LAW ENFORCEMENT AGENCIES AND NGOs CO-OPERATION IN THE PREVENTION AND VICTIM ASSISTANCE OF TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL EXPLOITATION (THBSE).

SPANISH REPORT
DRAFT

COOP-TRAFFICANTS
JLS/2005/AGIS/156

AGIS PROGRAMME 2005
EUROPEAN COMMISSION

Cristina Rechea Alberola
Andrea Gimenez-Salinas Framis
Marta Gonzalez
Carlos Botran
Jose Luis Gonzalez Alvarez
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PART I

GENERAL INFORMATION ABOUT THBSE IN SPAIN

1. Introduction

Spanish report has been the consequence of a work done by the three main partners of this project in Spain: Carlos Botrán, from the Comisaría General de Extranjería y Documentación of Cuerpo Nacional de Policía, Marta González from Proyecto Esperanza, NGO in charge of victims of trafficking on human beings for the purpose of sexual exploitation and José Luis González Alvarez, from the Unit of Judicial Police of Guardia Civil, in charge of monitoring THB. The University of Castilla La Mancha represented by the Centro de Investigación en Criminología has been the coordinator of the project.

First part of the report is a general overview of the phenomena of THBSE in Spain, the existing legislation, the victims’ situation, existing databases about THBSE and policies undertaken between countries of origin and destination. The second part of the report first describes existing strategies and measures to prevent THBSE and the assistance and protection service in Spain and, second, it describes the results of two focus groups developed by the coordinators, trying to promote debate about improving present strategies and procedures to prevent the phenomena of THB and to improve victim protection and assistance strengthening coordination between judiciary, police and NGOs.

2. The situation of TBSH in Spain.

Spain is a country of destination and victims who are trafficked into our country come from three main geographical origins: Southamerican countries (Colombia and Brasil as main countries of origin), Eastern European countries (Romania and Poland as main origin countries) and Subsaharian Africa (Nigeria and Morocco as main origin countries).

Organized groups dedicated to the THBSE are both, strong networks and well organized groups who develop their activity at transnational level and characterized by a deep penetration in different countries at the same time and also small groups (two, three or four people) without strong infrastructure and organization but capable of leading to end this kind of crime. Even though, this illegal activity of THBSE is recently changing their modus operandi being single person who collaborates with bigger organizations and they are in charge of recruiting women in many countries. Regarding the location of the activity, THBSE is widely developed in all the national territory, specifically in places where prostitution is taking place, in the sense that prostitution in Spain is mainly located in small clubs where the activity conducted is called “alterne”. This means that the girls talk and make the clients drink and, eventually, they have sex with them. Prostitution in Spain is mainly an indoor activity. Prostitution in the street is also possible, but it represents around 10-20% of the activity. During the last years and due to reinforcement of control against THBSE, there has been a displacement from clubs or public locations to a more underground and hidden locations (apartments, clubs, etc).

3. The current situation of prostitution in Spain and its legal framework.
Spain is an abolitionist country where prostitution is not illegal or criminalized but it is not legal or regulated. So, anyone can exercise this activity without being punished. Moreover, the activity is not recognized as a labour activity and this makes that foreigners coming to Spain as prostitutes do not have the possibility of asking for a stay permit or a work permit in order to legalize their situation. As a consequence these persons can be punished by an administrative law, according to the foreign legal framework.

However, forced prostitution in adults is punished, as well as to enrich him or herself with the prostitution of other one and inducing minors to the prostitution. There is a social and politic split discussion between two positions practically antagonistic. On one hand, one of them defends that prostitution is an indisputable way of violence and, obviously, it could never be recognized like a labour activity because it would legalize a Human Rights violation. On the other hand, the other position defends that if prostitution is recognized as a labour activity every kind of violence could be exterminated.

On one hand, different parliamentary commissions have taken place. At present, conclusions of the last parliamentary commissions were against regulations or legalization of prostitution. On the other hand, in the area of the local administration there have been different town halls that have dictated municipal ordinances regulating aspects related to the exercise of the prostitution, like conditions that should have the places where it is exercised, the prohibition of requesting or catching clients in the street, etc.

4. TBHSE legal framework

The 1999 reform of the Spanish Criminal Code introduced the specific offence of sexual exploitation, namely “coercion into prostitution” (article 188 of the Criminal Code). After this, the in force Spanish legislation about TBHSE relies on the Article 318 bis of the new Immigration Law 4/2000 enacted on 11th January 2000, and which entered into force in February of that year, introduced a new chapter into the Criminal Code entitled “Offences Against the Rights of Foreign Citizens”. The problem of this article is that there’s no a distinction between the immigrants' illicit traffic and the trafficking of persons with the purposes of exploitation and it mixes both conducts. In addition, it doesn’t include definitions of each one of the terms. The UN Protocol definition of trafficking on human beings has not been incorporated into our Penal Code, even though it has been signed and ratified by Spain. Whatever, those are the reformed articles:

- Article 318 bis-1 stated that «Those who promote, favour or facilitate the illegal trafficking of persons from, in transit through, or to Spain shall be punished with penalties of imprisonment from six months to three years and fines ranking from six to twelve months». Moreover, this article foresees an increase of sentence if the trafficking in human beings happens with the purpose of sexual exploitation. The first case is punished with an exclusive sentence of freedom from four years to eight of prison. The second case – sexual exploitation – is punished with a sentence from five years to ten of prison.
Article 318 bis-2 stated that «If the purpose of the illegal trafficking or clandestine immigration is the sexual exploitation of people, they will be punished with penalties of imprisonment ranging from 5 to 10 years».

Article 318 bis-3 stated that «Penalties in their upper half shall be imposed to those whose behaviour falls into any of the paragraphs above with animus lucrative or by means of violence, intimidation, deception or abuse of a situation of superiority or special vulnerability of the victim, jeopardy of their health or personal integrity».

Article 318 bis-4 stated that «Penalties established in the section above, plus total disqualification from office for 6 to 12 years, shall be imposed to those who abuse their authority as law enforcement agents or public servants».

Article 318 bis-5 stated that «Penalties in the immediate higher level to those established in the foregoing paragraphs, plus special professional disqualification during the sentence period, shall be imposed to offenders who belong to an organization or association, even though it might be temporary, devoted to such activities».

Penalties in their upper half, or eventually in the immediate higher level, shall be imposed to manager or staff in charge of such organizations or associations. The judge may further decree one or several measures as foreseen in article 129 hereof for the offences described in the paragraphs above.

Article 318 bis-6 stated that «Courts and Judges, considering the seriousness of the offence, its circumstances, as well as the offender’s condition and purpose, may impose penalties in the immediate higher level to those foreseen for the offence committed».

