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2022 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 on its anti-trafficking capacity; therefore Spain remained on Tier 1. These efforts included increasing prosecutions and convictions compared with the year prior and courts continuing to issue significant prison terms for convicted traffickers. The government also adopted two anti-trafficking national action plans (NAPs), opened a new shelter for sex trafficking victims, increased funding for victim assistance, and provided more trafficking victims with services compared with the prior year. Judges also awarded significant restitution amounts to most survivors following convictions of traffickers. Although the government meets the minimum standards, investigations decreased compared with the year prior. Gaps remained in victim identification protocols, including a continued lack of adequate mechanisms for identifying potential trafficking victims among the asylum-seeker and undocumented migrant population, and contributed to the government identifying significantly fewer victims for the second consecutive year.

PRIORITIZED RECOMMENDATIONS:

- Increase implementation of national victim identification and referral protocols and training for front-line officials on proactive victim identification, in particular among vulnerable populations such as children, undocumented migrants, asylum-seekers, and workers in industries and agricultural regions with high incidences of labor exploitation.
- Increase investigations, prosecutions, and convictions of trafficking crimes, particularly for forced labor.
- Allow formal victim identification without requiring law enforcement interaction.
- Allow formal victim identification by and referral from entities other than the police, including by labor inspectors, asylum case workers, health care professionals, social workers, and NGOs.
- Expand victim service centers to all autonomous communities.
- Increase worker protections by implementing strong regulation and oversight of recruitment companies that are consistently enforced with effective law enforcement measures.
- Continue to increase witness protection resources available to victims and expert witnesses, including increasing safety and security measures and considering measures to protect their identities.
- Increase resources, including personnel, to the office of the national rapporteur and consider making it independent.
- Increase protection and security of unaccompanied children in immigration detention centers or government shelters from recruitment by traffickers.
- Systematically train prosecutors and judges on human trafficking and a victim-centered approach to law enforcement.
- Improve state compensation mechanisms, including re-distribution of confiscated traffickers' assets to victims.
- Increase survivor engagement, including by establishing accessible mechanisms for receiving and providing compensation for survivor input when forming policies, programs, and trainings.
- Improve the government's inter-ministerial coordination with an effective multidisciplinary response to combat trafficking.

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. The rapporteur, NGOs, and Group of Experts on Action against Trafficking in Human Beings (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; in March 2021, the government began drafting the law but did not pass it during the reporting period. The government continued to receive stakeholder input on the draft law from a working group of local, regional, and national stakeholders, as well as a diverse group of trafficking survivors, through NGOs. Law enforcement officials adapted to pandemic-related restrictions by holding meetings virtually.

According to provisional data for 2021, law enforcement initiated 55 human trafficking investigations (46 sex trafficking and nine labor trafficking), a significant decrease compared with 83 in 2020 and 103 in 2019. In addition to law enforcement investigations, the Office of the Prosecutor initiated 115 investigations into an unknown number of suspects, similar to 119 investigations of 530 suspects in 2020. From the investigations, law enforcement arrested 173 suspects in 2021, compared with 235 suspects in 2020. Law enforcement conducted targeted operations against 55 criminal organizations involved solely in human trafficking in 2021; compared with 66 for both human trafficking and a different crime of “exploitation” in 2020. Law enforcement also reported that the increased use of the internet and social networks to recruit trafficking victims during the pandemic presented challenges as officials tried to gain expertise in combating online recruitment and exploitation. The National Police created a Cyber-trafficking Investigative Group to address this new challenge, and the Civil Guard reported regularly monitoring online platforms frequently used by traffickers. The judiciary initiated prosecutions for 64 suspects—40 for sex trafficking, 20 for labor trafficking (including five for forced criminality and three for forced begging), and four for combinations of multiple types of trafficking—this was an increase compared with 52 in 2020 but a decrease compared with 127 in 2019. In 2021, courts convicted 43 traffickers—38 for sex trafficking and five for labor trafficking—an increase compared with 32 in 2020 but similar to 44 in 2019. Most convicted traffickers were from Nigeria, Colombia, and Romania. Courts sentenced traffickers to significant sentences; all terms of imprisonment were more than one year with the longest being 103 years (however, the law prescribed a maximum of 20 years’ actual prison time). Separately, courts convicted 11 defendants in trafficking cases under other laws—illegal immigration, money laundering, and commercial sex related crimes—and sentenced them to between six and 18 months’ imprisonment. Eighty-six victims received restitution in 2021.

