had established itself as a key resource for appropriate coordination between State Security Forces and specialised civil society organisations and entities. Also, some proposals for improvement were made, which will be monitored in future meetings.

The CITCO will continue its work to promote and monitor the Instruction, and it is expected that a new coordination meeting will be held in the last four months of 2025.

- **providing further training and instructions to law enforcement officials on how to properly explain to victims of THB their rights, taking into account their psychological state and knowledge of the Spanish legal system. Special attention should be paid to presumed victims of THB who are also asylum seekers, who should be properly informed of their rights, in a language they understand, by trained professionals and by guaranteeing the presence of specialised NGOs at the borders;**

State Security Forces have officials who are not only trained in trafficking in human beings but are also experts in investigating this type of crime and have successfully completed training courses in which representatives of the Public Prosecution Service and specialised ONG are involved. Thus, staff working with presumed victims are aware of their psychological state and prepared to properly inform them about the procedures

for the recovery and reflection period, and deadlines to provide documents, or, where appropriate, repatriation to their countries of origin.

It should be pointed out that the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation, which is currently undergoing the relevant stages of the legislative body, and which will be mentioned in various parts of this report, establishes mechanisms to ensure compliance with this recommendation. Presumed victims are entitled to be properly informed and assessed in a manner they can understand, suited to their circumstances and, if necessary, with the support of an interpreter or a cultural mediator. This information would include, among other things, information on the measures provided for in this law regarding their safety, security, rights and subsidies, and places where care, emergency, comprehensive support and recovery services are provided. They will also be informed on the right to report, the procedure to have access to counselling and legal representation, compensation they might be entitled to and available resources. The competent public authorities will establish, finance and ensure specialised information and guidance services they deemed necessary to realise the right to information, ensuring that presumed victims with disabilities and minors have also access to it.

Specific training is foreseen to be provided to public officials, specialist bodies providing care to victims and lawyers.

Moreover, the recent renewal of the State Pact against Gender-Based Violence adopted at a plenary session of the Congress of Deputies, which establishes more action lines and an allocation of €15 billion for the next five years that the Pact will be in force, sets out measures that ensure compliance with the recommendation, such as Measure 334: continuing to provide specialist, mandatory and regular further training on prevention on violence against women, gender and children's rights perspective, and trafficking in human beings to professionals that participate in legal proceedings involving minors and members of State Security Forces.

It is also important to note that since the last visit of GRETA to Spain, the European Union Agency for Asylum (EUAA) has delivered training on victims of trafficking to the staff responsible for the examination and the proposal for decisions on applications for international protection.

Specifically, 60 individuals responsible for interviews and reports of asylum cases have taken part in the five courses conducted by the EUAA since 2022 to date.

The current Directorate-General for International Protection has its own website with information for unaccompanied minors and other vulnerable persons that might be victims of human trafficking. It is directed towards applicants for international protection, temporary protection and stateless status.

<https://proteccion-asilo.interior.gob.es/es/proteccion-internacional/>

Entities that collaborate with the International and Temporary Protection Reception System and the Humanitarian Assistance Programme in Spain act with caution regarding potential victims of trafficking in human beings. At the slightest suspicion of trafficking upon arrival or reception, they are usually referred to specialised places even if they do not see themselves as victims of trafficking.

There are currently three tools to detect and assist actual and potential victims of trafficking that are either accommodated in reception facilities for humanitarian assistance or international protection financed by the Ministry of Inclusion, Social Security and Migration, or have applied to enter the International and Temporary Protection Reception System.

1. *Identification and Intervention Protocol for Potential Cases of Trafficking in Human Beings for Sexual Exploitation (2015)*

The Protocol was adopted to implement the Spanish Government's Framework Protocol for the Protection of Victims of Trafficking (2011) and sets guidelines to i) detect, ii) take action ii) inform State Security Forces iv) inform potential victims of the need to come to the reception centres directly or indirectly managed by the Ministry of Inclusion, Social Security and Migration so as they are provided with access to a specialised resource, without there being any need to carry out a formal identification procedure. Moreover, it creates the position of professional of reference for each centre or facility (or one for several centres) and establishes its functions along with a set of indicators and techniques to identify and assess potential cases of trafficking in human beings. The increased number of specialised places in accommodation facilities for victims of trafficking in human beings within the International and Temporary Protection Reception System over the last year allows for quick assessment and decision on resources they will have access to, which is usually carried out on the same day a case is reported.

2. *Procedure for referral of potential victims at Adolfo Suárez Madrid-Barajas Airport (2019)*

The Procedure sets out the steps to follow as soon as signs of trafficking are detected in applicants for international protection at Adolfo Suárez Madrid-Barajas Airport until the potential victim is provided with access to a resource based on the potential risk level. The procedure, which does not require either the formal identification of the victim by the Unit against Illegal Immigration Networks and Forgery to be launched, involves very smooth collaboration and coordination between the Ministry of Inclusion, Social Security and Migration, the Ministry of the Interior, the National Police, the Spanish Red Cross and ACNUR.

Based on the risk level, the International and Temporary Protection Reception System has three types of facilities to which actual or potential victims of trafficking can be referred to by the Ministry of Inclusion, Social Security and Migration:

- ✓ Ordinary first reception facility

- ✓ Specialised facility
- ✓ Specialised Red Cross centre: an intermediate centre that enables Spanish Red Cross to analyse the case in detail or discuss directly with the potential victims so that they accept to be referred to a specialised place in an accommodation facility.

While the protocol is for Adolfo Suárez Madrid-Barajas Airport, it is also implemented for victims identified in Barcelona and Málaga.

3. *Procedure for prevention, identification, assistance and referral of potential victims of trafficking in human beings at the Reception, Assistance and Referral Centres (CREADEs, for its Spanish Acronym) for displaced Ukrainians (2023).*

The procedure was set up when war in Ukraine started, which led to a significant influx into Spain of people coming from this country. This was channelled through four centres located in Pozuelo, Málaga, Barcelona and Alicante.

It emerged from the need to provide a rapid response to detect potential Ukrainian victims among applicants for international protection, given the speed of decisions on applications and therefore, little scope for action.

The procedure included (i) round-the-clock assistance service by specialised bodies (ii) key questions to be asked in family relationship interviews (iii) handing out of a leaflet with a telephone number and QR code and (iv) specialised training on human trafficking to staff working in the centres.

As the roles of these centres changed, the protocol was no longer necessary. However, it is mentioned because of its impact on the system arranged for the first contact between Ukrainians and the Spanish authorities and because it is considered good practice of particular interest which proved to be excellent to prevent cases of trafficking.

- **taking further steps to ensure the availability of qualified interpreters and their sensitisation to the issue of human trafficking (paragraph 54).**

Currently, the right to translation and interpretation for victims is laid down in Article 9 of Law 4/2015 of 27 April on the Standing of Victims of Crime.

Also, the rights of victims of trafficking provided for in the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation state that “assistance shall be tailored and in a language they understand, with the help of an interpreter and a cultural mediator where necessary”.

Spain takes note of the recommendation to ensure the availability of qualified interpreters and their sensitisation, and will implement it in future plans for prevention and fighting against human trafficking.

Legal assistance and free legal aid

- **GRETA encourages the authorities to update the Framework Protocol for the Protection of Victims of THB and to make it consistent with the new formulation of Article 2 h of LAJG (paragraph 58);**

Spain accepts the recommendation to update the Framework Protocol for the Protection of Victims of Trafficking in Human Beings, adopted by agreement of 28 October 2011 by the Ministry of Justice, the Ministry of the Interior, the Ministry of Employment and Social Security, Ministry of Health, Social Services and Equality, the Public Prosecutor's Office and the Spanish General Council of the Judiciary. The Protocol establishes as general principles for action ensuring that victims in special vulnerable situations are informed of their rights and provided with appropriate and specialised information through multidisciplinary assistance offered by properly trained officials and civil society organisations while protecting their privacy and identity, preventing secondary victimisation and providing them access to assistance and protection schemes, without cooperation in crime investigation being a requirement.

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

Article 16 of Law 4/2015 of 27 April on the Standing of Victims of Crime establishes the **obligation** for public officials or authorities to submit the applications for the recognition of the right to free legal aid to the relevant bar associations.

Spanish lawyers are working to ensure the necessary coordination, and the bar associations are responsible for its management. At the Spanish General Council of the Judiciary, work is conducted through the Subcommission on Violence against Women—which is answerable to the Commission for Free Legal Assistance and Social Function—and its annual conference.

It also collaborates at international level to raise awareness of the challenges faced by the legal profession in this field, and, at the European Union level, it has worked with the European Economic and Social Committee (EESC) and the Council of Europe.

- **further developing the cooperation protocols between law enforcement agencies and local Bar Associations throughout the country;**

Spain takes note of the need to further developing this type of mechanisms to improve legal aid for victims of human trafficking and sexual exploitation.

However, it is worth mentioning that the Spanish General Council of the Judiciary had already produced the Practical Guide for Lawyers on Detection and Defence of Victims of Human Trafficking.

- **encouraging Bar Associations to further improve the training of lawyers with a view of ensuring that trafficking victims are appointed specialised lawyers regardless of the geographic area where they are detected;**

The foundation for human rights of the Spanish lawyers provides specific training to members of the legal profession through the bar associations and its “Proyecto de Aulas de Derechos Humanos” [Project for Training Activities on Human Rights] that includes training on “Legal action: detection, identification and protection of victims of human trafficking”.

The Subcommission on Violence against Women holds annual conferences for lawyers working on the field. In the latest edition, Ava, a Goya award winning short film by Mabel Lozano with funding from the Spanish General Council of the Judiciary and its foundation, was shown.

- **ensuring effective access to legal aid for presumed THB victims amongst asylum seekers, by guaranteeing that lawyers can speak to them in an individual and confidential manner, with the assistance of interpreters if needed (paragraph 64).**

The Advisory Council on Victims’ Assistance of the Ministry of the Presidency, Justice and Relations with the Courts approved to set up a working group to elaborate common guidelines or a common protocol on assistance to victims of sexual or labour exploitation to be used at victims of crimes assistance offices. However, the work is at a standstill pending the adoption of the Comprehensive Organic Law against Human Trafficking and Exploitation.

Training delivered in 2004 to the staff working at victims of crimes assistance offices included training and awareness-raising on trafficking in human beings.

Given the wording of Law 1/1996 of 10 January on Free Legal Aid, the initiative for the changes on free legal aid is of an administrative nature. Once the working group for amending the protocol is convened, the Public Prosecutor’s Office will also be actively involved in any necessary amendments to be made to the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation.

After examination, the Spanish General Council of the Judiciary will draw up a report including the inputs they consider most appropriate to improve protection for victims regarding free legal aid.

