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USDOS – US Department of State

2020 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; therefore Spain remained on Tier 1. These efforts included increasing victim identification, especially for forced labor, investigating and prosecuting more suspected traffickers, and issuing significant prison terms for convicted traffickers. Although the government meets the minimum standards, it lacked a national anti-trafficking action plan for all forms of trafficking; gaps remained in victim identification; prosecutions for labor trafficking remained low compared to sex trafficking; and convictions decreased.

PRIORITIZED RECOMMENDATIONS:

Increase prosecutions and convictions of trafficking offenses, particularly for forced labor. • Increase training on proactive victim identification, in particular among irregular migrants, unaccompanied minors, and workers in industries and agricultural regions with high incidences of labor exploitation. • Adopt and implement a national action plan that adequately addresses all forms of trafficking, including labor trafficking. • Increase protection of migrant unaccompanied minors from traffickers operating in immigration detention centers. • Increase worker protections by implementing strong regulations and oversight of recruitment companies that are consistently enforced, including prosecuting fraudulent labor recruitment. • Expand victim service centers to all regions and autonomous cities. • Increase witness protection resources available to victims and expert witnesses. • Increase resources to victim service centers. • Increase resources to the office of the national rapporteur and consider making it independent. • Increase efforts to reduce demand for commercial sex acts. • Train all prosecutors and judges on a victim-centered approach to law enforcement. • Improve state compensation mechanisms, including re-distribution of confiscated traffickers’ assets to victims.

PROSECUTION

The government increased law enforcement efforts. Article 177 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. The rapporteur, NGOs, and GRETA reported the penal code did not clearly define forced labor, which made prosecutions difficult; the government had a draft stand-alone trafficking law to address forced labor, among other issues, but did not pass the law during the reporting period. According to provisional data for 2019, law enforcement initiated 103 new human trafficking investigations (82 sex trafficking, 16 labor trafficking, two forced criminality, and three forced begging), compared with 82 (61 sex trafficking, 18 labor trafficking, two forced criminality, and one forced begging) in 2018. In addition to law enforcement investigations, the Office of the Prosecutor initiated 167 new investigations, compared with 137 in 2018. From the investigations, law enforcement arrested 285 suspects in 2019, compared with 311 suspects in 2018. Law enforcement conducted targeted operations against 11 criminal organizations involved in trafficking in 2019, compared with 48 in 2018. For example, in October 2019, the civil guard arrested 13 suspects for fraudulent labor recruitment and the subsequent forced labor of 150 potential victims from Eastern Europe. During the reporting period, law enforcement increased efforts to investigate forced criminality and arrested 54 suspects for the forced criminality of street vendors from Pakistan. The judiciary initiated prosecutions of 127 defendants (117 for sex trafficking and 10 for labor trafficking), compared with 71 in 2018 (63 for sex trafficking, five for labor trafficking, and three for forced criminality).

Prioritization of prosecuting labor trafficking offences remained a challenge. In 2019, courts convicted 44 traffickers (37 for sex trafficking, four for labor trafficking, and three for forced criminality), compared with 61 convictions in 2018 (46 for sex trafficking and 15 for forced begging). Of the convicted traffickers, 20 were Nigerian, 19 were Romanian, and three were Bosnian, one Colombian, and one Spanish national. Sentences were significant and ranged from two years’ imprisonment and a fine to 30 years’ imprisonment. All cases, except two, included compensation for victims. In January 2020, another court sentenced five Nigerian traffickers to a total of 99 years in prison for recruiting women from Nigeria and forcing them into various forms of human trafficking. Traffickers served an average of 75 percent of their sentences before being eligible for parole, and courts imposed separate sentences on multiple criminal offenses.

