



MINISTRY OF HEALTH, SOCIAL POLICY
AND EQUALITY

DEPARTMENT OF EQUALITY

2nd situational status report on the Comprehensive Plan to Combat Trafficking in Persons for Purposes of Sexual Exploitation

Year 2010

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1. Introduction.

Since its approval by the Council of Ministers on 12 December 2008, the Comprehensive Plan to combat trafficking in persons for purposes of sexual exploitation (hereinafter, 'the Plan') has become the primary instrument for the comprehensive planning of our response to situations of trafficking in persons for purposes of sexual exploitation.

Human trafficking is a large-scale phenomenon. It is therefore fundamental in combating this that new instruments and channels of action be proposed, along with an increase in collaboration and coordination among public authorities, institutions, civil society and international cooperation.

In this regard, the Plan included the establishment of an Inter-Ministerial Coordination Group and a Social Forum against Trafficking, tools for collaboration, communication, implementation and monitoring of the Plan, since, as indicated by the conclusions of the 2009 Implementation Report, the working programme set out in the Plan is highly ambitious and demands coordinated action by different institutions and organisations in order to guarantee greater effectiveness in the fight against this crime and to protect victims.

This broad-based working programme, to be developed over the following three years, included the creation of a new regulatory framework in line with the international legal landscape, in particular the principles of the Council of Europe's Convention on Action against Trafficking in Human Beings (in force in Spain since August 2009), with regard both to the prevention and the suppression of this crime, and its dimension in terms of the violation of human rights and support and protection for victims.

The conclusions set out in the 2009 Report on the first year of implementation indicated the need to progress fulfilment of the Plan in three aspects: prevention, prosecution and protection.

In order to achieve the prevention objective, it was felt vital to take further action to raise awareness and develop training modules and materials serving to increase public knowledge of the issue [phenomenon].

Specialist training for those who attend to and are in contact with victims of trafficking was thus one of the fundamental operational cornerstones developed during 2010, serving in turn to achieve progress in prosecution of the offence and victim protection.

Another priority working area in 2010 was the continuation of the regulatory reforms introduced during 2009, in particular in the Penal Code, with a specific chapter dealing with human trafficking, distinguishing this crime from immigrant smuggling.



As in 2009, to systematise information regarding Plan implementation , in this 2nd Monitoring Report actions have been clustered into three types of intervention:

- **Awareness raising, training and prevention**, with information on activities regarding awareness-raising, prevention, research, education and training undertaken during 2010.
- **Protection for victims of trafficking**, detailing the development of intervention and coordination protocols to guarantee victim protection and victim support measures, including both the funding of organisations for purposes of comprehensive support and the reforms applied to Organic Act 4/2000, of 11 January 2000, on the rights and liberties of foreigners in Spain and their social integration, along with the Penal Code and aspects regarding the identification of victims of trafficking for purposes of sexual exploitation.
- **Prosecution and prevention**, with information on mechanisms to support victims of trafficking in court processes and on international cooperation and aid measures intended to prevent recruitment of trafficking victims.

Organised in these clusters, the following actions were implemented in 2010.



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

2.1 Research.

With regard to the research actions set out in the Plan, the tasks performed during 2010 were characterised by the updating of certain materials produced the year before, in order to improve their practical usefulness, since the aim of these studies is to broaden and increase knowledge on the scope of trafficking in persons for purposes of sexual exploitation in this country and to guarantee a more rigorous design in actions to support, attend to and protect victims.

In this regard, the **map of existing resources** to support victims of trafficking for purposes of sexual exploitation has been completed and updated. This document is intended to serve as a practical tool locating and describing the resources which exist across the country to assist and support victims. The aim is to provide a support guide for victims of trafficking and persons in situations of prostitution.

The information on associations and support resources for victims of trafficking and women in situations of prostitution has to this end been revised and expanded with the input of those organisations which are or have been developing trafficking victim support programmes through the funding rounds organised by the now defunct Ministry of Equality in 2009 and 2010.

The data collated in the resource map will furthermore be a basis for drawing up a **proposal on methodological intervention guidelines for the recovery of victims of trafficking for purposes of sexual exploitation**, proposal which will include the corresponding theoretical and practical intervention framework.

Meanwhile, during the first few months of 2010 the information contained in the 2009 **study "People Trade : the trafficking of women in Spain"** was revised and updated; the final updated study is available on the Department of Equality website¹.

This study, based on an analysis of various sources (in-depth interviews, Delphi analysis, documents, legal sources and databases), significantly reduces the figures on victims of trafficking in persons for purposes of sexual exploitation in comparison with the data collated by other sources.

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<http://www.migualdad.es/ss/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadername1=Contentdisposition&blobheadervalue1=inline&blobkey=id&blobtable=MungoBlobs&blobwhere=1244655146905&ssbinary=true>



As for the study analysing **court handling of criminal cases connected with the trafficking of persons for purposes of sexual exploitation**, foreseen in the Plan and delivered in September 2009, it has been distributed to public prosecution offices and is being used in training actions, while distribution to court bodies remains pending.

2.2. Raising awareness.

With regard to the awareness-raising actions undertaken over the course of 2010, the former Ministry of Equality in June 2010 signed up to the **"Blue Heart" Campaign** run by the United Nations Office on Drugs and Crime, which includes Protocol actions to prevent, suppress and penalise the trafficking of persons, in particular women and children.

This campaign has direct impact on the objective of raising public awareness on the issue of human trafficking for purposes of sexual exploitation. Spain was the first European country to implement the campaign, which was presented jointly -at the former Ministry of Equality's headquarters- by the head of this Department and the Executive Director of the United Nations Office on Drugs and Crime, Antonio María Costa, on 29 June 2010.

This UN-sponsored campaign was launched with the support of three ambassadors: the actresses Mira Sorvino and Belén Rueda, and Mexican writer Lydia Cacho.

The audiovisual materials were broadcast over a three-week period, beginning on 11 July, by the major public and private national television channels.

It was also accompanied, from the day of the launch up until 4 July, by the **exhibition Slaves of the 21st Century**, an urban exhibit in Madrid's Paseo del Prado comprising 21 shop dummies and an industrial freight container -similar to those sometimes used to transport women. [The aim of the exhibition is to expose the stages of trafficking, the profile of the victims, and the causes and consequences of this form of slavery.

