

2023 Trafficking in Persons Report: Spain

SPAIN (Tier 1)

The Government of Spain fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Spain remained on Tier 1. These efforts included investigating and prosecuting more suspected traffickers, while courts convicted more traffickers and continued to issue adequate prison terms. Judges also continued to award significant restitution amounts to most survivors following convictions of traffickers. The government identified more victims, and police developed another in-depth trafficking training course. The government continued delivering comprehensive training to a variety of officials, and law enforcement continued participating in extensive international investigations and partnerships, which resulted in the identification of victims and arrests of suspects. Although the government meets the minimum standards, gaps remained in victim identification, and the government did not report identifying any victims among the asylum-seeker population, despite the plausibility of there being such victims. The government continued to lack adequate mechanisms for identifying potential trafficking victims among the asylum-seeker and undocumented migrant populations. Government-funded NGOs assisted fewer victims, and the government did not provide compensation to any victims, as there was no fund from which to do so.

PRIORITIZED RECOMMENDATIONS:

- Increase proactive victim identification, especially among Spanish citizens and vulnerable populations such as children, undocumented migrants, asylum-seekers, and workers in industries and agricultural regions with high incidences of labor exploitation.
- Improve uniform implementation of national victim identification and referral protocols and systematic training for front-line officials on proactive victim identification.
- Allow formal victim identification by and referral from entities other than law enforcement, including by labor inspectors, asylum case workers, health care professionals, social workers, and NGOs.
- Expand victim service centers to all autonomous communities.
- Increase investigations, prosecutions, and convictions of trafficking crimes.
- Establish a state compensation fund for trafficking victims.
- Increase worker protections by implementing strong regulation and oversight of recruitment companies upon which effective law enforcement measures are consistently enforced.
- Continue to increase witness protection resources available to victims and witnesses, including increasing safety and security measures and consider measures to protect expert witness identities.
- Increase resources, including personnel, to the office of the national rapporteur and consider making it independent.
- Increase security of unaccompanied children in immigration detention centers or government shelters to protect from recruitment by traffickers.
- Systematically train prosecutors and judges on human trafficking and a victim-centered approach to law enforcement.
- Increase survivor engagement, including by establishing accessible mechanisms for receiving and providing compensation for survivor input when forming policies,

programs, and trainings.

- Improve coordination with an effective multidisciplinary response between government and government-funded NGOs to combat trafficking.
- Increase training for and efforts to pursue financial crime investigations in tandem with human trafficking cases.

PROSECUTION

The government increased law enforcement efforts. Article 177 *bis* of the criminal code criminalized sex trafficking and labor trafficking, prescribing penalties from five to eight years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as kidnapping. During the reporting period, in response to Russia's war against Ukraine, the government adopted an amendment to Article 177 *bis*, explicitly increasing the penalties for trafficking crimes involving victims displaced as a result of armed conflict or humanitarian catastrophes. In its 2018 report, GRETA reported the penal code did not clearly define forced labor, which made prosecution difficult. Since at least 2018, civil society noted the need for a stand-alone, comprehensive anti-trafficking law; the government submitted the law for public comment in November 2022 and the Council of Ministers was considering it at the close of the reporting period.

According to provisional data – not yet confirmed by the government as final – for 2022, law enforcement initiated 91 human trafficking investigations: 62 for sex trafficking and 29 for labor trafficking (including two for forced criminality). This was a significant increase compared with 55 in 2021 and 83 in 2020, but less than 103 in 2019. In addition to law enforcement investigations, the Office of the Prosecutor initiated 285 investigations, a significant increase compared with 115 investigations in 2021 and 119 investigations in 2020. Law enforcement reported 98 targeted operations against criminal organizations involved in human trafficking in 2022; this was an increase compared with 71 in 2021. According to provisional data, the judiciary initiated prosecutions for 70 suspects – 61 for sex trafficking and nine for labor trafficking (eight for domestic servitude and one for forced criminality) – an increase compared with 64 in 2021 and 52 in 2020, but a decrease compared with 127 in 2019. Overall prosecutions for labor trafficking decreased and, unlike prior years, the government did not report prosecuting any suspected traffickers for forced labor or forced begging. In 2022, provisional data indicated courts convicted 68 traffickers – 58 for sex trafficking and 10 for labor trafficking – a significant increase compared with 43 in 2021 and 32 in 2020. The Supreme Court upheld five trafficking sentences on appeal in 2022. Most convicted traffickers were from Nigeria, Romania, Nicaragua, Colombia, and Spain. Courts sentenced traffickers to adequate penalties; all terms of imprisonment were more than one year with the longest being 27 and a half years. Traffickers received separate sentences for each victim exploited, leading to sentences that exceeded the maximum; however, the law prescribed a maximum of 20 years' imprisonment.