In accordance with the provisions of Article 16 of Law 12/2009 of 30 October on the Right to Asylum and Subsidiary Protection, applicants for international protection shall be entitled to free medical care and legal aid which shall be extended to the official registration of the application and the relevant processing. Paragraph sixth of the Instruction of the State Secretariat for Security and the Subsecretariat on the Procedure

for International Protection of 27 March 2025 provides that, where required by an applicant for international protection, legal protection may be provided through the following: a) duty rota lawyers from the relevant bar association b) a non-governmental organisation or non-profit organisation assisting migrants or vulnerable people or c) own choice at the expense of the interested party. Paragraph fifth of the Instruction also contains provisions on the assistance of an interpreter, which is provided for by Law 12/2009 of 30 October on the Right to Asylum and Subsidiary Protection.

Psychological assistance

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

Article 5 of Law 4/2015 of 27 April on the Standing of Victims of Crime establishes that victims shall have the right, from the first contact with the authorities and officials, to be given information tailored to their personal circumstances and situations immediately, including information on psychological assistance and support. Article 28 of this Law provides that the functions of the victims of crimes assistance offices will include the provision of psychological support or assistance.

It should also be noted that specialised civil society entities and organisations provide this service to victims of human trafficking and sexual exploitation and receive subsidies financed by the general State budget to do so.

The Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation sets out the commitment and intention to ensure that access to psychological support is guaranteed to all victims of human trafficking throughout all the stages of the procedure.

The Directorate-General for Family Diversity and Social Services of the Ministry for Social Rights, Consumer Affairs and 2030 Agenda has been promoting the 2023-2030 National Strategy to Combat Homelessness in Spain, which was adopted on 11 July 2023 by the Council of Ministers and although it is not specifically aimed at assisting victims of trafficking, encourages action in line with the recommendation of Article 12, paragraph 73. It is designed to strengthen the assistance system for homeless people so that none of them sleep on the street, which means adapting and reinforcing the current support and reception system, and build a stronger approach that can help prevent homelessness. Its strands, specific objectives and lines of action established in line with the recommendation that Spain should “make further efforts to ensure that access to psychological support is guaranteed to all victims of human trafficking, regardless of their gender or form of exploitation, and to ensure adequate funding for the provision of psychological assistance to help all victims to overcome their trauma and achieve a

sustained recovery and social inclusion” include promotion of self-sufficiency in its 2nd Strand. Objective No 5 establishes “ensuring homeless people’s right to health and well-being, particularly those in greatest need that require support in the field of mental health, addictions, disabilities and gender-based violence, human trafficking and prostitution”, and Line of Action 5.10 focuses on: “Developing action aimed at providing support and addressing the needs of homeless people victims of gender-based violence, human trafficking and/or prostitution”. For its implementation and success, the national strategy has involved the General State Administration, the Autonomous Communities and local entities.

Access to work, vocational training and education

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

The Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation covers the following related to the recommendation:

- ✓ Plan for Social Inclusion and Integration into the Labour Market
- ✓ The pursuit of information and awareness-raising campaigns for employers, social workers and social partners, would also be encouraged.
- ✓ Victims of human trafficking and exploitation would have access to programmes for social inclusion and integration into the labour market, and training and employment programmes within the framework of the National Plan for Social Inclusion and Integration into the Labour Market. To this end, competent authorities will encourage collaboration with public or private enterprises and institutions.

Moreover, the State Pact against Gender-Based Violence contains some measures aiming at improving work opportunities:

- ✓ Measure 108: Setting up positive action measures for the recognition of qualifications obtained and studies undertaken abroad by victims of trafficking in human beings and sexual exploitation, and victims of gender-based violence, including exempting individuals providing documentary evidence of their situation from the payment of the fees for formalities.
- ✓ Measure 269: Prioritise victims of sexual exploitation and trafficking in human beings in training programmes on employment of disabled people financed by public funds.

Through its foundation, the Spanish General Council of the Judiciary promotes awareness-raising actions. The seminar “Invisible Victims: Forced Criminality and Restorative Justice in Prisons” was held in March 2025. It also participates in ÖDOS

Programme which helps migrant women victims of trafficking in human beings and their children after reaching the Spanish coasts.

Compensation

- **GRETA urges the Spanish authorities to make additional efforts to guarantee effective access to compensation for victims of trafficking, in line with Article 15 of the Convention, including by:**
 - **reviewing the eligibility criteria for access to the “public aid” under Law 35/1995, in order to enable all victims of trafficking in human beings, regardless of the form of exploitation and their migration status to access it;**
 - **reviewing the eligibility criteria for access to the Wages Guarantee Fund, in order to allow THB victims who are undocumented migrants to recover the unpaid salaries (paragraph 99);**

Other than the relevance of the possible review of the eligibility criteria for access to public aid established in Law 35/1995, the Draft of the Comprehensive Organic Law Against Trafficking and Exploitation of Human Beings includes the right of victims of trafficking or exploitation to receive the minimum living income and also recognises them the right to be compensated by their traffickers or exploiters.

- **GRETA considers that the Spanish authorities should take further steps to guarantee victims’ access to compensation from perpetrators, including by:**
 - **making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB;**

The Spanish Asset Recovery and Management Office (ORGA in its Spanish Acronym), set up as an auxiliary body of the Ministry of Justice, is responsible for locating, retrieving, storing, managing and realising effects arising from criminal activities under the terms provided for in criminal and procedural legislation. The Office acts by order of the competent judge or court.

The ORGA intervenes, once the final judicial decision on confiscation is passed, in cases in which the amount from the resources managed by the Office will be transferred in the manner provided for in the sixth additional provision of the Spanish Code of Criminal Procedure (LECrim) 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 judgement 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 Treasury.

With regard to ORGA's action in human trafficking proceedings, ten asset management files have been admitted for processing since it was created until December 2023, of which three have been finalised with the following result:

- ✓ Amount transferred to the court to pay compensations: 219.00 euros
- ✓ Amount transferred to the Treasury: 26,885.00€

Apart from what was mentioned in the previous paragraph, 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 Spanish LECrim (namely, support for victims of crimes assistance programmes and the fight 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.

To date, one project directly related to trafficking of human beings has been financed:

Project	Year	Amount granted CABID
Public Prosecutor's Office - project " <i>Monitoring of all human trafficking proceedings on national territory</i> "	2022	31,384.65 euros

Although the following projects are not specifically related to human trafficking, they deal with victims of crime, including victims of THB:

Project	Year	Amount granted CABID
Public Prosecutor's Office - project " <i>Streamlining the monitoring system for vulnerable victims</i> "	2021	73,199.50 euros
Ministry of Justice – project " <i>Office for the assistance of victims (OAVD)</i> "	2019 to 2023	72,600.00 euros (year 2019) 69,484.33 euros (year 2020) 92,289.97 euros (year 2021) 72,308.60 euros (year 2022) 80,000.00 euros (year 2023)

- **improving training programmes on THB and on victims' access to compensation for legal practitioners, prosecutors and judges, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB (paragraph 100).**

Training on THB is a priority for the Public Prosecutor's Office (FGE). The FGE participates in the elaboration of the annual initial and continuous Training Plan aimed at prosecutors, organises annual specialised prosecutors Conferences and participates in courses and conferences organised by the General Council of the Judiciary, law

enforcement agencies, universities, non-governmental organisations and other public and civil society bodies and entities.

The training programmes and courses on THB for specialist prosecutors and other legal practitioners in which we participate already include the topic of compensation to victims. In accordance with the jurisprudence of the Supreme Court on parameters and criteria to be followed in order to establish compensation for moral damages, the recipients of this training are encouraged to request the corresponding amounts, as well as the amounts not received for services rendered and for the proven physical and psychological harm and sequels.

The need to trace assets and illicit profits of those investigated has also been stressed in training programmes, not only to prove the crime but also to facilitate the enforcement of the civil judgements. International cooperation is also encouraged when the proceeds have gone overseas. As prosecutors also intervene during the enforcement phase with the same objective, it is emphasised that such participation must be active.

A specific section on protection of victims of human trafficking aimed at training legal professionals and law enforcement agencies to provide a comprehensive reparation for victims was included by the FGE.

According to Article 109 of the Spanish Criminal Code, in criminal proceedings, the perpetration of a deed defined as a criminal offence by Law shall entail, pursuant to the provisions contained in the laws, to repair the damages and losses caused thereby, i.e. unless victims expressly renounce, there is an obligation to compensate them.

The Judicial School, a dependency of the General Council of the Judiciary (CGPJ), set up as a centre for the selection and training of judges and magistrates judges, is charged with providing comprehensive, specialised and high-quality tutelage for members of the judiciary and those aspiring to become members. The School's curriculum includes a specific subject on human trafficking, as well as equality, non-discrimination and gender-sensitive prosecution.

The management of the School issued a report, of 7 February 2025, about training activities on trafficking in human beings and/or forced labour in 2023 and 2024, and planned for 2025, in the judicial school. According to this report, the training on trafficking in human beings and/or forced labour provided by the Judicial School to trainee judges entering the judiciary through public entrance exam is carried out within the framework of the theoretical and practical course, trainees attend in person in Barcelona. The content of this specific training is detailed as follows:

1. The Teaching Plan for the academic years 2023-2024, 2024-2025 and the current academic year provide for an activity focused on THB, which is organised by the Department of Criminal Law and Criminal Procedural Law.

The curricular structure of the Initial Training Plan of the CGPJ Judicial School listed below includes an activity specifically dedicated to human trafficking, which is

integrated within the Ordinary Training for the performance of the judicial function, as a complementary and compulsory activity for all trainee judges:

Criminal Law and Criminal Procedure Area	
Core Subjects	Complementary Activities
1. Start of the proceedings	1. Criminalistics I
2. Trial and minor offences judgments	2. Criminalistics II
3. Technological measures of investigation	3. Key criminal declarations
4. Personal precautionary measures	4. Hate crimes
5. Conclusion of the instruction phase	5. Training visits to prisons
6. Violence against women	6. Training visits to law enforcement agencies
7. Oral trial. Summary trial	7. Mock trial proceedings (Judicial School, Schools of Legal Practices, Universities, Higher Institute of Law and Economics)
8. Individualisation of the sentence: circumstances modifying a case	8. Jury Court
9. Sentence and enforcement	9. Airports
10. Ordinary proceedings	10. Alcohol testing
	11. Violencia de género
	12. Addictions
	13. Victim Statute
	14. Complex cases
	15. Trafficking in human beings
	16. Forensic medicine
	17. Duty court
	18. Immunity of the State and its bodies and agents
	19. Seminars on criminal law

This activity addresses the crime of trafficking in human beings focusing on the human rights affected, the existing instruments to identify and protect victims, the challenges of initiating an investigation into such crimes and the case-law developed, paying special attention to minors and the gender-based approach.

The conference aims to offer an interdisciplinary view of the relevance of the crime of trafficking in human beings, going beyond legal concepts, and its serious impact on the life and fundamental rights of the victims.

The objectives of the activity are the following:

- ✓ To know in depth the legal framework and the most relevant national and international case-law on THB.
- ✓ To raise awareness in judicial work of the special characteristics of victims of THB in order to take a statement from a victim in an appropriate manner, and with a gender-based approach.

- ✓ To know the procedural challenges that may arise in the investigation and prosecution of these crimes and the ways to solve them.
- ✓ To be able to take the necessary precautionary measures to provide an adequate protection to the victims of these crimes.

