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Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Foreword

On 11-14 February 2025 I conducted a country visit to Spain to hold consultations with high-level government officials, law-enforcement, and the judiciary as well as representatives of civil society. I am grateful for the constructive, candid discussions with numerous interlocutors and the comprehensive information they provided to inform the analysis in this report.

The objectives of the visit were to identify promising practices for combating trafficking in human beings (THB), as well as to promote the full implementation of OSCE commitments in the field of anti-trafficking, notably holistic and comprehensive actions aiming to better prevent and respond to human trafficking and to protect and support victims.

The Report from the visit was finalized and presented to Spain on 30 July 2025. The Government submitted its final comments on 1 December 2025, which are attached to the report as an Annex.

Spain has advanced its efforts to detect and investigate human trafficking, including online, with the help of specialized units in the Policía Nacional and the Guardia Civil, a network of specialized prosecutors, and, as of recently, judge specialization. The active role of the National Anti-Trafficking Rapporteur in data collection and analysis, and in the coordination efforts of Spain's anti-trafficking activities, are positive practices. Nonetheless, the report contains a list of recommendations to further strengthen anti-trafficking efforts in Spain, such as updating the National Anti-Trafficking Action Plan (NAP) in an inclusive process with integration of survivors' expertise; adopting a comprehensive anti-trafficking law in line with Spain's international commitments; and implementing a formal National Referral Mechanism (NRM) that follows the "social path" approach, hoping its implementation would lead to more effective victim identification beyond law enforcement and comprehensive assistance for all victims not linked to their cooperation with criminal justice processes.

By encouraging relevant authorities to implement the comprehensive set of recommendations made in this report, I look forward to deepening our established collaboration and to furthering our future co-operation in the best interests of the most vulnerable and disadvantaged members of society.

A handwritten signature in blue ink that reads 'Kari Johnstone'. The signature is fluid and cursive, with 'Kari' on the top line and 'Johnstone' on the line below it.

Dr. Kari Johnstone

OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

**Report by the OSCE Special Representative and Co-ordinator for Combating
Trafficking in Human Beings, Dr. Kari Johnstone,
following the country visit to Spain
11 – 14 February 2025¹**

Summary:

The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings Kari Johnstone and her team conducted an official visit to Spain from 11 to 14 February 2025 to assess the country's anti-trafficking laws, policies, and practices. During the visit, special attention was paid to national efforts to protect the rights of and provide assistance to trafficking victims, coordinate anti-trafficking measures, prevent human trafficking, and prosecute perpetrators in line with OSCE commitments and relevant international standards.

The Special Representative commends the efforts of Spanish law enforcement to detect and investigate human trafficking, including online, with the help of specialized units in the Policía Nacional and the Guardia Civil², a network of specialized prosecutors, and, as of recently, judge specialization. Spain's proactive cooperation with other countries, especially across Europe and Latin America, as well as the active role of the National Anti-Trafficking Rapporteur in data collection and analysis, and the coordination efforts of Spain's anti-trafficking activities are positive practices. She also welcomes the creation of specialized tribunals for all crimes against children and the ongoing regional implementation of the Barnahus model for child victims of sexual violence, highlighting the importance of child-friendly justice including for trafficking victims.

At the same time, the OSCE Special Representative encourages authorities to develop a new National Anti-Trafficking Action Plan (NAP) in an inclusive process with integration of survivors' expertise, as well as to adopt a comprehensive anti-trafficking law in line with Spain's international commitments. The recently introduced option of "accreditation" of trafficking victims, done by service-providing NGOs and confirmed by local authorities, is a positive practice to be further implemented as an interim measure. In addition, the Special Representative would welcome the introduction of a formal National Referral Mechanism (NRM) that follows the "social path" approach, hoping its implementation would lead to more effective victim identification beyond law enforcement and comprehensive assistance for all victims not linked to their cooperation with criminal justice processes. She and the OSCE stand ready to provide assistance with a legal review of the draft legislation, as well as assistance in drafting and implementing a new NAP and NRM, and in creating mechanisms for ethical and meaningful inclusion of lived experience experts in anti-trafficking response.

¹ The report was finalized on 5 December 2025

² Upon request of the host country "Policía Nacional" (National Police) and "Guardia Civil" (Civil Guard) are used as the original titles in Spanish

While applauding Spain's focus on combating trafficking for sexual exploitation, Dr. Johnstone urges authorities to enhance measures against all forms of trafficking, including for labour exploitation and forced criminality, through proactively identifying and assisting victims and investigating and prosecuting cases.

The Special Representative welcomes Spain's priority on tackling child trafficking for sexual exploitation through recent adoption of laws, such as Organic Law 8/2021 on the comprehensive protection of children and adolescents against violence and Organic Law 10/2022 on the comprehensive guarantee of sexual freedom. However, noting very low identification of child victims in contrast with regional and global trends, she urges increased attention to child trafficking risks and proactive identification of minor victims across all forms of trafficking and all autonomous communities, including online child sexual exploitation and forced criminality, with special focus on children in all forms of institutional care and unaccompanied boys and girls.