The Ministry of the Interior (MOI) coordinated law enforcement efforts through the Spanish National Police, the Civil Guard, and local security forces, which included specialized law enforcement units to address human trafficking. In 2022, the government provided comprehensive training to professionals working in child protection centers; refresher training to law enforcement at academies; in partnership with NGOs, training for professionals directly involved in the reception and care of refugees arriving from Ukraine; and training for a variety of stakeholders, including police officers, judges, and civil servants on prevention, identification of, and assistance to victims. The Civil Guard reported organizing several conferences that covered human trafficking and developed its second extensive e-learning course in June 2022. However, NGOs reported more training for non-specialized law enforcement officers was necessary. In September 2022, the Civil Guard collaborated with a university to teach a one-week human trafficking course in Cyprus to police officers from EU member states. Law enforcement continued extensive efforts to cooperate on operations with EUROPOL, INTERPOL, EU Agency for Criminal Justice Cooperation, EUROFRONT, European Multidisciplinary Platform Against Criminal Threats, and various other international law enforcement organizations. In 2022, law enforcement reported

conducting international investigations and joint operations with Belgium, Colombia, Ecuador, Germany, France, Nigeria, Pakistan, Paraguay, Poland, Romania, and Switzerland, which resulted in the identification of at least 301 victims and arrest of at least 80 suspects. In September 2022, the Government of the Netherlands coordinated a joint operation with 19 countries, including Spain, to target criminal networks using websites and social media platforms to recruit victims, including refugees from Ukraine, for sexual exploitation and sex trafficking; the operation resulted in 45 possible victims identified in the participating countries, 25 of whom were Ukrainian. Law enforcement continued operation of a cyber-trafficking investigative group and regular monitoring of online platforms frequently used by traffickers to address the increased use of the internet and social networks to recruit trafficking victims; these efforts resulted in five law enforcement operations and the arrest of 46 suspects. Law enforcement also reported increasing its vigilance of internet sites by searching for online advertising associated with trafficking.

The Office of the Prosecutor for Trafficking in Persons had specialized prosecutors who covered all jurisdictions. The National Police continued to use an operational manual to combat labor trafficking, including forced criminality on cannabis plantations, and judges and prosecutors had a framework guide for trafficking cases, which included sentencing recommendations. The government did not have judges or courts specialized in trafficking; however, sex trafficking cases could be handled in courts dedicated to gender-based violence (GBV) crimes. Experts concluded, however, that judges often lacked adequate training on handling human trafficking cases and had limited access to specialized trafficking training. Coordination between law enforcement, NGOs, and specialized prosecutors continued to be strong and effective, though this varied by region and province. The Office of the Prosecutor continued to hold quarterly meetings with NGOs and law enforcement to coordinate victim identification and assistance and continued coordination work through its liaison positions within the Spanish National Police and Civil Guard. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking crimes.