Victims, public entities and non-governmental organisations working in the field of the fight against human trafficking in Spain, members of the law enforcement agencies, as well as judges and prosecutors who are experts in this type of crime will participate in this activity.

This activity is developed in three areas and students are divided into four groups:

- ✓ The first session, which lasts an hour and a quarter, includes the participation of victims, public entities and non-governmental organisations working in the fight against human trafficking in Spain, such as: the Municipal Unit against Human Trafficking of Barcelona City Council; the Association for the Promotion and Professional Insertion (APIP) and the Civic Association for Mutual Aid (ACAM); the Sisters Adorers organisation (SICART CAT); and the Association for the Prevention, Reintegration and Care of Prostituted Women (APRAMP).
- ✓ During the second session, an hour and a quarter, members of the State Law Enforcement Agencies working at units specialised in THB will intervene.
- ✓ The final session includes the participation of four experts from the judicial field (three judges and a delegated prosecutor for aliens and trafficking) giving a lecture on the procedural legal framework of these crimes and how to address the main challenges during their investigation and prosecution.

II. The Teaching Plan for the academic years 2023-2024, 2024-2025 and the current academic year include an activity organised by the Department of Constitutional Law and European Union Law, in which the actions and case-law of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment are analysed in depth.

The curricular structure of the Initial Training Teaching Plan of the CGPJ Judicial School listed below includes an activity specifically dedicated to the Committee for the Prevention of Torture, which is integrated within the Transversal Training for the performance of the judicial function, as a core and compulsory activity for all trainee judges:

Block III: <i>Transversal</i> Training for the performance of the judicial function	
<i>Core subjects</i>	
1. International judicial cooperation	8. Digital society
2. Infancy and adolescence	9. English
3. Disability and vulnerability	10. Tax procedures
4. Mediation (social, civil and contentious-administrative law)	11. Databases

5. Restorative justice	12. Committee for the prevention of torture
6. Gender perspective (civil, criminal, social y contentious-administrative law)	13. Data protection in the jurisdictional function
7. Organic Law	

It should be noted that the Committee not only addresses the provisions of Article 3 of the European Convention on Human Rights (ECHR), which establishes that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”, but also the rights of persons deprived of their liberty by a decision of the public authorities, both criminal courts and penitentiary establishments, as well as civil courts in matters relating to forced internment in psychiatric care centres, homes for the elderly or juvenile detention centres. Regarding administrative decisions, the Committee also deals with aspects on the treatment of victims in police stations, border posts or in detention centres for foreigners, among others. Furthermore, the Committee for the Prevention of Torture has developed a huge body of soft law, the analysis and knowledge of which is of great importance for judicial practice.

In order to address these issues, the area of Constitutional and European Union Law is organising this one hour and a half activity, which offers a practical insight into all aspects of the Committee, with the participation of experts providing specific examples and their direct experiences in this field.

This activity also includes a detailed and in-depth analysis of the crime of torture and inhuman treatment. From this analysis, it is concluded that this crime is not only considered an attack on the human rights of those subjected to torture or inhumane treatment, but also a breakdown of the rule of law, as the perpetrators of this crime are public servants. The case-law of the European Court of Human Rights is also studied, paying special attention to various judgements related to this area. Finally, the work carried out by the UN High Commissioner for Human Rights - Committee against Torture, as well as the Istanbul Protocol, will be analysed.

III. Furthermore, various seminars have been held at the Judicial School in collaboration with the Spanish National University of Distance Education (UNED) since 2022. Among them it should be highlighted the seminar on the “Effects of the decisions of the Human Rights Committees and bodies”, in which the judgments of the European Court of Human Rights (ECtHR) and the decisions of committees and other international Human Rights bodies are examined in depth, with the aim of analysing in detail their effects and their impact on the domestic legal system. This two-hour seminar is compulsory for all trainee judges.

IV. The External and International Relations Department of the Judicial School manages the HELP courses of the Council of Europe in which serving judges and magistrates participate.

The Spanish Judicial School is aware that human rights training is essential for judges to be able to carry out their work, in accordance with the demands of a modern democratic society. Judicial training in human rights should cover the entire judicial career and all jurisdictions simultaneously. This task should, therefore, begin in initial training, emphasising the role of judges as the main guardians of rights. However, it must not be abandoned throughout the entire professional career of judges, as continuous training allows judges to meet both new developments in rights and the changing challenges of a globalised society.

This is the framework of the activities held by the School in collaboration with HELP.

The activity was focused on THB for the 2022 and 2023 editions. Fifteen judges completed the course in the 2022 edition and eight in 2023.

This free online course has been developed by the Council of Europe's European Human Rights Education Programme for Legal Professionals 'HELP', using the HELP methodology.

The course aims to provide training in combating trafficking in human beings by adopting a multidisciplinary approach, which includes prevention, protection of victims' human rights and prosecution of traffickers, and also seeks to harmonise relevant national laws and ensure that they are applied consistently and effectively.

The Council of Europe Convention on Action against Trafficking in Human Beings is studied in this course. In addition to the criminalisation of trafficking, the Convention imposes positive obligations on states to implement effective measures to prevent human trafficking, to protect the rights of victims of human trafficking, and to engage in international co-operation and co-operation with civil society to these ends. Additionally, the course analyses the case-law of the European Court of Human Rights as well as other international legal instruments and national good practices, focusing on the protection of victims of human trafficking.

The course explores topics in a practical way through presentations, interactive screens, knowledge tests and reflective exercises. It is designed to equip practitioners with the ability to effectively apply the standards developed under the Council of Europe Convention on Action against Trafficking in Human Beings (the CoE Convention) in their daily work.

This training activity consists of 11 substantive modules and a Welcome and Introduction module:

1. Introduction and legal framework: the human trafficking problem, the Council of Europe response, the EC Convention and its monitoring.
2. Definitions and legal concepts: the definitions and legal contained in the EC Convention and other relevant international instruments.
3. Identification of victims: the importance of the identification of victims, the States' duty to identify victims, the cooperation with NGOs in victims' identification.

4. Assistance for victims of THB: rights of victims to assistance and support and the related States' obligations, the effects of trauma and victimisation on physical and mental health, minimum standards of care that States should provide, right to a recovery/reflection period and the rules for its application, minimum conditions for granting a temporary residence status to victims of THB.
5. The non-punishment principle: the legal nature and scope of f non-punishment principle, the difference of its application to children's cases and to adult cases, the meaning of compulsion, States' obligations to apply this principle.
6. Investigation, prosecutions and victims' rights: the specific aspects of the investigation and prosecution in cases of THB, the relevance of the protection and assistance to victims and witnesses, the relevance of seizing and securing assets from the outset.
7. Sentencing: criteria that should be taken into consideration when deciding on the severity of sanctions: retribution, general prevention, special prevention and reparation.
8. Compensation: the relevance of compensation in human trafficking cases, the material and immaterial damages covered by compensation, the source of compensation (the perpetrator or the State).
9. The rights to international protection, return and repatriation of victims of trafficking: international standards, safe, dignified and preferably voluntary return, requirements for returning child victims, the non-refoulement principle.
10. Technology and human trafficking: Exploring the multifaceted role of technology in human trafficking, including its impact on victim recruitment and exploitation, its potential to aid THB victims through initiatives, and its application in supporting investigations of THB cases.
11. Trafficking of human beings for the purpose of labour exploitation: Exploring the legal framework and key processes in addressing trafficking for labour exploitation, including the definition of offenses, involvement of key actors, challenges in victim identification, victims' rights, and available remedies throughout investigations and trials.

V. The External and International Relations Department of the Judicial School is also managing during the current academic year the participation of the Judicial School in the AECID Triangular Cooperation Programme for the Fight against Human Trafficking, with the judiciaries of Ecuador and Peru (coordinated by the CGPJ's International Relations Department).

Furthermore, Organic Law 5/2018, of 28 December, on the reform of Organic Law 6/1985, of 1 July, on the Judiciary, on urgent measures in application of the State Pact on gender violence embodies the legislator's will towards providing effective training and specialisation for professionals working in the field of combating violence against women. In order to achieve this objective, three essential aspects of the Organic Law of the Judiciary are amended: a) the knowledge required to pass the selection tests to enter the Judiciary and the specialised training received in the Judicial School by those

who are already part of it; b) the creation of specialisation tests on violence against women; and c) the promotion of specialisation in the prosecution bodies, specially Criminal Courts. The CGPJ is currently working on the regulation and design of the specialisation tests on violence against women provided for in articles 311(1) paragraph 3, 311(2), 311(6), 312(2, 3 and 4) of the Organic Law of the Judiciary, on the basis of Organic Law 5/2018. Passing the tests for promotion and specialisation in violence against women will give absolute preference for access to posts in certain bodies with competences in this area.

Finally, one of the most important competences of the General Council of the Judiciary is the continuous training of members of the judiciary. The CGPJ guarantees that all members of the judiciary receive continuous, individualised, specialised and high-quality training throughout their professional careers. In order to comply with this objective, the Continuing Education Service of the General Council of the Judiciary organised two monographic activities in 2023: the first one as part of the State Plan and the second one as a non-ordinary activity, offering 50 places for members of the judiciary. In 2024, a monographic activity on this area was held as part of the State Plan, offering 25 places, and during 2025 another monographic activity on this area is planned to be held from 8 to 10 October with the following title: ‘The crime of trafficking in human beings’, with 25 places available. With regard to transversal activities related to trafficking in human beings and/or forced labour, a total of 13 activities have been carried out between 2023 and 2024, 307 places were available for members of the judicial career. Finally, two cross-cutting activities with presentations related to this topic are planned in 2025, with 50 places offered for members of the judicial career.