In addition to the launch at the Department of Equality (former Ministry) and the corresponding exhibition "Slaves of the 21st Century", a number of partnership agreements were signed to show the exhibition in high-profile public sites.

This Department was specifically involved in the organisation and presentation of the exhibition at Chamartín Station in Madrid (with an estimated 35,000 participants) and María Zambrano Station in Malaga (22,000 participants), in partnership with the ADIF (Spanish Railway Infrastructure Agency), and also in Seville (with an estimated participation figure of 12,000 people), in



partnership with the municipal and provincial authorities.

As part of its awareness-raising initiatives, this Department has also supported a number of Information days, including in particular those held with embassies and consulates of countries of origin in Spain, along with the seminar "10 years in the fight against trafficking. Learnings and future prospects", organised by Proyecto Esperanza.

Meanwhile, in September and October, to mark the **International Day Against the Sexual Exploitation and Trafficking of Women and Children (23 September) and the European Day Against Human Trafficking (18 October)**, awareness-raising efforts were intensified placing **adverts against sexual exploitation** in the press on both 18 October and 23 September.

The Council of Ministers Agreement of 8 October 2010 also recognised **18 October as the International Day Against Human Trafficking**, the date previously established by the European Union as the European Day Against Human Trafficking, observed for the first time on 18 October 2007.

In this Cabinet Agreement, the Spanish Government entrusted the Foreign Affairs and Cooperation Ministry -in partnership with other departments, bodies or public or private institutions- the task of promoting among international organisations and abroad all necessary actions to officially recognise and establish the International Day Against Human Trafficking.

In 2010, in addition to undertaking new awareness-raising and information initiatives , the 2009 awareness programme was extended and intensified making use of the materials generated during the first year of implementation of the Plan.

During 2010 this included **showing the travelling exhibition "Don't be an accomplice"** around various Spanish towns. This exhibition uses graphic visual materials to depict in a simple way the stages of trafficking, the profile of its victims and the causes and consequences.

The exhibition served as a vehicle to continue informing the public on this form of female slavery, with the aim of making the problem visible and encouraging a zero-tolerance commitment among citizens.

Likewise, in order to raise awareness and inform both victims of trafficking for sexual exploitation and professional staff, 1,000,000 leaflets were designed and printed in 2009 (500,000 for victims and the remainder for professionals).

The use of these brochures was enhanced in 2010 by **distributing them among human traffic victims**, detailing their rights in Spanish, Catalan, Galician, Basque, English, French, Romanian,



Russian, Portuguese, Arabic, Polish and Ukrainian, and providing a toll-free support phone line. The brochures addressing **various types of professionals** (healthcare, education, social workers) were distributed too, providing general information on human trafficking, victims' rights and support to them.

During 2010, in addition, 500,000 coasters and corresponding posters were distributed among bars and catering establishments in towns with over 50,000 inhabitants; these were part of the 5,500,000 coasters printed in 2009 with drawings that condemn human trafficking which were distributed that year among 13,000-plus bars and catering establishments.

The distribution of coasters forms part of the awareness-raising campaign agreed between the Ministry of Equality and the Spanish Hotel and Catering Federation in 2009, including the use coasters with drawings that denounce sexual exploitation of women and girls, for distribution among the patrons of such establishments, with the aim of condemning human trafficking for sexual exploitation.

After distributing 90% of the coasters in the first year, during the first quarter of 2010 a number of national museums were requested and agreed to distribute them also in their cafeterias. Hence, the coasters were distributed in the cafeterias of the Prado, Reina Sofía and Thyssen-Bornemisza museums, the Museum of the Americas, the National Museum and Altamira Research Centre, the National Underwater Archaeology Museum, the Costume Museum and the Circle of Fine Arts.

Samples were also sent to the Departments represented in the Inter-Ministerial Technical Group on Trafficking, including the Ministry of Equality and the Government Regional Offices and Sub-Offices.

Lastly, as foreseen in the Plan, the Ministry of the Presidency, in partnership with the Ministry of Equality, continued its **efforts to encourage supervision of sex-offer classified ads** in the media promoting self-regulation in order to eradicate this type of advertising.

In this regard the Government has taken a number of steps with managers of Spanish newspapers, and although some are favourably inclined to remove such ads from the classified sections, they argue that the currently difficult economic climate will make their elimination difficult. Nonetheless, among national newspapers both Público and La Razón dailies have established a corporate policy of not accepting sex-offer ads in their classified sections. In addition, the campaigns against trafficking are only featured in media which do not advertise the sex trade.

Furthermore, on 13 May 2010 the Council of State was consulted on possible action that could be taken against sex-offer and prostitution ads published daily in the classified sections of many print



media.

The Study Commission of the Council of State presented its report on 9 March 2011, unanimously approving it and publishing it on 22 March 2011.

Among the aspects covered in the Council of State's report, it highlights that the self-regulatory mechanism is inadequate to achieve the desired goal of eradicating prostitution ads in the print media.

Likewise, general considerations regarding Spanish regulations on prostitution, their evolution and characteristics, lead to the conclusion that there is a legal basis for introducing measures to curtail prostitution advertisements, including banning them.

In the **sphere of education**, the Ministry of Education co-published with the Institute for Women the guide "Laila's Journey", an educational guide to raise awareness on human trafficking for purposes of sexual exploitation, aimed to 3rd and 4th year secondary education and pre-university students, addressing the educational needs established in the Plan to combat human trafficking for purposes of sexual exploitation. The guide has been published online using the 'intercambia' web portal (a virtual space for sharing experiences and joint educational projects: www.educacion.es/intercambia).

In October 2010 the guide was formally presented to [all the Autonomous Regions at the 6th Intercambia Conference, an annual gathering attended by representatives of the Education Authorities and Equality Agencies from all of Spain's Autonomous Regions. The guide was also sent to Teaching Centres and other educational institutions expressing an interest.

