

**3rd FOLLOW-UP REPORT ON THE COMPREHENSIVE PLAN
TO COMBAT HUMAN TRAFFICKING FOR SEXUAL
EXPLOITATION.**

YEAR 2011

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1. Introduction.

This report has been generated in compliance with the mandate set out in the Comprehensive Plan to Combat Human Trafficking for Sexual Exploitation (hereinafter, the Plan) to monitor the application of the measures implemented following approval thereof.

In consideration of the fact that human trafficking is a crime which is not gender-neutral and disproportionately affects women, not only because they are the majority of the victims, but also because the forms of exploitation to which they are subjected are typically more severe, the Plan defined the trafficking in women for purposes of exploitation within a context of inequality and structural violence to which women are subjected, establishing the need for the fight against this form of gender violence to be addressed in accordance with equality policies.

This report is the result of the contributions made by the various ministerial departments with responsibilities in executing the measures covered by the Plan, in accordance with the mandate set out therein, establishing the creation of an Inter-Ministerial Coordination Group which would bring together the various departments with competencies in this field, entrusting them with the monitoring of execution of the Plan, alongside joint responsibility to undertake integrated action in order to make the fight against the crime more effective, and in particular to assist and protect the victims.

It should be pointed out that the Inter-Ministerial Coordination Group, at its meeting of 14th June 2011, agreed to extend the duration of the Plan throughout 2012, thereby guaranteeing greater effectiveness in the implementation of the Plan measures.

In accordance with the dynamic of previous reports, in order to systematise information regarding the implementation of the Plan, in this 3rd Follow-up Report, actions have been clustered into three types of intervention:

- **Research, awareness-raising, training and prevention**, setting out information regarding the activities undertaken to improve knowledge of the trafficking in women for purposes of sexual exploitation, prevention and the promotion of condemnation of such actions, and the development of the skills of those professionals involved in such situations.
- **Protection for the victims of trafficking**, covering the development of measures to assist victims, including both funding for organisations offering comprehensive support, the development of Organic Act 4/2000 on the Rights and Freedoms and Social Integration of Foreigners in Spain, of 11th January 2000, and the approval of the Framework Protocol for Protection of Victims of Trafficking.
- **Prosecution of the crime and prevention**, with information about mechanisms to support victims of trafficking in court processes and measures for international cooperation and development cooperation intended to prevent the recruitment of victims of trafficking.

2. Research, awareness-raising, prevention and training.

2.1 Research.

In order to improve knowledge of the dimensions of human trafficking for sexual exploitation in Spain, the Plan sets down the elaboration of various studies in this field, most of which were undertaken during the first two years of implementation of the Plan.

In 2011 an update of the **Guide of the existing resources to attend to victims of trafficking for sexual exploitation** was performed, ascertaining the types of resources available across Spain specialized in providing support and attention for victims of trafficking for sexual exploitation.

This study classifies resources in accordance with their type (social, psychological, psychiatric, medical/healthcare, legal, training and employment resources), specifying those organisations which provide accommodation, residential and/or assistance and protection resources for victims up to the point of their social integration, or otherwise their repatriation, separately from information about those organisations offering outpatient services. It also classifies information in accordance with their location around the country.

In order for the Guide to be updated, it was presented at the meeting of the Social Forum against trafficking for sexual exploitation held on 15th June 2011, calling on the organisations involved to confirm the contents thereof with regard to the resources available to victims in the various regions, and requesting that they serve notice of any possible modifications to the information, thus allowing a new update to the Map in 2011.

The updating of the Guide of Resources, which was completed in October 2011, revealed the following details:

- Accommodation resources: the map includes information on 19 specializedspecialized organisations providing attention to victims of trafficking for sexual exploitation, covering the territory of all the Autonomous Regions of Spain. These organisations operate 41 accommodation centres with a total of 397 places, providing the following services:
 - 41 centres offer psychological support.
 - 26 centres offer healthcare support.
 - 29 centres offer professional integration programmes.
 - 42 centres offer social programmes.
 - 35 centres offer legal support.
 - 20 centres offer training programmes.
 - 2 centres offer psychiatric support.
- Ambulatory resources: there are 33 specialized organisations which provide ambulatory services (without accommodation), likewise present throughout the country, dealing with women who are victims of trafficking for sexual exploitation and 59 centres, providing them with the following types of service:
 - 47 centres offer psychological support.
 - 39 centres offer healthcare support.

- 38 centres offer labour integration programmes.
- 53 centres offer social programmes.
- 45 centres offer legal support.
- 33 centres offer training programmes.
- 1 centre offers psychiatric support.

Meanwhile, the Government Delegation against Gender Violence (*Delegación del Gobierno para la Violencia de Género*) published in 2011 its study **“Poblaciones Mercancía: tráfico y trata de mujeres en España”** (**“Commodity Populations: trafficking in women in Spain”**), within the context of the collection *“Contra la Violencia de Género. Documentos. No. 13”*.

As for the report on **the handling of criminal proceedings connected with human trafficking for sexual exploitation by the courts**, provision for which was included in the Plan, this was drawn up by the Ministry of Justice in 2009 and distributed to public prosecution offices that same year. However, as a result of the amendment of the Criminal Code by the Organic Act 5/2010, of 22 June 2010, that introduces major modifications with regard to the classification of human trafficking, and in order to update the information, the Public Prosecutor coordinator of issues related to immigration drew up in 2011 a Summary Information Sheet on the System to Combat Human Trafficking, setting out information regarding the international legal framework with regard to human trafficking and the Spanish regulations concerning the protection of victims of trafficking, in particular those dealing with immigration and institutional procedures in this regard.

Those public prosecutors with responsibility for immigration matters were also provided with a Summary Information Sheet on the Case-Law of the Second Chamber of the Supreme Court, while Circular 5/2011 was also issued, regarding criteria addressed to the specialized attention unit at the State Prosecutor's Office with regard to foreign citizens and immigration, analysing and systematising information regarding the legal changes related to human trafficking and illegal transportation of immigrants, along with all other crimes connected with the above (forced prostitution, labour exploitation, etc.).

2.2. Raising awareness.

With regard to the awareness-raising objective established in the Plan, intended to promote rejection by society of the violation of the human rights of women who are victims of trafficking for sexual exploitation, the different departments involved in implementation of the measures under the Plan opted in 2011 to continue the awareness-raising campaigns which had been set up in previous years.

The Government Delegation against Gender Violence in this regard continued to denounce the situation of women who are victims of trafficking for sexual exploitation through promotion of the roaming around Spain, in collaboration with local public and private organisations, of two exhibitions:

- “Don't be an accomplice”, denouncing the situations of human trafficking which exist in Spain, and their consequences.
- “21st Century Slaves”, which explains, engages and attempts to provoke a reaction from society against the slavery represented by trafficking in women. This exhibition was created for the launch of the “Blue Heart” campaign promoted by the United Nations

Office on Drugs and Crime.

Besides, as in previous years, during the week of 18th October 2011 **the European Anti-Trafficking Day** held on the 18th was marked by an intensification of awareness-raising efforts, with the **placement of advertisements denouncing trafficking for sexual exploitation in the press**, using the image of the Blue Heart campaign.

Moreover, in accordance with the instruction set out in the Plan with regard to support for recognition of the **18th of October as International Anti-Trafficking Day**, to coincide with the date chosen in 2007 by the European Union to mark European Anti-Trafficking Day, the Government Delegation against Gender Violence organised on 18th and 19th October 2011, in collaboration with the International Organization for Migration (IOM), an **International Seminar on the Fight against Human Trafficking for Sexual Exploitation**, involving a number of national and international bodies active in the fight against human trafficking, including social media channels, with the presence of public and private authorities and organisations involved in supporting and protecting victims and in the prosecution of the crime.

