

Report on the status of the
Comprehensive Plan for
Combating Trafficking in
Human Beings for Sexual
Exploitation

April 2010

TABLE OF CONTENTS

	<u>Page</u>
1. Introduction	2
2. Research, training and awareness	4
3. Protection for the victims	9
4. Prosecution and prevention	13
5. Conclusions	15

1. Introduction

The Comprehensive Plan for combating trafficking in human beings for sexual exploitation (hereinafter, the Plan) was approved by the Council of Ministers on 12 December 2008. The Plan envisages mechanisms for inter-departmental and inter-institutional cooperation and coordination that guarantee its monitoring and evaluation. To this regard, the Plan establishes the need for the various Departments and Institutions involved in its execution to provide periodic updates that enable the preparation of an Annual Report.

Following the provisions of the Plan, in January 2010, on the first anniversary of the first meeting of the Inter-ministry Group, the preparation of this report began on the status of the situation and the degree of its compliance with the Plan.

As it is known, the Plan has 62 measures grouped into five areas of intervention:

- ◆ Measures for awareness, prevention and investigation
- ◆ Measures for education and training
- ◆ Measures for victim assistance and protection
- ◆ Legislative and procedural measures
- ◆ Measures for coordination and cooperation

Nevertheless, in order to streamline and facilitate the monitoring and the overall mission sought by the Plan, this Report systemises these five areas around three generic interventions: awareness, training and prevention, assistance to victims and prosecution of trafficking.

It is important to bear in mind that **all actions of an organizational nature envisaged in this Plan have already culminated, whereby** it has all the infrastructure and suitable legislative coverage necessary for its implementation, compliance and evaluation.

Therefore the *Inter-ministry Group for Coordination* was established pursuant to point II. 4 of the Plan, and likewise the *Technical Inter-ministry Group* was established, which has already met on three occasions. This report was prepared on the basis of the information sent periodically by each one of the representatives on such coordination group, comprised of members 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
- ◆ Ministry of the Office of the Prime Minister

- Ministry of Education
- Ministry of Industry, Tourism and Commerce
- Ministry of Defence

It is important to emphasise that the work of the technical group was based throughout the year 2009 on the organization of the task agreed upon by the Inter-ministry group. Since the term of the Plan is three years and it contains a highly broad and ambitious program, the first of the tasks of the Coordination Group consisted of approving a document on *Priorities for the year 2009*. To do so, measures were considered that required a longer period of implementation as well as, in order to achieve the desired effects of awareness and disclosure of the problem, the promotion of legislative reforms necessary to achieve the objectives of the Plan, particularly those deriving from the ratification of the rules of the Convention of the Council of Europe on trafficking in human beings and its entry into force in Spain in August of 2009.

To this regard, and as a result of the ratification and entry into force of the aforementioned Convention of the Council of Europe against trafficking in human beings, the most important legislative amendments have been undertaken such as the one regarding the Immigration Act and the yet-to-be approved reform of the Criminal Code, to be described in detail below,

Lastly, as indicated in the Plan, the task of Non-Governmental Organizations is deemed as essential in combating trafficking and assisting victims. Therefore, and in order to guarantee the coordination and coherence of administrative and social actions, on 14 July the *Social Forum against trafficking* was established as a mechanism for cooperation and ongoing dialog, with the participation of five members of the Network against trafficking comprised of the main Non-Governmental Organizations of the Sector, as well as by all social organizations which so requested. Furthermore, in order to guarantee dialog and institutional efficiency, members of the technical inter-ministry group, two representatives from the Autonomous Regions and autonomous cities of Ceuta and Melilla selected by drawing (Autonomous Region of Navarre and the Xunta de Galicia) and one representative from the Local Administrations by means of the FEMP (Area V, Objective 5, Action 1) likewise form a part of the Network.

2. Investigation, training and awareness

With respect to the means of investigation, a basic element is the in-depth analysis of the **knowledge of the trafficking phenomenon** since, as the United Nations Office on Drugs and Organised Crime has charged, we are faced with a true vacuum of data and statistics. To this regard, the Plan envisages the preparation of three **studies**, which were addressed during the year 2009 and constitute the basis of essential information to enable the development of the substantive measures with assurances of success.