The Ministry of Interior (MOI) coordinated law enforcement efforts and had specialized law enforcement units to address human trafficking. In 2021, the National Police published an operational manual to combat labor trafficking, including forced criminality. In collaboration with prosecutors, judges, and NGOs, a technical body within the Catalan regional government published a guide, which would act as a framework for judges and attorneys dealing with trafficking cases. The guide provided resources and recommendations using a victim-centered approach, identified procedurally decisive points in cases, and provided sentencing recommendations. In 2021, the government adapted to pandemic-related restrictions by holding some trainings virtually and some in-person; the government reported providing anti-trafficking training to some of the 68 coordination units of the Anti-Gender-Based Violence (GBV) Delegation, as well as an unknown number of staff in the MOI’s Office of Asylum and Refugees. The Civil Guard reported organizing several conferences that covered human trafficking and included training for 70 new officers from all over the country; the Civil Guard also reported developing its first extensive e-learning course on human trafficking. In partnership with several civil society organizations and academic institutions, the government reported developing an expert course on violence against women with sections that covered trafficking, as well as at least 35 training sessions that were attended by more than 2,000 officials, including judges, magistrates, prosecutors, forensic experts, officials from the Ministry of Equality, Intelligence Center Against Terrorism and Organized Crime (CITCO) staff, civil servants, NGO personnel, and police. In 2021, law enforcement reported conducting at least 57 international investigations and operations, including 20 in South America, with Colombia, Czech Republic, Europol, France, Germany, INTERPOL, Morocco, Paraguay, Romania, and Uruguay, which resulted in the identification of at least 37 victims and the arrest of at least 85 suspected traffickers. Spanish law enforcement reported in-person information and best practice exchanges with law enforcement from Paraguay and Uruguay, as well as assistance with two active operations and future plans to create a joint investigative team (JIT) with Colombian law enforcement. 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 GBV. Experts concluded, however, that judges often lacked adequate training on human trafficking cases and had limited access to specialized trafficking training.

Coordination between law enforcement, NGOs, and specialized trafficking prosecutors continued to be strong and effective, though this varied by region. In 2021, the prosecutor’s office worked to ensure continued effective case coordination by holding weekly meetings with NGOs and law enforcement to coordinate victim identification and assistance, resulting in a significant prison sentence for a convicted trafficker. The prosecutor’s office also established two police liaison positions, one with the national police and one with the civil guard, to ensure close coordination with law enforcement, close monitoring of human trafficking cases, and an increase of convictions, especially considering the additional investigative obstacles created by the pandemic. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking crimes.

PROTECTION

The government increased overall protection efforts but significantly decreased victim identification for the second consecutive year. In 2021, authorities reported that pandemic-related restrictions continued to hinder identifying sex trafficking victims as the majority of inspections were traditionally conducted in clubs, most of which were closed during part of the year, while workplace closures resulted in the identification of fewer labor trafficking victims. In 2021, authorities reported identifying 114 victims (93 sex trafficking and 21 labor trafficking). Compared with 226 trafficking victims in 2020 and 467 victims in 2019; this was a significant decrease for the second consecutive year.

Law enforcement continued efforts to identify trafficking victims, but gaps remained, and the government did not report identifying any child, Spanish national, asylum-seeker, or undocumented migrant victims in 2021. In 2021, victims predominantly came from Colombia, Bulgaria, Romania, Nigeria, and Venezuela. The government continued to utilize its national victim identification and referral protocols, but NGOs reported they were not uniformly implemented across the country and protocols for asylum seekers were inadequate. In November 2021, Andalusia adopted its own trafficking protocol, resulting in 15 of 17 autonomous communities employing their own protocols for trafficking victims, which were reportedly implemented simultaneously with the national protocol. The two 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 2021 but did not report how many victims were identified as a result.