The following table shows all the training activities carried out each year, both monographic and transversal, indicating the number of places offered, the number of teaching hours and the lectures given in each of them, as well as the programmes of activities:

TRAFFICKING IN HUMAN BEINGS: MONOGRAPHIC ACTIVITIES 2023-2025					
Year	Framework	Code	Activity	Places	Duration
2023	State Plan	CU23012	Trafficking in human beings: the crime of slavery	25	14
2023	Non-ordinary	EX2310	The crime of human trafficking. A victim-centred approach	25	12
2024	State Plan	CU24113	Developments in the crime of trafficking in human beings	25	12
2025	State Plan	CU25096	The crime of trafficking in human beings	25	0
TOTAL NO. OF PLACES				100	

TRAFFICKING IN HUMAN BEINGS: TRANSVERSAL ACTIVITIES 2023-2025						
Year	Framework	Code	Activity	Lecture	Places	Duration
2023	Catalonia Plan	CT2306	Forum on Criminal Justice	Pre-constituted evidence. Special reference to crimes of sexual violence against minors and crimes of THB.	30	12
2023	Valencia Plan	VA2303	Seminar on Violence against Women in all its forms	Trafficking as a form of gender violence	20	12
2023	State Plan	CO23042	The normative and evidential study of crimes against sexual freedom	Trafficking and prostitution, the impact of the latest legal reforms	30	14
2023	State Plan	EN23089	Meeting of the Criminal Division of the Supreme Court with Magistrates of the High Courts of Justice, National High Court and the Provincial Courts.	Latest case-law developments related to the crime of THB	30	14
2023	State Plan	JO23086	Conferences on Immigration	Illegal immigration and trafficking in human beings in Supreme Court case-law	25	14
2024	Aragon Plan	AR2403	Rights of minorities and persons in vulnerable situations	Prostitution: Debate on the legality of prostitution in Spain.	14	9

2024	State Plan	CU24017	Offences against sexual freedom	Analysis of case-law on the crime of trafficking in human beings for the purpose of sexual exploitation	25	12
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TRAFFICKING IN HUMAN BEINGS: TRANSVERSAL ACTIVITIES 2023-2025						
Year	Framework	Code	Activity	Lecture	Places	Duration
2024	State Plan	EN24009	26th Meeting of professionals from the Justice Administration and the Transplant Community	Criminalisation of trafficking in human organs and its relation to the offence of trafficking in human beings for the purpose of removal of their bodily organs	25	14
2024	State Plan	EN24066	Meeting of the Criminal Chamber of the Supreme Court with High Courts of Justice, the National High Court and Provincial Courts	Latest case-law developments related to the crime of THB	25	14
2024	State Plan	JO24046	Conferences on Inmigración	Immigration-related crimes: THB, prostitution and labour exploitation	25	14
2024	Non-ordinary	EX2408	The dual status of ICTs in violence against women crimes	The impact of new technologies on trafficking in human beings	25	15
2024	Non-ordinary	EX2422	4th University Course on Violence against Women given by the	Other forms of violence against women: Trafficking in human beings	3	450

			University Centre of the Civil Guard (CUGC)			
2024	Non-ordinary	EX2427	The justice system response to sexual violence. Progress and proposals for improvement	Trafficking for sexual exploitation: violence against women and girls	30	17
2025	State Plan	JO25148	Conferences on immigration		25	14

TRAFFICKING IN HUMAN BEINGS: TRANSVERSAL ACTIVITIES 2023-2025						
Year	Framework	Code	Activity	Lecture	Places	Duration
2025	State Plan	EN25016	27th Meeting of professionals from the Justice Administration and the Transplant Community	The crime of trafficking in human beings	25	14
				TOTAL PLACES	357	

Investigations, prosecutions, sanctions and measures

- **GRETA is concerned by the low numbers of investigations, prosecutions and convictions for THB for the purpose of labour exploitation and urges the Spanish authorities to:**
 - **increase proactive investigations of trafficking for the purpose of labour exploitation (see also paragraph 190);**

Law Enforcement Agencies have been addressing the fight against trafficking in human beings in two main areas: preventive and reactive activity. Recent years have seen a marked increase in the figures for these two areas in terms of trafficking for the purpose of labour exploitation. The following table shows this tendency from the data provided by the Counter-Terrorism and Organised Crime Intelligence Centre (CITCO), which are available on the website of the Ministry of the Interior:

		2020	2021	2022	2023	2024	Percentage change 2020-2024
Labour trafficking	Reports	20	13	29	39	35	+75%
	Detainees	55	31	41	82	102	+86%
	Victims	99	51	89	195	246	+148%
Labour exploitation	Reports	85	85	105	168	187	+120%
	Detainees	216	193	219	254	323	+50%
	Victims	548	514	516	612	905	+65%
Criminal organisations and groups		24	15	24	28	33	+38%
Inspections at workplaces		3,590	5,218	5,793	5,893	8,308	+131%
Workers identified		8,273	13,836	15,711	18,813	27,080	+227%

This table shows both the investigative activity of Law Enforcement Agencies in the fight against labour trafficking and exploitation, and the preventive and proactive activity, through administrative inspections. These figures are not only very eloquent in terms of the increase in the efforts made during the last 5 years but also show how greater preventive activity results in more effective investigations.

- **step up their efforts to ensure that trafficking offences are prosecuted and classified as such every time the circumstances of a case allow this, whether or not the victim consented to be exploited as stipulated by Article 4(b) of the Convention (paragraph 117);**

The Public Prosecutor's Office has taken an initiative to promote a proactive investigation of this type of trafficking in human beings. This Office convened the first meeting, to be held on 20 March 2025, with the Anti-Fraud Office and the liaisons officers of the Law Enforcement Agencies working in this area to improve the coordination and investigation of trafficking for the purpose of labour exploitation throughout the Spanish territory.

The Spanish legal system already includes the irrelevance of the consent of a victim of trafficking when the means of commission set out in Article 177 bis paragraph 3 of the Spanish Criminal Code have been used. This is taken into account during the pre-trial proceedings and also when all the appropriate measures of investigation, protection and assistance to the victim are adopted in order to effectively finish the investigation. Perpetrators will be sentenced in the following procedural phases if the crime is proven after the relevant oral trial.

However, in cases of trafficking for the purpose of sexual exploitation there is an obstacle, as pimping is considered a crime only if 'exploitation' is proven.

The same applies to trafficking for labour exploitation, due to the insufficient regulation of crimes such as slavery, servitude and forced labour.

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

- **make full use of the tools of criminal procedural law ensuring an effective investigation, while respecting the rights and safety needs of the victims;**

Specialist prosecutors are being encouraged to use technological tools of investigation (which has already been promoted in various Instructions of the State Prosecutor's Office) in order to carry out a more efficient pre-trial proceedings by including this issue in seminars, courses and initial and continuous training plans.

Witness protection, pre-constituted evidence to avoid re-victimisation (Article 449 bis of the LECRIM after Organic Law 8/2021), and other provisions provided for in the Statute of the Victim of Crime (Law 4/2015), and Royal Decree Law 6/2023, of 19 December, approving urgent measures for the execution of the Recovery,

Transformation and Resilience Plan for a better public administration of justice (videoconferencing, voice distorters, assistance of trusted persons) are already incorporated in prosecutors' daily work and will be one of the topics to be addressed at the Conference of Prosecutors specialising in human trafficking in May 2025.

Although it is competence of the legislator, a review of the Spanish regulation on witness protection (LO 19/1994) has been demanded by prosecutors specialised in THB. On the other hand, the pre-constitution of witness evidence of victims of trafficking, as well as the adoption of all protection and assistance measures during the oral trial, is already a guiding principle for prosecutors' actions.

Efforts should be done to increase the use of international cooperation resources, which are essential to effectively combat transnational trafficking. In this respect, the Spanish Public Prosecutor's Office is part of the Focus Group of Prosecutors in the Fight against THB of the Council of Europe and Eurojust, and also the Ibero-American Network of Prosecutors Specialised in Trafficking in Persons and Smuggling of Migrants (REDTRAM).

The Guide of criteria for judicial action on trafficking in human beings, approved by the General Council of the Judiciary in November 2018, is a complete study in this field, which includes a specific section with a catalogue of good practices that should be observed during criminal proceedings, both in the investigation phase and the oral trial phase. According to the Guide, the treatment offered to trafficked persons in their first contact with the police and the judicial system should comply with the standards required for all victims of crime (such as respectful, attentive and patient treatment), taking also into account, where appropriate, the personal characteristics of trafficked persons and their circumstances in relation to the events under investigation, as well as their own detection.

Four minimum guarantees should be ensured to provide an adequate treatment to trafficked persons:

- ✓ Legal assistance.
- ✓ Assistance from a translator and interpreter, where appropriate.
- ✓ Assistance from specialised personnel, preferably including the Psychosocial Team.
- ✓ Adequate places and means to assist victims.

Criminal procedure law provides for tools aimed at guaranteeing an effective investigation without violating the rights and security needs of victims, as described in the above-mentioned Guide. However, professionals feel frustrated despite their willingness to use such tools, due to issues related to the lack of material and human resources in courts. Furthermore, in several judicial districts there are buildings that, due to their age, are not structurally designed to accommodate this type of victims, nor to carry out the judicial proceedings in which they must intervene with the sufficient legal guarantees provided for by law.

The measures established in Organic Law 1/2025, of 2 January, on measures for the efficiency of the Public Justice Service, are currently being implemented. Such measures, as explained in its Preamble, are aimed to ensure that access to justice involves the consolidation of citizens' rights and guarantees by carrying out an organisational restructuring of the current human and material resources of the judicial bodies.

- **continue providing training to law enforcement officers, prosecutors and judges on the specificities of THB, especially concerning THB for the purpose of labour exploitation, the severe impact of exploitation on the victims and the need to respect their human rights (paragraph 118).**

This section has been sufficiently explained in previous sections. However, it should be especially noted that the Public Prosecutor's Office has developed an online training course on the initiation to the crime of human trafficking, in order to make it more accessible for professionals. The Public Prosecutor's Office also actively participates in the training courses given by the other actors involved, such as the General Council of the Judiciary, Law Enforcement Agencies, NGOs, Universities, etc, as well as in collaborative efforts by various organisations to combat human trafficking.

Non-punishment provision

- **GRETA considers the Spanish authorities should take further steps to ensure a harmonised implementation of the non-punishment provision, in particular by:**
 - **providing further training to law enforcement officers, prosecutors and judges on the basis of the Guidance on judicial proceedings regarding trafficking in human beings;**

In addition to what has been mentioned above on training of key officers, it should be noted that Law Enforcement Agencies have been developing, on a regular basis since 2017, specific training activities for Social Partners combating human trafficking, creating a space for the exchange of information and good practices in the procedures for the detection, identification, protection and restoration of victims. This two-day event brings together partners from all over the country and other entities involved in the fight against human trafficking. As it is the case of any specialised training given to police officers, the Public Prosecutor's Office, the General Council of the Judiciary, specialised civil society organisations, the Labour Inspectorate, etc., participate in this activity.

Annual e-learning 32-hour courses on trafficking in human beings, which can be accessed online through the corporate intranet, are also organised for law enforcement staff as a complementary training activity.

Finally, the Guardia Civil and the Carlos III University of Madrid have been organising and teaching the 1st University Expert Course on Violence against Women every year since 2021. This course is aimed at improving skills for comprehensive, multidisciplinary and coordinated management between different public and third sector actors in cases of violence against women, including human trafficking for the purpose of sexual

exploitation. It is aimed at Civil Guard personnel, but also judges, magistrates, prosecutors, forensic experts, officials from the Ministry of Equality, NGO personnel, municipal police, police forces from other countries, etc., which allows for debate and dialogue on this problem between all these professionals taking into account different perspectives.

- **strengthening the exchange of information between law enforcement agencies, prosecutors and judges;**

In order to strengthen the exchange of information, there is a System of Administrative Registers to Support the Administration of Justice (SIRAJ) that unifies all the applications that support every register in a single system that brings together all the common functionalities, preserving those that are specific to each of them, integrating all the information currently distributed in the different existing databases into a single database. Its main objective is to support the activity of the judicial bodies, the Public Prosecutor's Office, Law Enforcement Agencies and other administrative bodies, in accordance with their competencies, the Central Registry and the General Sub-directorate for Administrative Information and General Inspection of Services (SGIAIGS).

