

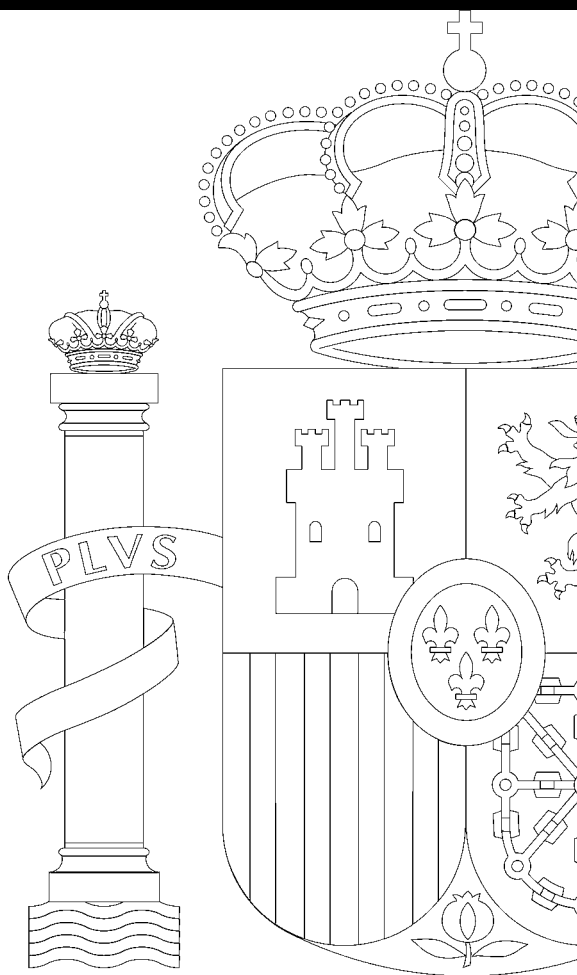
Plan to combat sexual exploitation



GOBIERNO
DE ESPAÑA

MINISTERIO
DE IGUALDAD

Plan to combat sexual exploitation



MINISTERIO DE IGUALDAD
MADRID, 2010

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Edición: Ministerio de Igualdad
Secretaría General Técnica
(Subdirección General de Cooperación y Relaciones Institucionales)

NIPO (M. IGUALDAD): 800-10-018-7
Depósito Legal: M-25505-2009
Imprenta Nacional del Boletín Oficial del Estado
Avda. Manoteras, 54. 28050 Madrid

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FOREWORD BY THE MINISTER FOR EQUALITY

The Comprehensive Plan to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation was created with the aim of putting an end to such a flagrant violation of human rights as the sexual exploitation of women and girls. This is an issue which concerns us and which touches on our values and our own rules for coexistence.

Based on the recommendations of Parliament, as well as the coordinated efforts of various ministries and several institutions active in this area, such as the OSCE and Council of Europe, the government has passed and implemented the first comprehensive strategic tool to tackle the criminal phenomenon of human trafficking. Our main aim is to eradicate this iniquitous practice, putting an end to criminal networks and organisations and cooperating with the countries where trafficking originates in order to achieve effective preventative action. We also have the obligation to protect and care for the victims, taking measures to ensure their rights, offering them opportunities and alternatives so that they may rebuild their lives. And as an essential part of this strategy and struggle, we as citizens must all become aware that trafficking is an illegal, cruel and illicit business, one which turns women into mere merchandise and which is always a clear violation of human rights.

We need society as a whole to respond to trafficking, taking a clear and firm position against it. It is for this reason that the plan is the result of consensus: we must form a united front against this form of modern slavery. In a 21st century world, we cannot allow the rights of a significant number of women and girls to be trampled upon, making them mere objects for the benefit of pimps and mafia networks. In our struggle for equality and against gender violence, we are not going to permit tolerance of any kind for sexual exploitation, one of the oldest forms of violence in the world.

Bibiana Aído Almagro
Minister for Equality

I. THE PHENOMENON OF TRAFFICKING IN HUMAN BEINGS

I.1 INTRODUCTION: INSIGHT INTO THE PHENOMENON OF TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings has reached worrisome proportions and is one of the most scandalous and outrageous ways of demeaning human beings by treating them as mere market commodities and constitutes one of the most serious violations of human rights.

The broadest definition of trafficking in human beings includes the multiple modes of trafficking for the purpose of sexual exploitation (prostitution, sexual tourism, mail-order brides and subservient marriages) as well as the removal and sale of organs and trafficking in human beings for the purpose of labour exploitation to undertake the most unpleasant jobs in our labour markets (in conditions of subservience) or simply for domestic work from a position of servitude.

Understanding this phenomenon requires bearing in mind other realities which, in principle, are not directly linked to this criminal activity. Examples include global migratory movements, the scant likelihood of finding productive employment in societies of origin and the serious lack of respect and protection of human rights characterising many of these societies.

Moreover, trafficking is a complex crime in light of its connection to a whole set of different (but related) crimes such as threat, intimidation, coercion, sexual aggression, document counterfeiting, tax crimes and money laundering and also owing to its close ties with organised crime.

Trafficking in human beings for the purpose of sexual exploitation, especially targeting women and girls (its principal victims), is one of the cruellest manifestations of this illegal trade. It is, in fact, one more example of the prevailing situation of inequality in which women in many places around the world find themselves clearly constituting gen-

der-based violence. For years this phenomenon has remained virtually hidden due to a simple lack of awareness but has now come to the forefront of social conscience thanks mostly to the work undertaken by institutions, international organisations such as the United Nations, the European Union, the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) and non-governmental organisations and associations.