PROTECTION

The government maintained mixed protection efforts – while victim identification increased, victim assistance decreased. In 2022, authorities reported identifying 227 trafficking victims, including 129 sex trafficking victims and 98 labor trafficking victims (including nine for forced criminality). Compared with 114 trafficking victims in 2021, this was a significant increase; however, it was similar to the 226 victims identified in 2020, but still significantly less than 467 in 2019. Of the victims identified, 16 were children, including four child sex trafficking victims and 10 labor trafficking victims (six for forced criminality); nine were Spanish nationals, including six sex trafficking victims and three labor trafficking victims; 55 were undocumented migrant sex trafficking victims; and 21 were undocumented migrant labor trafficking victims. Gaps remained in victim identification, and the government did not report any asylum-seeker victims in 2022, 2021, or 2020. While the government did not have a formal NRM, it continued to utilize its national victim identification and referral protocols; however, NGOs reported they were not uniformly implemented across the country and protocols for asylum-seekers were inadequate. Additionally, 15 of 17 autonomous communities employed their own protocols for identification of trafficking victims, which were reportedly implemented simultaneously with the national protocol. The two autonomous communities – without their own protocols – continued to use the national protocol. The government continued to implement victim identification protocols at the Madrid and Barcelona airports in 2022 but did not report whether any victims were identified as a result.

Law enforcement was the sole entity able to formally identify victims. While formal victim identification was not tied to a victim's cooperation in criminal proceedings, victims were still required to interview with law enforcement to formally establish themselves as victims, which also entitled victims to specific benefits. Victim interviewing for formal identification was usually coordinated with an NGO, which would subsequently assume care of the victim. NGOs often

accompanied law enforcement on operations to provide assistance and information to identified victims. Victims identified by NGOs or other entities outside of law enforcement were not included in national statistics if victims did not wish to speak with police. According to NGOs, this, coupled with continued gaps in victim identification among children, Spanish nationals, undocumented migrants, and asylum-seekers, resulted in probable underreported official victim statistics. During the reporting period, NGOs criticized the required interaction with law enforcement for victim identification and advocated for unconditional access to assistance. However, the government reported victims who chose not to cooperate with law enforcement had the same rights and access to victim assistance. Experts and government officials estimated 80 to 90 percent of the 500,000 individuals in the commercial sex industry in Spain could be unidentified sex trafficking victims within the decriminalized industry, and in its 2018 report, GRETA concluded victim identification statistics did not reflect the scale of trafficking. Furthermore, several NGOs recognized the discrepancy between Spain and neighboring countries with regard to its infrequent identification of child trafficking victims. In recent years, law enforcement noted an increase in identification of victims between the ages of 18 and 22, and authorities recognized many of these individuals likely became trafficking victims as younger children but remained unidentified. In July 2021, the national ombudsman called for improved protection efforts, specifically improved victim identification and referral protocols.

The government reported that the Civil Guard continued to deploy immigrant assistance teams to coastal regions associated with high rates of irregular migration. Upon arrival, the government reported screening migrants for trafficking indicators in temporary reception centers. However, the government remained without an adequate and systematic trafficking victim identification mechanism and protocols for asylum seekers and undocumented migrants; consequently, law enforcement did not report identifying any victims among these vulnerable groups. With approximately 30,000 migrant arrivals along irregular migration routes by sea and land in 2022, several NGOs expressed concern over the lack of adequate mechanisms for identifying potential victims in areas with large numbers of migrant arrivals, including the Canary Islands, the southern coast, and the autonomous cities of Ceuta and Melilla. Law enforcement and NGOs noted traffickers likely exploited some undocumented migrants in their countries of origin or en route to Spain. Due to continued gaps in identification protocols, undocumented migrants were sometimes later identified as trafficking victims in asylum interviews, but may have been subjected to immigration enforcement penalties, including deportation proceedings, before they were identified. The government initiated and maintained efforts to protect refugees fleeing Russia's war against Ukraine by continuing to operate four reception centers, processing temporary protection paperwork, and operating a hotline and website to assist Ukrainian refugees.