These registers included in the system are the following: the Central Register of Convicted Persons, the Central Register of Precautionary Measures, Requisitory Measures and Non-Final Sentences, the Central Register of Sex Offenders and Trafficking in Human Beings, the Central Register for the Protection of Victims of Domestic Violence, the Central Register of Convicted Persons and Rebels and the Central Register of Sentences of Criminal Responsibility of Minors.

- **ensuring that the non-punishment provision can be applied in practice to THB victims who are undocumented migrants, making sure that they are promptly identified as victims and receive appropriate support (paragraph 127).**

The principle of non-punishment applicable to the victims of all types of trafficking, laid down in paragraph 11 of Article 177 bis of the Spanish Criminal Code, obviously entails the recognition of the subject-status of victims. It has two possible consequences: that no proceedings are initiated or that, in the course of these proceedings, a special immunity for prosecution is applied and the victim is not punished, even though he or she may have committed of a criminal offence.

The Public Prosecutor's Office takes this issue very much into account, as it is included in its training courses, in conferences given by specialists from the Office and in the jurisprudential bulletins sent to all prosecutors every semester.

In its training activity mentioned in previous sections aimed at prosecutors, judges, members of Law Enforcement Agencies and other public and private entities, a specific section on the "special immunity for prosecution" application, under paragraph 11 of Article 177 bis of the Spanish Criminal Code, is always included. Furthermore, this institution and the jurisprudential interpretation of its scope has been and continues to

be studied in conferences given by specialists from the Office and in the jurisprudential bulletins sent to all prosecutors every semester.

Protection of victims and witnesses

- **GRETA considers that the Spanish authorities should take further steps to ensure that the existing provisions are effectively applied in practice to protect victims and witnesses of THB and to prevent their intimidation during the investigation, as well as during and after the court proceedings, in particular by:**
 - **ensuring that the Guidance on judicial proceedings regarding trafficking in human being is disseminated among all relevant agencies and the judiciary;**

As mentioned above, the Spanish General Council of the Judiciary adopted the Criteria Guidelines for Legal Action on Trafficking in Human Beings in which a comprehensive study of the subject is carried out. They contain a special section with a list of best practices to be observed in criminal proceedings, both at the pretrial investigation stage and during trial.

Also, in 2015, the Spanish General Council of the Judiciary presented the Practical Guide for Lawyers on Detection and Defence of Victims of Human Trafficking.

- **increasing the availability of appropriate facilities and equipment for interviewing victims in courts and police stations;**

Please refer to section “Investigations, prosecutions, sanctions and measures”.

- **ensuring adequate financial and human resources to cover the costs and ensure effective protection of victims and witnesses of THB, including their relocation for security reasons (paragraph 137).**

Please refer to section “Investigations, prosecutions, sanctions and measures”.

Specialised authorities and co-ordinating bodies

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

Please refer to previous answers on training.

International co-operation

- **GRETA welcomes the Spanish authorities’ engagement in international co-operation in the investigation and prosecution of THB, and invites them to continue their efforts, including in the prevention of THB and in the return of**

victims of trafficking, by fostering cooperation with the main countries of origin of victims trafficked to Spain (paragraph 153).

Since 2021 the Nacional Police and Guardia Civil have been leading and participating in actions of EMPACT 2022-2025 from Europol, which has among its priorities the trafficking in human beings. Moreover, they collaborate proactively with countries of origin and transit to improve criminal investigation and prosecution of traffickers through the promotion of joint investigation teams.

As previously mentioned, the Public Prosecutor's Office is actively involved in the Focus Group of specialised prosecutors against human trafficking from the Council of Europe and Eurojust, and the Ibero-American network of specialized prosecutors on trafficking in persons and smuggling of migrants (REDTRAM for its English acronym).

The Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation would provide a framework for effective and coordinated action to address trafficking in human beings at national and international level with elements such as:

- ✓ Priorities of international cooperation: prevention, protection and assistance of victims—also in the event of their return to the country of origin—and crime prosecution and reparation for victims.
- ✓ Bilateral agreements with countries of origin.
- ✓ Cooperation on comprehensive assistance to victims in case of their return.
- ✓ Cooperation on compensation.

Furthermore, Measure 391 of the State Pact against Gender-Based Violence states: “Enhancing international cooperation on human trafficking for purposes of sexual exploitation by increasing international cooperation funds to facilitate detection of cases and subsequent assistance of returned victims, as provided for in Law 1/2023 of 20 February on Cooperation for Sustainable Development and Global Solidarity”.

As part of the international cooperation to address trafficking in human beings, the Government Department for Gender-Based Violence has been visited by international delegations: from China (2004) and Sweden (2025) and has met representatives of the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings of the OSCE.

Gender-sensitive criminal, civil, labour and administrative proceedings

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

Gender perspective is already addressed, but it would be protected under the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation that establishes that gender perspective and special needs of minors should also guide actions provided for in this law.

The new State Pact against Gender-Based Violence includes measures intended to:

- ✓ Measure 48: regarding trafficking in women and minors for the purpose of sexual exploitation, launching a two-fold action: on the one hand focused on prevention and detection through specialist training of all professionals, particularly in the health and social services field; and, on the other hand, on initiatives to enhance awareness-raising, involving survivors to tell their stories and seeking advice from specialist bodies.
- ✓ Measure 94: maintaining and encouraging civil society participation for continuous improvement of public policies on eliminating all forms of violence against women. In particular, the presence and involvement of organisations specialising in violence against women and feminist organisations in bodies established for that purpose will be ensured. Such bodies include: the State Observatory on Violence against Women, the Social Forum on the Fight against Human Trafficking for Purposes of Sexual Exploitation, the Women's Participation Council as well as similar organs in autonomous communities and local institutions.
- ✓ Measure 334: continuing to provide further specialist, mandatory and regular training on prevention on violence against women, gender and children's rights perspective, and trafficking in human beings to professionals that take part in legal proceedings involving minors and members of State Security Forces.
- ✓ Measure 381: providing training to local police on how to deal with victims of male violence (violence by the partner, former partner, sexual violence, victims of human trafficking, economic violence, etc.).

All training activities and action by the Public Prosecutor's Office on trafficking on human beings highlight gender and child rights perspective, which lie behind this type of crimes. Furthermore, when data of victims are collected and analysed, they are disaggregated by sex, age and degree of disability so that an objective analysis on gender impact and degree of vulnerability of victims can be undertaken.

Spanish lawyers, aware of trafficking in human beings and with their full support for the most vulnerable groups, hold the Premios Igualdad Abogacía ceremony [Spanish Lawyers Equality Awards] each year around 8 March in which gender perspective is taken into account in all areas of activity. It is a recognition which highlights the effort of legal professionals who have made the fight for equality the centerpiece of their profession.

Child-sensitive procedures for obtaining access to justice and remedies

- **GRETA welcomes the increase in the protection of child victims via Law 8/2021 and the availability of child-friendly interview rooms in courts and police facilities. However, GRETA considers that the Spanish authorities should apply protection measures for all child victims of trafficking, i.e., all persons under the age of 18, including the obligation to record the interview and with no cross-examination**

(direct confrontation) with the accused. In this context, GRETA refers to the Guidelines from the Committee of Ministers of the Council of Europe on child-friendly justice (Paragraph 162).

Article 449 ter of the Criminal Procedure Act, introduced by Final Provision 1.8 of Organic Law 8/2021 of 4 June makes it mandatory to take statements from all minors under the age of fourteen who are victims of trafficking as pre-trial evidence to be carried out in the terms provided by the provision itself.

For victims over fourteen years of age (but under eighteen), it is also considered essential in practice to pre-establish evidence even though it is not legally required, given the real risk of not being able to locate them at the time of the oral trial being heard, in addition to helping to reduce their re-victimisation.

On the other hand, the aforementioned Organic Law 1/2025 of 2 January on steps regarding the efficiency of the Public Justice Service, amending Article 89 bis of the Organic Law of the Judiciary (LOPJ), has provided for the creation of the Violence against Children and Adolescents Sections in Courts of First Instance. In criminal matters, these will hear (in accordance at all times with the procedures and resources provided for in the Criminal Procedure Law), from the investigation proceedings so as to demand criminal liability for the crimes included in the Titles of the Penal Code relating to:

- a) Homicide, abortion, general injury or injury to the foetus, committed against children and adolescents.
- b) Crimes against freedom, crimes of torture and against moral integrity, crimes against privacy, the right to one's own image and the inviolability of the home, crimes against sexual freedom and integrity, crimes against honour, crimes against family relationships, or any other crime committed using violence or intimidation, when the victim is a child or adolescent.
- c) The crime of human trafficking under Article 177 bis of the Penal Code when at least one of the victims is a child or adolescent.
- d) The crime of sentence violation provided for and punishable by Article 468 of the Penal Code, when a child or adolescent is the person offended by the crime whose sentence, precautionary measure or security measure has been breached.

These courts shall also have the authority to:

- a) adopt legally-provided precautionary measures to ensure the protection of underage victims, with no prejudice to the powers assigned to the duty judge.
- b) hear and rule on minor offences attributed to them by law when the victim is a child or adolescent.
- c) pass sentences plea-bargained in agreement with the plaintiff in cases provided for by law.
- d) issue and enforce instruments for mutual recognition of criminal rulings in the European Union assigned to them by law.

As for minors, it is now obligatory to record pre-trial evidence due to the reform of Article 449 ter implemented by Organic Law 8/2021, and public prosecutors have the

legal and statutory obligation to guarantee and ensure that the rights of minor victims are observed at all times and in all phases of the procedure. Technical barriers and inadequate technological resources used in daily work fall outside the scope of their jurisdiction, being the responsibility of different Autonomous Community regions, as well as the need for legislative initiatives to revise outdated regulations such as the one pertaining to witness protection in criminal cases.

For this reason, the Attorney General of the State's Office has taken the initiative to call upon the Autonomous Community regions with jurisdiction and the Ministry of Justice (MJU) to inform about the technical resources available in each region for these purposes. By doing so, at the Conferences for Public Prosecutors Specialising in THB, they should all be made aware of all the resources available to them and we should encourage them to use them.

The Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation aims to prevent secondary victimisation in all administrative and judicial proceedings, as well as to provide special protection for victims who are minors. Under all circumstances, it will ensure protection for victims regardless of their administrative status and their ability or willingness to cooperate with authorities in investigating the crime or in any potential criminal procedures.

Victims who are minors will also be afforded additional safeguards from the moment they are detected as victims, which shall always follow the principles of swiftness, specialisation, and the best interests of the child on implementing them.

Furthermore, Organic Law 10/2022 of 6 September on comprehensive guarantees for sexual freedom lays down the foundations to implement the Barnahus model in Spain with respect to victims who are minors, which has been spreading to other European countries for the past decade. This model places the child victim of sexual violence at the centre of the intervention, requiring joint, coordinated participation in a specific location tailored to their needs, from all the professionals involved in the process of care and the pursuit of justice. In terms of justice, this model addresses two important objectives: it drastically reduces the causes of secondary victimisation for the child, and by offering greater assurances of obtaining testimony in safe and peaceful conditions, it raises the chances of successfully concluding the investigation into the facts that are inherently difficult to prove.