Trafficking for the purpose of sexual exploitation is not new. Its main underlying causes are the growing inequality between countries, poverty and the feminisation of poverty, the persistence of discrimination against women, unemployment, the sexual divide in the labour market, lack of education and the impossibility of accessing resources on an equal footing with the rest of the population.

In light of the foregoing, the problem must be approached from four different perspectives which have become the guidelines of all of the measures of this Plan:

- First of all, the gender perspective. As pointed out by the European Union, women “are more likely to become victims of trafficking due to a lack of education and professional opportunities.” Over the last several decades we have witnessed the burgeoning of a sex business based on women’s bodies being sold as a consumer commodity. We are up against a sex trade mostly affecting women and therefore constituting a problem related to discrimination by reason of gender.
- Secondly, it is a violation of fundamental rights. The phenomenon of trafficking cannot be disassociated from prostitution. The local or even individual nature that formerly characterised prostitution has been replaced by something much more complex and of a wider scope; a criminal activity based on the commercial sale of women violating their dignity and seriously compromising human rights.
- Thirdly, trafficking is a transnational act requiring international cooperation. We should be aware that more effective tools are needed to combat trafficking given its proportions; tools which, given our increasingly global world, must include effective international cooperation owing to the transnational implications of networks trafficking in human beings, and an increasingly firm commitment to the developing societies at origin given the close link between trafficking and situations of poverty and vulnerability.

- Fourthly, it is a crime urgently requiring police and judicial action. Trafficking is often controlled by perfectly organised international crime syndicates which trade and traffic in women just as they could trade in drugs, arms or any other commodity allowing dealers to earn huge sums of money in short periods of time. A firm stance must therefore be taken to combat these criminal networks and shut down their lucrative business.

I.2 UNIVERSAL CONCEPT OF TRAFFICKING

In November 2000, the United Nations General Assembly implemented the **United Nations Convention against Transnational Organised Crime** and two of its supplementary protocols, the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children** and the **Protocol against the Smuggling of Migrants by Land, Sea and Air**, instruments which came into force in September 2003 and January 2004 respectively,

These protocols define **trafficking in human beings** as the: “Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The capture, transport, transfer or receipt of minors under the age of 18 for the purpose of exploitation, even when the means described in the foregoing paragraph are not used, is likewise considered trafficking.

This definition of trafficking can be broken down into three fundamental elements:

- **The act:** meaning the capture, transport, harbouring or receiving of persons.
- **The means used:** threat, force, deception, abuse of power, vulnerability, payment or remuneration of a person having control over the victim.
- **The purpose:** including sexual exploitation, forced labour, slavery and similar practices or the removal of organs.

It is important to draw a distinction between trafficking in human beings and the **smuggling of migrants** which is defined by the United Nations as: “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”

Smuggling of migrants and trafficking in human beings are carried out through established channels by illegal immigration networks.

The following factors help to distinguish between the two phenomena:

Consent: Smuggling of persons, despite often being characterised by degrading or hazardous conditions, requires their consent when they put themselves in the hands of smugglers. Trafficking is not consensual or, if there was initial consent, it was through coercion, deception or abuse.

Exploitation: The act of smuggling concludes with the arrival of the smuggled persons to their destination. Trafficking, however, entails subsequent exploitation of the victim for the purpose of obtaining economic profit.

Transnationality: Smuggling of migrants is always transnational while trafficking can occur between different areas within the borders of the same country.

This distinction is drawn because the two phenomena are frequently confused. This confusion is reflected in statistics making it difficult to know the extent of the problem of trafficking in human beings especially when referring, as is the case here, to a global situation whose understanding requires the comparison of data furnished by different countries but which we know are not based on standard criteria.

In this connection, the reform of the Spanish Criminal Code which was recently passed by the Cabinet, includes a clear definition of this new criminal act.

I.3 INTERNATIONAL AGREEMENTS AND CONVENTION ON TRAFFICKING IN HUMAN BEINGS

The following international law precepts regulate trafficking in human beings:

- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, of 2 December 1948.

- The European Convention on Human Rights of 1950.
- The Convention on the Elimination of all Forms of Discrimination against Women, 1979.
- The United Nations Convention against Transnational Organised Crime done at New York on 5 November 2000 (instrument of ratification of 21/02/02 published in the Official State Gazette on 29/09/03).
- The Recommended Principles and Guidelines on Human Rights and Human Trafficking issued by the UN High Commissioner for Human Rights, 2002.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. (Instrument of ratification of 21/02/02 published in the Official State Gazette on 11/12/03).
- The Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organised Crime. (Instrument of ratification of 21/02/02 published in the Official State Gazette on 10/12/03).
- European Union Council Framework Decision of 19 July 2002 on combating trafficking in human beings
- 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 to facilitate illegal immigration, who cooperate with the competent authorities.
- Council of Europe Convention of 3 May 2005 on Action against Trafficking in Human Beings.
- EU Plan on Best Practices Standards and Procedures for Combating and Preventing Trafficking in Human Beings (2005/C 311/01).
- The 1989 Convention on the Rights of the Child and the 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- The OSCE Action Plan to Combat Trafficking in Human Beings approved unanimously by all participating Member States including Spain at the Maastricht Council of Ministers, 2003.

I.4 TRAFFICKING IN HUMAN BEINGS IN THE WORLD AND IN SPAIN

Despite efforts made by governments and international organisations, the figures on trafficking in human beings on a world scale are only an approximation of the magnitude of the problem. Its international dimension and the differences in resources between the different parts of the world involved make it difficult to obtain even somewhat standard and systematic data or to draw comparisons or conduct scientific analyses. There is, however, consensus in affirming that we are facing a problem which affects millions of people as has been broadly reflected in the **United Nations Office on Drugs and Crime report entitled “Trafficking in persons: global patterns”, published in May 2006.**

In this connection, the United Nations has been urging governments to adopt a set of measures for the processing of this information to enhance our global vision of the situation such as the development in the different countries of systematic data collection structures and methodologies, the centralisation of data in national agencies, their classification based on some basic variables such as victims, delinquents, organised groups, the trafficking of persons within national borders, and to make an effort to obtain qualitative information and not only statistics.