Government-funded NGOs reported assisting an estimated 6,322 potential victims in 2022, including 42 children and six Spanish nationals. This was a decrease compared with government-funded NGO assistance to 8,240 potential victims in 2021 and 1,468 victims and 4,661 potential victims in 2020. Government-funded NGOs reported providing at least 330 potential trafficking victims with legal assistance, workforce reentry, or asylum and residence permit application assistance; 149 with shelter; 57 with health services; 56 with educational services; and 93 with social interventions services. In 2022, the government allocated €6 million (\$6.41 million) in subsidies to NGOs providing victim assistance, a decrease compared with €7.6 million (\$8.12 million) in 2021 and €6.5 million (\$6.94) in 2020. The government also provided €1.9 million (\$2.03 million) in 2022 to prevention and care programs for trafficking in women and girls; an increase compared with €1.6 (\$1.71 million) in 2021. Additionally, in 2022, the autonomous communities received €100 million (\$106.84 million) from the central budget to combat GBV, which included female sex trafficking victims but was not solely dedicated to trafficking, the same as in 2020 and 2021. However, the municipalities again did not receive any funding in 2022, similar to 2021, which was a decrease compared with €20 million (\$21.37 million) awarded in 2020. In 2022, the government launched a four-year (2022-2026) €12.94 million (\$13.82 million) project focused on the social and labor insertion of women and girls who were victims of trafficking and sexual exploitation or were individuals in commercial sex. The government, through victim service offices, referred victims to government-funded NGOs that provided legal assistance, shelter, social welfare benefits, language training, psychological services, funds for repatriation to victims, and full health care services through the national health system. However,

not all regions and cities had trafficking-specific victim service offices; the Ministry of Equality (MOE) reported trafficking-specific victim services were available in all regions except La Rioja, Ceuta, and Melilla. While receiving assistance in shelters, victims had freedom to come and go, and foreign victims could receive voluntary repatriation assistance. There were specialized centers for child victims of crime and NGO-run trafficking shelters assisted child victims; children were guaranteed legal assistance. The law required child shelters to adopt protocols established by the child protection agency, to include prevention, early detection, and intervention measures for victims. GRETA cited NGO reports that unaccompanied migrant children in Ceuta and Melilla were vulnerable to trafficking in immigration detention centers. NGOs also reported that children living in protection centers were vulnerable to trafficking. Services and shelters for male and labor trafficking victims remained limited, and officials reported difficulty locating assistance for these victims. Civil society reported there were insufficient shelters and resources for trafficking victims with disabilities, mental health illnesses, and addictions.

Prosecutors were required to seek restitution from defendants during all criminal proceedings unless the victims expressly waived that right. In 2022, courts granted at least 42 of 58 reported victims monetary restitution from convicted traffickers. However, NGOs reported victims rarely received restitution from traffickers because confiscating assets from traffickers remained difficult. The government remained without a state compensation fund for victims; NGOs continued to advocate for establishment of such a fund. Law 4/2000 exempted victims from administrative liability for unlawful acts committed as a direct result of being trafficked. If a trafficking victim was in serious danger, their identity could remain anonymous; however, NGOs continued to report judges' inconsistent application of victim protections and called for legal reform to better protect witnesses by increasing measures to protect the identity of NGO expert witnesses, whose testimony could not be anonymous under current law. While children were entitled to submit pre-recorded video testimony, the government did not extend this protection to adults; NGOs and the Office of the Prosecutor continued to call for comprehensive legal reform to protect victims of all ages and permit them to testify via video conference to prevent re-traumatization. The government allowed non-EU victims to apply for reflection periods of 90 days, during which they were protected from deportation and could recover while deciding whether to assist law enforcement. Foreign victims could request a renewable residence permit for up to five years based on their cooperation with law enforcement; most received a one-year, renewable permit and could apply for permanent residency after that five-year period. The government did not report comprehensive statistics on how many victims received five-year residence permits, or temporary protection; however, in 2022, one international organization reported the government granted work and residence permits to the families of 15 trafficking victims. In both of its evaluations in 2013 and 2018, GRETA expressed concern that reflection periods for non-EU citizens were contingent upon an application to the immigration police. The government reported that citizens of EU member states, however, were not limited to the 90-day reflection period and faced no deadline for claiming social services or cooperating with authorities. A regional authority and several NGOs expressed concern that when formal victim identification was completed exclusively by law enforcement, victims were not systematically provided with information on available assistance and protection; police relied predominantly on victim testimony instead of collecting corroborating evidence; and that trafficking was predominantly viewed as affecting foreign nationals, which could exclude Spanish and EU nationals from official victim recognition and the associated protection services.