Besides the previous crime, in the practice - in many cases of trafficking in women with the purpose of sexual exploitation – the district attorneys qualify the crime as a crime from the article 188 of the Penal Code. This article sanctions several crimes: at first, it sanctions who intimidates or was deceptive to someone by means of the violence, intimidation or deception; at second, it sanctions who abuses a situation of his/her own superiority or of need or vulnerability of the victim in order to force him/her (but always an adult) to exercise the prostitution; at third, this article sanctions who enriches himself/herself of the foreign prostitution. In the latter case, the sanction of privation of freedom is from two to four years of imprisonment; but, really, if an offender has no penal precedents, he/her could be saved of joining prison. So, these sanctions do not fulfil the purpose of dissuasion that they should. The following article is what we are talking about hereof and it consists of:

Article 188-2 of the Criminal Code punishes with imprisonment for between 2 and 4 years and fines ranging from 12 to 24 months «those who directly or indirectly favour the entry, stay or exit of persons from Spain in order to exploit such persons sexually, by using violence, intimidation or deception, or by abusing a situation of superiority, or by exploiting the victim’s need or vulnerability».

Article 188-3 foresees penalties corresponding to the higher half of those penalties in the foregoing paragraphs as imposed on those commit the offences mentioned in
the foregoing paragraphs by abusing their authority, be they law enforcement agents or public officials.

- Article 188-4 refers to «persons under age», (i.e. minors) and establishes that penalties of the immediate superior level to those foreseen in foregoing paragraphs shall be imposed should the offence be committed against minors or persons of unsound mind for the purpose of introducing such persons to prostitution or to maintain them in that situation.

L.O. 4/2000 de los derechos y libertades de los extranjeros en España y su integración social, foresees an administrative sanction in case of promotion of illegal immigration with an economic gain. Penalties can be 6001 to 60.000 euros and confiscation of instrumentalities and proceeds form crime (art. 55.1 y 55.5).
5. **Action plan against THBSE**

Spain has not an Action Plan against THBSE. The current government is now discussing an action national plan: *Plan integral de lucha contra la trata de mujeres, niñas y niños*. This Action plan has been discussed and developed as a consequence of a request from the Parliament to the government. This plan follows some recommendations included in a report of THB elaborated by a Parliamentary commission in 2003.

6. **Databases about THBSE.**

At the same time, the methods used by the Spanish police to collect data on these offences have changed greatly in recent years, and they are bound to change further in the near future. However, at present, the official data are those collected at police stations when victims lodge complaints.

In 1998 Europol drew up and introduced a data collection from intended to gather national information on human trafficking and thereby enable comparative analysis of the phenomenon. Spain agreed to join the project and has substantially improved its data collection system. *Guardia Civil* and *Cuerpo Nacional de Policía* drafts annual reports on human trafficking for the purpose of sexual exploitation on the basis of the Europol form but those databases are confidential and unpublished.

Spain has one official database which includes data on the specific offence of trafficking in human beings or the purpose of sexual exploitation (i.e., coercion into prostitution - article 188 of the Criminal Code). This database is maintained by the *Ministerio del Interior* and stores investigative information relating to each chapter of the Criminal Code. The information contained in this database originates from the data collection forms compiled by the police forces (the *Cuerpo Nacional de Policía* and the *Guardia Civil*) when they become aware of a case of human trafficking, either because a report has been made or through their own actions. The data concern cases known to the police and the persons arrested prior to their committal to trial. The variables collected in relation to the offence are: date, time, place, kind, classification of the offence (misdemeanour, felony, etc.), execution (attempted or committed), the means used to commit the offence (firearm, physical violence, psychological violence, intimidation, etc.), and *modus operandi*.

Other data are collected by the two Police units with competence on the human trafficking for the purpose of sexual exploitation. These data are processed separately by each department with information arising from concluded investigations. The result is two different databases, with no co-ordination between them and no common basis. It was therefore not possible to compare the data obtained by these means and to conduct combined analysis. However, the following brief description of the activities of the two Police units is possible.

As regards judicial activity, the Ministry of Justice has a database, but it is of no use for analysis because it does not indicate offences separately.

6.1. **Data about Victims**
The Ministerio del Interior database – This provides detailed information on victims when it is compulsory for police forces to compile complaint sheets, as in the case of sexual offences against, coercion into prostitution (article 188), trafficking and exploitation of minors, illegal detention and kidnapping. The data collected on victims concerns:

a) Category.
b) Gender.
c) Age.
d) Nationality.
e) Relationship to the perpetrator of the offence (father or mother, child, spouse/partner, other relative, work/schoolfriend, causal acquaintance, other, none).
f) Injuries caused by the crime (no harm, non-serious harm, death).

The Guardia Civil database – As said, since introduction of the Directorate General of the Police Service Guidelines 3/2000 on action against rings engaged in the trafficking of women and the prostitution of minors, systematic inspections are carried out in clubs without accusations being necessary or suspicion that a criminal offence has been committed. These inspections yield data on victims: in particular, on the number nationalities, genders and ages of people working as prostitutes who report traffickers/exploiters to the police. The reports on trafficking produced by the Guardia Civil also contain data on the situations of victims in Spain, e.g. how rings have exploited them, the means of coercion used, etc. Likewise, NGO’s like Proyecto Esperanza gather information about trafficked women. This information concerns nationality, age, marital status, number of children, duration, type and place of exploitation, legal status, etc.

6.2. Data about offenders

The Ministerio del Interior databases – The sheet on arrested people collects information on the following variables: a) origin of the action, b) current or future proceedings, c) collaboration with other police forces, d) date of birth, e) address, f) nationality, g) participation, h) injuries, j) gender, k) marital status, l) employment status, m) education, n) residence, q) drug consumption (type, frequency, time of consumption), r) alcohol consumption, s) police record, t) record of convictions (penitentiary, care centre, bail hostel, etc.), u) proposal for expulsion or rejection (only for foreigners), w) situation before and after the arrest.

However, it is impossible to determine whether an arrested person has simultaneously committed two or more crimes related to human trafficking because the database does not comprise this kind of information. The only information available is the number of previous police arrests (recidivism), and even in this case records are not kept on the kind of crimes that led to the previous arrests.

The Cuerpo Nacional de Policía - Foreigners and Documentation Division database - The Cuerpo Nacional de Policía, especially its Foreigners and Documentation Division, has gathered much more information on the trafficking in human beings for the purpose of sexual exploitation. Its data cover criminal offences such as coercion into prostitution, offences against workers' rights and offences against the rights of foreign
citizens, false documentation, and the falsification of residence permits. Information on traffickers concerns the number of rings identified and the number of persons arrested

Guardia Civil database - Complete quantitative and/or qualitative analysis of the data available from the Guardia Civil, is forthcoming from studies and solved cases. Data on perpetrators refer to sex, age and nationality, and also available is qualitative information on rings, their modus operandi and contacts in Spain.
7. Policies undertaken between countries of origin and destination

Trafficking on human beings is becoming an increasingly serious problem, and the Spanish police are paying close attention to the criminal networks that bring illegal immigrants into the country. Most of these organisations operate in the labour market, but others introduce immigrant women for the purpose of their sexual exploitation. Public opinion has been alerted by the media, and various NGOs (new and old ones) are working to help the victims of trafficking, giving them provisions and shelter and helping them with the paperwork required to legalise their positions. In the case of sexually exploited women, these organisations seek to convince them to report their traffickers/exploiters to the police.