The first report (Action 1, Objective 1, Area 1) refers to the description of the phenomenon of trafficking of women in our country. On the basis of a prior study from the Institute for Women, and under the coordination thereof, such report commissioned a university consortium, led by the University of La Laguna. This study has just been delivered and shall be published in upcoming weeks.

In the second place, the Ministry of Equality, in collaboration with the Autonomous Regions, has assumed the preparation of a study on the consequences of trafficking for victims as well as a map of existing resources. This concluded on 1 December 2009. In this first year of the Plan, the study has focused solely on preparing the map of resources.

As a result of this study, throughout the entire State seven specific centres of assistance for trafficking victims of sexual exploitation were identified, concentrated in five provinces in three Autonomous Regions (Madrid [3], Extremadura [2], Cantabria [1], Castile-La Mancha [1]). Together with these seven centres, another 55 exist that assist victims of sexual exploitation together with women in contexts of prostitution, distributed among 22 provinces in 16 Autonomous Regions. Finally, at least one dozen institutions and public or private organizations were detected which, while they do not offer specific resources for victims of sexual exploitation or prostituted women, assist these persons when they are victims of these crimes.

Once this map is prepared, and in the year 2010, the models for existing theoretical and practical intervention shall be analyzed.

Finally, the Plan envisages the undertaking of a study to analyze the legal treatment of the criminal processes relating to trafficking in human beings for sexual exploitation, on the basis of the current legislative framework. This report was prepared by the Ministry of Justice and was sent on 30 September to the General Secretariat of Equality Policies, as coordinator of the Plan. The preparation of this report was essential in order to address the legislative reforms contained in the Plan, since it provides the doctrinal and jurisprudential basis for the reforms that were necessary in the Criminal Code as well as in the Immigration Act, since the previous regulatory framework on trafficking in human beings, based on Organic Act 11/2003, provides neither clear nor effective legislation, and neither is it coherent with international tendencies.

An increase in the research on the subject has furthermore taken place, supported by the official R&D+i programs of the Ministry of Science and Innovation, with emphasis given to the program of the University of Barcelona "Women, immigration and prostitution: elements for socio-educational intervention".

With regard to the **actions for awareness** (Objective 2, Area 1), in the first place it is worthy to emphasise that with regard to the European Day against Human Trafficking, the Ministry of Equality has promoted a travelling exhibit on the phenomenon of the trafficking in women and children for sexual exploitation under the slogan "Don't be an accomplice". This exhibit was inaugurated by the Ministry

of Equality on 14 October in the Círculo de Bellas Artes, and afterward was transferred to other institutions. Three exhibits have taken place, in the University Carlos III of Madrid, within the scope of the I Conference against Gender-Based Violence; and in the Autonomous University of Madrid, within the scope of the I Conference against Trafficking in Women for Sexual Exploitation. In both cases with a cycle of conferences in collaboration with the Ministry of Equality, likewise including the topic of the sexual exploitation of minors: through 6 February 2010 the exhibit is located in the Ministry of Labour and Immigration. Afterwards the exhibit shall begin travelling, and requests have been received from five Autonomous Regions.

From 11 through 15 December 2009, the Paseo de coches of El Retiro de Madrid hosted *The Journey*, an international exhibit that has already been shown in London, New York and Vienna. To bring this exhibit to Spain, the Ministry of Equality had vast inter-institutional collaboration (Autonomous Region and City of Madrid), as well as several organizations from the civil society and private sector, with emphasis given to the involvement of the Spanish Network against Trafficking and the Spanish Red Cross. The exhibit was widely enjoyed by the public and exceeded 5000 visitors, while at the same time attaining significant media impact.

Together with these specific actions, an awareness campaign was designed on the basis of an Agreement with the Federation of Hotel and Restaurant Sector. This Agreement includes the distribution of material on reporting and awareness (coasters and stickers) on trafficking in the establishments associated with the Federation, and the creation of a symbol of the fight against sexual exploitation. It is anticipated that such actions shall reach over 13,000 establishments throughout the entire State.