PREVENTION

The government maintained prevention efforts. The national rapporteur, a politically appointed deputy ministerial position within the MOI, was responsible for coordination, analysis, and assessment of efforts across the government, with MOI's Center Against Terrorism and Organized Crime providing support and technical assistance. The rapporteur held two coordination meetings with NGOs and two interagency meetings with all stakeholders in 2022. Civil society reported the rapporteur and the government actively included NGOs and stakeholders in proceedings and

coordination efforts, but some NGOs recommended an improved multidisciplinary approach. Despite the large scope of work, the rapporteur's office had limited staff, and the government did not report increasing resources. In its reports, GRETA previously criticized the office of the rapporteur's ability to evaluate government efforts due to its prominent inter-ministerial coordination function and asked the government to consider creating a fully independent evaluation body. At the regional and provincial level, the government had 17 regional delegates and 50 provincial deputy delegates who helped manage anti-trafficking efforts. In addition to the national rapporteur, the government also had an independent ombudsman responsible for reporting and advocating on behalf of trafficking victims. Furthermore, the government's Delegation Against GBV continued to play a central role in coordinating efforts pertaining to sex trafficking, including monitoring efforts on implementation as outlined in the NAP and leading an interagency working group on sex trafficking and exploitation. The Office of the Prosecutor created a trafficking working group, which included law enforcement authorities, the Spanish Commission for Assistance to Refugees, and civil society organizations; the working group aimed to create a list of indicators to identify potential victims in different entry points, including potential victims coming from Ukraine. The government continued to implement its 2021-2023 NAP to combat both sex and labor trafficking, which included civil society input. However, the NAP did not include a dedicated budget for implementation, continued to prohibit entities other than police from identifying victims, covered a very short timeframe, and did not include any monitoring and evaluation measures. Civil society recommended the NAP also include increased efforts to promote coordination between law enforcement and NGOs. The government had an additional forced labor NAP for 2021-2024, which included an inter-ministerial working group to monitor the plan's implementation. The NAP focused on victim protection and improving government coordination and policies for the prevention and detection of labor trafficking, but it did not include a dedicated budget for implementation.

The government, as well as the governments of several autonomous communities, reported raising trafficking awareness through several social media campaigns, often in coordination with civil society, and by disseminating materials in several languages, to health, education, social services, and other professionals. Law enforcement coordinated with the embassies of Bulgaria and Poland on a trafficking pamphlet indicator checklist, including contact information for the Civil Guard, for distribution to potential trafficking victims in several countries. The government continued to make efforts to reduce the demand for commercial sex acts through several public awareness campaigns against soliciting commercial sex. In October 2022, law enforcement authorities partnered with the Romanian National Police on a social media campaign to raise awareness of human trafficking and to reduce the demand for sex and labor trafficking. Law enforcement supported a hotline that operated 24/7 and an email address, which could be used to report all crimes, including suspected trafficking cases. Also, the MOE operated a national hotline for GBV, which was available to trafficking victims, and provided an additional €194,658 (\$207,968) in funding in 2022 in response to the increased vulnerability of refugees from Ukraine. Unlike prior years, the government did not report the number of calls to the hotline that resulted in trafficking-related investigations or victims identified. Several NGOs also ran trafficking-specific hotlines: one government-funded NGO received 316 calls in 2022, of which 151 included trafficking indicators and 28 resulted in official identifications of victims by law enforcement; one NGO reported assisting 35 potential victims through its hotline; while another reported the formal identification of 85 victims through its hotline. Civil society recommended a nationwide trafficking-specific hotline, in multiple languages, to improve coordination between law enforcement and NGOs and to facilitate communication with potential victims.