7.1. Return programs

There is an agreement between IOM Spain and The Ministry of labour and social affairs that give funds to a general return program for immigrants in danger or at risk situation. There is no specific program for victims of THB but in practice the direction of this program gives priority to victims of THB in the return procedures.

Other return programs in general are also conducted by ACCEM and RED CROSS and also funded by Ministry of work and social affairs.

7.2. Evaluation of return risk

There are no indications about evaluation of return risk. Some NGOs take into account this risk such as Proyecto Esperanza, but it is not a standardized practice.

The return is not assisted in the country of origin. In some cases, when the country of origin offers an infrastructure to assist the victim return, i.e. Romania, the assistance is provided. Nevertheless, there is not special agreement with other countries to make sure that the victim is assisted when is returned to his/her country of origin.

No compensation is provided to victims that return to their own countries.

7.3. Judicial cooperation between countries of origin and destination

Regarding criminal investigations, EUROJUST and Iber RED are platforms of coordination between EU countries and from American countries that can be used to promote criminal investigation, interchange information and create joint units. Nevertheless there is no standard and permanent cooperation between judicial institutions, it depends on the case and specific problem.

7.4 Police cooperation between countries of origin and destination

There is certain coordination by means of the interior attaché of countries of origin in Eastern Europe countries or in African countries such as Nigeria, Morocco, etc. There is some exchange of information and joint investigations. Nevertheless, this relationship have no permanent basis, there are no agreements or protocols.
PART II

Strengthening cooperation between police, NGOs and Judiciary to improve prevention and assistance of THBSE victims.

A. THBSE PREVENTION

1. Prevention strategies to fight against THBSE existing in Spain

1.1. Social prevention

Some occasional awareness-raising campaigns have been conducted by NGOs and funded by the Government, but nothing permanent. Those campaigns were oriented, first to prevent and inform victims in origin counties and second, to provide information to Spanish society about THBSE. Nevertheless, no prevention programmes are in place which focuses high risk population in countries of origin. Proyecto Esperanza participated in a prevention program in Ecuador some years ago. This program was funded by the City Hall of Madrid (international cooperation department).

Prevention is not a priority in Trafficking on human beings for the purpose of sexual exploitation. There is still much to do to find strategies to improve victim’s identification, to prevent victims from being kept by criminal organizations and to reduce demand on these phenomena.

1.2 Prevention conducted by the police agencies

From the point of view of Cuerpo Nacional de Policía (one of the national polices in Spain), some activities in order to prevent the phenomena have been done:

- Training courses to policemen in charge of criminal investigation of THB cases.
- Interviews in borders to victims having a risk profile.
- Immigration controls in places where prostitution is located.
- Labour inspections in cooperation with labour inspectors.
- Exchange of information between authorities from origin and destination countries.

From the Guardia civil (second national police force in Spain) other strategies have been undertaken:

- Since 2000, they are regularly conducting preventive administrative inspections and they use them to inform potential victims about their rights and protection programs in our county.
- Training courses to special units in charge of THB investigation

1.2.1 Organized crime means

In 2001 Cuerpo Nacional de Policía has created 15 UCRI (Units against illegal immigration and false documents networks). These units have special resources and tools for organized crime investigations.
Guardia Civil also has specialized units in organized crime that includes criminal investigation against THB.

1.2.2. Reducing opportunities in borders

Some initiatives from the Cuerpo Nacional de Policía¹ have been conducted in borders to improve control over THB activities:

- Interchange of information between polices in charge of monitoring borders in Schengen borders.
- Monitoring mobile phones in borders form Spain, France and Portugal.
- Technical means to verify passports and identity documents in order to reduce falsifications.
- Joint units of investigation between polices from other countries.
- Informants in place in origin and destination countries

1.2.3. Coordination between immigration units and organized crime units against THB

There is no national coordination between immigration units and organized crime units form the two national police forces. Every national police make efforts in order to coordinate their units but national coordination is still missing.

Regarding Cuerpo Nacional de Policía, protocols have been created between Comisarías Generales de Extranjería y Documentación (immigration units), Policía judicial (judicial police) e información (intelligence unit). In addition, the board of the Comisaría general de Extranjería y documentación is also composed by members who are also in charge of units monitoring borders and members who are in charge of illegal immigration to unify criteria and find common strategies.

Regarding Guardia Civil, coordination between departments has been promoted during last years. There is an increasing exchange of information.

Between Police and NGOs, cooperation is possible because personal contacts have been developed; there are no protocols or standardized tools establishing collaboration means between police and NGOs all over Spanish territory. No permanent meetings or platforms are taking place in order to share expertise and practices between those institutions.

1.2.4. Strategies to reduce economic impact of THBSE

Our Penal Code provides the possibility of closing clubs, companies and confiscating means of THB criminal organizations. Criminal investigations are conducted in parallel with economic investigation of the authors to report to the judges about the criminal organization’s means, their origin, to confiscate them and use it to try to compensate the victims.

1.3. Prevention by the judiciary

1.3.1 Witness protection of THBSE victims

¹ This police force is in charge of border control and passports and identity documents.
The Law on witness protection (Ley Orgánica de Protección de Peritos y Testigos en Causas Criminales, 19/1999, de 23 de Diciembre) provides witness protection to THB victims who decide to bring charges against THB criminals in our country. This law gives protection to any person in danger for its participation in a penal process as expert or witness. This Law contains some measures that can be implemented regarding witness or expert and depending on the danger they are facing. Regarding the implementation of this law, victims might ask for the law application. Police always gives information to victims about the protective measures that can be applied in the particular case, and sometimes they implement these measures as preventive tools when the victim is in danger and reports her case to the police.

In practice, measures more commonly applied are the following:

- Anonymity of the victim. This measure implies to hide the identity of the victim address, work etc. during judicial process.
- To provide a waiting place in tribunals in order to wait for the judicial process, without being watched for the crime authors.
- Police protection in court.
- Declaration separated by a panel when authors are in the same room.

1.3.2. Training the judiciary on THBSE

There are some training courses given to the police but not to the judiciary. Judicial personnel are still not aware of the problem, the victim specific traumas and the specificities of THB cases. This is the main problem NGOs and police encounter with judges and prosecutors.

As a conclusion, the following tables summarized first, the main problems encountered with police by NGOs in order to work on the field of THBSE, and second, the main problems encountered by NGOs with judiciary:

**MAIN PROBLEMS ENCOUNTERED WITH POLICE**

- No assistance to THB victims is provided in police stations when victims have to report their situation to the police.
- Police do not inform THB victims about social assistance available for them.
- Policemen who first assist victims and write the police report do not know specific situation of victims of THBSE. They are not aware of their situation, their needs, risks or danger of being caught by the criminal organization that brought them to our country.
- No language assistance is provided to help victims to understand.
- There is no special obligation to call any NGO when a victim is reporting to the police.