Likewise, for the awareness of the public in general, on the occasion of the 23 September, International Day against Sexual Exploitation and trafficking in women and children, the Ministry of Equality conducted a campaign in ten printed publications of national circulation, inserting a half-page advertisement under the title "No to sexual exploitation", while at the same time producing a line of advertising products with this same slogan.

This objective includes **promoting the control of classified ads in the media**. In spite of the various steps performed by the Government and the willingness of the media, due to the difficult economic times, which also affect the media, no significant progress has been made in this objective, although one national newspaper, La Razón, has joined the newspaper Público in its business policy of excluding personal ads in its pages.

With regard to **training**, the Ministry of Education and the Ministry of Equality, via the Institute for Women, has prepared a didactic unit on trafficking for use in its teaching centres. Furthermore, the Ministry of Education, in collaboration with the Ministry of Equality and likewise via the Institute for Women, has created a Cooperation Network among the Educational Administrations of the State and Equality Organizations on the topic of equal opportunity and the prevention of

violence against women. In October of 2009, the V State Encounter of the RED INTERCAMBIA (EXCHANGE NETWORK) took place, where the Ministries of Education and Equality proposed the design of programs for information and awareness on the trafficking phenomenon to Autonomous Regions for use in teaching centres. Also, during this Encounter the Autonomous Regions were presented with the definitive version of an educative portal aimed specifically at coeducation and equal opportunities, in which the didactic units being prepared on this subject are disseminated as they become available. Lastly, a commitment was established with the autonomous regions to inform the IFIIE of all those initiatives carried out to contribute to Objective 3 of Area I of the Plan for combating trafficking in human beings for sexual exploitation. The autonomous region initiatives may be viewed on the INTERCAMBIA website (www.educacion.es/intercambia).

In terms of the information and specific awareness in the tourism sector, worthy of note is the coordination of the current Forum “Analysis of the Worldwide Ethics Code for Tourism (CEMT)”, of the WTO, with the REI platform (Network of Latin American Experts in Tourism), aimed at those responsible for tourism in the governments of Latin American countries and tourism experts in the business and training sectors in Spain, Portugal and Latin America. Furthermore, the Secretary of State for Tourism plans to organise, in the course of the Spanish Presidency of the EU during the first semester of 2010, a series of acts under the slogan “Toward socially-responsible European tourism”, that shall include the presentation of a panel on ethical topics in relation to tourism, for their presentation in the Informal Meeting of the EU Ministers of Tourism, to take place during the month of April in Madrid. In this meeting, the ministers of EU countries shall sign a statement with references to the Worldwide Code of Ethics for Tourism of the WTO and to the prevention of any abuse or exploitation of the most vulnerable groups – women and children – in population of the destinations and of the European countries themselves.

With respect to the training necessary to improve the systems for prevention and early detection, the Ministry of Foreign Affairs and Cooperation has already complied with Action 1 of Objective 5. Therefore, the subject of trafficking has been included in training courses for general consuls, consuls and those responsible for consular affairs (for example, in the course held between 22 and 26 of this year), and it is expected that these shall be included in the specialised courses for civil servants responsible for issuing visas, in order to prevent this phenomenon from the start in the countries of origin.

The Ministry of Labour and Immigration has undertaken the first phase of study and diagnosis of the situation in the Temporary Immigrant Compounds in Ceuta and Melilla, and is preparing a training program for the identification of victims of the professionals of such centres, as well as a protocol for the referral of victims to specialised services.

Action 5 envisages the **preparation of detection and reporting protocols in health, social and education areas**. These protocols are prepared on the basis of the map of resources as well the culmination of the legal reforms underway. Nevertheless, as a prior step, and considering the efficiency of similar protocols in the fight against

gender-based violence, the Ministry of Equality is studying the existing protocols in this area for their possible use. On the other hand, the Ministry of the Interior, following the approval of the reform of the LOEX, has created a working group to prepare such protocols relative to police action. And prior to these protocols, the Secretary of State for Security dictated an instruction in January of this year – 1/2010 – on the transitory application to trafficking victims of Section 59 bis of Organic Act 4/2000, 11 January.