With regard to awareness-raising **in the field of education**, the Ministry of Education, Culture and Sport has continued with online dissemination, via the Intercambia¹ website, of materials to raise awareness against trafficking in women for sexual exploitation, in response to the educational needs raised by the Comprehensive Plan to Combat Human Trafficking for Sexual Exploitation.

Particular emphasis has furthermore been placed on the channels and resources employed to raise awareness, inform and invite reflection on this matter, along with exchange and action, taking advantage of the staging of the Equality and Gender in Education Congress in November 2011.

Information and specific awareness-raising **actions have also been undertaken in the tourism sector**, with the former Secretariat-General for Tourism and Domestic Trade (now the Department of Tourism at the Ministry of Industry, Energy and Tourism) organising and funding, together with the World Tourism Organization (UNWTO), the 1st International Congress on Ethics and Tourism, held in Madrid at the Museo Nacional de Arte Reina Sofía on the 15th and 16th September 2011. Within the context of this Congress, a substantial number of Spanish tourism sector companies signed up to the UNWTO Global Code of Ethics for Tourism and the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and drawn up by the NGO ECPAT.

The Government Delegation against Gender Violence at the Ministry of Health, Social Services and Equality also took part over the course of 2011 in a number of training days and seminars in order to highlight the situation suffered by women and girls who are victims of trafficking, along with the measures under the Plan, while also raising the awareness of professionals and university students. Awareness-raising materials generated during previous years were likewise employed in the actions undertaken.

Otherwise, the Studies Committee of the Spanish "Consejo de Estado" (advisory council of the Spanish Government) issued, at its meeting held on 9th March 2011, a report with regard to the

¹ Virtual platform for the exchange of experiences and joint educational projects: www.educacion.es/intercambia

control of personal contact ads in the media, in response to the consultation raised in 2010 jointly by the former Ministers of the Presidency and of Equality.

One of the aspects highlighted by this advisory council report was the inadequacy of the self-regulation mechanism established in the Plan in order to achieve the intended purpose of eliminating advertisements for prostitution in the press.

2.3. Improvement in systems for the prevention and early detection of situations of trafficking.

With regard to the actions set out in the Plan to **improve systems for the prevention and early detection of situations of trafficking**, the following actions were taken:

- **Inclusion of human trafficking as a priority matter at meetings of consular attachés and civil service liaison staff of the Ministry of the Interior deployed in countries of origin**, in order to improve information, early detection and recognition of visa applications which could be associated with such situations. The Ministry of the Interior has continued with the collaboration begun with the Ministry of Foreign Affairs and Cooperation (MAEC) following the entry into force of the Plan, providing the list of countries of origin for trafficking which are a priority for Spain, for the purpose of their continued inclusion in the agenda of Schengen Consular Cooperation meetings in the main countries of origin, so as to share information and improve the detection of visa applications associated with such situations.
- **Use of biometric identifiers in the issuance and verification of the visas and residency permits.** The new Visa Information System (VIS) governed by Regulation EC/767/2008, of the European Parliament and of the Council, of 9 July 2008, took effect in June 2011, with the consequence that for short-stay visas subject to Community legislation (applicable to all Schengen States) from October 2011 onwards the applicants' **fingerprints** must be included, in addition to their photograph.
Likewise, the Directive established the progressive deployment of the VIS worldwide, implementation of which task began in June 2011 in North African countries (Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia).
This system for the first time allows Schengen countries to share data by means of one single central database, substantially averting fraud and allowing for very considerable improvements in the application of the common visa policy, consular cooperation and consultation between the competent central authorities, in addition to controls at border crossings and within the territory of the Member States.
In order to guarantee implementation of this system to detect situations of trafficking throughout national territory, the Secretariat of State for Security has established mandatory consultation of biometric visas in the central European database at border crossings.
- **Planning and intensification of inspections at locations with potential risk of trafficking for sexual exploitation.** The Operational Plans of the National Police Force and of the Guardia Civil (law enforcement agency) include on an annual basis the execution of inspections at establishments and locations where it is suspected that crimes of trafficking may be committed. During 2011, the State Law Enforcement Agencies performed 2375 official inspections of sites of prostitution, representing an increase on

the number of inspections which had been performed the previous year (see Annex I).

- **Generation of protocols for the detection and reporting of situations of trafficking and sexual exploitation.** The Gender Violence Committee of the Interregional Council of the National Health System started work in 2011 to update the Common Protocol for healthcare actions to face gender violence (2007), one of the aims pursued being that of providing for the situation of women who are victims of sexual exploitation, highlighting the need to offer a specific response in order to support detection by professionals within the healthcare sector.

Lastly, with regard to the **enhancement of the of law enforcement agencies capacity to investigate and combat trafficking and the reinforcement of their organisational structures**, there has been an increase in the personnel of the specialized units of the state law enforcement agencies dedicated not only to tasks regarding the investigation of such crimes and the pursuit and detention of perpetrators, but also identification of and assistance for victims of human trafficking, at both the central and provincial levels:

- At the National Police Force the specialized units of the Central Illegal Immigration Network and Forgery Unit ('UCRIF Central') and the provincial UCRIF units.
- In the case of the Guardia Civil, both the Court Police Technical Unit ('UTPJ') and the Central Operational Unit ('UCO'), along with the Crimes against Persons Sections of the Structural Court Police Units ('UOPJ') of the Command Divisions within which the Women and Children Teams ('EMUME') are specialized in the investigation of human trafficking are integrated.

This expansion served to increase the number of staff dedicated to the pursuit of organised crime from 3491 in 2003 to 7156 (a 105% increase) in place at the end of 2011. As for the staff of the court police service dedicated to such crimes, their numbers have increased by 110% (from 6453 in 2003, to 13,610 in 2011).

Meanwhile, the Intelligence Centre against Organised Crime ('CICO') at the Department of Security of the Ministry of Interior incorporates data referred by the State Law Enforcement Agencies in the Human Trafficking Database which it administers, providing the basis to establish the annual strategic priorities in the fight against trafficking.

2.4. Training.

With regard to the **training delivered to civil servants and professionals of public authorities and public and private institutions**, the various ministries involved in developing the Plan have continued the efforts begun in previous years, with the following particularly noteworthy initiatives:

- Within the context of the **Ministry of Interior**, the content of the corresponding training, promotion, refreshment and specialisation courses for the staff at the State Law Enforcement Agencies were updated, with regard to aspects of trafficking for sexual exploitation.
Meanwhile, the specialized units in this field received specific training in the prevention

and investigation of human trafficking, with this specific training having been extended in 2011 to those responsible for the country's border crossings. During 2011 the following specific tasks were performed:

- The National Police Force delivered 11 courses at the National Development and Specialisation Centre regarding specific investigations into human trafficking, organised by the Training and Enhancement Division, involving a total of 1076 participants. It is estimated that practically all investigatory staff of the UCRIF have now received specialized training in human trafficking.

- At the Guardia Civil, training was likewise delivered dealing both with general training for awareness-raising, and for the improvement of the fight against trafficking, and with training for the specialization in this field.

In particular, human trafficking was in 2011 included in the Basic Court Police Specialized Course delivered at the Specialisation Academy of the Education Department, with a total of 90 people completing the three courses staged during the year. Human trafficking has also been included as a subject on the Advanced Court Police Specialized Course, with 115 individuals receiving training during 2011. Furthermore, the staff in charge of the investigation of crimes connected with human trafficking received specific training in this field on a general basis and in addition to the above training, including content dealing with legal aspects (Criminal Code, Aliens Act, etc.); procedural aspects connected with investigation of the crime, mechanisms for international cooperation and the CICO trafficking database; and aspects of assistance in the identification of victims and their referral to support services.