**MAIN PROBLEMS ENCOUNTERD WITH JUDICIARY**

- Lack of knowledge and training about the phenomena of THBSE.
- Lack of sensibility and knowledge about victims’ situation and problems.
- Lack of material and personal resources in order to avoid victimization in court and psychological consequences.
- Lack of information of victims’ rights. Even if there is a written information from the court about their right to make private charges against authors and their right to have lawyer if they cannot pay a private one, this is not enough because is just an ordinary information and many times victims do not understand what the information means.
- Many times compensation is not guaranteed in every case. No special deposit has been created to guarantee compensations in cases of THBSE.
- Witness protection is not guaranteed in many cases and sometimes judicial institutions do not use formal procedure to provide protection and the protection is given de facto but it is not formally authorized by the judge.
- Expenses causes by judicial procedure are not reimbursed to the victims.

After knowing the prevention strategies existing in Spain against THBSE we will present the results of focus group conducted to improve and promote better coordination strategies in order to improve prevention of THBSE. We have divided the discussion group on prevention of trafficking in human beings for the purpose of sexual exploitation in two temporarily differentiated stages in order to approach new prevention strategies: the trafficking phase and the exploitation phase. The first of them contains the period of time since the victim’s recruitment in the country of origin until the arriving to the country of destination. The exploitation phase is the period of time that runs since the victim’s arriving to the country of destination to her exploitation by the same organization or by some others.

2. New prevention strategies strengthening cooperation between police, NGOs and Judiciary

The following measures pretend to be some new prevention strategies for the trafficking of human beings for sexual exploitation by improving the coordination between justice, police and private institutions, and NGOs. These measures are the result of the meeting held by many professionals from police, judiciary, NGOs and experts on this subject, where new ways for improving THBSE prevention were discussed.

We want to thank to the participants in focus groups because they were open to discussion and come up with interesting recommendations.

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<th>Name</th>
<th>Institution</th>
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<tr>
<td>Cristina Rechea Alberola</td>
<td>Criminology Research Centre- Universidad de Castilla-La Mancha</td>
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<tr>
<td>Andrea Giménez-Salinas Framis</td>
<td>Criminology Research Centre- Universidad de Castilla-La Mancha</td>
</tr>
<tr>
<td>Jose Luis González Alvarez</td>
<td>Unidad Policía Judicial-Guardia Civil</td>
</tr>
<tr>
<td>Marta González</td>
<td>NGO: Proyecto Esperanza</td>
</tr>
<tr>
<td>Carlos Botrán</td>
<td>Comisaría General de Extranjería y documentación- Cuerpo Nacional de Policía</td>
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<td>Corneil Servan</td>
<td>Interior attaché of Romania</td>
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2.1. Measures to improve prevention of THBSE strengthening cooperation between NGOs, police and Judiciary at the Trafficking phase

2.1.1 Recruitment in countries in origin and victims at risk

1. To involve the media from the country of origin in the advancement of a social debate to promote the fight against trafficking for sexual exploitation. Mass media should take action to inform and warn potential victims of trafficking for sexual exploitation about the risks of non-informed immigration.

   **Aim:** To inform the general society of the country of origin, and the vulnerable population in particular about the reality of the phenomena of THB, about the situation in destination countries, and the risk they take accepting job vacancies and opportunities in destination countries.

   **Actions:**
   - To invite media from the country of origin to Spain to find out the living situation of victims of THB and to inform their countries about the exploitation: through press articles, adverts on TV, etc.
   - Identify topics of information for developing informational documentaries and stories, with real testimonies about the exploitation these victims are suffering. These documentaries would be shot in our country, but media from the origin countries should be implicated as well, for the message to gain credibility.
   - Funding campaigns in countries of origin (television, radio, etc) to inform about the risks of emigration under certain conditions and ways used to recruit potential victims. Police authorities and NGOs should be implicated in these campaigns showing the risks of being recruited by a criminal organization.
   - To compromise media and diplomatic delegations to fight against trafficking from the media.

2. Awareness-rising campaigns in the countries of origin.

   **Aim:** To inform vulnerable population and personnel in borders in the country of origin with the aim of dissuading potential trafficking victims to get into trafficking networks from the beginning.

   **Actions:**
   - Training to professionals in charge of preventing this phenomena, especially orientated to police bodies and professionals that deal with this problem in borders and posts with the aim of preventing THBSE.
   - Awareness-raising campaigns to the general population, offering real data about the phenomenon, counteracting fears of the ones that get involved in a trafficking and exploitation situation, showing the modus operandi of these
criminal organizations in these cases, explaining the existence of assisting and emergency resources in the destination countries.

- Advertisement located at strategic points: airports, bus stations, prostitution clubs, etc that offer emergency numbers, assistance and emergency resources, etc.

- In these campaigns there should be made the effort to implicate and integrate the police from destination countries with the aim to counteract the image that the police authority has got in the country of origin of being oppressive and close to the political power. To offer an assisting image of the police opposed to the oppressive one that rules in the majority of the countries of origin.

3. **Free assisting telephone lines** specialized in THBSE

*Aim:* To have an emergency and informative resource for potential victims who wish to find out whether they are being recruited for a group or organization dedicated to trafficking for sexual exploitation, for the protection of victim’s families who are in other countries, for victims who return and need specialized attention, etc. The objective of these telephone lines would not be to stop these women for emigrating, but in the case of deciding to leave the country, they have to know what to do and the resources they have if they are THB victims. These free telephone lines could have as well among their different tasks, the collection of information about offers, victim’s recruitment ways, to find out how the victims are being recruited in the countries of origin.

*Actions:*

- To inform and orientate people who want to emigrate to another country about the risks they can be taking, about the THB organization’s modus operandi, about what can happen to them in exchange of the offer’s job information, about ways of recruitment, etc.

- In case where the victim decide to travel, it would be useful to inform about the journey to another country, about the needed documentation, about the precautions she must take, about the indicators that can make her suspicious of being a trafficked victim, about helping services in another countries, and about the possibility to call the police once in the country of destination.

- This service should protect or be a mediator between the police and the victims for protecting the families of the victims who are under threat in the countries of destination by their organizations.

- This telephone line should have a straight and prime contact with the police authorities in the origin and destination countries, informing the latest about the new improvements in criminal strategies, new modus operandi in trafficking organizations, etc.

4. **Dissemination of informational and preventive leaflets** in strategic places.

*Aim:* To bring preventive and assisting information closer to the places with the biggest concentration of potential victims (hot places): Airports, consulates, etc.