With regard to the detection of trafficking, essential in the prevention and fight against organised crime, shall be the approval during 2010 of the new model for the residence permit that develops within the scope of the EU the inclusion within the next two years of biometric indicators (right and left index fingers and facial image). To this regard, worthy of mention is that during 2009 administrative steps have been undertaken to acquire a new automatic border control system that shall make it possible to compare the fingerprint and facial image of the bearer of the document by means of an integrated chip, and to verify the existence of possible legal or police complaints, leaving a record of entries and departures. Its presentation is planned for the month of April.

Furthermore, with the recent approval of the Services Directive, the Civil Guard has increased administrative inspections of the locations and establishments where prostitution is conducted.

The Organised Crime Intelligence Centre (CICO) is conducting significant activity to attain objective 6 and **to improve the capacity of the Security and Defence Forces for the investigation and fight against trafficking**. A code of good conduct is being prepared and progress has been made in the study of organised crime on this subject. One Action already performed, furthermore recognised as a leading European measure in the fight against trafficking, is the creation of the specific database on trafficking in human beings. This database was prepared on the basis of the collection and computerised processing of questionnaires on investigations of organised delinquency, which contains data on the *modus operandi* of criminal groups, as well as other data of interest for the preparation of strategic intelligence on organised delinquent activities, specifically on trafficking in human beings for sexual exploitation and sexual exploitation per se. This information is furnished by the Security Forces of the State as well as by the Ertzaintza (local police of the Basque Country), Mossos d'Esquadra (local police of Catalonia) and the Local Police of Navarre, and subsequently forms part of a specific database, operated by the Area of Prospective Intelligence of the CICO. Finally, worthy of note is that the CICO has already presented a report on coerced prostitution with data collected through 2007, and the treatment and analysis of data from 2008 and 2009 has been updated which, through October, offers a balance of 200 dismantled trafficking networks or groups and more than 700 detained delinquents.

Police and legal action likewise require specialised training, and the Ministry of Justice has provided training on trafficking in the courses of the Centre for Legal Studies on changes in national as well as international legislation; these courses

were attended by civil servants belonging to Public Prosecution and the Units of Legal Clerks, Forensic Physicians and State Attorneys. Likewise compliance with Action 2 of Object 2 of Area II has taken place, by revealing the legal framework applicable in Spain to trafficking in human beings by means of activities such as, for example, the holding of the International Seminar on Trafficking in Persons, organised jointly by Spain and Portugal and held on 25 and 26 June 2009 in Castelo Branco (Portugal).

With respect to Action 4 on the training of Security and Defence Forces deployed in Peace Missions, the Ministry of Defence is providing training actions on trafficking, aimed at military personnel to be deployed on these types of missions, on the basis of Resolution 1325/2000 of the United Nations Security Council, on Women, Peace and Security and the Action Plan for application, approved on 30 November by the Council of Ministers, and Resolution 1820/2008, on the elimination of sexual violence against the civilian population, especially women and children, in armed conflicts, approved on 19 June 2008 by the UN Security Council.

Furthermore, together with the **specific training and qualification measures** for consular, police, Justice, Defence and Ministry of Equality action, by means of the Institute for Women a training course has been designed for the personnel from all organizations involved in the fight against trafficking and the Public Administration. This same line of specific training measures includes collaboration with the Madrid Attorneys Association, to offer a training course on counselling and specialised representation for victims of trafficking for sexual exploitation.

3. Protection for victims

To achieve objective 1 of Area III and **to guarantee the protection of victims and witnesses in application of Organic Act 19/1994, 23 December on the protection of witnesses and experts in criminal proceedings**, the appropriate studies and reports have already commenced and at the same time the Ministries of Justice and Equality have begun promoting contacts with the State Prosecution Service for the preparation of instructions in this field.