Information and awareness-raising activities specifically targeting the tourism industry have also been implemented, in particular within the Informal Meeting of Tourism Ministers of the EU, held in April in Madrid during Spain's Presidency of the EU. At this meeting, the EU Member States tourist ministers signed a declaration referred to the Global Ethics Code of the World Tourism Organisation, to prevent any abuse or exploitation of the most vulnerable social groups (women and children) in destination countries and in the nations of Europe itself.

The Spanish Department for Tourism and Domestic Trade made use of the 2009 campaign implemented by the Spanish Hotel and Catering Federation with the Ministry of Equality, sending the mentioned coasters to leading Spanish travel agent associations.



2.3. Improvements to prevention systems.

With regard to the actions set out in the Plan to improve prevention and early detection systems for situations of trafficking, actions have been taken in two areas.

On the one hand, in order to ensure faster and more effective detection at source of possible human trafficking, the **Ministry of Foreign Affairs and Cooperation** lobbied to introduce the issue of human trafficking for sexual exploitation in the agenda of the meetings held between Schengen Consular Cooperation and the main countries of origin, to share information and improve screenings of visa applications often related to this problem.

Furthermore, the working sessions between Spanish civil servants and consular attaché personnel abroad explore in depth the legal and technical instruments required to prevent human trafficking and avoid fraud when channelling migratory flows.

With regard to the inclusion of the use of biometric identifiers in the issuing and verification of visas and residency authorisations, a new common Visa Information System (VIS) has been designed, governed by Regulation EC/67/2008, of the European Parliament and of the Council, of 9 July 2008. This will enter into force in June 2011, and will be much more precise than the previous national systems, as it includes the gathering of biometric data from all ten fingers, with progressive implementation being scheduled.

This system will for the first time allow data to be shared across Schengen countries from one single central base. This will to a great extent prevent fraud and will serve to achieve very considerable improvements in application of the common visa policy, consular cooperation and consultations between the competent central authorities, along with controls at external border crossing points and within the territory of the Member States.

With regard to the prevention of situations of trafficking in the field of healthcare, the Ministry of Health, Social Policy and Equality, through its Protocols to detect and report trafficking and sexual exploitation, has introduced trafficking training and information for professionals by incorporating trafficking diagnosis, detection, victim support and monitoring elements within the **Common Protocol for healthcare intervention in gender violence**.

The Protocol specifically refers to the most vulnerable groups who, because of their personal characteristics or their social or legal status, could require specialist care. This applies to women at risk of social exclusion (such as women involved in prostitution or those with drug addictions).

There are plans for a review of the Common Protocol during 2011 by the Committee's technical group, for adaptation to specific clinical and operational healthcare aspects to be taken into



consideration in caring for such vulnerable groups.

In order to achieve the goal of **improving the capability of the law enforcement agencies to investigate and combat trafficking**, meanwhile, the **Ministry of the Interior** has drawn up a **code of good police practice for the investigation of trafficking and victim support**, based on a survey among specialist investigatory personnel belonging to the State law enforcement agencies.

This initiative goes hand-in-hand with an increase in the inspections undertaken by the State law enforcement agencies, with the number performed in 2010 more than doubling the inspections in 2009.

Since 2009 the Ministry of the Interior Department of Security's Organised Crime Intelligence Centre (CICO) has in operation an **Intelligence System for Human Trafficking**, supported by a database fed with information passed on by the law enforcement agencies following each operation. The system provides statistical information on the incidence of this criminal phenomenon in Spain.

The Intelligence Centre also processes and analyses the information contained within the system which, together with that sourced from communications with the various international bodies (INTERPOL/EUROPOL), it uses to draw up its intelligence reports, including analysis and conclusions regarding the modus operandi of organisations, the routes and profile of traffickers and of victims.

2.4. Training.

With regard to the training given to civil service personnel and the professional staff of Government bodies and Public and Private institutions, a number of Ministries have intensified their efforts:

- The **Ministry of Health, Social Policy and Equality** has, for example, incorporated specific modules on the trafficking in persons for purposes of sexual exploitation in the training programmes delivered to healthcare staff, as a form of gender violence affecting persons belonging to the most vulnerable groups, with which the professionals working in the SNS (National Health System) must be familiar. Design and implementation of these initiatives is performed in cooperation with the Autonomous Regions.

Likewise, the technical group for professional staff training of the Anti-Gender Violence Committee of the Interregional Council of the SNS -responsible for analysing and



proposing common training criteria within the SNS with regard to gender violence- updated during 2010 the educational content and common materials for the training of health service professionals, incorporating the content which healthcare staff are required to be familiar with in terms of trafficking, while also proposing the creation of the corresponding materials.

In this regard, during 2010 a service contract was signed for the generation of materials to deliver an online course on the trafficking of legal minors, to be organised during 2011.

These adaptations were approved by the CISNS (Interregional Council of the National Health System) in late 2010, and are currently available on the website of the Ministry of Health, Social Policy and Equality, within the initiatives developed by the Quality Agency of the National Health System as part of the SNS Quality Plan.

- **The Government Office for Gender Violence, belonging to the Department of Equality**, with the aim of raising the awareness on equality and violence against women among civil service staff abroad, drew up an "Online training module on equality, gender violence and trafficking". These materials were developed on the basis of the "Module for awareness-raising and ongoing training on equal opportunities for men and women for Civil Service personnel", published by the Institute for Women and created in partnership with the Women's Foundation. Two editions were published between November 2010 and January 2011, with the involvement of staff from the Employment Departments (Ministry of Employment and Immigration), Consular Offices (Ministry of Foreign Affairs and Cooperation) and Interior Attaché Offices (Ministry of the Interior).

Within the remit of the Department of Equality, the Government Office for Gender Violence, in partnership with the Institute for Women, organised a training course on human trafficking for purposes of sexual exploitation, for the personnel staffing their telephone helplines (016 and 900 191 010). This training is supplemented by means of the Telephone Support Protocol drawn up by the Institute for Women, in cooperation with the Themis Women Lawyers' Association.

Lastly, within the field of the training courses organised by the former Ministry of Equality in order to implement the terms of Article 61.2 of Organic Act 3/2007, on the effective equality of men and women, an Advanced Policy Course dedicated to trafficking in persons for purposes of sexual exploitation was organised for civil service staff, the course being delivered on 26, 27 and 28 November 2010.