*Actions:*
- Disseminate informational leaflets with emergency and information numbers about resources, in origin countries consulates with passports or visas. However this distribution must not be indiscriminate or massive, but taking into account the vulnerability of the traveller: location of origin, age, sex, family, etc.
- To disseminate leaflets in vulnerable places like hostess places, pubs, meeting centres, etc.
- To place advertisements in newspapers, in the section of employment for alerting about the risks of recruitment by some criminal organizations dedicated to the trafficking for sexual exploitation, inserting an emergency phone number.
- The NGOs need to actively collaborate in the designing of the leaflets, in the included information, in the localisation of potential victim’s strategic meeting points, ways of approaching, etc.

5. An exchange information forum between origin and destination countries. A meeting point between origin and transit countries with the aim to hold permanent meetings of information exchange with the NGOs and police institutions participation.

Objective: This forum of exchange and cooperation between countries of origin and destination would be useful for knowing the situation of THBSE in every country, the legal and operative existing measures, for sharing relevant information for fighting this phenomenon and as well, to improve the preventive and repressive existing measures.

Actions:
- To create a permanent forum where NGOs representatives, police and relevant institutions of origin and destination countries would be implicated.
- To incorporate diplomatic bodies and embassies in the fight against trafficking to be implicated, especially from the states that do not do it.
- To give the tools and financial help to the diplomatic representations that can’t participate due to lack of means.
- To prevent the possibility that one of the function of this forum would be the exchange of good practices in prevention and assistance to victims
- To aware police bodies about the need to stop the phenomena in origin and to work towards prevention.

2.1.2 Prevention measures focusing THB criminal organizations or individuals collaborating with organized crime

1. Information campaigns targeting criminal actors about the seriousness of their acts and its legal consequences.

Objective: To aware the authors of these crimes that the activity they perform constitutes an offence in the countries of origin and that it is punished like every other
serious illegal act. By authors we understand not only those who directly participate but collaborators who promote are needed to develop the phenomena”.

**Actions:**

- To advert in the media about the seriousness of THB phenomena, the consequences of the offence and the reality of the arrested for this reason.
- To promote the sensitisation about the seriousness of this problem and to raise consciousness about the seriousness of the offence, the consequences in the victim’s life and give the actors the image that in countries of destination is determined to prosecute this crime.
- To transmit the potential authors data about penal sanctions can be applied in these cases, about the people arrested for this reason, the consequences of the involvemement in the activity, and in definitely, to destroy the impunity feeling the offenders of these crimes can perceive.

2. **Specific measures in diplomatic services and bilateral agreements with Spain.**

**Aim:** To get a fluent communication between police authorities in origin and destination countries. The interior attaché and the diplomatic services are essential for obtaining real and current information on the trafficking situation in the country of destination, but as well it is of great relevance in relation to the country of origin.

**Actions:**

- To provide the interior attaché with means to carry out this preventive role from origin in our country.
- Supporting services to THB victims must be integrated in consulates. Consulates should provide a supporting service for trafficking victims in their language, having been trained in specific psychological support and informed about the existing resources for protecting victims.
- To promote the signature of bilateral agreements to make more flexible the repatriation procedures and to promote the information exchange on THB.

4. The creation of a **national reporteur about trafficking**: To create an independent centre or observatory on THB. This figure exists in some other countries, like The Netherlands, and apart from being the agency for data collection about trafficking on a national level, it would be the only speaker at European level, able to offer comparable data with other state members as well.

**Aime:** The reporteur would have two duties: a) to collect updated data about THB, its characteristics, tendencies in the problem, its development, etc. This information is essential for designing programmes and prevention campaigns orientated to places and specific geographical points, most vulnerable victims, to avoid re victimisation, new exploitation places, etc. Also, it would be the only speaker at European level about trafficking with the advantage of offering comparable data between member states.

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2 The problem with THB is that perception in countries of origin is confused. This activity is perceived in those countries as a humanitarian activity because they provide opportunities in countries of destination.
Nowadays, data on THB is collected by different institutions, applying different methodology, with the impossibility of obtaining global quantitative and qualitative data.

B) Also it would have the duty of supervising and monitoring THB prevention in our country as well as victim’s assistance.

**Actions:**

- To create a database on THB with a solely academic aim and dedicated to scientific research on this subject.
- To create a common data collection sheet to collect data.
- To establish the obligation of informing the reporter every three months by the police and the NGOs about the cases they receive and their characteristics based on a common data collection sheet.
- To create databases for elaborating proposals about needy measures to fight against trafficking in Spain and prevent its development.
- To provide the reporter with supervision and monitoring duties on imposed measures by government on THB.
- To award with the national and international speaker status on the subject, with an independent character of recognised experience in the subject.

5. **Funding programmes for strengthening networks** between Spanish and countries of origin NGOs dedicated to the protection and assistance of trafficking victims.

**Objective:** The promotion of existing networks and links between assistance and protection programmes in our country and in the countries of origin.

**Actions:**

- To create funding programmes promoting the coordination between origin and destination countries NGOs, with the aim to assist the return and avoid the re-victimisation of victims.
- To promote bilateral agreements with countries of origin to favour the assisted return of victims.
- To create funding programmes for Spanish NGOs promoting network work to be able to embrace the whole national territory.

2.2 **Measures to improve prevention of THBSE strengthening cooperation between NGOs, police and Judiciary at the Exploitation phase**

2.2.1 **Control measures**

1. To improve identification and assistance of victims in strategic places.

**Aim:** To offer a specialized attention service at the most important police stations (borders included), to identify THB situations and divert the victims to specialized services for their assistance and protection.

**Actions:**

- To sign a protocol to give the status of victim of THB to people identified as victims. If this is not possible, a residence permit for social reasons could be an alternative (see point 4). Application of this protocol would grant the victim with
the victim of THB status and she would have the right to have specialized assistance, protection, restoration, etc.
- This service should be in permanent communication with NGOs dedicated to THB.
- Victims detected at airports should have the right to have assisted return to their countries. NGOs must be in charge of contacts with the country of origin for being able to give assistance to return to their own countries.

2.2.2. Measures improving report and victim identification

1. **To promote proactive police strategies** to improve report from the victims

*Aim:* Civil Guard has been implementing since 1999 regular inspections in their territorial clubs. These inspections were the consequence of application of an internal directive from General direction of the Civil Guard (3/2000). These practices are also performed since 1986 by the provincial immigration brigades of the national police in the urban areas. It would be desirable that these practices could promote report from victims. As a result of these practices, the reports increased in the following years. But, in the last months, inspections have been gaped and its immediate effect has been a decrease in the reports by victims.

*Actions:*

- To promote periodical inspections in clubs for verifying administrative regulations to take advantage and inform the women about the existing resources if they are victims of THB.
- To use the compulsory registration in hotels with the aim to prevent and identify irregular situations.
- To promote civil society implication in these preventive strategies to increase reports.

2. **Training professionals** who are directly involved in this subject

*Objective:* To train professionals in specific problem of THB to give a more suitable service according to the reality of the phenomena and the victims needs.