In order to **raise victim awareness and offer them information on their rights and resources** (Objective 2, Area III), the Ministry of Equality has published brochures containing a telephone number for information and counselling in the following languages: Spanish, Catalan, Gallego, Euskera, English, French, Rumanian, Russian, Portuguese, Arabic, Polish and Ukrainian. The first edition shall consist of 500,000 copies. Its distribution is expected to take place in collaboration with the Autonomous Regions, the OIA, FEMP, Police (national, autonomous and local), Civil Guard, branches of the Government, Spanish embassies, Women's Services Departments, municipal social services, health services (ETS), NGOs... . The brochure includes the telephone number for assistance from the Institute for Women, which includes specific assistance in cases of trafficking.

This same brochure format has also been published **for professionals** in the four official languages of the State, in order to increase awareness about the phenomenon of trafficking in human beings for sexual purposes. The brochure also includes the telephone number for assistance from the Institute for Women, which includes specific assistance in cases of trafficking.

To achieve **the assistance objectives of Actions 3-6 and improve the services for assistance to victims** (Objective 3), on 30 June 2009 the Ministry of Equality, through the General Secretariat of Equality Policies held an Invitation to submit projects for grants for the protection of and comprehensive assistance to women trafficking victims, with a financial endowment of 2 million Euros. Projects were submitted in response to this Invitation for subsidising actions for the protection and social assistance to victims of trafficking for social exploitation, which included the creation of mobile units and shelters, training for employment and specific integral assistance (psychological, medical, legal, etc.). Of the 50 projects submitted, 36 grants have been awarded.

Likewise the Ministry of Labour and Immigration, through the Directorate General for Immigrant Integration, has prioritised programs targeted at women immigrants victims of trafficking for sexual exploitation, by means of two financing and management instruments:

1. The Support Fund for Immigrant Integration and Educational Reinforcement thereof, whose Scope of Cooperation for the year 2009 prioritised actions aimed at facilitating the social integration of female immigrants in a situation of particular vulnerability, especially victims of gender-based violence, prostituted women and

victims of trafficking for sexual exploitation. Within the scope of this measure, in the year 2009 there are a total of 15 actions underway in 9 Autonomous Regions and which involve a total budget of 714,487 Euros.

2. The Invitation to submit projects for grants in the area of immigrant integration, requests for asylum and other persons with international protection, 3 June 2009, which gives priority to “employment programs”, jointly financed by the European Social Fund, for the purpose of eradicating trafficking in human beings for labour or sexual exploitation, and promoting their insertion in the work market; likewise, within the area of “programs in favour of women”, it prioritises programs that promote the knowledge, start-up of actions and the creation of social support networks for victims of sexual exploitation or trafficking and prostituted women. By means of this Invitation, a total of 158,108 Euros has been awarded.

Finally, Objective 5 of Area III pursues **providing integral protection to victims with irregular immigration status**, but the development of these actions required the modification of legislation currently in force. A decisive step has been taken with the approval by Parliament of the reform of the Immigration Act. The **Organic Act 2/2009, 11 December (BOE 12/12/2009)**, which introduces Section 59 bis in the LOEX devoted to “victims of human trafficking in human beings”. This precept includes the corresponding “period for reestablishment and reflection” granted to the victim of trafficking willing to collaborate in the criminal proceeding, with a duration not to exceed 30 days, with the granting of a temporary residence permit and suspension of any sanction proceedings or the enforcement of any measures for expulsion or return. Consideration and fulfilment have likewise been given to the obligation to transpose Directive 2004/81/EC, 29 April 2004, relative to the issue of a residence permit 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. The regulatory development of the provisions in this area of the Immigration Act is pending.

With respect to criminal reforms, an essential step has been taken with the approval in the Council of Ministers on 13 November 2009 and subsequent remittance to Parliament of the **Draft bill for amendment of Organic Act 10/1995, 23 November, on the Criminal Code**, which seeks to introduce the new Title VII bis in the second book, with Section 177 bis appearing as expressly devoted to trafficking in human beings. It likewise endeavours to introduce novelties relative to the confiscation of products, instruments and goods relating to the crime, and since the main objective of organised crime is financial profit, the establishment of common legislation relative to the monitoring, attachment, seizure and confiscation of the products of the crime, the priority objective is to efficiently combat it. Therefore, the existing regulation on confiscation has been completed, allowing judges and courts to resolve on it with respect to those effects, goods, instruments and profits from criminal activities committed within the scope of a criminal organization. The approval of these amendments permits the immediate elaboration of protocols and instructions.