Concerning specific training for specialisation in this field, the Guardia Civil develops "Women/Children" Courses (EMUME), specifically established to give specialized knowledge in trafficking. In 2011 two specific courses were undertaken, providing training to a total of 79 members of the Structural Court Police Units. A specific seminar on the subject was also staged in the Basque Country and Catalonia, providing training to 24 members of the Guardia Civil.

Finally, in December 2011 a joint course involving National Police Force and Guardia Civil was organised.

These courses have been undertaken from a multidisciplinary perspective, involving members of the various public authorities and organisations outside the Law Enforcement Agencies.

- Training courses were complemented with other training actions consisting in the inclusion of specific conferences in more general training modules; the inclusion of specific subjects in the syllabuses of the competitive examinations for promotion and in professional refreshment and training courses; the staging of training days and round tables involving public prosecutors and Guardia Civil officers; and the inclusion of human trafficking in the training of those taking part in peacekeeping missions.

- The Sub-Directorate-General for International Police Cooperation staged three editions of the training course for Interior Attachés and Chargés d'Affaires during 2011, in January, July and December, which addressed human trafficking as one of

the most significant forms of crime.

Lastly, practically all the Interior Attachés and Chargés d'Affaires and other civil service staff deployed to countries of origin, transit and destination, receive specialized training in human trafficking.

- Within the context of the **Ministry of Justice**, the Legal Studies Centre ('CEJ') organised within the context of the ongoing training programme a course in April 2011 connected with the "Impact on the reform of the Criminal Code: criminal classification of criminal organisations and groups and the impact thereof on human trafficking, drugs trafficking, terrorism and property crimes".

Moreover, with regard to other aspects indirectly connected with human trafficking, and likewise within the context of the ongoing training programme organised by the Ministry of Justice, a "Gender Violence Specialisation" course, another on the "Updating of the interpretation criteria regarding gender violence", and a further course on "New pathways towards a multidisciplinary focus in combating gender violence" took place.

Additionally, in 2011 the training seminars held by the Public Prosecutors specialized in immigration included human trafficking in their conclusions, along with an annex of guidelines indicating how to calculate penalties. This training seminar is part of the national forum organised by the CEJ, coordinated by the Public Prosecutor specialized in immigration affairs.

The Ministry of Justice also provided a speaker at the "Course on Organised Crime: Human Trafficking" held in Cartagena de Indias, organised by the General Judicial Authority Council and funded by the Spanish International Cooperation for Development Agency (AECID), with delegates attending from various Latin American countries. The address delivered was entitled "Latest Legislative Developments regarding the Crime of Trafficking in Spain and Europe".

- The **Government Delegation against Gender Violence at the Ministry Health, Social Services and Equality** in January 2011 produced a new edition of the "Online training module in equality, gender violence and trafficking", addressed to the staff of the Employment Offices of the Ministry of Employment and Social Security, the Consular Offices of the Ministry of Foreign Affairs and Cooperation and the Ministry of the Interior's Interior Attaché Offices.

This unit also organised a course for the professionals in charge of the examination of asylum applications at the Asylum and Refugee Office of the Ministry of the Interior, with regard to equal opportunities and violence against women. This was staged in February 2011.

In addition, the training addressed to the Coordination and Violence Against Women Units at the Regional Government Offices and Sub-Offices and Island Departments included trafficking for sexual exploitation. This training was held in March 2011.

The Government Delegation against Gender Violence has also been involved in other seminars organised by other institutions and bodies, including in particular those undertaken in collaboration with the State Law Enforcement Agencies to train their Specialized Units, training at universities and with the Professional Lawyers' Association of Seville.

- The **Directorate-General for Family and Children's Services**, now the Department for Family and Children's Services of the Ministry of Health, Social Services and Equality,

produced in 2011 three editions of a 30-hour distance training course on “Trafficking in children and teenagers for purposes of sexual exploitation: comprehensive assistance for victims”, addressed to professionals of the social services in Autonomous Regions, local authorities and NGOs, with a total of 90 individuals taking part.

- The **Directorate-General for Public Health, Quality and Innovation** at the Ministry of Health, Social Services and Equality, in collaboration with the Autonomous Regions - through the Technical Training Group for professionals² of the Gender Violence Committee at the Interregional Council of the National Health System - published on the ministerial website the training materials addressed to the healthcare system staff³, in order to include specific contents dealing with human trafficking for sexual exploitation. The same Directorate-General also produced two editions of the “Online training module on Equality, Gender Violence and Trafficking”, in September and December 2011, covering a total of 60 hours with 26 participants.
- The **Ministry of Defence** provides training for military staff deployed on Peacekeeping Missions, in order to raise their awareness of the vulnerability of women and children to trafficking for sexual exploitation in the aftermath of conflict or emergency situations. These initiatives are undertaken within the context of United Nations Security Council Resolution 1325/2000, on Women, Peace and Security and its Action Plan, along with Resolution 1820/2008, on the elimination of acts of sexual violence against the civilian population, in particular, women and girls, in armed conflicts. In 2011 this Department delivered a total of 24 training actions for Armed Forces staff which covered trafficking for sexual exploitation.
- The **Ministry of Foreign Affairs and Cooperation** continued as well including a talk on human trafficking in the annual course on consular affairs delivered at the Diplomatic School for civil service staff deployed abroad to perform consular tasks at Consulates and Embassies.
- The **Ministry of Employment and Social Security** took part during 2011 in the organisation and funding of the SAFER PATH Project “Actions for the Empowerment of Refugees and Protection Against Trafficking in Human Beings”, intended for professionals of the public authorities and other public or private institutions, in order to help ensure that asylum seekers receive appropriate responses to their psychological, cultural, legal and compensatory needs, along with recognition of their rights during analysis of their asylum application. This involves the development of a common focus to identify special needs of victims of trafficking among asylum seekers and refugees, and to review current practices in this regard, performing an analysis of the existing information in this field within the countries of the EU as a whole. Within the context of this project, research was performed during 2011 in Spain, France and Italy with the following aims:

² This group includes representatives of the Government Delegation against Gender Violence and of the Women’s Institute, facilitating knowledge and dissemination of the materials developed among other public authority bodies, thereby achieving consistency in the contents and topics developed.

³ Full updated text available at:

<http://www.msps.es/organizacion/sns/planCalidadSNS/pdf/equidad/materialesEducativosFormacionVG.pdf>

- Identify possible pathways for the identification of asylum applicants and/or victims of trafficking.
- Establish indicators or other tools to identify victims of trafficking and/or asylum applicants.
- Identify cases of victims of trafficking whether or not they have been granted some form of international protection.
- Identify the number and main demographic characteristics of victims of trafficking who have requested international protection in the three countries covered by the project.

This project addressed professionals both of public authorities and other public and private institutions.

3. Assistance and protection of victims of trafficking.

3.1. Victim support and protection.

The Comprehensive Plan to Combat Human Trafficking for Sexual Exploitation aims to develop a series of measures intended to **guarantee protection, information and assistance for victims**, essentially connected with the following areas:

1. Generation of operational and coordination protocols to improve information, assistance and protection of victims of trafficking and witnesses.
2. Other measures to improve information for victims about their rights and resources, and to enhance victim support services.