This same law includes the setting up of 24-hour comprehensive care centres for victims of sexual violence, ensuring access for adolescents to specialised resources. This budget item—a measure provided for in Investment No. 4 of Component 22 (C22.I04) of the “Shock Plan for the economics of care and reinforcement of equality and inclusion policies” of the “Recovery, Transformation and Resilience Plan”—amounted to 46,200,000 euros, which is additional to the 19,800,000 euros allocated in 2021, making a total of 66,000,000 euros. This is all being implemented according to the relevant competences by the Autonomous Community regions and Cities with Statute of

Autonomy for the creation of 24-hour comprehensive assistance centres for victims of sexual violence in all provinces and cities with a Statute of Autonomy (at least one in each province).

Currently, there are 56 comprehensive 24-hour assistance centres for victims of sexual violence running.

The Barnahus model in Spain is being fostered by the Ministry of Youth and Children, the other departments involved and the autonomous community regions. This comprehensive care model for intervention in cases of sexual assault against minors provides a friendly environment with professionals specialising in child victimology.

The State Pact against Gender Violence also contains some measures on these matters to help achieve the recommendation:

- ✓ Measure 316. Collaborating with the autonomous community regions to foster the Barnahus model so that children and adolescents who are victims of sexual violence can have access to a tailored, coordinated and specialised procedure that includes a child- and adolescent-friendly space respectful of victims, giving a positive response to judicial proceedings.
- ✓ Measure 182. Making progress in order to prevent secondary victimisation by adapting the Courts for Violence against Women and other specialised courts to include facilities that prevent confrontation between victim and offender, setting them up with appropriate audiovisual resources to ensure the victim's full rights during the trial in a safe environment preserving their privacy. These facilities may be used for cases of sexual assault and human trafficking for sexual exploitation.
- ✓ Measure 183. Adapting courtrooms to make them more user-friendly, including Gesell chambers, especially to ensure child-friendly assistance.

Role of businesses

- **GRETA welcomes the above-mentioned initiatives and considers that the Spanish authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights, the Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, and Recommendation CM/Rec(,022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies (Paragraph 167).**

Companies and employers in Spain have a responsibility to ensure a safe and dignified work environment for all of their employees.

On 10 December, 2021, the Council of Ministers approved the National Action Plan against Forced Labour: Compulsory Labour Relations and Other Forced Human

Activities. This plan includes measures for prevention and awareness-raising and training; as well as detection, investigation and prosecution measures, including forced labour being classified as a crime; and an intensification of the activities of the Employment Inspectorate, Law Enforcement Bodes and the Attorney General of the State's Office, with protection and support measures for victims.

Also in 2022–2023, the then Ministry of Social Affairs and the 2030 Agenda held a public consultation prior to the Bill on the Protection of Human Rights, Sustainability and Due Diligence in Transnational Business Activities. This bill establishes obligations to pass on information regarding potential risks associated with said business activity. It regulates a system of penalties regarding protection and respect for human rights, and guarantees access to justice to claim effective redress for rights violations suffered.

In 2023, ACCEM published the dossier “Businesses, Trafficking, and Human Rights: What’s the Connection?” about dealing with production and supply chains, and corporate due diligence in the fight against human trafficking and exploitation, which was funded by the Ministry of Inclusion, Social Security and Migration and the EU Asylum, Migration and Integration Fund. It focuses on legislation, public policies, initiatives and action to address global value chains in the context of human trafficking and exploitation in producing and distributing goods and services, as well as on the mechanisms and activities that enable companies to carry out due diligence to ensure respect for workers’ human and labour rights. It also explains the contact with companies through the Novicom project to raise awareness and engage the business world.

Measures to prevent and detect corruption

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

“Corruption” is a term used in Spain to refer to a variety of different types of crime. However, our Criminal Code (Art. 177 bis 5) includes a crime subtype of aggravated human trafficking that includes acts of corruption.

The wording itself of the definition of the criminal offence requires that there be exploitation of a superior public status. Hence, corruption related to human trafficking could be defined as any type of abuse or exploitation of a position of public power to commit or facilitate human trafficking, thereby obtaining private benefit. This includes conduct by any authority, agent thereof, or public official who, by intentional action or omission, takes advantage of the benefits of their post or violates any inherent duty to help commit a crime of human trafficking, hinder investigation into it, or impede adequate protection for the victims.

Furthermore, the General State Administration can count on counterbalancing and control measures. These are mechanisms and strategies used to ensure efficiency, transparency and accountability in public management, while balancing powers and preventing abuses. This includes applying principles of streamlining administrative work,

improving the quality of public services, citizens' participation, and transparency in decision-making.

The law enforcement bodies also have specialist units to control and pursue any criminal action carried out by their own members. In recent years, there have been no reports of specific cases involving human trafficking and exploitation.

Follow-up topics specific to Spain

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

- **GRETA considers that the Spanish authorities should examine the possibility of establishing an independent National Rapporteur or designating another independent mechanism for monitoring the anti-trafficking activities of state institutions, as provided for in Article 29 paragraph 4 of the Convention, or commissioning the monitoring to an external, independent evaluator (paragraph 26);**

Spain takes note of the recommendation. On drawing up the Comprehensive Organic Law against Trafficking and Exploitation, the possibility of including an independent oversight mechanism is being considered.

However, it is worth noting that since 2014, Spain has had a National Rapporteur on trafficking. Although this is part of the Ministry of the Interior, it has carried out its functions with absolute neutrality, constantly seeking to supervise the activities undertaken so as to improve the prevention and fight against human trafficking, as well as in assisting and protecting its victims.

- **GRETA considers that the Spanish authorities should introduce an independent evaluation of the implementation of National Action Plans against THB, as a tool for assessing the impact of the activities and planning future policies and measures to combat THB (paragraph 31).**

Spain is currently evaluating the 2021–2023 Strategic Plan to Combat Human Trafficking and Exploitation and the National Action Plan against Forced Labour: Compulsory Labour Relations and Other Forced Human Activities. To do so, it has engaged the participation of all the stakeholders from public administrations with jurisdiction in the matter, as well as other independent non-state parties. The final reports are expected to become available throughout this year.

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

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

In addition to what has been indicated in previous sections, and given that the sections referring to “Measures to prevent and combat trafficking for the purpose of labour exploitation” coincide substantially in their content, a single, unified response is given:

The Inspection staff in 2024 came to 1,066 Inspectors and 1,234 Sub-Inspectors, compared to the 857 Inspectors and 1,030 Sub-Inspectors mentioned in the June 2023 Report.

Cooperation with police corps has been strengthened by the Agreement between the State Secretariat for Security and the Autonomous Labour and Social Security Inspectorate (ITSS), for coordination between the Labour and Social Security Inspectorate and the State Law Enforcement Bodies in the fight against irregular employment and Social Security fraud, of 28 April 2023. This instrument formalises pre-existing cooperation between the two entities and among other things it allows the ITSS access to remote locations at risk of human trafficking, under the terms indicated in the Report.

Training for the Provincial Inspection Experts Network continues, and there is a training session scheduled for September 2025.

See also information regarding training for the General Council of the Judiciary and the Attorney General of the State's Office stressed in previous sections.

The Public Prosecution Office collaborates with the State Agency for Labour Inspection and Social Security (OEITSS) of the Ministry of Employment, giving courses on signs of labour trafficking for labour inspectors and sub-inspectors, and it actively participates in the National Plan Against Forced Labour. In this context, as previously indicated, the Public Prosecution Office has taken the initiative to boost proactive investigation of this type of human trafficking, convening the first meeting with the Anti-Fraud Office and law enforcement liaisons on the matter on 20 March 2025 to improve coordination and investigation as regards human trafficking for the purpose of labour exploitation throughout Spain.

As for legislation, Royal Decree-Law 16/2022 of 6 September for the improvement of labour and social security conditions for domestic workers included certain advantages over previous regulations.

The Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation, which tackles these issues, is also being processed.

Within the context of the call for grants from DGAHSPI (General Directorate of Humanitarian Assistance and the International Protection Reception System) to carry out projects aimed at immigrants from third countries, there is a line of action co-financed by the Asylum, Migration and Integration Fund (FAMI) whose aims include raising awareness about the subject of victims of human trafficking, and which is mainly geared towards the entire host society, although there are also several projects whose activities are aimed at certain specific spheres (professionals, potential victims, etc.)

As regards collecting data on human trafficking and labour exploitation, the Counter-Terrorism and Organised Crime Intelligence Centre (CITCO) is the institution responsible for gathering data on all forms of human trafficking. This role stems from the fact that it is the national focal point for support for the National Rapporteur on Human Trafficking.

CICTO began providing data on human trafficking for labour exploitation in 2015 after improving the BDTRATA database. Since then, work has been done year after year to improve the quality and comparability of the data by means of daily monitoring and exchanging information with those who provide said data.

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

- **GRETA urges the Spanish authorities to step up their efforts to prevent and combat trafficking of children, identify child victims of trafficking, and provide appropriate assistance to them, in particular by:**

- **ensuring that unaccompanied and separated children benefit from effective care arrangements, including accommodation, access to education and healthcare, so that they are not exposed to risks of trafficking;**
- **increasing the capacity to detect child victims of trafficking by any professionals who may come into contact with children, in particular by providing adequate training on the use of trafficking indicators;**
- **improving the procedures for the identification of child victims of trafficking, in particular among unaccompanied foreign children, and ensure that the best interests of the child is the primary consideration;**
- **increasing the availability of places in safe and specialised accommodation for all child victims of trafficking, with professionals adequately trained (paragraph 216);**

A single, unified response is given to the section on “Measures to prevent trafficking of children, identify children who are victims of trafficking and assist these children.”

Spain is aware that minors are possibly the most vulnerable population group as regards human trafficking. Although the number of victims in Spain is not particularly significant, the public authorities have made a firm commitment to defend and protect them. This led to the approval in 2021 of the Comprehensive Law for the Protection of Children and Adolescents from Violence (LOPVI), which introduced numerous changes entailing progress towards better protection for children and adolescents from violence. It also means a major paradigm shift, moving towards a comprehensive approach that tackles all types of violence at all stages, with a clear focus on prevention and education. As part of the action necessary to bring about profound and lasting change, the Law underlines the need for those who due to their professions have regular contact with minors in order for them to get specialised, ongoing training in preventing and responding to violence.

The law is intended to ensure the fundamental rights of children and adolescents to their physical, mental, psychological and moral integrity against any form of violence, ensuring the free development of their personality and establishing comprehensive protection measures, which include raising awareness, prevention, early detection, protection and redress for damage in all spheres in which their life develops.

It defines violence as any action, omission or negligent treatment that deprives minors of their rights and well-being, or which threatens or interferes with their orderly physical, psychological or social development, regardless of the form or means by which it is committed, including violence perpetrated through information and communication technologies, especially digital violence.