*Actions:*

- To train judges and attorneys. In many cases and because of the psychological characteristics of a trafficking victim, professionals misinterpret victim’s behaviours without considering that these attitudes are typical in the situation these victims are living. Psychological consequences are sometimes understood as a lack of motivation from the victim at the time of reporting, lack of consistence in the declaration, etc.
- Specific training to police is needed for better recognizing situations of trafficking and to know how to re conduct those situations.
- Specific training for public defenders or specialised in immigration and refuge.
- Training for first line institutions, this means, institutions that are looked for in the first place for help (social services, hospitals, etc)
- Support and information for victims of trafficking in courts, in the case of not being accompanied or assisted by an NGO.

3. To grant the victim status independently whether the victim reports or not. Victim’s protection should not be tied up to the report. It should exists an accredited authority that recognises the victim as such without needing a compulsory report by her, as it has happened in other surrounding countries (e.g. Italy), where the protection of the victim is accepted for humanitarian reasons.

Italian case can be cited as a good practice victims protection. Article 18 of RD 2896/1998 establishes two ways for obtaining the residence permit. The first one is the judicial one, similar to our article 59 of immigration law, and the second one a social procedure, in which by Questura, the residential permission by social reasons is awarded (probing the existence of a serious violence and exploitation situation and a specific risk for the physical integration). In this case, the Questura is the one that awards this type of residential permission or social work by a period of a year. Questura has also signed protocols with NGOs like On the road for applying article 18, with the aim of speeding up permissions and requirements justifications to award them.

2.2.3. Promotion of client responsibility and awareness

1. Campaigns decreasing prostitution prestige and promoting consumers’ responsibility.

Aim: To avoid the identification of prostitution with a leisure and entertainment activity without any responsibility over its consumption.

Actions:
- Press, internet, clubs, mailing, etc campaigns about the problem of promoting the responsibility of clients in reporting the exploitation, if they are aware of any case.

B. ASSISTANCE AND PROTECTION


1.1. Legal framework

The article 59 of Law 8/2000 offers the possibility to victims of THBSE of having a residence permit if they collaborate with police and judiciary, giving essential information for the criminal investigation. From 2000 to 2005, 598 residence permits have been given to victims of THB. This is a general protection provided by the law but in practice, the implementation of this article is very difficult and the authorisation of these permits is subjected to many conditions that makes implementation extremely difficult.

The main obstacles in terms of implementation are the following:
Protection is subjected to victims report to the police. Sometimes, report is not evident; they are threatened by the criminal organization in our country and in the country of origin.

- Authors of crime committed must be members of a criminal group. As we have seen during last years, authors are less permanent members of a group and they go individually and contact with the criminal network. It is not so easy to find evidences of a criminal organization.

- The information given by the victim must be useful for judicial investigation and for the identification of authors.

- Police oblige victims to quit prostitution and change their main activity. This is not simple if we do not provide alternatives to victims.

- The residence permit is authorized by the State Secretary of Security and there is no limit of time or date, it is sometimes very long to have the permit and the victims are not protected during this period.

Protection given by Spanish law is thought as an exchange for their collaboration with judicial authorities but not as a protection itself.

Regarding social protection, during the last years some social services have integrated victims of THBSE in their responsibilities. Nevertheless there is no National plan against THB with a clear strategy in this case and no minimal standards required all over the national territory. Protection depends whether victim is located and the existing resources and means oriented to this specific problem.

1.2. Information given to the victims

There are not specific programs to inform the victims. Police forces have the duty during the investigation to inform the victims about their rights as victims or witness and the protection given by art. 59 previously mentioned.

Some NGOs give this information service in case of knowing the situation of a victim but sometimes victims are not diverted to specialized services that know legislation and rights according to this problem.

1.3. Reflection period

There is no reflection period provided to the victim by law. Now, if a victim of THB does not report the case to the police, an expulsion procedure begins to return the victim to the country of origin.

1.4. Short time programs

In addition, residence permit is provided for one year and the victim is obliged to find a job in this period in order to have a labour permit. Victims are obliged to pay social security for 6 months to be able to renew permit of residence and work. This is not so easy without assistance and protection, victims cannot quit prostitution and find an job offer themselves without any assistance and help.
The government offers medical and legal assistance to victims in court. Nevertheless, this is not enough and NGOs have to be in charge of giving social assistance, shelter and social insertion to victims that have been reported their situation. Those NGOs receive funds from the Ministry of work and social affairs and Women Institute but they are privately managed. Different NGOs are working with victims, some of them are focused on this problem and some of them are focused on prostitution. Nevertheless, it is difficult to know how many institutions work with victims of THBSE all over the national territory. Now, there is a network of THB that has been created that tries to collect information about all institutions and organization working in the field and analysing all services offered by them.

1.5 Data on victims assisted and protected by institutions

It is impossible to know how many victims of THBSE are assisted and protected in Spain. There are many NGOs working in this field without sharing databases and without centralizing information coming from them.

1.6 Main obstacles encountered by the institutions providing protection and assistance to victims of THBSE

Summarising, those are the main problems regarding protection and assistance:

| - Protection and assistance in Spain is provided under many conditions mainly: the report to the police. Victims that do not report their situation to the police are not protected and need to work under illegal conditions or in the prostitution market. |
| - Victim identification is very difficult when victims do not recognize themselves as victims. |
| - Institutions were victims could apply or have contact are not aware of THBSE problem or characteristics |
| - Language is a big obstacle for the victims in any institution. |
| - No coordination is created between public and private institutions. |

Once we know assistance and protection programs existing in Spain for THBSE we will present the results of focus group conducted to improve and promote better coordination strategies in order to improve assistance and protection of victims of THBSE.

The following measures proposed pretend to be some new strategies of assistance and protection of the victims of trafficking for sexual exploitation, improving the coordination between judicial, police and private institutions, and NGOs. These measures are the result of the meeting held between different professionals that belong to police and judicial institutions and NGOs and experts in this subject, where new ways of improving the current protection and assistance programs for THBS.

We want to thank to all participants in the meeting to help us to arrive to a good recommendations about future strategies to improve protection and assistance:

| Cristina Rechea Alberola | Criminology Research Centre- Universidad Castilla-la Mancha |
2. New protection and assistance strategies strengthening protection and assistance

2.1. Detection and identification of victims

1. Monitoring prostitution market to prove identification of THBSE cases

**Aim:** To improve monitoring strategies related to prostitution market.

**Actions:**

- To improve monitoring of places where prostitution is taking place. Preventive actions form police and NGOs must be stressed in order to improve control over this market.

2. To improve victim identification in strategic places.

**Aim:** To improve identification of victims as a way of beating the lack of voluntary reports by the trafficking victims, subjugated to continuous threats and coercion by the organizations that bring them to countries of destination. Improving detection between professional that are not aware of the problem is also very important.