It also calls on governments to encourage the active collaboration of individuals and groups that are likely to come into contact with the victims of this crime such as police and customs officers, port and airport personnel, immigration officials, medical and social personnel, judges, labour inspectors, NGO workers, etc. with a view to enhancing the detection of cases of trafficking in human beings.

As for the structure of the international flow of trafficking in human beings, the UN reports include maps classifying countries according to their degree of importance as places of origin, transit or destination.

In very general terms, the countries of the Commonwealth, Central and Eastern Europe, Western Africa and Southeast Asia are the most important regions of origin. Western Europe, North America and Western Asia are the most frequent destination areas, while Europe, Southeast Asia, Central America and Western Africa are the major transit areas.

According to the UN report, Spain is not a country of origin but is used as what is defined as a *low level* country of transit for victims of trafficking from Brazil, South America and Africa. However, according to this same report, Spain is considered an important country of destina-

tion receiving victims from Colombia, the Dominican Republic, Nigeria, Russia, the Ukraine, Romania, Bulgaria, Brazil, Croatia, the Czech Republic, Hungary, Morocco, Poland and other countries.

An analysis of trafficking in Spain reveals that it is clearly linked to prostitution. As indicated in the introduction, trafficking in women and young girls and boys exists because prostitution exists.

It is common knowledge that over the last several years many premises have emerged (flats, detached homes, massage parlours, saunas, etc.) in provincial capitals and other densely populated towns and cities offering sexual services, mainly advertised through the press. Hundreds of prostitution establishments have likewise sprung up along the main motorways and on the outskirts of cities (highway hotels or motels) indicating that the use of prostitution services is on the rise in Spain.

According to police estimates, 90% of the women working in these establishments are aliens. More than half of these are from the Americas (especially Colombia and Brazil), a third are European (from Eastern European countries, especially Romania and Russia) and the rest are from Africa (mostly Nigerians and Moroccans). A large percentage of these women are in the hands of networks trafficking in human beings.

The women falling victim to these networks are captured in their countries of origin where traffickers take advantage of their personal situation (generally characterised by a lack of economic resources, unemployment, low level of education and difficulty in emigrating legally) by using different deceitful tactics such as the placing of false adverts for employment in the local media (usually for work in the catering or domestic sectors) or through travel agencies, match-making services or models working for the organisation. In other cases, recruitment is directly through other women who have already worked as prostitutes in Spain and receive commissions from the organisation.

Sexual exploitation typically requires an organisational structure for the capture, transport and room and board of the women working as prostitutes, especially alien women. As a result, sexual exploitation is an especially attractive activity for organised crime groups which are generally very eager to directly or indirectly control the women engaging in prostitution.

The organisation usually provides the captured women with travel tickets and the documentation needed to enter Spain (passports, Schengen visas, letters of invitation, etc.) for which victims accrue a debt which subsequently is used as the pretext for exploitation. This debt is arbitrarily increased and becomes enormously difficult to pay back.

Sometimes women are accompanied on their trip to Spain by members of the organisation who help them get through border checks; in other cases they are met upon arrival to Spain and their travel documents and money are immediately confiscated and they are taken to the *night club* or other premises where they are expected to work as prostitutes. There they are subjected to different degrees of control which, in the most serious cases, can include being locked in rooms, surveillance by closed-circuit television, not being allowed any contact with people outside of this environment, threats and even aggression and beatings.

In the specific case of networks targeting Sub-Saharan African women (especially Nigerians), coercion also takes advantage of their superstitious nature using voodoo rites or black magic whereby non-payment of their debt is linked with misfortunes for the victim or her family members.

There is a prevailing social tendency in recipient countries to consider prostituted women as responsible for their situation, overestimating their capacity to choose this form of subsistence. As a result, exploited women suffer a dual burden: their own situation as exploited persons and the stigmatisation and social rejection they suffer. They are sometimes mistakenly associated with a life of leisure, entertainment and a high standard of living when the most likely truth is just the opposite.

Social stigmatisation, a feeling of isolation in the recipient society, language barriers, fear and the impossibility of finding solutions to their problems, all contribute to maintaining a situation of clandestine exploitation and hinder the subsequent social-labour market integration of the victim.

As concerns the routes used by these organisations, we will focus on those used to transport women from Central and South America and from Eastern European in light of their importance.

Women from Central and South America frequently travel through third countries (within the Schengen zone); in other words, avoiding direct flights to Spanish airports. From Brazil (the main country of origin) a stopover is often made in Paris and connecting flights taken to Bilbao, Madrid or Peinador in Vigo (Pontevedra).

As for Eastern European women, the transfer from Russia, Lithuania, Ukraine and especially Romania is mainly by bus or van crossing all of Europe.

II. ACTION PLAN

II.1 BACKGROUND INFORMATION AND METHODOLOGY EMPLOYED

This Plan has been designed as the first comprehensive planning instrument to combat trafficking in human beings for the purpose of sexual exploitation in Spain.

It envisages a series of joint measures to effectively combat trafficking in human beings. It addresses the phenomenon of sexual exploitation specifically focusing on that perpetrated against women and girls which, as recognised by the United Nations, is by far the most frequent type of exploitation associated with trafficking, especially in countries of Western Europe, North America and some regions of Asia.