In terms of international cooperation claimed by Action 2, Objective 5, on the topic of assistance and protection for victims, 2009-2012 Master Plan for Spanish

Cooperation includes given strategic lines and priority actions for efficient action in this area (by means of bilateral cooperation and the contribution to ODMs in the sector of migration and development), such as establishing or reinforcing the regulatory framework on matters of the **social protection** of migrant persons on a bilateral or regional scale, combating the trafficking and exploitation of migrant persons, with special attention to the trafficking and sexual exploitation of women and children. On the other hand, this also includes the prevention, protection and assistance to victims of trafficking and sexual exploitation in situations of conflict or post-conflict within the scope of the application of Resolution 1325 of the U.N. Security Council.

Furthermore the following projects have been undertaken or are in the execution phase:

- ◆ **FINANCIAL SUPPORT FROM THE AECID TO THE PROJECT “STRENGTHENING OF NATIONAL AND REGIONAL CAPACITIES TO PREVENT AND COMBAT TRAFFICKING IN PERSONS IN CENTRAL AMERICA” OF THE UNODC (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2007-2010):** The purpose of the project is to identify the legal, institutional, technical, operational and financial capacities of Central American countries to prevent, investigate and try the crime of trafficking and to protect victims and witnesses.
- ◆ **REGIONAL COOPERATION PROGRAM WITH CENTRAL AMERICA – GENDER LINE: SUPPORT TO THE STRENGTHENING OF THE COMCA (COUNCIL OF MINISTERS FOR WOMEN IN CENTRAL AMERICA), THROUGH THE CAIS (CENTRAL AMERICAN INTEGRATION SYSTEM), EXECUTED BY THE IOM (INTERNATIONAL ORGANIZATION FOR MIGRATION):** Seven national studies plus one regional one have been prepared on “The experience of women trafficking victims and the action of institutions”, as support for the Action Plan against the Trade and Trafficking of Women of the Council of Ministers for Women by means of the preparation of one regional and seven national studies from Central American countries and the Dominican Republic; as well as the corresponding studies for legislative development.
- ◆ Priority areas for intervention were identified that allowed the AECID to prepare a regional gender strategy, including the subject of trafficking. And therefore, at the start of the year 2009, the project known as **“CREATION OF A REGIONAL CENTRE FOR ATTENTION TO VICTIMS OF HUMAN TRAFFICKING, AND TRAINING FOR MEXICO AND CENTRAL AMERICA”** commenced, with a total budget of €400,000, of which the AECID furnished €200,000 and the Secretariat of Public Security of Mexico furnished the rest.
- ◆ Extension of the Project for the Creation of a **CENTRE FOR ASSISTANCE TO VICTIMS OF THE CRIME OF TRAFFICKING IN PERSONS IN MEXICO**, which is still in its formulation phase. Budget: €280,000.
- ◆ **CONVENTION FOR STRENGTHENING THE CAPACITIES OF GOVERNMENT AND CIVIL SOCIETY ORGANIZATIONS FOR THE INTEGRAL PROTECTION OF CHILDHOOD AND**

ADOLESCENCE WITH SPECIAL INCIDENCE ON THE TRADE AND TRAFFICKING OF CHILDREN AND ADOLESCENTS IN ECUADOR, EL SALVADOR, GUATEMALA, HONDURAS AND NICARAGUA, 2007-2010. The Convention seeks to address the prevention and protection of children and adolescents vulnerable to and/or victims of the crime of trafficking in Central America and the protection of infancy for the prevention of violence and the rights of working adolescents in the Andean region.