- Within the context of the **Ministry of Justice**, the CEJ (Centre for Legal Studies) organised a



number of ongoing training courses on Human Trafficking for purposes of sexual exploitation for public prosecutors, including: organised crime; gender violence as a specific criminal phenomenon, with a particular focus on handling sexual criminals; and the international prosecution of human trafficking from the perspective of gender violence.

On 17 and 18 November 2010, the General State Attorney's Office held its 32nd Conference, titled "The New Penal Code". The conference sessions dealt with issues directly or indirectly connected with trafficking in persons for purposes of sexual exploitation, in particular the two roundtables "International Perspective of the Penal Code: harmonisation with EU law; prosecution of crimes with international scope"; and "Protection of victims, in particular the most vulnerable; offender rehabilitation".

- The **Ministry of Employment and Immigration** devised a training strategy intended for the staff of the Temporary Immigrant Accommodation Centres (CETI) in the autonomous cities of Ceuta and Melilla and staff in the Refugee Accommodation Centres, following on from an initial study and diagnosis phase dealing with the situation at the Ceuta and Melilla CETIs, undertaken in coordination with Proyecto Esperanza. The CETI staff training initiative will be implemented with the cooperation of the Department of Equality during the first half of 2011.
- As for the training of staff at the **Ministry of Foreign Affairs and Cooperation**, the subject has been included in a number of training courses for personnel to be posted abroad. In this regard, human trafficking for purposes of sexual exploitation is included within the content of the training courses for Consuls-General, Consuls and Consular Chargés d'Affaires which are held each year in the month of June.

In addition, since 2010 all Diplomatic School courses and the specific training for personnel posted to embassies and consulates have included issues dealing with human trafficking.

Particular mention should likewise be made of the fact that the Foreign Affairs and Cooperation Ministry's Courses for Visa Supervisors place an emphasis on the instruments required to prevent and combat Human Trafficking, with plans to dedicate a specific section to the fight against Human Trafficking in forthcoming editions of these courses.

Lastly, during the Spanish Presidency of the EU a seminar on human trafficking was organised for diplomatic and consular personnel posted in Spain (8 June 2010), in cooperation with the Council of the Baltic Sea States. Spain has been involved as an observer at this forum since June 2009. The organisation of the seminar involved the



Ministry of Foreign Affairs and Cooperation, the Ministry of the Interior, the Ministry of Justice and the Ministry of Equality.

- **The Ministry of Defence** has also implemented training actions dealing with trafficking for purposes of sexual exploitation for military personnel to be deployed on Peace Missions. These initiatives are undertaken within the context of Resolution 1325/2000, of the Security Council of the United Nations, 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.

Particular mention should be made in this regard of the Pilot Course staged in October 2010 on Gender Advisory in Operations. A Gender Advisory in Operations Course is also being prepared, on an international basis, in cooperation with the Netherlands. This will be held in Madrid in 2011.

The Ministry of Defence was also involved in a number of initiatives and international forums connected with the issue, within the context of the aforementioned resolutions.

- With regard to training initiatives by the **Ministry of the Interior**, mention should be made of the fact that the Training, Promotion, Refreshment and Development Centres of the Law Enforcement Agencies include human trafficking within their current curriculums, with training on the principles which all members are required to know about this criminal phenomenon. This training is extended by means of specialist courses in the subject, which cover the range of perspectives police officers handle in their professional duties: from the protection of human rights and the treatment of victims of offences, to the crime itself requiring investigation and prosecution.

Within the context of the National Police Force, a number of specialist training initiatives were undertaken during 2010 in connection with the prevention, investigation and monitoring of human trafficking and the identification of victims, dealing in particular with staff of the Judicial Police and the Immigration and Border Brigades. These training programmes involved police personnel serving abroad as attachés or liaison officers at embassies or on peace missions.

Mention should likewise be made of the involvement of National Police Force representatives at the International Conference on Organised Crime for Russia, Belarus and the EU, held from 14 to 18 June 2010.

Within the context of the Civil Guard, the training received by the professionals dealing



with human trafficking is in turn divided into two major blocks: training which specialises in various criminal fields (generic training), including the study of aspects connected with awareness-raising, actions and the fight against human trafficking, along with training with an entirely specialist focus on this field (specific training), delivered internally, nationally and internationally.

With regard to the generic training, the Education Department Specialisation School delivers courses connected with action against human trafficking as part of the Basic and Advanced Courses for Judicial Police Specialists.

As for specific training, the "Women and Legal Minors Courses", for specialists working in this particular area, include individual modules connected with action against human trafficking, in legislative and procedural terms, and with regard to victim identification and support. The delivery of these training courses involves specialist staff from the Civil Guard and other institutions (components of the EUROPOL PHOENIX database, interior affairs attachés at embassies, Department of Equality personnel, National Police Force specialists and representatives of NGOs). This training is additionally supplemented by means of other courses, seminars and training days delivered by a range of public institutions and bodies and by public and private entities.

A conference on the subject has also been included within a number of advanced training courses, specifically the International Operations Course and Information Courses, as the staff attending these will be involved in tasks abroad or be assigned tasks connected with the investigation of criminal phenomena.

The State Law Enforcement Agency Training Centres dealing with staff specialisation, and the CICO Organised Crime Intelligence Centre, likewise deliver courses at a range of levels, providing specific training in the field of finance and assets for their investigatory and analytical staff. The involvement of both the National Police Force and the Civil Guard on a range of Interpol, Europol and Olaf forums also allows for the exchange of information with other countries in this regard, providing personnel with improved training.

The members of the State law enforcement agencies deployed on peace missions also receive specific training in Human Trafficking at the preparatory training days for the peace operation in question.

As for the training of members of the Interior Affairs Departments of Spain's diplomatic missions, it should be pointed out that the new department heads and attachés posted in 2010 have received specific training in trafficking and organised crime on the training



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course organised by the Department of Security, a module which they must successfully complete prior to their deployment.