The Plan seeks to respond to the social concern caused by this problem by proposing new instruments and channels of action especially focusing on the need for enhanced collaboration and coordination between public administrations, institutions and the civil society, stressing the important role that non-governmental organisations and associations working with women should play. The Plan likewise seeks to foster cooperation at international level to better detect cases of exploitation, define and gain greater insight into the problem and make clear progress in preventing it.

Therefore, the aim is to join forces with all stakeholders with a view to gaining the broadest and most accurate possible perspective on the situation, delving into its underlying causes and trying to prevent these, helping victims with all available means and persecuting and punishing the perpetrators of this crime.

To this end, it is vital to bolster the operational response of the state police and security forces by intensifying their action, fine-tuning their organisational structures, increasing the number of specialised personnel and increasing financial means and resources so as to more swiftly detect situations of trafficking, effectively investigate these while protecting victims and refer the latter to suitable institutions and organisations for help.

The Plan is supplemented with measures combating trafficking in girls and boys included in the **II Action Plan against the Commercial Sexual Exploitation of Children and Adolescents 2006-2009**, approved in December 2005 by the *Observatorio de la Infancia* (Children's Observatory).

When drawing up this Plan, due consideration was given to the different parliamentary initiatives in Spain with regard to the phenomenon of trafficking in human beings and to the framework laid down by the European Union which are the precursors to this Plan and among which special mention should be made of:

- The conclusions and recommendations, approved on 25 June 2003 by the Joint Congressional-Senate Committee on Women's Rights from the working party created to address trafficking in women, girls and boys in line with the recommendations of the Vienna Conference of July 1996 and the Convention on children's rights of 1989.
- Several different non-legislative motions tabled and passed by the different parliamentary groups during the past legislative period and, more recently, last September by the Senate.
- The EU Plan on Best Practices Standards and Procedures for Combating and Preventing Trafficking in Human Beings (2005/C 311/01) published in the Official Journal of the European Union on 9 December 2005.
- The conclusions and recommendations passed on 13 March 2007 by the working party on the situation of prostitution in Spain constituted within the Congressional-Senate Joint Committee on Women's Rights and Equal Opportunities.

Within this framework, the Government decided to draw up a **Comprehensive Plan to combat trafficking in human beings for the purpose of sexual exploitation**, entrusting its design and initial coordination to the Ministry of the Interior. Subsequently, and in coordination with the Vice-presidency of the Government, an inter-ministerial group was formed to draw up the first draft of measures. And finally, the recently created Ministry of Equality has coordinated the final phase of the Plan incorporating the contributions made by social organisations and the Autonomous Communities.

II.2 OBJECTIVES

- To raise awareness throughout society and to promote "zero tolerance" in the face of criminal acts related to trafficking in human beings for the purpose of sexual exploitation.

- To combat the underlying causes of trafficking by means of active cooperation policies with the countries of origin and prevention measures in the countries of origin, transit and destination.
- To develop comprehensive measures involving judicial, social, educational, police, administrative and immigration officials along with the participation of non-governmental organisations.
- To ensure, as a main pillar, care for and protection of victims of trafficking guaranteeing protection of their rights and interests.
- To take a firm stance in the fight against trafficking in human beings for the purpose of sexual exploitation and against the active participation of traffickers and procurers in this phenomenon.

II.3 AREAS OF THE PLAN

- Awareness-raising, prevention and investigation measures
- Education and training measures
- Victim care and protection measures
- Legislative and procedural measures
- Coordination and cooperation measures

II.4 DURATION, MONITORING AND EVALUATION

The duration of the Plan is 3 years (2009-2011), the period of time deemed necessary to efficiently implement measures and assess their effectiveness.

An Inter-ministerial Coordination Group assigned the following duties will be created to monitor and evaluate the Plan:

- Monitoring and evaluation of the actions forming part of the Plan.
- Drafting of proposals.
- Communication with fora combating trafficking in human beings for the purpose of sexual exploitation.

- Tabling of proposals and conclusions to the Monitoring Committee of the Human Rights Plan.
- Approval of an Annual Report for submission to the Executive Committee for Equality and to the Cabinet.

The Inter-ministerial Group will be composed of representatives from the following Departments:

- Ministry of Foreign Affairs and Cooperation
- Ministry of Justice
- Ministry of the Interior
- Ministry of Health and Social Policy
- Ministry of Labour and Immigration
- Ministry of Equality (chairing the Group)

The different Departments and Institutions involved in executing the Plan must submit half-yearly monitoring reports to the Inter-ministerial Group. An Annual Report will be drawn up based on the information contributed by the different spheres of action and submitted to the Executive Committee for Equality.

III. AREAS OF THE ACTION PLAN

AREA I. AWARENESS-RAISING, PREVENTION AND INVESTIGATION MEASURES

OBJECTIVE 1

Gain greater insight into the phenomenon of trafficking and its true dimensions from a multi-disciplinary point of view

Knowledge of the true dimension of trafficking for the purpose of sexual exploitation is essential in determining the scope of the problem we are facing.

To that end, we need a more thorough knowledge of the circumstances surrounding trafficking and more rigorous monitoring of the assistance programmes implemented and their evaluation.