The Interior Ministry coordinated law enforcement efforts to combat trafficking and continued its specialized anti-trafficking training efforts during the reporting period, though some online courses were suspended due to budgetary restraints. The government provided anti-trafficking training for 30 judges, 60 civil guards, and an unknown number of police officers, labor inspectors, and consular and immigration officials. Authorities continued to collaborate with Nigerian, Colombian, Paraguayan, Portuguese, Romanian, Nicaraguan, and French law enforcement on international investigations, including assistance at foreign trials and with raids, the identifications of at least 12 victims, and the arrest of at least nine suspected traffickers. The government did not have judges or courts that specialized in trafficking, but with regard to sex trafficking, cases could be heard in courts dedicated to crimes related to gender-based violence. Coordination between law enforcement, NGOs, and specialized trafficking prosecutors continued to be effective, though this varied by region. There was still some confusion regarding the roles between law enforcement and victim care providers. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government increased protection efforts. In 2019, authorities reported identifying 467 victims (250 of sex trafficking, 173 of labor trafficking, 24 of forced criminality, and 20 of forced begging), compared with 225 victims (130 of sex trafficking, 80 of labor trafficking, three of forced criminality, and 12 of forced begging) in 2018. The government identified four minor victims and only one Spanish victim in 2019. Law enforcement significantly increased efforts to identify trafficking victims during the reporting period, especially labor trafficking victims, but gaps remained. GRETA stated that only police could officially identify victims who cooperated in criminal investigations; according to NGOs, this, coupled with continued gaps in victim identification among irregular migrants and asylum-seekers, resulted in probable underreported official victim statistics. NGOs also claimed that the vast majority of women in commercial sex were unidentified sex trafficking victims, and GRETA concluded victim identification statistics did not reflect the scale of trafficking in Spain. The government continued to utilize its national victim identification and referral protocols and usually coordinated formal victim identification with an NGO that would then assume care of the victims. The government lacked systematic victim identification protocols at temporary reception centers for migrants and asylum-seekers. The government continued to implement victim identification protocols at the Madrid airport and to provide training to border police, though victim identification by border police remained low compared to identification by NGOs. Fourteen of the 17 autonomous regions in Spain continued to use their own protocols for trafficking victims, which they implemented simultaneously with the national protocol. NGOs reported assisting approximately 638 victims and 4,842 potential victims in 2019.

The government allocated €4 million (\$4.49 million) in 2019, equivalent to the amount allocated in 2018, plus an unspecified amount from regional governments, for NGOs providing victims with temporary shelter and access to legal, medical, and psychological services. Additionally, these NGOs received €2.5 million (\$2.81 million) in funding from tax revenues for trafficking victim assistance, a slight increase from 2018. The government, through victim service offices, referred victims to NGO care providers and directly provided free healthcare, free legal assistance, social welfare benefits, and funds for repatriation to victims. While receiving assistance in shelters, victims had the freedom to come and go, and foreign victims could receive assistance in returning home, if they wished. There were specialized centers for child victims of crime, and seven NGO-run trafficking shelters assisted child victims. GRETA cited NGO reports that unaccompanied migrant children in Ceuta and Melilla were vulnerable to trafficking in immigration detention centers, with reported cases of children disappearing from these centers. Shelters for male victims remained limited. The government, in collaboration with NGOs, continued to bi-annually update and use a victim resource guide, available in 12 languages, which listed centers with and without in-house services by region, including social, psychological, medical, legal, training, housing, and job search tools. GRETA reported victim services were available in all regions except Castilla La Mancha, La Rioja, and the autonomous cities of Ceuta and Melilla. The government continued to utilize a regional program that paired NGO-supplied “social interlocutors” (usually survivors of trafficking themselves) with members of the police to facilitate coordination of anti-trafficking activities between other agencies and institutions, including NGOs, and to act as a liaison for victims during legal proceedings and court testimony.

Prosecutors were required to seek restitution from defendants during all criminal proceedings unless the victims expressly waived that right. The crime victim statute provided victims with the right to state compensation, but authorities have not reported awarding any state compensation to date. Assets seized from convicted defendants supported a fund used to fight trafficking and assist victims; however, victims rarely receive these assets as the process remained complicated. NGOs continued to report inconsistent application of victim protections by judges and called for legal reform to protect witnesses better, including permitting video testimony in all cases and increasing measures to protect the identity of NGO expert witnesses, whose testimony could not be anonymous under current law. Foreign victims could request a renewable residence permit for up to five years based on their cooperation with law enforcement and could apply for permanent residency after that five-year period, but the government did not report how many permits were issued. Despite this, civil society reported that the majority of victims decided not to cooperate with law enforcement. The government allowed non-EU victims to apply for reflection periods of 90 days, during which they could recover while deciding whether to assist law enforcement; the government did not report how many victims received this protection during the reporting period. In both of its evaluations, GRETA expressed concern that reflection periods for non-EU citizens were contingent upon an application to the immigration police. 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.