**Actions:**

- To perform tasks of sensitisation and specialized trainings on trafficking and the problem of victim for being able to better identify potential cases of THB victims. This training and sensitisation must be especially directed to assistance staff in the following places:
  - Consulates and Embassies. In this sense, the social aggregated in Consulates is a key piece for being able to detect vulnerable situations and derive them to specialized centres.
  - Medical centres, especially emergency ones, for helping to detect trafficking and exploitation situations.
Police stations in national police bodies and Civil Guard official dependencies where THB victims go. These police dependencies and its stuff must assist to specialized trainings on attention to these victims and be informed about the existing recourses for this type of victims. A good practice: EDATIs of the Civil Guard (immigrants attention teams): personnel that get near the vulnerable collectives (in this case immigration stocks) not with a repressive aim (not for checking the illegal situation), but to facilitate information and get interested in people and communities’ problems. Of course, a review of the law about immigration is needed for not going against the detected people in an irregular situation.

Interior attachés in the countries of origin. They are as well a key piece for detecting at risk victims or potential situations of THB victims.

Prostitution consumers. The sensitisation and information of this collective is important for detecting victims under exploitation. Indicators for knowing the victims exploitation must be publicized in places frequented by possible clients: clubs, pubs, lavatories, etc., by direct publicity. Nowadays, consumers who actively collaborate for freeing the victims off their exploitation are the ones who establish a close or permanent relationship with the victims.

Refugee offices, where many victims go and apply for asylum as a way of legalizing their situation in Spain.

Immigrant’s communities. We must implicate the immigrant’s community in the trafficking cases early detection, from the use of support networks from the immigrant’s collectives. The diffusion of the information among the collective would mean an important advance for early detection.

Neighbours Societies. The existence of flats in which prostitution is exercised is usually a centre of conflict in neighbour communities.

To work with women collectives in voluntary prostitution situation, They can identify and inform about colleagues who are exploited.

3. To elaborate proceeding protocols with NGOs or specialized services.

Aim: To standardize coordination strategies and practices for different agencies involved (police, NGOs, emergency systems, etc) to improve the trafficking cases detection, and divert them to the appropriate resources that would be in charge of the assistance and protection of the victims.

Actions:

- To elaborate protocols for early attention services, police and NGOs that must include instructions about:
  
  - Indicators for detection of cases
  - What actions should be taken and what to do depending on the situations
  - Resources to divert victims with specific problems
  - Emergency resources

4. To promote protection measures in countries of origin to provide protection to families in danger and to improve detection of new THB cases
**Aim:** Protection of victims must include family protection in origin country. This protection and contact with families in countries of origin will also improve detection of exploitation cases.

**Actions:**

- To promote coordination and relationship with NGOs from countries of origin in charge of assistance and prevention in those countries. Many victims expose their exploitation situation to the relatives who are in the countries of origin, sometimes because of confidence and sometimes because of fear of suffering reprisals by organizations. Those NGOs are a key piece for being able to detect situations and offer support and protection to the victim and her relatives.
- To create networks in countries of origin between NGOs and police for detecting and reacting in front of cases of exploitation in countries of destination.

5. **To improve monitoring over prostitution clubs** to displace consumer to free of exploitation places

**Aim:** To displace prostitution from exploitation places to clubs or places where prostitution it is freely exercised.

**Actions:**

- To elaborate a list of indicators to detect clubs where exploitation is taking place.
- To advertise this type of indicators to impede potential consumers to go those places where there might be any kind of exploitation.

**2.2. Information to be provided to THBSE victims**

**Aim:** To diffuse information about the victim’s situation and about the protection and assistance that victims may have in our country. The majority of THB victims do not recognize themselves as a victim of THB and do not know protection is awarded to them by our legislation.

**Actions:**

- To elaborate information and publicity for prostitution community (societies, etc). Information to be diffused must include: indicators that of THB victims, applicable legislation to these cases, emergency resources and protection systems existing in different provinces.
- To create an emergency telephone line connected with assistance and emergency protection services. Or alternatively to train and sensitize the existing information telephone operators.
- To advertise the telephone line and the information in places were there might be THB victims, papers adverts sections, internet, etc. included.
- Specific training for personnel who attends the telephone line for detecting trafficking situations and for knowing how to help in dangerous situations

**2.3. Emergency fostering and accommodation**
Aim: To provide protection and emergency assistance in the whole national territory. All victims of trafficking suffer threats and coercion by the organizations that have trafficked them and need an extreme protection especially when the authors are reported.

Actions:

- To provide financial stability to NGOs providing these services in order to get to all points in Spain in the same conditions. Public funding allowance.
- To promote the creation of networks between NGOs that offer protection and assistance to victims for the emergency fostering to be offered far from the province where the detection has been done or where the victim has reported. Fostering in the same province means an extreme risk for the victims.
- To carry out an information diffusion task about the existing fostering centres and the protection resources in the points where trafficking victims can go: police, social services, hospitals, etc.
- To provide training to the police, social services, and hospital, etc staff.
- To sign protocols for these victims to be diverted to specialized services where the fostering and protection of these victims can be provided.

2.4. Provision of legal documents

Italian legislation offers a good practice that we recommend to be replicated in our country. Now we describe the Italian legislation on the subject.

Article 18 of the 286/1998 decree (immigration law) establishes the possibility of granting a temporal residential visa for humanitarian reasons to foreigners who need protection and assistance. This visa applies to all foreign citizens that suffer from a serious abuse and exploitation situation, where their security is under serious risk because of the attempts to escape from a criminal organization as a result of a judicial process against traffickers. Those victims have access to social services and training resources and to inclusion in the work state department, having the possibility of a job.

This visa is not granted under any condition and collaboration by the victim with judicial authorities is not asked. There are two foreseeable ways for obtaining the legal documentation:

- A judicial pathway which implies that the victim has to cooperate with police and the public prosecutor office exercising the judicial action against the authors.

- A social pathway in which the victim is not obliged to exercise any judicial action against the trafficker but it is expected to offer information to the police through social services or NGOs.

This temporarily permission can be turned into a student or work visa having the foreign victim the possibility of living in Italy according to the applicable legislation on non European foreigners.
People that get embraced by article 18 must as well participate in a social and integration programme called ARTICLE 18 PROGRAMME.

2.5. Short term assistance

Aim: To provide specialized, homogeneous and basic assistance in the whole national territory. Victim's assistance is actually very heterogeneous, not specialized for THB problem, and it does not cover the whole national territory.

Actions:

- To give economical help to NGOs that are assisting victims of trafficking, with the aim of being able to offer specialized, homogenous and minimum services.
- Specialized Services concerned with THBSE problem are needed
- Short term services, needed for an early assistance, must include the following activities: training on the Spanish language, and health, legal and psychological assistance adapted to their problem.
- Creation of a national network under the control of an observatory, national reporteur or equivalent that assures a minimum, homogeneous and quality assistance.
- Coordination between different institutions that offer services to the victims of trafficking is needed. It is necessary to create periodical coordination boards between NGOs, judiciary and police authorities to improve victim assistance.
- Special assistance for underage THB victims, nowadays they are treated in centres for minors without knowing the problem behind and treating them as deviant minors working in prostitution.