The Government will carry out the following measures:

ACTION 1. *Conduct a study on trafficking in women for the purpose of sexual exploitation in transit through Spain or with our country as the final destination and its relationship to migratory phenomena.*

Units responsible: *Ministry of Labour and Immigration
Ministry of Equality*

ACTION 2. *Conduct a study to analyse the judicial treatment of criminal cases related to THB for the purpose of sexual exploitation as from the approval of organic law 11/2003.*

Units responsible: *Ministry of Justice
Ministry of Equality*

ACTION 3. *Conduct a study on the consequences of trafficking on victims, intervention models for rehabilitation and a map of existing resources*

Units responsible: *Ministry of Health and Social Policy
Ministry of Equality*

OBJECTIVE 2

Raise societal awareness of the problem of trafficking in human beings for the purpose of sexual exploitation

A loud and clear message must be communicated to the society as to how trafficking for the purpose of sexual exploitation violates fundamental rights with a view to eradicating any last thread of permissiveness and promoting its social rejection and the principle of zero tolerance as regards this phenomenon.

ACTION 1. *Development and implementation of communication campaigns targeting the society at large on the violation of the fundamental rights of women engaging in prostitution and of the victims of trafficking for the purpose of sexual exploitation.*

Units responsible: *Ministry of Labour and Immigration
Ministry of Health and Social Policy
Ministry of Equality.*

ACTION 2. *The Government of Spain will encourage the commemoration of the 18th of October as the international Day Against Trafficking in Human Beings.*

Units responsible: *Ministry of Foreign Affairs and Cooperation
Ministry of Equality.*

ACTION 3. *Promote control of contact adverts in the media*

Units responsible: *Ministry of the Presidency
Ministry of Equality.*

OBJECTIVE 3

Raise awareness and inform students, families and teachers regarding the phenomenon of trafficking in human beings for the purpose of sexual exploitation

Trafficking in human beings for the purpose of sexual exploitation is possible due to social attitudes and behaviours which favour the exploitation of women.

Schools need to incorporate attitudes and lessons to foster respect for human rights and equality between women and men. The framework for this should be the subject entitled *Educación para la Ciudadanía* (educating for citizenship).

ACTION 1. *The Government of Spain will encourage information and awareness programmes in schools in collaboration with the autonomous communities.*

Units responsible: *Ministry of Health and Social Policy*

OBJECTIVE 4

Inform and raise awareness about THB throughout businesses, institutions and public and professional events organisers

With a view to preventing any form of sexual tourism to or from our country, information and awareness-raising campaigns will be undertaken targeting travel agencies, events organisers, sports events, congresses and other major national and international gatherings.

To this end, conferences and seminars will be organised targeting the different business and professional sectors focusing on preventing and reducing demand and promoting self-regulation and control mechanisms.

ACTION 1. *Specific information campaigns targeting the travel sector, institutions and organisers of major events.*

Units responsible: *Ministry of Equality
Ministry of Industry, Tourism and Trade
Ministry of Health and Social Policy*

OBJECTIVE 5

Improve prevention and early detection systems

In order to effectively prevent trafficking, the Government will adopt specific measures to guarantee swifter detection of situations of this sort:

- in countries of origin having regard to potential victims of trafficking whose destination is our country;

- when entering into Spanish territory by enhancing police control at the ports of entry such as ports and airports;
- within our country by reinforcing the mechanisms whereby trafficking is reported to the police, by planning and intensifying police inspections in high-risk locations and devising instruments to detect and report these situations in the places where they are detected such as health-care centres, social services facilities and schools.

ACTION 1. *Inclusion of trafficking in human beings as a priority issue at consular official and attaché meetings and among liaison officials of the ministry of the interior stationed in the countries of origin with a view to improving information, early detection and identification of visa applications which could be associated with this phenomenon.*

Units responsible: *Ministry of Foreign Affairs and Cooperation
Ministry of the Interior.*

ACTION 2. *Inclusion of biometric identifiers in the issue and verification of visas and residency permits.*

Units responsible: *Ministry of Foreign Affairs and Cooperation
Ministry of the Interior.*

ACTION 3. *Nationwide implementation of the new control systems and mechanisms for detection of trafficking at ports, airports and means of transport.*

Units responsible: *Ministry of the Interior.*

ACTION 4. *Planning and intensification of inspections at locations where there is a greater risk of THB.*

Units responsible: *Ministry of the Interior
Ministry of Labour and Immigration.*

ACTION 5. *Drafting of protocols for the detection and reporting of situations of trafficking and exploitation in the health, social and educational fields.*

Units responsible: *Ministry of Health and Social Policy*

OBJECTIVE 6

Improve the capacity of law enforcement officials to investigate and combat trafficking

The fight against trafficking in human beings for the purpose of sexual exploitation is a police priority. Police and security forces will be provided with the necessary resources to effectively investigate and combat this criminal act. The Government will adopt measures covering the following aspects:

- Improve knowledge of the *modus operandi* used to commit this sort of crime,
- Arrange specialised investigation proceedings incorporating best practices at national and international level.
- Provide for an intelligence-based strategic and tactical approach to police work against trafficking.
- Include trafficking in human beings on the list of priority actions of the Intelligence Centre against Organised Crime.
- Reinforce the organisational structures, specialised personnel and technological and financial resources of the state police and security forces.

ACTION 1. *Drafting of best practices codes for the investigation of THB.*

Units responsible: *Ministry of the Interior.*

ACTION 2. *Conduct studies and analyses on the modus operandi of criminal organisations devoted to thb and of other profiles of traffickers.*

Units responsible: *Ministry of the Interior.*

ACTION 3. *Inclusion of specific intelligence data in the files of organised groups for use by the intelligence centre against organised crime.*

Units responsible: *Ministry of the Interior.*

ACTION 4. *The intelligence centre against organised crime will integrate the information from investigations conducted against criminal networks devoted to THB.*

Units responsible: *Ministry of the Interior.*

ACTION 5. *Drafting of status and prospective reports on thb networks through the intelligence centre against organised crime, establishing strategic priorities.*

Units responsible: *Ministry of the Interior.*

ACTION 6. *Reinforcement of organisational structures, specialised personnel and material resources of the State Police and Security Forces.*

Units responsible: *Ministry of the Interior.*

AREA II. EDUCATION AND TRAINING MEASURES

OBJECTIVE 1

Encourage specialised THB training targeting state police and security forces and personnel of the Ministry of the Interior working in the areas of trafficking

National Police Force and Civil Guard training programmes include units and courses on trafficking in human beings.