Furthermore, a Framework Agreement for collaboration has been signed between the Ministry of Equality and the AECID to transversalise the gender approach under development and combat any form of discrimination. A specific Agreement has likewise been signed for the joint undertaking of a training activity consisting of a Course on trafficking in human beings for sexual exploitation. In execution of this Specific Agreement, in 2009 the organization and preparation for the course "Trafficking in women and girls for sexual exploitation: a global reality" took place, to be held in 2010. Likewise three training courses were given on the subject of trafficking, within the Latin American program for specialised technical training of the AECID, in the training centres for Spanish co-operation in Latin America: in Montevideo (organised by the CICO, Ministry of the Interior), in Guatemala (targeted at prosecutors), and in Bolivia.

Outside the Latin American scope, the AECID has also carried out a multidisciplinary project to combat trafficking for sexual exploitation and for the assistance and integration of victims in the sub-region of the Mekong, for the purpose of contributing toward the eradication of trafficking and sexual exploitation in this area and facilitating the rehabilitation and reintegration of victims, reinforcing government and non-government policies and strategies on trafficking at a national and regional level.

4. Prosecution and prevention

Area IV of the Comprehensive Plan for combating trafficking in human beings for sexual exploitation includes various objectives and actions aimed at implementing legislative and procedural measures, and at adopting provisional measures for protecting the victims as well as for depriving criminal organizations of their financial advantages.

Worthy of note is the publication in the Official Gazette of the Spanish State on 10 September of the Instrument for the Ratification of the Council of Europe Convention to combat trafficking in human beings (Convention no. 197 of the Council of Europe), signed in Warsaw on 16 May 2006 which includes, among other aspects, the granting of a period of at least 30 days to persons who may be victims of trafficking in human beings for reestablishment and reflection, so that such person may recover and flee from the influence of traffickers and/or make an informed decision on cooperating with the competent authorities.

The contents of this Convention were included in the aforementioned reform of **Organic Act 4/2000, 11 January, on the rights and freedoms of foreigners in Spain and their social integration**. This was likewise done by the **draft bill to reform Organic Act 10/1995, 23 November, on the Criminal Code**.

Currently under study are reforms of the Criminal Procedure Code and the regulatory development of Organic Act 19/1994, 23 December, on the Protection of Witnesses and Experts in Criminal Proceedings. The purpose of the former is to broaden the provisional measures in relation with the crime of trafficking in human beings as well as to expressly include trafficking victims in matters of the preliminary assessment of evidence. The regulatory development of Organic Act 19/1994 is necessary to itemise the various aspects deriving from the special characteristics occurring in victims of trafficking in human beings.

A draft likewise exists of the work underway for the amendment of Act 1/1996, 10 January, on Gratuitous Legal Assistance, in order to provide victims of trafficking in human beings with a system of immediate legal assistance and the rapid availability of an interpreter.

Area V of the Comprehensive Plan against trafficking in Human Beings for sexual exploitation is aimed at implementing measures for coordination and cooperation among the administrations and police authorities on a national as well as international level, to create synergies for the increased effectiveness of the fight against trafficking in human beings, while at the same time strengthening the mechanisms for coordination among Non-Governmental Organizations committed to combating trafficking and providing victims with assistance.

To this regard, a very important tool shall be the impulse under the Spanish Presidency of a new motion for a Commission Directive relative to the prevention and fight against trafficking in human beings, and the protection of victims, which

repeals the current Framework Decision 2002/629/JAI. This draft Directive was presented by the Office of the Commissioner of the Interior in the last week of the past month of March.

The Conference of Ministers of Justice of Latin American Countries (COMJIB) is working on harmonising criminal legislation and on the typification of the crime of trafficking in human beings, for the purpose of facilitating legal and police cooperation among the various countries. Furthermore, the Ministry of Equality is in contact with the General Secretariat in the search for joint actions for police cooperation as well as for the protection and support of the victims, seeking a space for joint action.

For the purpose of carrying out actions for information and awareness in countries of origin to avoid the recruitment of victims, work is underway with various United Nations institutions (the United Nations Development Fund for Women, the Population Fund, the International Research and Training Institute for the Advancement of Women, the Development Program and the Office of the High Commissioner for Human Rights), while at the same time contributing to the defence of women's rights and specifically in those contexts in which women and girls suffer the worst forms of discrimination, envisaging specific actions on matters of gender.