2.6. Provision of work and resident permits

Article 59 must be reformed to adapt it to the Italian system previously described.

Currently, for awarding the foreseeable protection to trafficking victims in article 59 of the immigration law it is being demanding the following conditions:

- The trafficking victims have to report, to provide with essential data about the authors and their characteristics and to collaborate with judges and police all over the investigation and judicial process.
- To have been trafficked by an organized network on by illegal immigration organized groups.
- To leave prostitution.

This criteria must be modified and adapted to the Italian practice, without requiring any police report. Protection should be provided in case of danger and risk conditioned only to the compromise of being assisted by an NGO.

2.7. Victim/Witness protection

Aim: To ensure effective protection to victims of THBSE when they report to police authorities their situation.
Actions:
- To develop the Organic law 19/1994 on witness and expert’s protection in criminal actions through the regulation development.
- More resources are needed in courts for applying the victim’s protection measures in a systematic way.
- Sensitisation and training for judges, lawyers, public prosecutors, etc. in front of this problem as, currently, the adoption of specific measures for protecting victims depends just on the sensitivity of the professionals towards these problems.
- To provide with systematic information to victims in a simple and understandable way: the offering of actions, the right to declare, the right of being a protected witness, etc., they are a needed information for the victim that the judicial personnel should offer in a regular way, making sure the victim has understood the information.
- Provision of translators and interpreters is essential in this type of process. Victims who don’t speak the language should have assistance in their own language, from the moment of the declaration to the police and during the judicial process.
- Protected witness status should be granted from the very beginning, with the measures established by the law being gradually applied, when “serious danger” occurs, even though the judge could ratify it.

2.8 Trial assistance

Objective: To decrease the secondary victimization that victims suffer with their pass through the justice system.

Actions:
- To include THBSE victims in the General system of crime victim assistance services (oficinas de asistencia a las victimas de delito).
- To ensure the translation for victims who do not speak our language.
- To train judges and public prosecutors in the specific problem of THB victims.

2.9 Voluntary assisted return and economic compensation

Objective: The return of the victim to its country must include assistance when arriving to the country of origin for avoiding and decreasing re victimisation.

Actions:
- Specific financial provision for trafficking victim’s return.
- To fund reception programmes in places where they do not exist. Romania has reception programmes funded by European countries, but the majority of countries of origin are lack of them.
- Diffusion and publicity of the voluntary return orientated to possible trafficked victims for avoiding that such victims use other ways that do not guaranty the assistance and protection needed.
- Coordination with reception countries must be strengthen to improve reintegration in their countries and their family’s security.
- Provision of compensation and restoration programmes for the damage suffered in the destination country. Such compensation or restoration should be guaranteed from the goods confiscated to the authors and members of the organized crime organizations.
- Public prosecutors must request in a systematic way compensation for moral damages, apart from physical.
- Application of law 35/1995 of help and assistance of victims of violent crimes and against sexual freedom must include THB victims.

2.10 **Victims work and social integration**

*Aim:* To facilitate the conditions for the victims to find a different job other than prostitution as part of their recovery and social integration in the country of destination.

*Actions:*

- The residence permit that is granted by exceptional circumstances does not allow them to work, a job offer is needed and it is difficult to obtain. Work integration should be favoured giving them immediate work permits in order to find legal works
- These women’s work possibilities should come with the residence permit.
- Support and work reintegration services should be created in order to promote social integration. Article 59 establishes that “there will be facilities given for work integration” but reality is that there are few programmes or services that promote the work reintegration of THB victims.
- Informational programmes about the jobs market, language courses, to learn where to look for a job, knowledge acquisition and basic skills, etc. are in need for work reintegration.

2.11 **Data collection about victims**

*Objective:* To have a better overview of the victims situation in our country, their characteristics and needs.

*Actions:*

- To carry out data collection tasks about victims in a national level in a way that a national reporteur or observer could monitor the victim’s situation in our country and their development.
Part III- Cooperation between police, NGOs and Judiciary to improve prevention and assistance of victims of THBSE: Best practices.

Existing best practices on prevention

- Labour inspections conducted in collaboration with labour unions
- Exchange of information between law enforcement units between origin and destination countries
- Preventive inspections conducted by the Guardia Civil since 2000 where they inform victims of rights and protection could be applied
- Joint investigation units between origin and destination countries

Recommendation of best practices on prevention

- Awareness raising campaigns in countries of origin
- Free-assisting telephone line to inform potential victims
- Dissemination of preventive leaflets in strategic places
- Exchange of information between countries of origin and destination
- Information campaigns targeting criminal actors or individual collaborating with criminal organizations
- Bilateral agreements with countries of origin
- Specific measures in diplomatic services and bilateral agreements with Spain.
- The creation of a national reporteur about trafficking on human beings.
- Funding programmes strengthening networks between NGOs from countries of origin
- To improve identification and assistance of victims in strategic places.
- To promote proactive police strategies for improving reports and information to the victims about the rights assisting them in the Spanish territory.
- Training to professionals who are directly involved in this subject, in all the provinces.
- To grant the victim status without any reference to the police report
- Campaigns to increase consumers’ responsibility.

Existing best practices on assistance and protection of THB victims

- Art. 59 of Immigration Law could be a good practice because it gives a protection and assistance to victims of trafficking but its enforcement and application in practices poses a lot of problems. No coordination between law enforcement and assistance services poses a lot of obstacles for implementation and good protection performance.
- Witness protection is lack of effective applications and standardised practices to assure the same protection and assistance to all victims.
Recommendation of best practices on assistance and protection of THB victims

- Improve Victims detection and identification by monitoring prostitution market and victim identification in hot places such as: embassies, police stations, hospitals, consumers or clients, refugee offices, immigrant community, neighbourhoods, etc.
- Develop proceeding protocols between NGOs and referral services to provide protection and assistance to a wide range of potential victim.
- To promote protection measures in countries of origin
- Improve and develop new strategies to give Information to THB victims such as a free telephone line.
- Provide Shelter and accommodation all over the territory with homogeneous services, networked communication and service and protocols with police and social service would be needed.
- Short term assistance should be also homogeneous all over the territory and monitoring and coordination between NGOs, judiciary and police must be guaranteed by a coordination body.
- Work and residence permits must be provided without conditions, Italian case could be a best practice to be followed.
- Witness protection is not completely guaranteed in those cases, resources, standardized measures and training should be provided to judicial institutions to assure a more comprehensive and closer protection.
- To reduce secondary victimization by means of trial assistance to THBSE victims: translation services and general protection should be provided to any case of victim.
- Return of victims to their country of origin should be assisted by THB programs held in the country of origin and compensated by an economic hep.
- To improve conditions to promote social and work integration of THBSE victims. Rehabilitation should promote alternatives to prostitution.