Fraudulent labor recruitment remained a concern. The government recognized the increased vulnerability to trafficking, especially in the agricultural sector, and consequently increased its budget to conduct additional inspections and participated in joint action days focused on the agricultural sector in 2022; however, no trafficking-specific results were reported. Foreign workers did not require the government's prior approval before changing employers, and the law prohibited recruitment or job placement fees charged to foreign workers. However, some labor recruitment companies and intermediaries likely charged such fees, which could have resulted in debt bondage. Additionally, labor officials noted concerns regarding the practice of companies sub-contracting or illegally seconding their employees to other companies – all of which may have increased worker

vulnerability to exploitation. The government did not have robust licensing or accreditation requirements for labor recruiters to operate, other than being subject to inspection to ensure compliance and a requirement for a “responsible declaration;” the government did not report comprehensive law enforcement measures taken to prevent and deter fraudulent recruitment by labor recruiters. Labor inspectors did not have the authority to identify trafficking victims and victims could only be identified through joint inspections between labor inspectors and law enforcement officers. Labor inspectors were unable to conduct unannounced inspections of domestic workers’ accommodations and investigate allegations of abuse in the absence of an official complaint; given the large number of domestic and care workers in Spain, this may have increased vulnerability and left some victims without protection. The government had at least 24 labor attachés at Spanish embassies abroad who reported labor trafficking cases to the government.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit foreign victims in Spain and, to a lesser extent, Spanish victims in Spain and abroad. Labor trafficking is under-identified in Spain. Authorities and NGOs reported a rise in some forms of labor trafficking from 2020-2022, especially in agriculture, domestic work, and cannabis cultivation in Catalonia. Ukrainian refugees, predominantly women and children fleeing Russia’s war against Ukraine, are vulnerable to trafficking. Labor traffickers continue to exploit men and women from Algeria, Morocco, Nicaragua, Romania, Senegal, Ukraine, and Venezuela, especially in the textile, agricultural, construction, industrial, restaurant, beauty, elder care, retail, and domestic work sectors. Traffickers from Romania, Spain, Nicaragua, and Honduras often exploit their own family members in labor trafficking. Mafia groups run by Vietnamese and the People’s Republic of China (PRC) nationals increasingly exploit Vietnamese victims in labor trafficking in agriculture and on cannabis plantations. Migrant workers from Morocco are vulnerable to labor exploitation in the agricultural sector, especially fruit farms, and can sometimes be misled and fraudulently recruited. Women from the PRC are vulnerable to fraudulent recruitment and debt bondage. Mafia groups run by Nigerian and PRC nationals commonly work with a local Spanish collaborator.

Sex traffickers exploit women from Eastern Europe, South America, Central America, Vietnam, the Dominican Republic, PRC, and less frequently than in previous years, Nigeria. Authorities report Colombian, Paraguayan, and Venezuelan women now make up the largest demographic of sex trafficking victims. Sex traffickers use fraudulent recruitment, force, and debt bondage to exploit women and LGBTQI+ persons fleeing the collapsing social and economic conditions in Venezuela. Spanish law neither permits nor prohibits prostitution, and NGOs believe 80 to 90 percent of the 500,000 individuals in the commercial sex industry in Spain are unidentified trafficking victims. Initiated by the pandemic, the use of private residences, instead of brothels or clubs, and online recruitment has continued to increase, despite the expiration of pandemic-related travel restrictions. Sex traffickers continue using online platforms, like social networks, mobile applications, and the dark web, to recruit and exploit victims and book apartment rentals to make their illicit operations difficult to track. Organized sex trafficking networks exploit women, primarily from South America, by fraudulently recruiting them for non-existent jobs and subsequently using drug addiction and debt-bondage as a means of coercion. Sex traffickers continue to invoke the “voodoo” curse to coerce women and girls from Nigeria into commercial sex. The rising numbers of newly arrived undocumented migrants, including 15,682 to the Canary Islands in 2022, are vulnerable to trafficking. Unaccompanied migrant children continue to be vulnerable to sex trafficking and forced begging. Romani girls are vulnerable to labor trafficking in Spain.