Article 140 of Royal Decree 557/2011, of 20 April 2011, approving the Development of the Organic Act 4/2000 on the Rights and Freedoms and Social Integration of Foreigners in Spain, establishes the elaboration of a **Framework Protocol for the Protection of Victims of Human Trafficking**, laying down the provisions for coordination and operations by institutions and public authorities involved in this field, and also the scope and system for participation by specialized organisations in the assistance and protection of victims of human trafficking.

The elaboration of the Protocol was coordinated by the former Secretariat of State for Equality - now the Secretariat of State for Social Services and Equality of the Ministry of Health, Social Services and Equality - and was signed through an agreement between the Ministries of Health, Social Services and Equality, Employment and Social Security, Justice and the Interior, the General Public Prosecution Office and the General Council of Judicial Authority, on 28 October 2011.

The agreement set out the operational guidelines for the detection, identification, assistance and protection of victims of human trafficking, in addition to mechanisms for coordination among the institutions involved in these processes, defining both the instruments for the relationship among those public authorities with responsibilities in this field, and the participation of organisations and bodies with accredited experience in providing assistance to victims of trafficking, especially those providing comprehensive assistance to victims, from detection to social integration or repatriation of the victim.

The actions which form the object of this Framework Protocol are focus on promoting and

protecting human rights, giving priority to victim support and protection to avoid secondary victimisation and encouraging victims to cooperate in criminal proceedings against traffickers.

It is likewise guaranteed that the regulations of the Protocol are made from a comprehensive and gender-sensitive perspective, along with the appropriateness of all actions in accordance with the gender, age and other situations of vulnerability to which potential victims of trafficking may be subject, in addition to their state of gestation, state of health and disability, with specific reference to situations of especial vulnerability where the individual has no real or acceptable alternative except to accept the abuse.

The Protocol has furthermore defined the general operational principles for the public authorities involved, guaranteeing, among other aspects, appropriate, specialized information for victims regarding their rights and access on the part of all victims to assistance and protection systems, irrespective of cooperation in investigation of the crime, as well as assuring, of the accordance of assistance and protection mechanisms with the age, gender and situation of vulnerability of the victims and the multidisciplinary nature of assistance, guaranteeing the involvement of specialized organisations.

The subjective scope of application of the Protocol applies, in accordance with the Sole Additional Provision of the Regulation of Act 4/2000, of 11 January 2000, to all victims of human trafficking, irrespective of their origin and administrative situation (nationals of an EU Member State or non-EU victims, whether aliens in a regular or non regular situation).

This Framework Protocol, approved within the scope of State competencies in the field of human trafficking, provides for application throughout the State by the public authorities and organisations involved in application thereof. The signatory authorities nonetheless assume the commitment, within the scope of their respective competencies, for the promotion for its development within the territory of the Autonomous Regions by means of its units placed in those regions.

Among other aspects, the contents of the Protocol include in particular:

- Regulation of the procedures to be followed in the event of detection or informal identification of a possible victim by professionals belonging to the various organisations, in addition to the processes to be followed by the public authorities responsible for proceeding to investigate the matter (law enforcement agencies and employment inspectorate). It likewise sets out the steps to be followed when a possible victim is detected at the border or in a Foreigner Detention Centre ("CIE").
- It identifies the unit responsible for formal identification of victims of trafficking and indicates the procedure to be followed in conducting the interview and establishing evidence, incorporating in various annexes instructions regarding the interview process, indicators for victim identification and the information which must be provided to victims regarding their rights.
- It lays down procedures for coordination among the public authorities involved and the communication with specialized organisations in the assistance and protection of victims of trafficking, in addition to specific procedures for foreign victims who are in an

irregular situation in the country, both with regard to grant the recovery and reflection period, and a residency and work permits based on exceptional circumstances.

From the procedural perspective mention should also be made of the inclusion of a section with regard to processes in the case of victims of trafficking who are legal minors, in particular regarding additional protection measures during interviews and the guarantee of the presumption of legal minority.

Furthermore, in order to harmonise procedures and improve coordination at all levels, the Protocol is open to development at the regional level through approval of protocols in the various regions or adaptation of those already in existence, in those cases where the Autonomous Regions already have protocols or other coordination mechanisms. A provision is likewise made both for the monitoring of the application of the Protocol by the signatory institutions and the periodic staging of coordination meetings in the regions.

The Protocol is lastly accompanied by the following annexes:

- Annex I: Guidelines for interviewing of possible victims of trafficking, the purpose of which is to detect evidence that the individual is a possible victim of human trafficking.
- Annex II: Indicators for the identification of victims of trafficking, an internal document for exclusive use by the Law Enforcement Agencies.
- Annex III: Information to be provided to victims, indicating their rights and the information in the case of foreign citizens in an irregular situation.
- Annex IV: Guide of Existing Resources for the Support of Victims of Trafficking for sexual exploitation, setting out information regarding specialized resources for victims of trafficking for purposes of sexual exploitation and their geographical location across Spain.

Otherwise, with regard to the **enhancement of information for victims concerning their rights and the resources available to them**, the Ministry of the Interior has drawn up and distributed materials to inform victims to the specialized units of the State Law Enforcement Agencies throughout the country, drawn up in various languages, in order to facilitate the understanding of their rights and access to information regarding available resources and contact details of specialized support organisations.

Overall, a total of 3500 posters measuring 70 x 50 cm have been printed, of two types: one version in Spanish, Catalan, English, French and Portuguese, and another in Spanish, Catalan, Russian and Romanian. A total of 120,000 folded leaflets have also been printed, in Spanish, English, French, Catalan, Portuguese, Russian and Romanian. Police stations have also been able to download and print off the materials via the National Police Force website, while information materials and leaflets have been distributed to the various Structural Units created by the main victim support organisations in this field.

All the above notwithstanding the information available regarding the rights and support resources which is provided on an individual basis to potential victims of trafficking where any

evidence of such situation.

Concerning the **assistance and support to victims** various ministerial Departments stage funding rounds each year including grants for the development of attention and support programmes and projects for victims of trafficking for sexual exploitation. The following funding rounds were held in 2011:

○ **Ministry of Health, Social Services and Equality:**

- Grants for projects of non-profit organisations with proven experience in protection, support or assistance of women victims of trafficking for sexual exploitation in the fields of employment, training, information, medical, legal or psychological, amounting to 2 million euros.

Pursuant to the terms of Order SPI/2349/2011, of 24th August 2011, establishing the regulations for the granting of public subsidies for social support and attention of victims of human trafficking for the purpose of sexual exploitation, launched in 2011 46 projects run by 42 different organisations were granted.

Through this nationwide funding round support for this particularly vulnerable group is guaranteed, ensuring the mobility of victims when this is necessary in order to assure their safety.

Innovative aspects of this funding round included in particular the extension of its scope to the children of women who are victims of trafficking for sexual exploitation and specific reference to the funding of actions addressing women who are victims of trafficking for sexual exploitation and who are legal minors, provided that care for their specific needs can be guaranteed, along with due separation between those victims above and below legal age.

- Within the scope of the annual funding round for grants covered by Personal Income Tax ("IRPF") intended to allow NGOs to undertake programmes to address social needs of general interest, support and protection programmes for victims of trafficking and sexual exploitation have also been funded:
 - The priority programmes covered by grants for the Children and Families target included in 2011 funding for 12 programmes to prevent and support abuse and child exploitation situations. These programmes deal with prevention, detection and support, where applicable, in cases of abuse and child exploitation, including sexual exploitation, with grants totalling 510,216 euros.
 - The priority focusing on the prevention and eradication of violence against women, in all forms: gender violence, trafficking for sexual exploitation and crimes against sexual freedom, included within the 2011 funding round programmes intended to prevent violence against women and provide victims with integrated support, through shelters and other support services, along with prevention and information programmes. In 2011, 18 programmes specifically targeting this aim received a total of 372,700 euros in grants.