To this same regard, as previously indicated, the Council of Ministers for Women in Central America has held conferences for the dissemination of studies on the experience of female victims of trafficking.

5. Conclusions.

As indicated above, the Inter-ministry Group approved some priorities for the year 2009. Worthy of mention is the fact that this was a highly ambitious and complex program. Even so, the balance is positive and an optimum level of compliance has been given to the majority of the priorities.

The action program approved for 2009 required a broad battery of prior regulatory amendments for many of the measures included in the Plan, as required in a Rule of Law. To this regard, the ratification and entry into force of the Convention of the Council of Europe on trafficking, the reform of the LOEX and the start of the criminal reform have been time-consuming processes, but have made it possible to weave a regulatory framework adapted to the recent novelties of the international legal panorama in terms of the reference to the preventive and repressive dimension of this crime as well as to its scope for the infringement of human rights and the necessary protection of its victims.

These legal reforms shall undoubtedly permit a much more effective fight against criminal networks, improved police and criminal cooperation while at the same time guaranteeing assistance to and protection of victims, ensuring the recovery of their life ambitions. Together with these, and considering that the State already has the appropriate legislative base, it is necessary to reinforce the execution of the Plan in three ways: prevention, prosecution and protection. To attain the objective of prevention, it is essential to continue and deepen actions of awareness. With regard to protection and prosecution one absolute priority is the development and implementation of the protocols for action envisaged in the Plan on which work is currently underway.

In the first place, and in terms of the reference to the legislative sphere, the next step, together with the necessary culmination of the penal reform in this material aspect, is inexcusably the development of the regulations necessary to guarantee the coordination among the various Administrations and services involved, so as to protocolise police actions and those of the Justice Administration, while at the same coordinating these services on the detection, prevention and assistance to victims with the public and private institutions involved in social-health care intervention.

In the second place, next to police pressure and legal action in the prevention and prosecution of the crime, the increase of social awareness concerning this problem is of equal relevance. Multiple actions are needed to open the eyes of society in general about situations of sexual slavery in nearby and daily settings. The increase of that social awareness constitutes the best mechanism for reducing the demand behind trafficking for sexual exploitation purposes.

At the same time it is necessary to maintain global analysis and consider that, together with the demand and profound inequality behind the trafficking phenomenon, the objective also exists of thousands of women in developing countries to endeavour to find a better life. It is therefore essential to maintain the

effort not just for international cooperation of a legal and police nature, but also to observe the cooperation for development as a tool for prevention, since the improvement of living conditions of women and girls has a direct impact on the underlying causes of trafficking in human beings for sexual exploitation.

Considering the gross offence of trafficking for sexual exploitation on fundamental rights, it is the duty of society to guarantee the recovery and rehabilitation of its victims. During the year 2009, the first invitation took place to subsidise projects for assistance to victims or persons in risk situations. This invitation shall be renewed in the year 2010, but it is furthermore necessary to provide the means to ensure the subsistence of persons with recourse to the reflection and recovery period envisaged in the new Section 59 bis LOEX. It is also necessary to envisage the appropriate mechanisms to guarantee the protection and assistance of persons who wish to cooperate with the Security and Defence Forces, as well as with the Justice Administration. And of equal necessity, as recommended by several international organizations, is to ensure the voluntary return of those victims who so desire in suitable conditions and avoiding any stigmatization. As an essential part of the assistance to victims, this should include specialised training of all those professionals who come into contact with them, whereby it is essential to encourage the training and dissemination of the legislative changes made, as well as of the principles, values and rights embedded in the fight against trafficking from the international sphere.

All of this makes the trans-national and global nature of trafficking obvious which, given its roots, consequences and complexity, constitutes an international problem for which it is essential to have and participate in broad networks of institutional cooperation that encourage the actions of international agencies and make it possible to act in a joint and coordinated manner in countries of origin, transit and destination.

In short, during the first year of application of the Plan it may be concluded that improved legal instruments exist for the prosecution of the crime, and that awareness and sensitivity to the problem have grown. We are better aware of the phenomenon, women have more resources for protection and it has been possible to dismantle more organised crime networks.