The Plan aims to:

- Review and update specialised training content at all levels of instruction: entry, promotion and specialisation.
- Organise specific courses especially on IT systems and investigation of organised trafficking and child pornography rings.
- Extend specialisation to other personnel at the Ministry of the Interior such as the civil servants assigned to the Asylum and Refugee offices and liaison officers.

ACTION 1. *Review and update the content of the training plans and programmes designed for police and security forces at all levels of instruction.*

Units responsible: *Ministry of the Interior.*

ACTION 2. *Teach specific courses on trafficking and police procedures applied to its prevention, investigation and control.*

Units responsible: *Ministry of the Interior.*

ACTION 3. *Training of attachés, liaison officers and civil servants at asylum and refugee offices.*

Units responsible: *Ministry of the Interior.*

OBJECTIVE 2

Enhance training of civil servants and professionals of government administrations and public and private institutions involved in THB

The Government will design training and awareness-raising actions on gender, immigration and trafficking in human beings targeting professionals already working or who are going to work in Spain with victims of trafficking for the purpose of sexual exploitation in collaboration with the Autonomous Communities and in the framework of the distribution of competencies in each area.

Likewise, the greater likelihood of women, girls and boys in countries in conflict falling prey to illegal immigration networks for sexual exploitation warrants specific training targeting military and police personnel involved in peace-keeping missions.

The following actions will be carried out through the different ministerial departments:

ACTION 1. *Design and implementation of training actions targeting health-care personnel, teachers, justice administration personnel, workers at immigration offices and public and ngo social services in collaboration with the autonomous communities.*

Units responsible: *Ministry of Health and Social Policy
Ministry of Justice
Ministry of Labour and Immigration
Ministry of Equality.*

ACTION 2. *Organisation of academic activities and discussion fora targeting legal operators on the interpretation and application of the legal framework in force in Spain, especially as relates to international regulations and specifically the Palermo Protocol.*

Units responsible: *Ministry of Justice
Ministry of Equality.*

ACTION 3. *Training of civil servants at the Ministry of Foreign Affairs and cooperation in charge of issuing visas.*

Units responsible: *Ministry of Foreign Affairs and Cooperation.*

ACTION 4. *Training of Security and Defence Forces involved in peace-keeping missions.*

Units responsible: *Ministry of Defence
Ministry of the Interior.*

AREA III. VICTIM CARE AND PROTECTION MEASURES

OBJECTIVE 1

Guarantee the protection of victims and witnesses through enforcement of Organic Law 19/1994 of 23 December on the protection of witnesses and experts in criminal cases

The vulnerability of victims of trafficking becomes especially apparent during legal proceedings and steps should therefore be taken to prevent exploiters from influencing their testimony.

To guarantee the proper enforcement of Organic Law 19/1994 on Witnesses and Experts, an action Protocol calling for coordination between the police, the public prosecutor and judicial bodies will be drawn up which, as concerns this objective, covers at least the following aspects:

- Adequate information for victims regarding their rights and available services and resources.
- Protection of victim identification data in reports.
- Mechanisms to protect the privacy of victims in oral proceedings.
- Measures to facilitate effective change of domicile.
- Mechanisms to facilitate the protection of family members in the country of origin by means of seamless communication between police organisations.
- Coordination instruments between police and prosecutors to facilitate communication between these two entities.

ACTION 1. *Draft an action and coordination protocol between the police, public prosecution service and judicial bodies with measures to inform and protect victims and witnesses.*

Units responsible: *Ministry of the Interior*
Ministry of Justice

ACTION 2. *The Ministry of Justice will call on the State Prosecution Service to draw up instructions on the use of victim's statements as evidence produced during preliminaries to trial.*

Units responsible: *Ministry of Justice*

OBJECTIVE 2

Provide better information to victims on rights and resources

Victims have a right to information which should be available at different points accessible to them throughout Spain, basically police, health-care and social service centres. The Government will implement the necessary mechanisms in this regard in collaboration with the Autonomous Communities.

ACTION 1. *Draft and distribute specific educational material on victim's rights and resources at police, legal, health-care, alien service, asylum and border and public and non-governmental social services centres.*

Units responsible: *Ministry of Justice
Ministry of the Interior
Ministry of Health and Social Policy
Ministry of Labour and Immigration
Ministry of Equality
Autonomous Communities*

OBJECTIVE 3

Improve victim care services

In line with the Recommendations of the Council of the European Union on the identification of and referral to services adapted to victims of trafficking in human beings of 19 October 2007, the Government will adopt specific measures to improve the care provided to victims of THB and will specifically:

- Compile information handbooks targeting field professionals for use as a basic instrument to optimise the effectiveness of care which provide the knowledge needed to adapt care to each situation and to make referrals to the most appropriate services.
- Facilitate social attention to victims whose situation of isolation prevents them from gaining access to normal help centres.
- Focus attention on non-governmental organisations which include the action of intercultural mediators in providing support for victims.
- Facilitate the labour market integration of victims of trafficking.