Law enforcement officials were the sole entity that could identify victims. While formal victim identification was not tied to a victim’s cooperation on 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 into the field 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; 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 that victims who chose not to cooperate with law enforcement had the same rights and access to victim assistance. Experts and government officials estimated that 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 GRETA concluded victim identification statistics did not reflect the scale of trafficking. The national Ombudsman recognized the discrepancy between Spain and neighboring countries with regard to its infrequent identification of child trafficking victims and, in September 2021, a government-funded NGO launched a specialized observatory on child trafficking with plans to establish guidelines for the identification of child sex trafficking victims and to train professionals on specialized care. In 2021, law enforcement noted an increase in identification of trafficking victims between the ages of 18 and 22, and authorities recognized many of these victims likely became trafficking victims as children but remained unidentified. In July 2021, the national Ombudsman publicly called for improved victim identification, specifically improved victim identification and referral protocols, and noted the pandemic exacerbated the isolation of many victims.

The government reported that the Civil Guard deployed Immigrant Assistance Teams to coastal regions associated with high rates of irregular migration to advise and protect newly arrived, undocumented migrants, especially those identified as victims of trafficking. However, the government lacked systematic victim identification protocols at temporary reception centers for undocumented migrants and asylum-seekers. With nearly 42,000 migrant arrivals along irregular migration routes in 2021, GRETA, the Ombudsman, and several civil society organizations expressed concern over the lack of adequate mechanisms for identifying potential trafficking victims in areas with large numbers of migrant arrivals, including the Canary Islands, the southern coast, and the autonomous cities of Ceuta and Melilla. The Ombudsman and civil society noted that some undocumented migrants likely had been subjected to sex trafficking in their countries of origin or en route to Spain. An NGO reported working with law enforcement to secure official recognition of trafficking victims even if they had been exploited by traffickers outside of Spain, which resulted in the recognition of at least one victim. Law enforcement reported that some undocumented migrants were later identified as trafficking victims in asylum interviews, but may have been subjected to immigration enforcement penalties, including deportation proceedings, before they were identified. Upon arrival, the government screened undocumented migrants for indications of trafficking in temporary reception centers, but the centers were overcrowded, and given the lack of an adequate trafficking victim identification mechanism and protocol for asylum seekers, law enforcement did not report identifying any trafficking victims among this vulnerable group. The government took efforts to protect refugees fleeing Russia’s war against Ukraine by opening four reception centers and processing temporary protection paperwork. Additionally, in March 2022, the Council of Ministers adopted specific measures to protect possible Ukrainian trafficking victims by adopting a unified model of accreditation for trafficking victim status; accredited victims were then given access to services, secure housing, and a stipend, as well as additional grants to public and private institutions for the prevention, detection, care, and protection of potential trafficking victims.

Government-funded NGOs reported assisting an estimated 8,240 potential victims in 2021, including 20 children and five Spanish nationals. Government-funded NGOs reported providing at least 105 potential trafficking victims with workforce re-entry training, four with legal assistance, 121 with shelter, and 29 with asylum and residence permit application assistance. This was an increase compared with government-funded NGO assistance to 1,468 victims and 4,661 potential victims in 2020. In 2021, the government allocated €7.6 million (\$8.62 million) to NGOs providing victim assistance, an increase compared with €6.5 million (\$7.37) in 2020. Additionally, in 2021, the autonomous communities received €100 million (\$113.38 million) from the central budget to combat gender violence, which included female sex trafficking victims but was not solely dedicated to trafficking, the same as in 2020. However, the municipalities did not receive any funding in 2021, a decrease compared with €20 million (\$22.68 million) in 2020. The government, through victim service offices, referred victims to government-funded NGOs which 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 victim service offices; GRETA reported victim services were available in all regions except