PREVENTION

The government maintained prevention efforts. The national rapporteur was responsible for coordination, analysis, and assessment of efforts across the government and held quarterly coordination meetings with representatives from the government, a formal NGO group, law enforcement, and international partners. NGOs lauded the rapporteur and government for continued efforts to include them in proceedings and coordination efforts. Despite the large scope of work, the rapporteur’s office had a very limited staff. GRETA 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. The government continued to publish data on its law enforcement efforts and victims identified. The government’s Delegation Against Gender-based Violence played a central role in coordinating efforts against sex trafficking, including coordinating meetings for the Social Forum composed of central and regional government officials and NGO representatives.

The government continued to utilize a 2015-2019 National Action Plan for the Fight Against the Trafficking of Women and Girls, but it did not have a national action plan for all forms of trafficking. In 2019, lawmakers approved the release of the €200 million (\$224.72 million) allocated for the State Pact against Gender Violence, which included programming to combat sex trafficking at the regional level.

The government continued several ongoing public awareness campaigns but did not initiate any major new campaigns during the reporting period. In cooperation with an NGO, the civil guard distributed awareness brochures about indicators of forced trafficking, available in nine languages, at airports and seaports. The civil guard also distributed leaflets to an unknown number of irregular migrants about labor trafficking. The police support a hotline that operated 24/7 and could be used for all crimes, including for reporting suspected trafficking cases; in 2018, the most current year data was available, the hotline received 2,239 communications, but the number of trafficking-related cases reported was unknown. Irregular migrants and asylum-seekers remained vulnerable during the reporting period. Approximately 32,500 refugees and migrants arrived in Spain in 2019. Upon the migrants’ arrival, the government screened for trafficking victims in temporary reception centers (CETI), but challenges remained as the centers were overcrowded. GRETA also concluded there was no systematic victim identification protocol. An NGO identified 59 trafficking victims who applied for asylum, but the government did not report how many victims were granted asylum. Fraudulent labor recruitment remained a significant concern. While the government prosecuted several foreign traffickers for fraudulent labor recruitment, it did not report whether any Spanish labor recruitment agencies were investigated or prosecuted during the reporting period. In 2018, Spanish authorities did not report conducting any inspections for possible sex or labor trafficking conducted, compared with 2,228 inspections for sex trafficking and 5,102 for labor trafficking in 2017. Labor inspectors, however, did not have the proper authority to inspect private households, despite the large number of domestic and care workers in Spain. The government continued to make efforts to reduce the demand for commercial sex acts through a social media campaign that began in the prior reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Spain and to a lesser extent, Spanish victims abroad. Labor traffickers exploit men and women from Bulgaria, Romania, and South and East Asia, particularly China and Vietnam, in the textile, agricultural, construction, industrial, beauty, cannabis, retail, and domestic service sectors. Romanian, Spanish, and Nicaraguan traffickers often exploit their own family members in labor trafficking. Chinese and Nigerian mafia groups commonly work with a local Spanish collaborator. Forced drug addiction, passport withholding, physical violence, and threats to family members are frequently used methods to control trafficking victims. Sex traffickers exploit women from Eastern Europe (particularly Romania and Bulgaria), South America (particularly Venezuela, Paraguay, Brazil, Colombia, and Ecuador), Central America (particularly Honduras, El Salvador, and Nicaragua), Vietnam, the Dominican Republic, China, and Nigeria. Authorities report Venezuelan and Colombian women now make up the largest demographic of sex trafficking victims. Sex traffickers exploit Venezuelan women fleeing the collapsing social and economic conditions at home. Spanish law neither permits nor prohibits prostitution, and NGOs believe the vast majority of individuals in commercial sex in Spain are trafficking victims. An increasing number of victims arrived in southern Spain by sea via Morocco, where many of the women are then forced into commercial sex. Sex traffickers are increasingly using online apartment rental platforms to make their illicit operations difficult to track. Nigerian criminal networks recruit victims in migrant reception centers in Italy for forced prostitution in Spain. Unaccompanied migrant children continue to be vulnerable to sex trafficking and forced begging. The increased numbers of newly arrived refugees and asylum-seekers are vulnerable to trafficking.

ecoi.net summary:

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Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
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F.A.Q.
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