In all cases, violence shall be understood to mean physical, psychological or emotional abuse; humiliating or degrading punishment; careless or negligent treatment; threats, insults and slander; exploitation, including sexual violence, corruption, child pornography, prostitution, school bullying, sexual harassment, cyberbullying, gender-based violence, genital mutilation, trafficking in human beings for any purpose, forced

marriage, child marriage, unsolicited access to pornography, sexual extortion, public dissemination of private data or any violent behaviour in their family environment.

The law applies to minors who are in Spanish territory, regardless of their nationality or administrative residence status, and to minors of Spanish nationality abroad under the terms provided for in Article 51. The obligations laid down by law shall apply to all natural persons or legal entities, whether public or private, operating or located in Spanish territory.

The regulation also sets out the general purposes and criteria of the law (including the prohibition of all forms of violence against children and adolescents, priority being given to preventive measures and fostering good treatment of minors); regulates specialised training for professionals who have regular contact with minors; and takes into account the necessary cooperation and collaboration between public administrations, creating the Sectoral Conference on Children and Adolescents, and public-private collaboration.

Title I covers the rights of children and adolescents against violence, including their right to information and advice, to be heard, to comprehensive care, to take part in judicial procedures, and to free legal assistance.

As for the victims' right to be heard, the text stipulates that steps will be taken to prevent theoretical approaches or criteria with no scientific backing that presume adult interference or manipulation, such as the so-called parental alienation syndrome, from being taken into consideration.

The Law also regulates the duty to notify of situations of violence. A general duty is set down for all citizens to immediately notify the authorities of any signs of violence against children or adolescents. Together with this, there is a duty to qualified notification for those who by dint of their post, profession or activity are entrusted with the care of minors: qualified staff in healthcare centres, schools, sports and leisure centres, child protection and juvenile detention centres, shelters, asylum and humanitarian assistance centres, and establishments where children or adolescents habitually reside.

Public administrations are expected to provide the necessary means to enable children and adolescents who are victims of violence or who have witnessed a situation of violence to report it safely and easily. To this end, the importance of electronic means of communication such as freephone helplines is legally recognised.

The text also stipulates that anyone who notices content on the Internet that constitutes a form of violence against any child or adolescent is required to report it to the authorities and, if the facts may constitute a crime, to the law enforcement bodies, the Public Prosecution Office, or a judge.

The text regulates awareness-raising, prevention and early detection of child abuse. It establishes the obligation of the General State Administration to have a strategy to eradicate violence against children and adolescents, with particular emphasis on the

areas of family, education, healthcare, social services, new technologies, sports and leisure, and the law enforcement bodies.

It stipulates that the competent public administrations shall set up prevention plans and programmes to eradicate violence against children and adolescents, identifying groups at risk and implementing early detection measures within processes that prioritise learning about patterns of violent or criminal behaviour that leads to violence.

The chapter on the family sphere establishes public authorities' obligation to provide families (in their many forms) with support to prevent risk factors as of early childhood. They should also foster family policy measures aimed at supporting the qualitative aspects of positive parenting among parents or those who exercise guardianship, custody or foster care. Special attention shall be paid to protecting the best interests of children and adolescents in cases of family break-up and to those living in family environments marred by gender violence.

In the healthcare sector, action protocols will be fostered to encourage good treatment, identify risk factors and prevent and detect violence against children and adolescents, as well as comprehensive restorative mental healthcare appropriate to their age. A Commission on Violence against Children and Adolescents will be set up, which will draw up a common healthcare action protocol.

In the sphere of social services, civil servants who perform functions related to the protection of children and adolescents are considered to be law enforcement officers. It is stipulated that social services will design and implement an individualised family intervention plan in a coordinated manner, as well as a system for monitoring and recording cases. Statistical information on cases of violence against children will be incorporated into the Unified Registry of Child Abuse, which shall now be called the Unified Registry of Social Services on Violence against Children (RUSSVI in Spanish).

The chapter on new technologies encourages safe and responsible use of the Internet by children, adolescents, families, educators and professionals who work with minors. It also provides for educational campaigns to be carried out on the risks arising from inappropriate use that can lead to sexual violence against children and adolescents, such as cyberbullying, grooming, gender-based cyber violence, and sexting, as well as access to and consumption of pornography among minors. The text expressly provides that public administrations will foster parental control mechanisms that help protect minors from the risk of exposure to harmful content and contact, as well as reporting and blocking mechanisms.

As for law enforcement bodies, the text stipulates that they must have specialised units to investigate, prevent, detect and respond to situations of violence against minors. It also sets out the criteria for police action in such cases, which shall be governed by respect for the rights of children and adolescents and consideration of their best interests. These include only strictly necessary procedures being carried out involving

the minor, and, as a general rule, the minor's statement will be made only once and always via specifically trained professionals.

As for action taken in child protection centres, it is mandatory to implement action protocols, whose effectiveness will be subject to evaluation. These protocols must contain specific action on prevention and intervention in possible cases of abuse, sexual exploitation and human trafficking whose victims are minors subject to protective measures and who reside in residential centres under their responsibility. The Public Prosecution Service shall periodically visit the protection centres in accordance with the internal regulations.

The text provides for the creation of a Central Registry of information on violence against children and adolescents, to which public administrations, the General Council of the Judiciary, and law enforcement bodies must submit information.

It also establishes that in order to enter and exercise any profession, trade or activity involving regular contact with minors, it will be required to not have been convicted by a final sentence for a crime against sexual freedom or integrity or for human trafficking, which must be accredited by a negative certification from the Central Registry of Sex Offenders and Human Trafficking Offenders. This obligation extends to all self-employed and employed workers, both in the public and private sectors, and to volunteers.

➤ **GRETA considers that the Spanish authorities should review the age assessment procedures applying to possible victims of trafficking, ensuring that the best interests of the child are effectively 66 GRETA(2023)10 protected. In particular, the age assessment must not rely only on medical examination, but on a comprehensive assessment of the child's physical and psychological development. Reference is made to the Committee on the Rights of the Child's Joint general comment No. 4 and No. 23, as well as to the Council of Europe Guide for policy makers on age assessment for children in migration (paragraph 217).**

In accordance with the provisions of Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, in the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation the adoption of the following measures will be considered when the minor alleged victim of human trafficking and exploitation is unaccompanied:

- a) A guardian or legal representative will be appointed to act on their behalf.
- b) The necessary steps will be taken to establish their identity and nationality.
- c) Every effort will be made to locate the child's family, provided it is in the child's best interests.

Moreover, a special identification procedure is provided for, which is to be carried out by specialised units in human trafficking and exploitation of minors, and it will always take into account the special needs and circumstances arising from the alleged victim's age. Assistance and support services are also provided in specialised centres, which collaborate with accredited specialised entities.

The Ministry of the Interior's General Directorate of International Protection (DGPROINT) has approved the "Guide for processing applications for international protection and recognition of stateless status for unaccompanied and separated minors", which includes references to minors who are possibly victims of human trafficking. This is a guide for internal use, specifically for processing applications for international protection and recognition of stateless status. Furthermore, DGPROINT's training staff has access to manuals and guides from UNHCR, the European Union Agency for Asylum (EUAA), and other international and national organisations, including entities specialising in human trafficking, which have created indicators and supporting documentation.

The Organic Bill on Human Trafficking and Exploitation includes the implementation of measures in line with the recommendation, such as specialised training for public employees involved in prevention, detection, identification and assistance for victims, and the pursuit of human trafficking and exploitation.

In particular, the necessary steps will be taken to ensure specialised training for members of the law enforcement bodies working in units specialising in the fight against human trafficking and exploitation. There will also be specialised training for staff working in the social services network in the prevention, detection, identification and assistance for victims of human trafficking and exploitation.

The Government Delegation against Gender Violence is tasked with raising awareness and preventing all forms of violence against women. That includes training professionals and civil society in equality, and conducting information and awareness campaigns in accordance with the State Pact against Gender Violence. To this end, grants are being offered for programmes and projects to raise awareness, prevent, and do research into violence against women. The scope of these projects includes programmes run by the entities receiving the grant related to training activities aimed at professional groups, associations and volunteers, as well as educational, healthcare and social workers on a national level. The Ministry of Equality's budget for the 2025 financial year allocated to these grant applications is €7,000,000.00.

The General Directorate of Humanitarian Aid and of the International Protection Reception System (DGAHSPI), the governing body of the Ministry of Inclusion, Social Security and Migration, in collaboration with the European Union Agency for Asylum (EUAA), has carried out specific annual training on human trafficking for staff working in the General Directorate (staff of the Asylum and Refuge Centres (CAR), of the Temporary Stay Centres for Immigrants (CETI), of the Access Unit, staff managing the Reception System, etc.), as well as the staff of subcontracted entities and service providers (security, maintenance, cleaning). The training has been to raise awareness about trafficking in human beings, transfer the knowledge and skills necessary to identify possible victims of trafficking, and explain how to handle an initial encounter with a victim or possible victim of Human Trafficking. This training has been done extensively among DGAHSPI staff, reaching 480 professionals from 2021 to 2023.

In December 2022, the Civil Guard and the Amar Dragoste Association launched the #EstoNoEsUnJuegoDeNiñas (#ThisIsNotAGirls'Game) campaign against forced marriages, which primarily affect minors, to raise awareness about this serious crime, which is another form of violence against women, human trafficking, child abuse, and violation of human rights. A video that can be found at <https://www.youtube.com/watch?v=TQNgvgdNP0s> and which has been disseminated on social media gives the essentials to detect possible victims, providing a set of questions that girls should ask themselves to detect whether they are facing a case of forced marriage.

The topic of human trafficking is included in the “Master Plan for coexistence and improved security in schools and their environments”, via Instruction No. 6/2023 from the Secretariat of State for Security. The aim is to give a coordinated, effective response to issues related to the safety of minors and young people in and around schools, bolstering police cooperation with educational authorities in their work, improving coexistence and safety in schools, and strengthening awareness and trust in law enforcement bodies. To do so, training and information activities will be carried out, as well as visits and other activities in schools aimed at children and adolescents, given by members of the State’s law enforcement bodies. In this case, special emphasis will be placed on the methods used to entrap victims.

Within the context of the European EMPACT platform, in 2024 Spain was co-leader of Operational Action 2.4, led by the FRONTEX agency, on identifying children at risk of trafficking at the European Union’s external borders, and took part very actively in the joint action (JAD, Joint Action Days) in which various countries of the European Union, the Western Balkans, Africa, Ukraine and Moldova intensified their activity in order to detect minors who are potential victims of trafficking, and who may be moved to and between European countries, and also secondary and tertiary migratory movements of minors across Europe. In addition, the risks of human trafficking among victims fleeing the war in Ukraine were also addressed. This joint work led to 63 potential victims being identified, five of them minors, who were interviewed at a Reception Centre for Unaccompanied Foreign Minors.