Castile-La Mancha, La Rioja and the autonomous cities of Ceuta and Melilla. In December 2021, the city of Madrid opened its first 24/7 short-term emergency shelter for up to 15 female sex trafficking victims and their children, which assisted at least three trafficking victims. The shelter provided psychological assistance and legal advice; law enforcement and specialized trafficking NGOs could refer victims to the shelter from anywhere in the country. While receiving assistance in shelters, victims had the freedom to come and go, and foreign victims could receive voluntary repatriation assistance. During the pandemic, the government declared all shelters for trafficking victims as essential services to ensure continued access to housing and also enacted a pandemic contingency plan that extended through 2021, which included additional grants to NGOs for the provision of accommodation and a daily subsidy for trafficking victims. However, civil society noted many victims continued to experience difficulty accessing this assistance due to their lack of internet access or a bank account; they also noted poorly coordinated accommodation services in some regions. There were specialized centers for child victims of crime, and seven NGO-run trafficking shelters assisted child victims; children were guaranteed legal assistance. 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. In January 2022, the media reported that an extensive police investigation resulted in the dismantling of a sex trafficking network that was exploiting children living in government shelters; 10 child trafficking victims were identified, nine of whom lived in government shelters. Services and shelters for male and labor trafficking victims remained limited, and officials reported difficulty locating assistance for these victims. In June 2021, the government passed a comprehensive law on the protection of children and adolescents from violence; the law provided additional protections to child trafficking victims, including requiring child shelters to adopt protocols established by the child protection agency, to include prevention, early detection, and intervention measures for victims.

Prosecutors were required to seek restitution from defendants during all criminal proceedings unless the victims expressly waived that right. In 2021, courts granted 86 victims of convicted traffickers monetary restitution from their traffickers ranging from €9,000 (\$10,200) to €60,000 (\$68,030) each. 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 received these assets as the process remained complicated. Law 4/2000 exempted victims from administrative liability for unlawful acts traffickers compelled them to commit. In September 2021, though the victim was initially charged with drug trafficking and put through a trial, for the first time courts acquitted the victim on the basis of being a trafficking victim who was compelled to commit the crime. NGOs reported that potential trafficking victims sometimes may have been subjected to deportation proceedings before they were identified. NGOs continued to report inconsistent application of victim protections by judges and called for legal reform to better protect witnesses, 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. 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; the government reported offering this protection to all non-EU trafficking victims in 2021. Foreign victims could request a renewable residence permit for up to five years based on their cooperation with law enforcement, but most usually received a permit for one year and could apply for permanent residency after that five-year period. The government did not report how many victims received asylum, five-year residence permits, or temporary protection; however, one NGO reported the government granted asylum to five trafficking victims it had assisted in 2021. 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 increased 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 CITCO providing support and technical assistance. The rapporteur reported holding two coordination meetings with representatives from the government, a formal NGO group, and law enforcement in 2021, as well as several bilateral meetings with various stakeholders. 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 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. At the provincial level, the government had 17 regional delegates and 50 deputy delegates who helped manage human trafficking, and in addition to the national rapporteur, the government also had an independent Ombudsman who was 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. In January 2022, the government adopted a 2021-2023 NAP to combat both sex and labor trafficking, which included civil society input. However, it 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. In December 2021, the government also adopted an additional NAP on forced labor, valid for three years, with NGO input; the government established 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 continued to publish data on its law enforcement efforts and victims identified.