3. Protection of victims of trafficking.

3.1. Victim support and protection.

The Plan to combat trafficking in persons for purposes of sexual exploitation outlines the development of a series of measures intended to guarantee victim protection, information and support, with a particular focus on aspects connected with legal proceedings, the guarantee of specialist legal assistance and any other official procedures which may affect victims.

There were in this regard plans for the creation of a **Protocol for action and coordination among the police, the public prosecution service and court bodies, with the aim of guaranteeing the protection of victims and witnesses**. In order to implement this measure, the Ministry of Justice during 2010 worked on the preparation of the Protocol for action and coordination among the police, public prosecution service and court bodies, with the involvement of the General Council of the Judiciary, the General State Attorney's Office and the Ministry of the Interior.

This Protocol has been developed within the context of Organic Act 19/1994, on the protection of witnesses and victims, and is intended to develop measures regarding information and protection for victims and witnesses within the context of human trafficking.

The general outlines to be applied to the future protocol were thus agreed, establishing the need for it to include all possible types of exploitation and to address any victim, man or woman, in order to ensure that it is as consistent as possible with the current Penal Code regulations.

Nonetheless, this working group, set up in 2010, revised the initial approach to the Protocol following approval of Royal Decree 557/2011, of 20 April 2011, approving the Regulation for Organic Act 4/2000, on the rights and liberties of foreigners in Spain and their social integration, following on from the reforms introduced by Organic Act 2/2009.

As a result, in accordance with the terms of Article 140 of the Regulation, the Departments of Immigration and Emigration, of Justice, of Security and of Equality are working on the creation of a framework protocol for the protection of victims of human trafficking laying down the foundations for coordination and action by the institutions and public authority bodies involved in this field.

With regard to the **objectives of the Plan in terms of victim support**, the former Ministry of Equality organised the **second round of public grants for the development of programmes for support and social assistance for victims of trafficking for purposes of sexual exploitation** (Order IGD/1258/2010, 12 May 2010, published in the Official State Gazette of 15 May 2010), the allotted



budget, as in 2009, being 2 million Euros, as no budgetary cuts were applied to the previous year's allocation.

The funding round once again focused on non-profit organisations the foundational purposes and aims of which include protection, care or support in terms of employment, training, information, medical, legal or psychological assistance for those involved in prostitution, victims of trafficking for purposes of sexual exploitation or persons in situations of prostitution, or otherwise bodies and organisations which could demonstrate experience in the development and practical implementation of support programmes for such groups.

This 2010 funding round received submissions from a total of 55 projects and programmes to undertake specific and direct actions for the protection and social support of victims of trafficking for purposes of sexual exploitation and women in situations of prostitution.

Some of these projects focused their actions on reinforcing or setting up mobile units and accommodation places. Particular mention should also be made of projects which have planned training actions to assist in finding employment, along with specific, specialist comprehensive support covering social, psychological, health and legal aspects. Out of all the projects submitted, a total of 49 grants were awarded. Meanwhile, the Ministry of Employment and Immigration, through the Directorate-General for the Integration of Immigrants, has prioritised **programmes addressing immigrant women who are victims of trafficking for purposes of sexual exploitation**, through a number of funding and administrative instruments:

- The Support Fund for the Integration of Immigrants and their Educational Advancement, the Cooperation Framework for which for the year 2010 gave priority to actions intended to facilitate the social integration of immigrant women in situations of particular vulnerability, including women who are victims of human trafficking for purposes of sexual exploitation.
- Funding round in the sphere of the integration of immigrants, asylum seekers and other persons with international protection (Resolution of 17 March 2010, of the Directorate-General for the Integration of Immigrants), the purpose of which is to implement programmes fostering the social and professional integration of this group, including initiatives for knowledge promotion, and the implementation of actions and creation of social support networks for victims of sexual exploitation or trafficking and women in prostitution, as priority aspects. The 2010 funding round received additional support compared with the previous year, and was revised in order to guarantee that priority was given to anti-trafficking programmes.

The funding round for the implementation of **social cooperation and volunteer schemes funded**



by the **Personal Income Tax revenue allocation** to the Ministry of Health and Social Policy corresponding to the year 2000 also allotted 1.6 million Euros to programmes for the support, protection and rehabilitation of victims of trafficking for purposes of sexual exploitation.

The programmes funded by means of the Personal Income Tax revenue allocation thus represent a cornerstone underpinning the horizontal nature of policies to combat trafficking for purposes of sexual exploitation.

3.2. Changes in legislation.

Protection for victims of trafficking has also been reinforced through recent **changes in legislation**, in particular the **entry into force in December 2010 of the Penal Code reform**, with the inclusion of a Chapter dedicated to human trafficking, drawing a distinction with other trafficking offences and setting out regulations covering all victims of human trafficking, whether Spanish, EU or non-EU citizens, irrespective of whether they are victims of organised networks, individuals or groups of individuals.

One further key aspect in the field of legislative reforms intended to guarantee the utmost protection and support for victims of trafficking is the process of **drafting the Regulation for Organic Act 4/2000**, of 11 January 2000, in furtherance of Article 59 bis of the Act, and governing aspects regarding the identification of victims of trafficking, institutional coordination for the protection of victims of trafficking, the involvement of specialist NGOs, the procedure for the granting of a rehabilitation and reflection period (avoiding the expulsion of victims and allowing them to recover), the possibility of liability exemption and assisted return and the procedure for granting permanent residence and work permits under exceptional circumstances (by means of two mechanisms: following cooperation with the authorities or in accordance with the personal circumstances of the victim).

Up until approval of the Regulation for the Foreign Citizens Act, to guarantee effectiveness of the rights recognised in Article 59 bis of Organic Act 4/2000, in the reform applied by means of Organic Act 2/2009, along with its uniform application by the State law enforcement agencies, **Instruction 1/2010 of the Department of Security** is being applied on a transitional basis to victims of human trafficking, under Article 59 bis of Organic Act 4/2000, of 11 January 2000.

The Instruction sets out operational guidelines and procedures to be followed by law enforcement agencies for the proper identification of victims (through a private interview to establish their situation, build trust and gather evidence indicating their victim status), and to provide full and comprehensible information about their rights.