○ The **Ministry of Employment and Social Security** through the Sub-Directorate-General for

the Integration of Immigrants, has prioritised programmes addressing immigrant women who are victims of trafficking for sexual exploitation, through a number of funding and administrative instruments:

- The Support Fund for the Integration of Immigrants and their Educational Advancement, which cooperation framework maintained the priority to actions intended to facilitate the social integration of immigrant women in situations of particular vulnerability in 2011, including women who are victims of human trafficking for sexual exploitation.

These actions are implemented by NGOs by means of initiatives and programmes covered by the action plans drawn up by each Autonomous Region prior to signature of the corresponding agreement with the Ministry of Employment and Social Security.

During 2011 this Support Fund provided assistance in a total of 14 initiatives in 9 Autonomous Regions (Aragon, Asturias, Balearic Islands, Canary Islands, Valencia, Catalonia, Extremadura, Galicia and Navarre) intended to facilitate the integration of immigrant women in positions of particular vulnerability, including support for prostitutes and victims of trafficking for sexual exploitation. Overall, the co-funding provided by the Ministry for actions specifically addressing victims of trafficking amounted to a total of 452,455 euros dedicated to the creation of mobile units to deal with possible victims, the development of intercultural mediation and integrated support actions, including job training programmes.

- Meanwhile, the division handling immigrant integration, asylum applications and other persons subject to international protection organises funding rounds each year within the context of programmes co-funded by the European Integration Fund for nationals of third countries, along with general schedule subsidies addressing the needs of immigrants, asylum applicants, refugees and displaced persons in situations of social vulnerability or at risk of social exclusion, which include actions to provide integrated shelter and support for victims of human trafficking, awareness-raising, the creation of support networks and other actions intended to eradicate trafficking the purposes of labour or sexual exploitation.
 - With regard to the 2010 funding round, 4 of the 26 projects provided with grants for implementation during 2011 included under the “Women” Priority within the programmes for the integration of immigrants, asylum applicants and other persons under international protection, in the strand co-funded by the European Fund for the Integration of Third-Country Nationals (EIF), were dedicated to the development of programmes providing integrated support for victims of trafficking for sexual exploitation, the overall funding amounting to 265,000 euros.

A grant was likewise provided in 2010 for the implementation during 2011 of a programme providing integrated support for women who are victims of human trafficking and also asylum applicants, co-funded by the European Fund for Refugees (EFR), receiving a grant of 30,000 euros.
 - During 2011, meantime, 8 of the 24 programmes receiving grants for implementation during 2012 included under the “Women” Priority of the EIF,

were dedicated to the development of programmes intended to provide integrated support for victims of trafficking for sexual exploitation, the overall grants amounting to 492,000 euros.

As for grants co-funded by the EFR in 2011 for implementation during 2012, funding was awarded for the development of one programme providing integrated support for women who are victims of human trafficking and asylum applicants, amounting to 30,777 euros.

3.2. Legislative and procedural measures.

During 2011 major regulatory measures were undertaken, in particular in connection with the situation of women who are illegally in the country:

- **Organic Act 10/2011, of 17 July 2011, modifying Articles 31 bis and 59 bis of the Organic Act 4/2000, of 11 January 2000, regarding the Rights and Liberties and Social Integration of Foreign Citizens in Spain**, the objective of which is to improve protection for possible foreign victims of trafficking who are irregular immigrants, to begin with, by not instigating penalty proceedings where there is evidence that they may be victims of trafficking, and furthermore extending protection to the children of victims and any other relatives thereof, thereby preventing trafficking networks from blocking the victim's collaboration and by threatening such persons.

- Approval of the **Regulation for Organic Act 4/2000, regarding the Rights and Liberties and Social Integration of Foreign Citizens in Spain, by means of Royal Decree 557/2011, of 20 April 2011**, setting out in Articles 140 to 146 the development of the provisions set out in Article 59 bis of the Aliens Act.

One of the innovative aspects of this Regulation was specifically the incorporation of a chapter covering the concept of victims of human trafficking, in furtherance of the provisions introduced by Article 59 bis of Organic Act 4/2000.

This chapter describes the procedure to be followed in the event that a possible victim of human trafficking is identified, in order to guarantee, in the case of irregular immigrants, their access to support and protection resources in accordance with Article 59 bis of Organic Act 4/2000. In this regard, it provides regulations for the procedure to be followed after identification for the granting of the recovery and reflection period, and indicates the competent authority.

It also sets out the circumstances giving rise to an exemption from responsibility, and hence the possibility of applying for a residency and work permit based on exceptional circumstances.

Lastly, this regulation is characterised by the inclusion of three important new aspects:

- The mandate imposed by Article 140 on various Central Government Authority bodies for the adoption of a Framework Protocol for the protection of victims of human trafficking establishing the bases for coordination and action by institutions and public authorities with competencies connected with this field, and the system for the involvement of charities specialising in this area.
- The incorporation of an additional provision extending the subjective scope of application of the aforementioned article (referring to the protocol) to all potential

victims of human trafficking who are nationals of a Member State of the European Union or included within the subjective scope of application of the EU alien citizens regulations.

- Article 146 lays down specific provisions for the support of victims of trafficking who are under legal age.

4. Prosecution of the crime and prevention at source.

4.1. Prosecution of the crime

The amendment introduced by Organic Act 5/2010, of 22 June 2010, modifying Organic Criminal Code Act 10/1985, of 23 November 1985 (hereinafter, "the Criminal Code"), undoubtedly represents the most significant measure adopted to achieve effectiveness in the fight against human trafficking, as the reform served to incorporate Title VII bis within the Criminal Code, classifying for the first time human trafficking as an independent crime (Article 177 bis) and eliminating the regulations establishing it as an aggravating circumstance applicable to the crime of smuggling of immigrants, under Article 318 bis.

The new title addressing human trafficking is furthermore located in the Criminal Code among those which criminalise torture and other crimes against moral integrity (Title VII), and crimes against sexual inviolability and freedom (Title VIII), in accordance with the supremely personal nature of the legal possession protected, rather than positioning the crime among the classifications of actions which abet clandestine immigration.

This reform, which took effect on the 23rd December 2010, furthermore reinforces other aspects connected with the crime of human trafficking, such as the responsibility of legal entities, and incorporates common standards regarding **tracing, freezing, seizure and confiscation of the proceeds of the crime (Article 127 of the Criminal Code)**, with the overriding objective of achieving effectiveness in the fight against organised crime. This regulation represents the transposition of Council Framework Decision 2005/2012/JHA of 24th February 2005 on the Confiscation of Crime-Related Proceeds, Instrumentalities and Property, involving:

- Establishment of a presumption of provenance from criminal activities of any assets which value is disproportionate with regard to the legal revenue of each and every one of the persons found guilty of crimes committed within the context of a criminal group or organisation.
- Judges and Courts are empowered to rule the confiscation of all effects, assets, instruments and profits coming from criminal activities committed within the context of a criminal or terrorist group or organisation, or of a crime of terrorism. Likewise, the assets of each and every one of the persons found guilty of crimes committed within the context of a criminal terrorist group or organisation or of a crime of terrorism are deemed to have been derived from a criminal activity if the value thereof is disproportionate with regard to the revenue legally obtained by each of these persons (Article 127.1 of the Criminal Code).
- If the confiscation referred to above cannot be performed, the possibility is established of ruling the confiscation of an equivalent value of other assets belonging to those criminally responsible for the act (Article 127.3 of the Criminal Code).