ACTION 1. *Draft and distribute an information handbook for professionals of services and care points attending to the needs of victims.*

Units responsible: *Ministry of Equality in collaboration with the different Ministries involved and the Autonomous Communities.*

ACTION 2. *Draft and distribute a guide for the provision of information through existing telephone services.*

Units responsible: *Ministry of Equality.*

ACTION 3. *Support the creation of mobile units to provide care to victims who are isolated.*

Units responsible: *Ministry of Equality
Ministry of Health and Social Policy
Ministry of Labour and Immigration
Autonomous Communities*

ACTION 4. *Foster intercultural mediation initiatives through NGOs.*

Units responsible: *Ministry of Equality
Ministry of Labour and Immigration*

ACTION 5. *Include victims of trafficking for the purpose of sexual exploitation among the beneficiaries of employment training programmes.*

Units responsible: *Ministry of Labour and Immigration
Ministry of Equality
Autonomous Communities*

ACTION 6. *Creation of reception centres providing specific comprehensive care (psychological, medical and legal).*

Units responsible: *Ministry of Health and Social Policy
Ministry of Labour and Immigration
Autonomous Communities*

OBJECTIVE 4

Provide specialised legal assistance to victims of THB in their own language

The general provision of specialised legal assistance in their own language is a very useful tool in providing assistance to victims and improving police investigation.

To this end, the following actions will be carried out:

ACTION 1. *Specific thb training targeting court appointed lawyers in collaboration with the general lawyer's council.*

Units responsible: *Ministry of Justice.*

ACTION 2. *Provide immediate specialised legal service free of charge to victims of THB.*

Units responsible: *Ministry of Justice.*

ACTION 3. *Provide interpreters of the languages spoken by victims.*

Units responsible: *Ministry of Justice.*

OBJECTIVE 5

Provide full protection for victims who are residing illegally in Spain

In accordance with Article 7(1) of 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 to facilitate illegal immigration, who cooperate with the competent authorities, victims must be guaranteed comprehensive care under conditions of security and confidentiality covering at least the following aspects: housing in its different forms, medical and psychological treatment, information and legal advice on services and programmes.

A grace period must also be established prior to filing the police report long enough so that victims can re-establish themselves and get out from under the influence of traffickers and/or can take a prior informed decision regarding their cooperation with competent authorities.

The comprehensive nature of assistance likewise requires the adoption of measures in the areas of **education, training and social and labour market integration**.

Moreover, the majority of the victims do not report their predicament because they are illegal aliens in Spain and this, in addition to preventing protection, further hinders police action against these crimes.

Alien law envisages application for suspension of expulsion decrees and the granting of exceptional work or residency permits to victims, persons suffering damages or witnesses of acts of trafficking in human beings, illegal immigration and trafficking in labour or prostitution when they report these crimes or collaborate with police or judicial authorities in combating organised networks.

The precarious situation in which victims find themselves while waiting for legal proceedings to take their course calls for swift action as concerns the different formalities composing such proceedings in collaboration with the authorities of victims' countries of origin of the victims.

To that end, the Government will carry out the following measures:

ACTION 1. *Expedite and simplify administrative procedures for the granting of work and residency permits.*

Units responsible: *Ministry of Labour and Immigration*
Ministry of the Interior.

ACTION 2. *Expedite the identification and documentation of victims in collaboration with the countries of origin and the NGOs.*

Units responsible: *Ministry of Foreign Affairs and Cooperation*
Ministry of the Interior

ACTION 3. *Transpose 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 to facilitate illegal immigration, who cooperate with the competent authorities.*

Units responsible: *Ministry of the Interior
Ministry of Labour and Immigration*

ACTION 4. *Provide for a minimum 30-day grace period to give victims the chance to re-establish themselves and get out from under the influence of traffickers and/or decide whether to collaborate with government, police and judicial authorities.*

Units responsible: *Ministry of Justice
Ministry of Labour and Immigration
Ministry of the Interior.*

ACTION 5. *Earmark funds guaranteeing the subsistence of victims during the grace period or their possible return to their country of origin if they so request.*

Units responsible: *Ministry of Labour and Immigration
Autonomous Communities*

ACTION 6. *Draft a protocol for use by the police and security forces to make referrals to and coordinate social-health care resources for victims.*

Units responsible: *Ministry of the Interior
Ministry of Health and Social Policy
Ministry of Labour and Immigration
Ministry of Equality
Autonomous Communities.*

AREA IV. LEGISLATIVE AND PROCEDURAL MEASURES

OBJECTIVE 1

Improve legal mechanisms to provide victims with immediate and adequate support

Expedient legal assistance to victims is a fundamental factor in the effectiveness of protection measures.

In addition to the action and coordination measures of the Public Prosecutor and the Police Forces in the enforcement of Organic Law 19/1994 targeting witnesses and experts, implementing regulations must be enacted in this connection.

ACTION 1. *Amendment of the free legal assistance act and the law concerning the rights and freedoms of aliens in Spain and their social integration in order to furnish victims with an immediate legal assistance system and an interpreter.*

Units responsible: *Ministry of Justice*
Ministry of Labour and Immigration

ACTION 2. *Approval of the implementing regulation of law 19/1994 on the protection of witnesses and experts in criminal cases.*

Units responsible: *Ministry of Justice.*

OBJECTIVE 2

Encourage the adoption of precautionary measures in the Code of Criminal Procedure regarding evidence produced during preliminaries to trial

The vulnerability of these victims is especially apparent during judicial proceedings. Our legal system already provides for precautionary measures in criminal proceedings which are very useful in promoting more thorough investigations and facilitating greater protection for victims and encouraging them to testify in court. These measures will effectively contribute to reducing the impunity with which these criminals operate and help prevent the persistence of this criminal conduct.