Both the interview guide and the catalogue for identifying evidence , set out in Annexes 1 and 2 of the Instruction, fully comply with the recommendations of international bodies and institutions with expertise in the field.

In addition to identification and information about rights, the Instruction also governs the procedure for granting the rehabilitation and reflection period, suspension of expulsion or return proceedings, the referral of victims to social and health care resources, liability exemption, assisted return and residency and work permits.



4. Prosecution and prevention

4.1. Prosecution of the offence

With the aim of extending interim remedies ordered by the courts in connection with the crime of human trafficking, and specifically in order to deal expressly with victims of trafficking in the field of advance evidence, the Ministry of Justice worked during 2010 on the terms of the **draft Criminal Proceedings Bill**, ensuring that this would incorporate the guarantees given to victims of trafficking, including, among others, the protection of witnesses and expert witnesses in criminal cases under Act 19/1994, and the **extension of interim remedies in proceedings for trafficking crimes**.

Another of the measures developed during 2010 in the field of **prosecution of the crime and support for victims** is to **provide free legal assistance for victims of trafficking**. In this regard, free legal assistance is granted to victims of trafficking under the terms set out in the Act governing this matter, under the same conditions as all other persons requiring assistance who can demonstrate that they do not have sufficient resources to litigate.

Nonetheless, Article 22.1 of Organic Act 4/2000 (reformed by Organic Act 2/2009, of 11 December 2009) guarantees the right of free legal assistance to foreign persons in all proceedings to which they are party, while Article 22.2 extends this right to a lawyer in official proceedings which could give rise to their return or expulsion from the country, along with all proceedings involving international protection. The right to be assisted by an interpreter where required is likewise recognised.

As for the financial investigation of offences connected with trafficking, it is important to stress that the Ministry of the Interior has automated the exchange of information with the Bank of Spain's Executive Service for the Prevention of Money Laundering with regard to suspicious financial operations, while there have likewise been improvements to the intercommunications between the law enforcement agencies and public institutions connected with financial information: Councils of Notaries, Real Estate Registries, Corporate Registry, Land Survey and the Tax Authority. Both measures will have an impact on more effective investigation of financial offences connected with trafficking.

Within this sphere, the Immigration and Border Policing Department's UCRIF (Central Control Unit for Irregular Immigration and Counterfeit Documentation) has in place a recently created Section



dedicated specifically to research the financial and asset networks of criminal organisations engaged in trafficking with humans and related crimes.

The figures for police action against human trafficking and sexual exploitation during 2010 are set out in the Annex to this report.

These figures illustrate a considerable increase in preventive inspections (165%), police investigations (166%), interventions against criminal groups and organisations (112%) and in the victims detected and identified (262%) compared with the previous year, thereby highlighting the great efforts made by State law enforcement agencies and the level of dedication, awareness and increased specialisation among their personnel in the fight against this crime. This upturn was likewise assisted by the sustained increase seen in recent years in the number of personnel assigned to the fight against trafficking, which rose by 6.7% in 2010 in the case of units assigned to combating organised crime, and 7.9% for judicial police units.

4.2. International Cooperation.

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

In this regard the **Ministry of Foreign Affairs and Cooperation**, within the context of the structuring 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, has supported programmes and actions to combat human trafficking for purposes of sexual exploitation, 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.

Particular attention has likewise been given to the region of Latin America, and also, albeit to a lesser extent, the Asia-Pacific region. In terms of **initiatives in Latin America**, the following programmes have been implemented:

- Regional Central America Cooperation Programme, supporting the COMMCA's (Central American Council of Ministers for Women) Plan of Action against the Trafficking of Women,



by means of seven national studies undertaken by the IOM. Open days have also been held to present these national studies on the experience of female victims of trafficking and the response of institutions, along with other national report on regulations regarding trafficking in persons and their application.

- Creation of a regional trafficking victim support centre in Tapachula, and endowment of a budget of 400,000 Euros for Mexico and Central America, with Spanish Cooperation contributing 200,000 Euros.
- Specialist Technical Training Course on "The Trafficking of Women and Girls for Purposes of Sexual Exploitation", delivered at the Spanish Cooperation Training Centre in Cartagena de Indias, Colombia, in March 2010, as a result of a partnership agreement signed by the Ministry of Equality and the AECID (Spanish International Cooperation Agency).
- Project to Reinforce 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 offence of trafficking and protecting victims and witnesses.
- Agreement to Reinforce the Capabilities of Governmental Institutions and Civil Society for the comprehensive protection of children and adolescents, with particular impact on the trafficking of children and adolescents in Ecuador, El Salvador, Guatemala, Honduras and Nicaragua (2007-2010).
- 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 reinforce 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".
- The COMMCA/SICA Technical Secretariat, with funding from the AECID under the COMMCA-SICA gender line of action, was involved in the Central American Fair on Security Commitment. The preparatory work for this event allowed a joint position on the issue to be presented to the UNDP, AECID and FES.
- Participation in the Regional Results Reporting Meeting on the Experience and Methodology of the Geographical and Social Mapping ('MGS') Tool for People Trafficking Routes, organised by Save the Children in San Salvador on 22 and 23 November 2010.



- Presentation of proposed actions for the Violence Prevention Strategy, run by the Directorate for Political Affairs and Democratic Security Unit of the SICCA, dealing with issues connected with trafficking in persons.

As for **initiatives in Asia and the Pacific**, these are detailed below:

- Multidisciplinary project to combat trafficking for purposes of sexual exploitation, its causes and consequences, and to foster 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.
- Project for the "Suppression of Sexual Abuse and Commercial Sexual Exploitation of Children" implemented by the NGO APLE and funded by the AECID, with the aim of "establishing a space for protection against the exploitation of children in the city of Phnom Penh and other regions within Cambodia".

Lastly, the Secretariat-General for Consular and Migratory Affairs dispatched a Service Instruction to 57 embassies, with priority given to those countries subject to the greatest risk, setting out the comprehensive plan to combat trafficking in persons for purposes of sexual exploitation, along with training materials produced by the Ministry of Equality.

On the international stage, in addition, the **Secretariat-General for Tourism and Domestic Trade** at the Ministry of Industry, Tourism and Trade worked to pursue alliances at the international level in order to support the fight against human trafficking.