- The sale of the confiscated assets and application of the proceeds to cover the civil liabilities of the offender is established, unless otherwise provided in law, or where applicable the allocation to be made in accordance with the regulations, or elimination.

With regard to this last aspect, which is vital in the fight against trafficking, as it is a crime which generates substantial monetary profits, the State Law Enforcement Agencies have Asset Investigation Sections which supplement the actions undertaken against criminality associated with human trafficking. Otherwise, courses were held in 2011 on money laundering and asset investigation, thereby enhancing the specialisation of the police in the financial investigation of crimes connected with trafficking, alongside the exchange of information with the Executive Service of the Commission for the Prevention of Money Laundering.

With regard to criminal proceedings involving the crime of trafficking (irrespective of the form of exploitation), particular mention should be made of the approval in November 2011 by the General State Public Prosecutor of Circular 5/2011, on criteria for the specialized operational unit of the State Prosecutor's Office with regard to aliens and immigration, intended to establish a uniform criteria to be applied by the State Prosecutor's Office in the interpretation and application of the crime of human trafficking.

As for the actions taken by the State Prosecutor's Office in 2011 with regard to human trafficking, the Annual Report of the State Prosecutor's Office indicates that, as the amendment to the Criminal Code took effect in December 2010, by the end of 2011 no court investigation had been completed, and that as a result no written charge sheets had been drawn up on the basis of the new crime of human trafficking under Article 177 bis.

4.2. International Cooperation.

In order to guarantee **information and awareness so as to prevent the capture of possible victims in their countries of origin**, a number of initiatives have been pursued in the field of **international cooperation**.

To begin with, the **Ministry of Foreign Affairs and Cooperation**, within the context of the Spanish Cooperation Steering Plan (2009-2012), specifically the section corresponding to the protection of the rights of women and girls suffering greater discrimination and vulnerability to poverty, through the Spanish Cooperation programmes and actions to combat human trafficking for sexual exploitation have been supported, in particular, women and girls, by means of:

- Contributions to multilateral bodies: UNIFEM, INSTRAW, UNFPA, UNDP and OHCHR.
- The inclusion of initiatives/actions within the "Plan of Action for Women and Peace-building for Application of Resolution 1325", focusing on prevention, protection and support for women and girls who may or do suffer trafficking and sexual exploitation in conflict and post-conflict situations.

In the field of trafficking, through the Spanish Cooperation Plan, as in 2010, a particular emphasis on the region of Latin America has been placed, above all through the following:

- Joint Programme "Integrated Strategy for the prevention and eradication of and response

to all forms of Gender Violence (2008-2011)", funded by the UNDP-Spain Fund for Columbia, in order to contribute towards the eradication of all forms of gender violence, with a particular emphasis on those which are most prevalent and serious within the national or regional context: domestic violence, sexual violence, traditional practices which violate the rights of indigenous women, human trafficking and violence undertaken by illegal armed operatives. The Spanish Cooperation Plan has contributed 310,000 euros to this project, the overall budget of which is 620,000 euros.

- Creation of an International Support Centre for victims of human trafficking and investigation in the city of Tapachula, Chiapas State, Mexico.
- Specialized Technical Training Courses delivered at the Spanish Cooperation training centres in Latin America, with the participation of the Government Delegation against Gender Violence. Particular mention should be made to the course "Development of measures for the protection and support of human trafficking victims by police forces: strategic intelligence tools to combat human trafficking", staged in April 2011 in Montevideo, organised jointly with the Intelligence Centre against Organised Crime (CICO) of the State Secretary for Security of the Ministry of Interior, and the course "Trafficking in women within MERCOSUR. Towards a regional agreement to support female victims of trafficking", held in November in Montevideo.
- Project for strengthening national and regional capabilities to prevent and combat human trafficking in Central America through the United Nations Office on Drugs and Crime (2007-2010), with the aim of identifying the legal, institutional, technical, operational and financial capabilities of Central American countries in preventing, investigating and prosecuting the crime of trafficking and protecting victims and witnesses.
- Agreement to strength the capabilities of governmental institutions and civil society for the comprehensive protection of children and teenagers, with a particular regard on the trafficking of children and teenagers in Ecuador, El Salvador, Guatemala, Honduras and Nicaragua (2007-2012). Implementation of these initiatives under the Convention has been awarded a budget of 1,151,806 euros.

With regard to the contribution towards the Millennium Development Goals (MDGs) in the sector of migration and development, the Spanish Cooperation Steering Plan includes a strategic line to "establish or underpin regulatory frameworks in the field of social protection for migrants at the bilateral or regional level in order to combat the trafficking and exploitation of migrants, with a particular focus on women and girls".

Moreover, the MERCOSUR Programme includes the development of the project "Institutional strengthening and the gender perspective in MERCOSUR", with the involvement of the Member States: Uruguay, Brazil, Argentina and Paraguay. The project has a total budget of 700,000 euros (for implementation between 2009 and 2013), of which 57,500 euros are dedicated to trafficking.

The smaller number of activities undertaken in the Asia-Pacific region include in particular:

- Multidisciplinary project to combat trafficking for sexual exploitation, its causes and consequences, and provide support and integration of victims in the sub-region of the

Mekong, with the prime objective of eradicating trafficking and sexual exploitation in the region through the rescue, rehabilitation and social integration of women and girls who are victims of trafficking for sexual exploitation.

- Efforts are likewise being made to reinforce government and non-governmental policies and strategies regarding trafficking at the national and regional levels.
- The project for the "Eradication of sexual abuse and commercial sexual exploitation of children", implemented by the NGO APLE and funded by the AECID.
- Project for the establishment of a shelter for the protection of children against sexual exploitation in the city of Phnom Penh, and in other regions of Cambodia. The project has received funding of 143,983 euros.
- In Vietnam the AECID has since 2007 supported the establishment and development of the project "Peace House Shelter: Project supporting victims of Human Trafficking". The aim of the initiative is to empower and reintegrate within society women and children who are victims of trafficking, and to contribute towards the implementation of the Anti-Trafficking Law and the promotion of gender equality in Vietnam. The project has generated and developed a unique victim support model for Vietnam, based on an integrated approach. The support package includes accommodation, comprehensive physical and mental health care, legal support, vocational training and economic assistance for reintegration within the victims' communities of origin.
- UN Women is in South Asia implementing the project "Fight against Trafficking in South Asia". The project ends in December 2012 and has a budget of 400,000 euros.

For its part, the **Ministry of the Interior** is continuing the line of collaboration begun with the Ministry of Foreign Affairs and Cooperation ("MAEC") following the entry into force of the Comprehensive Plan to Combat Human Trafficking for Sexual Exploitation, by providing the list of priority countries of origin of human trafficking for Spain, in order to give a response to this initiative.

The Ministry is also collaborating with the Spanish International Development Cooperation Agency ('AECID') on a number of projects connected with human trafficking, involving police, court and support representatives from the countries of origin of victims of trafficking, including Brazil and Paraguay.

Otherwise, the State Law Enforcement Agencies exchange police information via the Interior Chargés d'Affaires and Attachés deployed to countries of origin, transit and destination of victims of trafficking, via the Police Forces in these countries, or via EUROPOL. These units have in total been involved in 28 operations with police units from other countries associated with trafficking for sexual exploitation, via INTERPOL and EUROPOL.

The CICO, which includes within its "Spanish Strategy to Combat Organised Crime 2011-2014" human trafficking and exploitation as one of its strategic targets, organised in collaboration with the AECID during 2011 the seminar "Development of Measures for the Protection and Support of Victims of Human Trafficking by Police Forces: Strategic Intelligence Tools to Combat Human

Trafficking”.