This year 2025, no specific JAD has held about minors, but this specific focus has been included in “Operation Global Chain”, a multinational joint action that will take place in June as part of Operational Action 3.5 led by Austria and co-led by Romania, Europol, FRONTEX and INTERPOL, which is aimed at combating human trafficking for the purposes of sexual exploitation, crime and forced begging, in order to detect and dismantle organised crime groups and high-value targets.

As regards the right to access aid and support services, the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation intends to make public authorities ensure that, as of the moment of detection, victims of trafficking or exploitation have access to the following resources if required throughout the identification process and for as long as necessary after their final identification:

- a) Appropriate, safe accommodation, including emergency housing.
- b) Specialist medical and psychological assistance.
- c) Specialist social assistance.

Said assistance will be personalised and must be provided in a language the victim can understand, with the help of an interpreter and a cultural mediator when necessary.

The State Pact against Gender Violence also includes the following measures:

- ✓ Measure 156. Foster a network of fully accessible resources in each autonomous community region to shelter victims of sexual exploitation and human trafficking for sexual exploitation, and their children where applicable, as well as at least one emergency housing resource, which must also be accessible and adapted to the needs of victims with disabilities.
- ✓ Measure 268. Grant priority access for victims of human trafficking with disabilities to accessible housing, as well as to residential facilities and other care centres for dependent individuals.

The Ministry of Equality's Government Delegation against Gender-Based Violence is tasked with raising awareness and preventing all forms of violence against women. This includes training professionals and civil society in equality, and conducting information and awareness campaigns in accordance with the provisions of the State Pact against Gender-Based Violence. To this end, grants are being offered for programmes and projects to raise awareness, prevent, and do research into violence against women. The scope of these projects includes programmes run by the entities receiving the grant related to training activities aimed at professional groups, associations and volunteers, as well as educational, healthcare and social workers on a national level. The Ministry of Equality's budget for the 2025 financial year allocated to these grant applications is €7,000,000.00.

In November 2024, two bills aimed at protecting and guaranteeing the rights of minors in age determination procedures began their parliamentary processing:

- ✓ New judicial procedure for determining age

This regulates the new procedure for determining age, which is no longer an administrative procedure but a civil judicial procedure, since it affects the civil status of individuals and attributes jurisdiction in general to the Courts of First Instance specialising in family matters or, if there is no specialisation, to the one assigned by duty allocation.

The new protocol is governed by the principle of the best interests of the minor, the presumption of age of minority, the right to be heard and to participate in the procedure, the prohibition of invasive tests or full nudity, and specialisation of the professionals involved.

It also ensures free legal assistance as of the beginning of the procedure, as well as assistance from an interpreter and the person acting as legal representative for the minor.

Furthermore, it provides for intervention by the Public Prosecution Service, and may only be initiated when the person claiming to be a minor is undocumented or there are grounds to challenge the validity of the documentation provided.

This initiative is part of Spain's international commitments, particularly the rulings of the Committee on the Rights of the Child, whose decisions call for a judicial procedure rather than the current administrative model.

- ✓ The second bill assigns the determination of age to the Juvenile Court when a person is detained for alleged involvement in a criminal offence and there is reasonable doubt as to whether the person is a minor or adult.

The attribution of this jurisdiction is also based on the principle of presumption of minority age recognised by Spanish and international law.

Given that the intention of the Attorney General of the State's Office is to ensure full protection for foreign minors and that the powers over the protection of minors have been the responsibility of the Minors Unit of said office since 2024, the responsibility for coordinating the identification and protection of unaccompanied foreign minors has been assigned to the Minors Unit (as was already the case for national minors in a situation of neglect) and not to the Trafficking and Immigration Unit, as has been the case until now.

Identification of victims of trafficking

- **GRETA urges the Spanish authorities to:**
 - **put in place and operationalise a National Referral Mechanism defining the roles and procedures to be followed by all stakeholders that may come into contact with victims of trafficking;**

Since 2011, Spain has been able to count on the Framework Protocol for the Protection of Victims of Human Trafficking, which has acted to all intents and purposes as a national referral mechanism, since its intention is to lay down guidelines to detect, identify, assist and protect victims of human trafficking. It also aims to foster coordination among the institutions involved in these procedures, and to define the mechanisms for relations between the administrations with responsibilities in the matter, as well as the processes of communication and cooperation with organisations and entities with proven experience in assisting victims of trafficking, in particular those that provide comprehensive assistance and take part in public administration programmes to assist and protect said victims.

The Framework Protocol is responsible for:

- ✓ Defining the procedure for identifying victims of human trafficking and coordinating the work of the authorities and institutions responsible for this procedure.
- ✓ Laying down guidelines to assess the supposed risks to which victims are exposed, and determining protective measures.
- ✓ Gathering aspects related to a crime being reported and/or bringing it to the attention of the judicial authority.
- ✓ Defining the elements necessary to provide victims with adequate information about their rights, services and resources.
- ✓ Establishing criteria for a proper assessment of the victim's needs, enabling suitable assistance.
- ✓ Providing for foreign victims of trafficking to be included in voluntary return programmes.
- ✓ When the victim is a foreigner and in an irregular situation, giving details of the procedure for granting a recovery and reflection period and, where applicable, exemption from liability and the granting of the corresponding residence and work permit or assisted return procedure.
- ✓ Establishing specific kinds of action for the case of victims who are minors.
- ✓ Defining the participation of organisations and entities with proven experience in human trafficking victims, particularly those that provide comprehensive assistance and participate in the public administrations' programmes to assist and protect such people.

Nevertheless, Spain is fully aware of the need to update this instrument, which is why the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation contains a provision for the creation of a National Referral Mechanism for immediate referral of suspected victims of human trafficking and exploitation to specialised assistance and protection services, and implementation of the provisional identification procedure for victims.

- **ensure that, in practice, formal identification of victims of THB does not depend on the presence of sufficient evidence for the initiation of criminal proceedings;**

In accordance with Spanish law, the identification of victims of human trafficking is carried out by police units with specific training in the prevention and fight against human trafficking and in identifying and assisting its victims.

The current action protocols, especially the Framework Protocol for the Protection of Victims of Human Trafficking, state that in order to identify a victim, it is necessary to assess various points in addition to obtaining information about aspects related to the crime of human trafficking and its perpetrators. This is why an assessment of the victim's vulnerability and their protection are the essential factors in their identification.

In its annual reports and its ongoing assessment of the implementation of Instruction 6/2016 from the Secretariat of State for Security, the National Rapporteur on Human

Trafficking has repeatedly emphasised the need for the identification of the victim as an administrative task to be completely independent of the police investigation and criminal procedure.

Finally, the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation reiterates in its provisions that victim assistance, detection and identification, and access to rights shall not be conditional on the victim filing a complaint or on the victim's willingness or ability to cooperate with the authorities in the investigation or any subsequent criminal proceedings.

- **strengthen the proactive detection of victims of trafficking among asylum seekers and persons placed in immigration detention, as well as migrants arriving in the autonomous cities of Ceuta and Melilla, as well as the Canary Islands;**

As for identifying victims of human trafficking among asylum seekers, the Ministry of the Interior is working on developing an internal protocol for processing applications for international protection and recognition of stateless status for possible victims of human trafficking, which is currently in its initial phase.

In the case of the Canary Islands, it is common for them to be referred to specialised resources at the slightest indication upon arrival on the coast or at the resource to which they are referred. Specifically, there is a specialised resource with 25 places. In addition, there are other resources within the Humanitarian Assistance Programme for Migrants Arriving on the Coasts which, due to their characteristics and the users' profiles, can also assist possible victims of human trafficking who have been detected. The entities are also prepared to detect cases of human trafficking for labour exploitation and, as far as possible, they will be referred to specialised resources.

Furthermore, all centres receiving migrant arrivals located in the Canary Islands, the Iberian Peninsula and the autonomous cities of Ceuta and Melilla apply the aforementioned protocol to detect and respond to possible cases of THB for the purpose of sexual exploitation.

There are currently 215 places with specialised assistance for migrant women under the Humanitarian Assistance programme.

Data on victims of THB is continuously collected at all centres and facilities within the reception network in order to compile a weekly report. This enables an ongoing review of the process to simplify the recording of relevant information and create new measures based on the results of the analysis.

- **respect the principle of non-refoulement in particular by ensuring that pre-removal risk assessments prior to all forced removals from Spain fully assess risks of trafficking or re-trafficking on return. The Spanish authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek**

asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection (paragraph 240);

Current legislation in force in Spain guarantees that formally identified victims of human trafficking cannot be returned to their countries of origin under any circumstances. It also guarantees that a recovery and reflection period is granted, as well as residence permits based on collaboration or personal circumstances, and safeguards for potential applicants for international protection, all with no prejudice to use of the right to voluntary or assisted return.

Even so, Spain is aware of the need to continue strengthening protection mechanisms for migrant victims of human trafficking. Therefore, in line with the European Pact on Migration and Asylum, the Comprehensive Bill on Trafficking will include additional safeguards within the context of the rights of foreign victims.

➤ **GRETA considers that the Spanish authorities should:**

- **increase efforts to proactively identify victims of trafficking for all forms of exploitation, including victims who are Spanish nationals;**

The efforts made have been sufficiently explained in the other sections of this report.

- **strengthen multi-agency coordination in the identification of victims of trafficking and the involvement of specialised NGOs in the decision-making process leading to identification (paragraph 241).**

There is ongoing implementation of Instruction 6/2016 by the Secretary of State for Security on actions by the state law enforcement bodies in the fight against trafficking in human beings and in collaboration with organisations and entities with proven experience in assisting victims. This establishes that the National Police and the Civil Guard will set up a Social Interlocutor in human trafficking, aiming not only to provide a new tool to prevent and combat this type of crime, but also to foster coordination of action by the State law enforcement bodies with the various organisations and social entities that deal with the assistance and recovery of victims.

The Instruction includes the procedures to detect and identify victims in accordance with the provisions of the Framework Protocol for the Protection of Victims of Trafficking in Human Beings of 28 October, 2011, indicating that the State law enforcement bodies shall contact the specialised organisations for them to participate when a possible victim has been detected in the early identification and subsequent identification interview, thereby creating a formal space for civil society's participation in this process in order to ensure better protection and assistance for the victims.

Assistance to victims of trafficking

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

The Spanish authorities are fully aware of the need to safeguard the rights of all victims of human trafficking and exploitation, regardless of their gender, sexual orientation or identity, age, administrative status, or the type of exploitation they have suffered. For this reason, the Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation sets out rights and assistance measures for all victims, regardless of the type of exploitation they have suffered. These rights include access to a minimum basic income, social and employment integration, and access to housing.

Recovery and reflection period

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

Currently, the reflection period refers exclusively to the time granted to undocumented foreigners to decide whether they wish to cooperate with the authorities in the investigation of a crime when they are suspected of being victims of human trafficking. This period lasts a minimum of 90 days, which may be extended, and is regulated in accordance with Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action facilitating irregular immigration.

The Preliminary Draft of the Comprehensive Organic Law against Human Trafficking and Exploitation regulates a system of institutional protection that includes the National Referral Mechanism and provides for changes in the reflection period.