The Secretariat-General to this end took part in the Spanish-Brazilian seminar "Strategy for Combating Sexual Exploitation of Children and Adolescents" (29-30 November 2010), organised jointly by Brazilian and Spanish trades unions, with the participation of the UNWTO and the Brazilian Ministry of Tourism, and presented various Spanish Government plans against human trafficking for purposes of sexual exploitation, with reference to the "NO EXCUSES" campaign and the undertakings given by a number of Spanish tourism companies for the prevention of child sexual exploitation.

With the same end, the Secretariat-General for Tourism and Domestic Trade signed an agreement in 2010 with the World Tourism Organization to hold an international conference in September 2011 on Ethics and Tourism, in partnership with the Italian Ministry of Tourism, as Italy currently chairs the Executive Council of the UNWTO. This conference will essentially address the Spanish



tourism sector, with invitations extended to the country's autonomous regions and NGOs.

The **Department of Equality**, as the coordinator of the Plan, has also been involved in a number of cooperation meetings at the European and international levels. These include:

- Participation in the **5th Session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime**, coinciding with the biannual review of the terms of the Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children.
- Participation in the meetings of National Rapporteurs and Equivalent Mechanisms of the European Commission, along with other conferences of the Network of National Rapporteurs.
- Participation in the "Rabat Dialogues," organised within the context of the Euro-African Conference on Migration and Development, in connection with the implementation of the Ouagadougou Plan against trafficking in persons, with presentation of the Plan as good practice in the fight against trafficking.

Alongside these actions, the Department of Equality, in its public funding round within the context of the "Women and Development" programme, selected a project dealing with trafficking in persons for purposes of sexual exploitation.

It was also involved in the design of an **ISEC project**, presented to the EU's DG Home Affairs in late October 2010, its aim being transnational cooperation to improve and harmonise procedures to identify victims. We are awaiting conclusion of the process, scheduled for late June 2011.

The **Ministry of the Interior** was also involved in a number of actions and events in the field of European and global international cooperation, as a key element in the prevention of human trafficking.

At the European level, for example, a number of initiatives have been implemented, in particular involvement in the Hermes and Mitras joint operations in which Spain, together with 23 other Member States and the Tispol, Aquapol and Railpol networks, has been involved in two joint operations sponsored by Belgium and Hungary with the aim of establishing the main maps of points of entry and routes of illegal immigration and people trafficking from third states outside the European Union, including in the second phase of the project (Mitras) information about secondary movements within the European Union.

It was also involved in the meetings of liaison officers for the Western Balkans and Western Africa



arranged by the European Presidency roster to improve cooperation between liaison officers in the Member States and the third states concerned, with priority given to trafficking in persons.

The Euromed Migration II project's training module on international and European standards in the fight against human trafficking and presentation of best practice in this field worked in this regard with 14 representatives of Euromed associate countries (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestine Territories, Syria and Tunisia).

Lastly, in 2010 the Ministry of the Interior's CICO (Organised Crime Intelligence Centre) continued to attend international meetings dealing with Human Trafficking, organised by the UN, UNODC and OSCE, maintaining contact with representatives of other equivalent bodies with the aim of exchanging strategic information.

Within the strict confines of bilateral action, there was contact with the Police Intelligence Centres of the United States, United Kingdom, Portugal, Mexico, Colombia and the Dominican Republic, among others.

4.3. Institutional Cooperation.

Lastly, with regard to the goal of **Inter-Institution r coordination and cooperation**, two meetings of the **Inter-Ministerial Technical Group** were held, in order to review the progress of initiatives under the Plan and to establish working priorities.

In addition, the **Social Forum against Trafficking** met on 27 May 2010 with the aim of establishing the demands of civil society and exchanging information on anti-trafficking initiatives.

Furthermore, a meeting of the Forum's Children's Committee was held in September 2010, examining a number of issues regarding the needs of legal minors in terms of models of intervention with victims of human trafficking for purposes of sexual exploitation. The need to implement awareness-raising initiatives to help increase the profile of younger victims was also analysed, along with a debate as to the relative difficulties with figures and data, which are subject to heterogeneity in the case of such victims.



5. Conclusions.

As indicated at the start of the report, this Plan includes a highly ambitious strategy which demands coordinated action by a range of different institutions in order to address the task from a multidisciplinary perspective, guaranteeing comprehensive support for victims, the protection of human rights and effectiveness in the prevention and prosecution of the crime.

2009 was characterised by the definition of working priorities for careful planning of the operational start-up of actions to guarantee optimal fulfilment of the set objectives.

2010 was, meanwhile, a key year in implementation of the Plan, a year of intense activity in the different working areas, allowing for complete fulfilment of some of the objectives set and the first steps towards others, through their realisation during 2010 or the instigation of measures which will continue throughout 2011.

In quantitative terms, we can report fulfilment over the last two years of 90% of the **objectives laid down in Area I: awareness-raising, prevention and research measures.**

In the field of research, all that remains pending is the generation of methodological guidelines for intervention with victims of trafficking. In terms of prevention, the actions scheduled in the Plan have been performed. And with regard to awareness-raising activities, these are viewed as ongoing initiatives, and work will therefore continue on them throughout 2011.

Area II of the Plan - education and training measures - likewise took great steps forward during 2010, with practically all the objectives set being fulfilled, in terms both of specialist training for Law Enforcement Agencies and public service staff abroad, above all military personnel deployed on Peace Missions, and also with regard to the training of civil servants and the professional staff of other government bodies and private entities and institutions.

Training is nonetheless a tool serving to raise awareness and improve the effectiveness of action with regard to the victims of human trafficking, and the design of training actions in the field which here concerns us, alongside their inclusion within training plans, are also viewed as an ongoing objective which will be subject to even more intense efforts during 2011.

As for the level of fulfilment of the **Area III objectives related to measures to support and protect the victims of trafficking** -the central focus of the Plan as this is the working area dedicated to the protection of the rights and interests of victims-, although major efforts have been made the progress in their implementation has been less substantial.