Besides, the CICO is collaborating in Latin America with the Conference of Ministers of Justice of Latin American Countries (“COMJIB”) and working in collaboration with countries of origin in the field of the prevention of trafficking through investigations to identify possible victims.

Additionally, within the context of the European Union, the Intelligence Centre against Organised Crime (“CICO”) is involved in EMPACT (European Multidisciplinary Project Against Criminal Threats), approved on 8 December 2011 within the context of the “Operational Action Plans” of the new European Union Policy Cycle to combat serious transnational organised crime. The plan is involved in the fight against all forms of human trafficking, and focuses on the organised criminal groups performing such activities, in particular in centres of criminality in the south, south-west and south-east of the European Union.

At the **Ministry of Justice**, the Directorate-General for International Legal Cooperation and Faith Relations contributes to strengthen judicial cooperation in the investigation of all forms of crime, including human trafficking, for which regulations were also recently established at the EU level (Directive 2011/36/EU). Particular mention should be made of the function of this Directorate-General in processing the various applications for international judicial cooperation, along with its informal tasks in facilitating cooperation as far as possible in its role as the point of contact for the various cooperation networks at the EU level (European Judicial Network, EJNI), and with Latin America (“IBER-RED”). Various civil servants have to this end been appointed to act as focal points.

Likewise at the Latin American level, within the context of the Conference of Ministers of Justice of Latin American Countries (“COMJIB”), work is being performed to combat organised crime with the aim of standardising criminal classification, including the legal definition of human trafficking.

Within the context of the European Union, the Government Delegation against Gender Violence at the **Ministry of Health, Social Services and Equality** was appointed at the meeting held on the 14th June 2011 of the Interministerial Plan Coordination Group to represent Spain at meetings of the Network of National Rapporteurs and Equivalent Mechanisms called by the EU Anti-Trafficking Coordinator, insofar as giving effect to the provision contained in Article 19 of Directive 2011/36/EU, of 5 April 2011, providing that the Member States must adopt the necessary measures to establish national rapporteurs or equivalent mechanisms.

A meeting of the Network was called in 2011, at which the Member States were invited to submit information regarding the definition of human trafficking in their various countries, the regulations established in Criminal Codes, the resources in existence for victim support and competencies with regard to identification, with the aim of generating a summary document revealing common aspects and disparities between the 27 Member States.

4.3. Institutional Cooperation.

Lastly, in connection with the aim of **inter-institutional coordination and cooperation**, two meetings within the ministerial Departments involved in execution of the Plan were held during 2011:

- o Meeting of the Inter-ministerial Technical Group on the 30th March 2011 in order to review

the draft of the 2nd Monitoring Report on the Plan to Combat Human Trafficking for Sexual Exploitation for the year 2010, and to analyse the observations made on the text, drawn up on the basis of the information submitted by the Departments belonging to this Group. Information was likewise exchanged on the expectations for execution of the Plan in 2011. The Departments represented within the Group are: Justice, Interior, Defence, Industry, Energy and Tourism (represented by "Turespaña"), Education, Culture and Sport (National Centre for Innovation and Educational Research), Foreign Affairs and Cooperation (various executive centres), Employment and Social Security (Immigration and Emigration), Health, Social Services and Equality (various executive centres).

- Meeting of the Inter-ministerial Coordination Group on the 14th June 2011, comprising representatives of the Ministries of Justice, the Interior, Health, Social Services and Equality, Employment and Social Security and Foreign Affairs and Cooperation. The aim of the meeting was to approve the 2nd Monitoring Report on the Plan to Combat Human Trafficking for Sexual Exploitation.

The **Social Forum against Trafficking for sexual exploitation**, a platform for involvement and exchange among organisations specialized in the comprehensive support of victims of trafficking for sexual exploitation, staged a number of meetings during 2011:

- Meeting on the 22th February, called in order to exchange information with the organisations represented within the Forum concerning aspects of the draft Regulation for the development of the Organic Act 4/2000, of 11 January 2000, on the Rights and Freedoms and Social Integration of Foreign Citizens in Spain , affecting victims of trafficking for sexual exploitation, and for the Ministerial Department to draw up a proposal including the demands of civil society with regard to the governance of this matter within alien legislation. The opportunity also served to conduct a review of execution of the Plan in 2010 and to revise the tasks of the Working Group on Children created within the Forum.
- Meeting on the 15th June 2011 for approval of the 2nd Monitoring Report on the Plan to Combat Human Trafficking for Sexual Exploitation for 2010, along with presentation of a new update to the Guide to Existing Resources for the support of victims of trafficking for sexual exploitation, in order to call on the organisations belonging to the Forum to revise and update the contents so as to produce the subsequent version of the Guide. Meanwhile, this meeting of the Forum also served to perform an initial exchange of impressions regarding the aspects which would be covered by the Framework Protocol for the Protection of Victims of Human Trafficking, the generation of which was required under the terms of Article 140 of Royal Decree 557/2011, of 20 April 2011, approving the Regulation for the development of the Organic Act on the Rights and Freedoms and Social Integration of Foreign Citizens in Spain , following the reform thereof by Organic Act 2/2009.
- In order to guarantee the effective participation of civil society in the elaboration of the Framework Protocol on Human Trafficking, and to encourage the exchange of information, the Government Delegation against Gender Violence called a meeting with the NGO represented within the Forum. This meeting, held on the 28th June 2011, covered the initial contributions made by the NGOs for inclusion in the first draft of the Protocol.

- Meeting on the 11th October 2011, at which the draft Framework Protocol for the Protection of Victims of Human Trafficking was presented, in order to obtain the remarks of the organisations belonging to the Forum to analyse them by the Committee responsible for drawing up the text and, where applicable, and to include thereof in the final version of the Protocol.

Furthermore, the Working Group on Children set up by the Social Forum against Trafficking for sexual exploitation continued its operations during 2011, holding meetings in May and September. At its last meeting, its efforts focused on the generation of observations regarding children within the Framework Protocol for the Protection of Victims of Human Trafficking, including a specific section dedicated to intervention with victims under legal age. Information was likewise presented both at the Working Group on Children and the Forum on the approval in December 2010 of the 3rd Plan against Sexual Exploitation of Children and Adolescents.

5. Conclusions.

As indicated in the introduction, the year 2011 was, among other aspects, characterised by the attribution of the promotion and coordination of the Plan to the Government Delegation against Gender Violence, at the Ministry of Health, Social Services and Equality, the body responsible for proposing Government policy to combat the various forms of gender violence, and for coordinating and driving forward all measures implemented in this field.

Another key aspect was the extension of the implementation of the Plan for an additional year, in order to guarantee the effectiveness of the actions being performed in furtherance of the objectives of the Plan, which has thus far been the main instrument for the development of initiatives to combat human trafficking for sexual exploitation in a coordinated and integrated manner.

As indicated in the conclusions of the 2nd Monitoring Report on the Implementation of the Plan (corresponding to 2010), while 2009 was characterised by the establishing the basis for a detailed planning of the implementation of Plan initiatives, in order to facilitate the optimal achievement of the objectives set, 2010 was a year of intense activity in the various working areas, serving to fulfil some of the objectives which had been defined, and to begin working towards others, for continuation throughout 2011.