The government, as well as the governments of several autonomous communities, reported raising awareness on trafficking through social media platforms and newsletters; the government also disseminated anti- trafficking awareness materials, in several languages, to health, education, social services, and other professionals. Law enforcement reported conducting a labor trafficking awareness campaign in partnership with a well-known activist and another campaign, in partnership with an NGO, targeting online child trafficking and exploitation. Three government-funded NGOs also reported conducting trafficking awareness campaigns, including with workshops, cinema sessions, and at festivals. In cooperation with an NGO, the civil guard continued to distribute an unknown number of anti-trafficking awareness brochures, available in nine languages, at airports and seaports, including the Canary Islands, which received approximately 22,300 undocumented migrants in 2021. The Spanish national police supported a hotline that operated 24/7 and an email address, which could be used for all crimes, including for reporting suspected trafficking cases. In 2021, calls to the hotline resulted in 325 trafficking-related investigations, and an anonymous email led to the dismantling of a trafficking network, the arrest of 26 suspects, and the identification of 19 potential trafficking victims. Several NGOs also ran trafficking-specific hotlines; one government-funded NGO reported receiving 264 calls in 2021, of which 130 included trafficking indicators and 21 resulted in official identifications of trafficking victims by law enforcement.

Fraudulent labor recruitment remained a concern and may have increased worker vulnerabilities to forced labor. The government recognized the increased vulnerability to trafficking, especially in the agricultural sector, and increased its budget to conduct additional inspections in 2022. Additionally, foreign workers did not require the government’s prior approval before changing employers, which may have decreased their vulnerability to labor trafficking. The law prohibited recruitment or job placement fees charged to foreign workers, though some labor recruitment companies and intermediaries likely charged such fees which could increase vulnerability to 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 vulnerabilities to exploitation. The government did not have robust licensing or accreditation requirements for labor recruiters to operate, other than being subject to inspection and a requirement for a “responsible declaration;” though law enforcement action was taken against several criminal organizations, the government did not report comprehensive law enforcement measures taken to prevent and deter fraudulent recruitment by labor recruiters. By the end of the reporting period, Spanish authorities did not report the number of labor inspections they conducted in 2021, and labor inspectors did not report identifying any trafficking victims, as they did not have the authority to do so. Trafficking victims could only be identified through joint inspections between labor inspectors and law enforcement officers. Spanish authorities reported participating in a joint action day focused on labor trafficking organized by Europol and led by France; law enforcement targeted the agricultural sector, identified 24 potential trafficking victims, and arrested four suspects. 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 left some victims at risk of exploitation and without protection. The government had at least 24 labor attaches at Spanish embassies abroad who reported labor trafficking cases to the government. The government continued to make efforts to reduce the demand for commercial sex acts through several public awareness campaigns against soliciting commercial sex.

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 report the pandemic increased worker vulnerabilities and contributed to the rise in labor trafficking in 2020 and 2021, especially in agriculture, domestic work, and cannabis cultivation in Catalonia. In 2022, 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 Eastern Europe and South and East Asia, particularly Pakistan, in the textile, construction, industrial, beauty, elder care facilities, and retail sectors. Traffickers from Romania, Spain, Nicaragua, and Honduras often exploit their own family members in labor trafficking. Mafia groups run by Vietnamese and People’s Republic of China (PRC) nationals increasingly exploit Vietnamese victims in labor trafficking in agriculture and on illegal cannabis plantations. Migrant workers from Morocco are vulnerable to labor exploitation on 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. Civil society reported victims’ debts to their traffickers—and subsequently the traffickers’ control over the victim—increased during the pandemic because victims were sometimes unable to work and earn money. Sex traffickers exploit women from Eastern Europe, South America, Central America, Vietnam, the Dominican Republic, PRC, and 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. The pandemic has exacerbated vulnerabilities for sex trafficking victims through the increased use of private residences, instead of brothels or clubs, and online recruitment. Sex traffickers are increasingly using online platforms, like social networks, mobile applications, and the dark web, to recruit, exploit victims, and book apartment rentals to make their illicit operations difficult to track; this was exacerbated by the pandemic. The rising numbers of newly arrived

undocumented migrants, including 22,300 to the Canary Islands in 2021, are vulnerable to trafficking. Unaccompanied migrant children continue to be vulnerable to sex trafficking and forced begging. Roma girls are vulnerable to labor trafficking in Spain.

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