To this end, the following actions will be carried out:

ACTION 1. *Instructions from the public prosecutor on filing requests for precautionary measures in proceedings for crimes relating to trafficking.*

Units responsible: *Ministry of Justice.*

ACTION 2. *Amendment of the code of criminal procedure as concerns evidence produced during preliminaries to trial in order to include explicit mention of victims of trafficking.*

Units responsible: *Ministry of Justice*

OBJECTIVE 3

Deprive organisations devoted to trafficking of economic advantages

Trafficking in human beings for the purpose of sexual exploitation is a very profitable crime for organisations devoted to this activity. The Government will mobilise all of the resources and expertise within its sphere of influence to keep these organisations from profiting by promoting legislative measures facilitating the seizure and confiscation of their assets.

The value of the confiscated items should be used both to aid victims and to strengthen police action.

Criminal law will also be amended to extend the so called *enlarged confiscation* to all crimes related to trafficking perpetrated through criminal networks and organisations.

ACTION 1. *Amendment of the code of criminal procedure to broaden the precautionary measures having regard to this crime.*

Units responsible: *Ministry of Justice.*

ACTION 2. *Creation of a fund consisting of assets confiscated from trafficking in human beings.*

Units responsible: *Ministry of Justice
Ministry of the Interior
Ministry of Labour and Immigration
Ministry of Equality.*

ACTION 3. *Strengthening of police specialisation in the financial investigation of crimes relating to trafficking.*

Units responsible: *Ministry of the Interior.*

ACTION 4. *Amendment of the criminal code to extend enlarged confiscation to crimes related to trafficking.*

Units responsible: *Ministry of Justice.*

AREA V. COORDINATION AND COOPERATION MEASURES

OBJECTIVE 1

Bolster operational police cooperation

The fight against trafficking in human beings for the purpose of sexual exploitation requires a concerted effort on the part of the different national, regional and local police forces including harmonisation of action procedures, sharing methodologies, experience and best practices and the establishment of fluid communication channels necessary for police investigation.

To this end, the following actions will be carried out:

ACTION 1. *Drafting of a police action and coordination protocol among police authorities.*

Units responsible: *Ministry of the Interior
Department of the Interior of the Regional Basque Government
Department of the Interior of the Regional Catalanian Government
Department of the Interior of the Regional Government of Navarre
Spanish Federation of Municipalities.*

ACTION 2. *Coordinated police operations through the intelligence centre against organised crime (spanish acronym cico) involving national, regional and local police and security forces in the dismantling of organised groups engaged in thb envisaging mechanisms offering immediate assistance to victims by ngos.*

Units responsible: *Ministry of the Interior
Department of the Interior of the Regional Basque Government
Department of the Interior of the Regional Catalanian Government
Department of the Interior of the Regional Government of Navarre.*

OBJECTIVE 2

Devise a specific statistical tool for THB which is harmonised throughout Europe

A statistical programme needs to be adapted following harmonised criteria in the context of Europol in order to gain insight into the size and to study the phenomenon of THB.

ACTION 1. *Design a specific thb module as part of the statistical security programme of the ministry of the interior.*

Units responsible: *Ministry of the Interior.*

OBJECTIVE 3

Bolster cooperation at international level

It is important to enhance mechanisms allowing for better information and more complete collaboration between the countries of origin, transit and destination.

Information furnished in the countries of origin to possible victims and their surroundings regarding basic legal aspects having to do with emigration and labour issues in Spain and awareness-raising as to the most common hazards and case-based reasoning in this connection, could effectively contribute to discouraging and preventing trafficking in these areas.

In many cases, the same NGOs operating in Spain providing care to victims are also present in the countries of origin or conclude agree-

ments with other organisations which are involved in international cooperation in these areas.

The following set of measures are therefore carried out at international level:

ACTION 1. *Information and awareness-raising actions in countries of origin to prevent the capture of victims.*

Units responsible: *Ministry of Foreign Affairs and Cooperation
Ministry of Labour and Immigration.*

ACTION 2. *Identification and inclusion of priority trafficking countries of origin in the corresponding country strategy papers (CSPS) in order to generate agreements and projects by those responsible for Spanish cooperation.*

Units responsible: *Ministry of Foreign Affairs and Cooperation
Ministry of the Interior*

OBJECTIVE 4

Enable more effective cooperation as concerns the investigation and prosecution of cases of trafficking

It is important to reinforce international police collaboration as concerns intelligence (gathering and analysis of information) and operational efforts (investigation and joint actions) and in the judicial field through the instruments available through Eurojust and Iber-red.

The Government will undertake the following actions in this field:

ACTION 1. *Exchange of police information between the countries of origin, transit and destination.*

Units responsible: *Ministry of the Interior.*

ACTION 2. *Coordination of police units with Interpol and Europol.*

Units responsible: *Ministry of the Interior.*

ACTION 3. *Enhance coordination of the cico with similar centres and services in other countries*

Units responsible: *Ministry of the Interior.*

ACTION 4. *Improve judicial coordination at european level through eurojust and with latin america through iber-red.*

Units responsible: *Ministry of Justice
Ministry of the Interior.*

OBJECTIVE 5

Devise and strengthen coordination mechanisms and effective links with NGOs and institutions committed to combating trafficking and caring for victims

Non-governmental organisations do committed and vital work to protect, inform and care for victims.

In order to guarantee the coordination and consistency of actions from a comprehensive perspective, it is important to promote the participation of all institutions and organisations engaged in combating trafficking through permanent cooperation mechanisms and structures.

ACTION 1. *Creation of a forum to combat trafficking composed of competent public administrations, non-governmental organisations and other involved institutions.*

Units responsible: *Ministry of Labour and Immigration
Ministry of the Interior
Ministry of Equality
Ministry of Justice
Autonomous Communities*



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