In this regard, if one analyses the various aspects connected with victim support and protection, qualitative progress has been achieved in the comprehensive support offered to victims of trafficking, providing them with information services, such as the Government Regional Office telephone lines for Gender Violence and the Institute for Women's helpline, along with other services intended to guarantee comprehensive support, essentially through specialist NGOs.

It is important to stress the contribution of funding rounds for NGOs to improve their support for victims, in particular the public funding round intended to develop programmes to support and offer social assistance for victims of trafficking for purposes of sexual exploitation, organised by the Department of Equality, as this focuses specifically on fulfilment of the Plan's objectives in terms of victim support.

Particular importance is likewise given to the modification applied to Organic Act 2/2009, on the rights and liberties of foreigners in Spain and their social integration, with the inclusion of a rehabilitation and reflection period granted to victims of trafficking without residency papers, in order to guarantee their access to protection mechanisms and support resources.

Likewise, this modification to Organic Act 4/2000, on the rights and liberties of foreigners in Spain and their social integration, guarantees foreign victims of trafficking access to free and immediate justice and an interpreter, on the same terms as for other citizens.

Nonetheless, in the field of legislation, in accordance with the objectives set in **Area IV, on legislative and procedural measures**, it may be reported that, although one of the most important reforms of the Spanish legal system with regard to the prosecution of the offence of trafficking has been implemented - inclusion within the Spanish Penal Code - there is still a long way to go.

We therefore continue working to guarantee free legal support for all victims of trafficking, for the effective protection of victims and witnesses, the guarantee of interim remedies and specific regulations regarding advance evidence in cases involving victims of trafficking.

These unquestionably remain the major challenges facing implementation of the Plan, along with the need to continue working to improve the trust of victims in our system of protection².

With regard to the initiatives planned under **Area V - coordination and cooperation** - particular mention should be made of the positive progress achieved in implementation of international initiatives, based on cooperation with countries of origin.

² According to the available data for 2010, of the 523 potential victims in an illegal situation who were offered the rehabilitation and reflection period, only 43 agreed to the process.



Meanwhile, some of the nationwide coordination schemes, such as the incorporation of regional police forces within the SRI Investigation Registration System, proceed at a slower pace.

From the perspective of the **2011 PRIORITIES**, the following challenges have been identified:

1. Progress in achieving prevention objectives, continuing with the awareness-raising task already begun. One key aspect in this regard is a ban on advertising offering sex and prostitution in the media, given the very close connection with networks trafficking persons for purposes of sexual exploitation, as demonstrated by some of the police operations undertaken against them over recent months. The Department of Equality's initiative also received express endorsement in the Pronouncement issued by the Council of State in its Session of 9 March 2011.
2. Continue with the scheduling of training actions, both specific and general, in order to guarantee greater specialisation among professionals in a range of fields.
3. Consolidate grants for specialist organisations in order to guarantee comprehensive support for victims and reinforce the inclusion of support measures, in particular with regard to subsistence and employment training for victims of trafficking, through the creation of specific grants or the prioritisation of this group within existing funding programmes at the various Departments. The various funding rounds will likewise give consideration to the specific needs of the victims of trafficking in legal minors for purposes of sexual exploitation.
4. Advance knowledge, through the collation of data regarding the identity of trafficking victims, of their situation and needs, and the progress of procedures with trafficking victims, including information regarding the application of the new offences included in the Penal Code on the basis of Organic Act 5/2010.

Likewise, following an evaluation of all measures implemented and their effectiveness, the conclusion reached is that the Plan will need to be extended throughout 2012.

Moreover, in order to fulfil the terms of the Comprehensive Plan to Combat the Trafficking in Persons for Purposes of Sexual Exploitation regarding approval of Action and Coordination Protocols to guarantee protection and victim support measures, along with the terms of Royal Decree 557/2011, of 20 April 2011 -approving the Regulation for Organic Act 4/2000, on and the rights and liberties of foreigners in Spain and their social integration, following the reform introduced by Organic Act 2/2009 on a Framework Protection Protocol for potential victims of human trafficking-, it is viewed as necessary to draw up one single Operational Framework



Protocol for the Identification, Protection and Support of victims of trafficking, covering the specific aspects of the different purposes of exploitation derived from trafficking, and taking into consideration the following aspects:

- The scope of application will include all victims, irrespective of their origin and, in the case of foreigners, of their legal status.
- It will include organisations specialising in accommodation and care for victims of trafficking.
- Throughout the entire process it will safeguard the rights of victims, avoid greater victimisation and provide them with resources and services to assist in their recovery.
- It will include the necessary provisions required to guarantee effective protection of victims and witnesses.
- It will take into consideration specific regulations for victims who are legal minors, along with their inherent needs.

Finally, it is deemed necessary to unify telephone support services for victims of trafficking for purposes of sexual exploitation under the 016 telephone helpline service.



ANNEX I:
**The fight against human
trafficking for purposes of
sexual exploitation**
Year 2010³

June 2011

³ Source: Ministry of the Interior



6. Overall Results for 2010⁴

6.1 Prevention.

2,344 official inspections of prostitution locations.

- In urban (50%) and rural (50%) areas.
- 15,075 persons at risk detected⁵ (*).
- Hostess bars and brothels account for the greatest number of persons at risk.

6.2 Prosecution.

335 police statements.

- 279 in urban locations.
- 56 in rural locations.

Action against 112 criminal organisations and 223 criminal groups.

694 arrests (55% men)

1,641 victims identified:

- 1,605 revealed some evidence of having been subject to trafficking.
- 93% foreign citizens.
- 32.5% without legal residency documents.
- 92% women.
- Aged between 23 and 32 (50.0%).
- Main nationalities: Romanian, Brazilian, Paraguayan and Dominican.
- 13 women under legal age.

⁴ With reference to human trafficking and sexual exploitation.

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



6.3 Evolution of police action.

	2009	2010	% increase
Inspections	885	2,344	164.9
Victims of sexual exploitation and trafficking	1,301	1,641	26.1
Action against Criminal Groups	158	335	112.0
Statements	122	324	165.6
Arrests	726	694	-4.4

6.4 Criminal Activities connected with trafficking and sexual exploitation.