Specifically, the conclusions of the 2nd Monitoring Report on the Implementation Plan (2010) indicated the need to make progress in a series of fields, for which the advances achieved are summarised below:

- In the field of **awareness-raising, prevention and early detection of trafficking**, practically all the objectives set out in the Plan have been fulfilled. In this regard, workers continued to develop social awareness-raising initiatives, along with others to provide information for institutions and professionals so as to facilitate greater understanding of such situations, along with conclusion of the process for the implementation of the use of biometric identifiers in the issuing and verification of visas and residency permits. The Human Trafficking Intelligence System at the Intelligence Centre against Organised Crime is likewise operational.
- Within the context of **training and professional specialisation**, both specific and general actions have been taken to guarantee greater specialisation on the part of professionals in various fields, with a particular focus on the development of skills at the State Law Enforcement Agencies, not only in the investigation of the crime but also with regard to information and support for victims, and government personnel deployed overseas.
- Advances in the enhancement of processes for the **identification, support and protection** of victims, promoting coordination among all agents involved in such situations, essentially as a result of approval of the Framework Protocol for the Protection of Victims of Trafficking.
- Reinforcement in giving **comprehensive support** to victims of trafficking for sexual exploitation through the funding of specialized support resources.

- The response offered to the specific needs of victims of human trafficking for sexual exploitation who are **minors** has been reinforced through a separate chapter of the Framework Protocol, along with specific provisions in the awarding of public grants by the Government Delegation against Gender Violence.

Central Government allocated budget of **6.2 million euros** in 2011 for the implementation of measures to develop the Plan.

Although progress was made in 2011, significant actions are still required in order to complete the implementation of the Plan within the period covered.

Specifically:

- Research, awareness-raising, prevention and training:
 - Continue raising the awareness of the general population.
 - Promote recognition of 18th October as International Anti-Trafficking Day.
 - Make progress in awareness-raising, skills development and specialized training for professionals involved in such cases.
- Victim support and protection
 - Perform continuous monitoring of application of the Framework Protocol, enabling the involvement of organisations specialized in victim support.
 - Promote coordination among the various public authorities with competencies in this field.
 - Examine the existing indicators for the detection and identification of victims.
 - Continue updating the Guide of specific resources to assist victims of trafficking for sexual exploitation.
 - Improve monitoring of the support provided to victims of trafficking for sexual exploitation by organisations receiving public grants.
- Legislative measures
 - Reform of the Criminal Proceedings Act to adapt the provisions regarding crimes connected with trafficking in line with the remaining legal structure.
 - Promotion of the confiscation of assets derived from human trafficking.
 - Progress in the transposition of the Directive 2011/36/EU, of 5 April 2011.
- Prosecution of the crime
 - Expand the gathering of data on human trafficking for purposes of exploitation for an enhanced understanding of the scale of the problem and the response to such situations.

ANNEX:
**COMPREHENSIVE PLAN TO COMBAT HUMAN TRAFFICKING FOR SEXUAL
EXPLOITATION.**

2011 FIGURES

18th October 2012

1. Law enforcement Actions⁴.

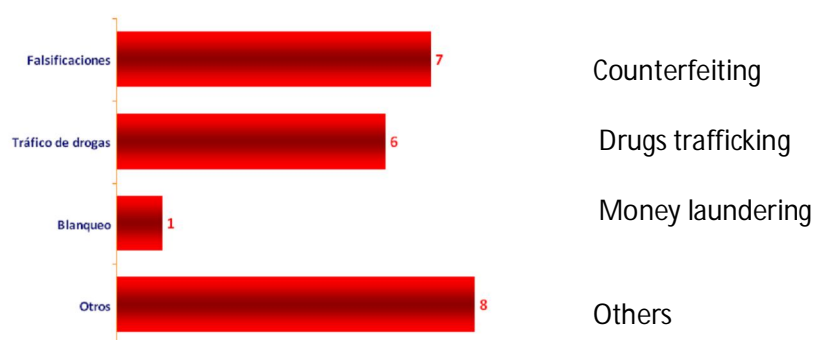
1.1 Prevention

- 2375 Inspections in places of prostitution.
- In urban areas (30%), rural areas (30%), outskirts of cities and industrial estates (30%).
- 14,370 persons at risk detected⁵.
- "Strip clubs" represent the venues with the greatest number of persons at risk.

1.2 Police prosecution of crimes of trafficking and sexual exploitation.

- 295 police statements (87 involving Trafficking and 208 Sexual Exploitation).
- 206 in urban locations.
- 89 in rural locations.
- Action taken against 17 criminal organisations and 54 criminal groups.
- 745 arrests (61% men): 280 for human trafficking and 465 for sexual exploitation.
- 1082 victims identified (234 of Trafficking and 848 of Sexual Exploitation).
 - Around 95% are foreign women.
 - Around 40% are illegal aliens.
 - More than 90% are women.
 - Aged between 23 and 32.
 - Main nationalities: Romanian, Chinese, Brazilian, Paraguayan, Russian and Dominican Republic.
 - 15 victims under legal age identified (7 in interviews conducted on the basis of Trafficking, and 8 involving Sexual Exploitation).

1.3 Criminal activities connected with trafficking and sexual exploitation



⁴ Data from the Ministry of Interior (State Law Enforcement Agencies) with reference to human trafficking and sexual exploitation.

⁵ Person at risk: person detected by the State Law Enforcement Agencies engaged in prostitution in those locations where inspections are performed.

2. Judicial Actions⁶

2.1 Preliminary proceedings⁷:

Regarding crimes under Article 177 bis of the Criminal Code⁸:

Sexual Exploitation			Labour Exploitation/Begging		
Instigated	Archived	In progress	Instigated	Archived	In progress
59	14	45	5	0	5

Regarding sexual exploitation crimes (forced prostitution):

Sexual Exploitation		
Instigated	Archived	In progress
106	23	83

2.2 Provisional charges:

For crimes of forced prostitution:

VICTIMS ⁹		ACCUSED ¹⁰	
Adults	Minors	Spanish	Foreign
36	4	9	31

For crimes of clandestine immigration and prostitution:

VICTIMS		ACCUSED	
Adults	Minors	Spanish	Foreign
36	0	20	19

⁶ Data from 2012 Report of the Office of the General State Public Prosecutor.

⁷ The majority of proceedings are instigated as a result of a crime reported by the victim (directly or via an NGO), following police identification in the locations where they are being exploited, according to information provided by the CICO.

⁸ 92.18% of proceedings involving crimes under Article 177 bis involve sexual exploitation.

⁹ The greatest number of victims of sexual exploitation are Romanian (26.31%), followed by Brazilian (15.68%) and Paraguayan (14.47%). Most victims are women (97.37%, of whom 5.26% are minors). Only two of the victims were men.

¹⁰ The majority of the accused are Spanish (36.70%) or Romanian (34.17%).

3. Protection for victims of trafficking who are irregular immigrants¹¹.

- 763 potential victims of trafficking for sexual exploitation who were irregular immigrants were during 2011 offered the recovery and reflection period provided in Article 59 bis of Organic Act 4/2000, of 11 January 2000.
- 98 accepted the recovery and reflection period.

4. Support for victims of trafficking for sexual exploitation¹².

- Under the terms of Order SPI/2349/2011, of 24 August 2011, grants were awarded to a total of 46 projects involving initiatives for the support and social assistance of victims of human trafficking for sexual exploitation, run by 42 specialized organisations for the assistance of victims of trafficking for sexual exploitation, including minors, as well as the children of victims.
- The questionnaires submitted by those charities receiving a grant in 2011 indicate that they contacted a total of 14,600 women at risk.
- The specialized organisations indicate that among the individuals they dealt with, they detected 3526 possible victims of trafficking.

¹¹ Data from the Ministry of Interior.

¹² Data from the Ministry of Health, Social Services and Equality.