The Special Representative recognizes the challenges posed by the mass arrivals of migrants to the coast of Spain, while at the same time urging Spanish authorities to continue proactively screening migrants and asylum seekers for trafficking indicators and increase identification of trafficking victims among such vulnerable groups as Spain fulfills its international legal obligations to identify trafficking victims and ensure protection for any potential victims among this highly vulnerable population. While the number of migrants in mixed migration flows arriving in Spain has doubled from 2022 to 2024 to nearly 65,000, frontline responders identified 1,000 potential trafficking victims among migrants arriving by sea and air, and up to 163 respondents to a UNHCR 2023 assessment of refugees arriving in Spain reported experiencing THB. Yet authorities have not formally identified a single trafficking victim among this highly vulnerable population in recent years.

The Special Representative lauds the explicit inclusion in Spanish legislation of the non-punishment principle for crimes committed as a direct result of being trafficked. She urges robust measures to increase its implementation in practice at all stages of the criminal justice process, notably through proactive identification and protection of victims and guidance for all officials in the criminal justice process. The OSCE stands ready to provide assistance on the application of this principle in line with its publication³.

Below, the Special Representative makes several concrete recommendations to enhance Spain's response, including passage of a comprehensive anti-trafficking law that defines and includes all forms of trafficking; the development and adoption of a new National Anti-Trafficking Action Plan (NAP); introduction of a formal NRM; improving identification of victims of all forms of trafficking, including for forced criminality and online, children, and among migrants and asylum seekers; increased capacity-building for law enforcement and judges on the application of the non-punishment principle; boosting proactive investigation and prosecution of all forms of trafficking; and increasing efforts to tackle the demand that fosters all forms of trafficking, with particular focus on legislative efforts related to discouraging demand for sexual exploitation and supply chain transparency.

Noting the regular assessment visits by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) with the latest report on Spain issued on

³ [Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking](#)

12 June 2023, the Special Representative focused on newer developments and complementary areas beyond the scope of the latest GRETA evaluation round.

I. Introduction

1. This Report presents the central findings and recommendations of OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Kari Johnstone, (hereinafter referred to as the Special Representative) following her country visit to Spain on 11 – 14 February 2025⁴.
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society to learn of promising practices as well as to support and advance ongoing efforts to prevent trafficking, assist trafficking victims and protect their rights, and bring perpetrators to justice in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Special Representative and her team engaged in direct consultations with government officials, including Spain’s National Anti-Trafficking Rapporteur; State Secretary for Foreign and Global Affairs; State Secretary for Equality and the Fight against Gender Violence; Attorney General and the trafficking prosecutors; as well as representatives from the Ministries of Interior; Foreign and European Affairs; Labour and Social Economy; Inclusion, Social Security and Migration; Presidency, Justice and Relations with the Parliament; Youth and Children; Education, Vocational Training and Sports; Science, Innovation and Universities; Intelligence Centre against Terrorism and Organised Crime (CITCO), Policía Nacional and Guardia Civil; General Council of the Judiciary; and the Public Defender/Ombudsman.

The Special Representative and team also held consultations with trafficking survivors; anti-trafficking NGOs, including ACCEM, Amar Dragoste, APRAMP, DIACONÍA, Federación Mujeres Progresistas, FIET GRATIA, Asociación Nueva Vida, Fundación Amaranta, Fundación APIP ACAM, Fundación Cruz Blanca, Médicos del Mundo, Oblatas, and Proyecto Esperanza; and representatives of international organizations such as UNICEF, IOM, and UNHCR.

4. The Special Representative wishes to thank the Spanish authorities, and in particular, colleagues from the Focal Point of the National Anti-Trafficking Rapporteur/CITCO (Intelligence Center against Terrorism and Organized Crime) and Ms. Uxia Freire Cabrera from the Ministry of Foreign Affairs for the co-operation and assistance in organizing and facilitating the visit. She also wishes to thank all interlocutors in Spain for their willingness to share their knowledge and insights, including by providing numerous informative documents that supported the desk research for this report.
5. Consultations during the visit focused on the situation of trafficking in human beings (THB) in the country and the ongoing policy, legislative, and operational responses to it. Discussions focused on co-ordination; monitoring and evaluation of anti-trafficking measures; the identification of, and provision of assistance to, victims of all forms of trafficking; the protection of victims’ rights, including of migrant workers and asylum seekers, and the application of the non-punishment principle; prosecutions and convictions

⁴ The Special Representative was accompanied by the Associate Country Visit Officer, Alexandra Donskova-Huber, and Assistant Project Officer, Valentina López-Yanes

of perpetrators, including in cross-border cooperation; efforts in the area of prevention and countering the demand that fosters sexual and labour exploitation; and co-operation with civil society and partnerships with public and private entities.

6. Over the course of the visit, the Special Representative noted with appreciation that government officials and civil society representatives demonstrated significant awareness and understanding of human trafficking as a serious crime and violation of fundamental rights and the need for adopting a victim-centered approach, awareness of emerging trafficking trends in the country, and motivation to fight trafficking and protect victims. She also commends Spain's consistent efforts to contribute to the advancement of the global anti-trafficking agenda through initiating and fostering cross-border collaboration and information exchange.
7. The Special Representative stressed the importance of ensuring the high political profile of the anti-trafficking agenda, maintaining the prevention of THB as a key government priority, and sustaining vigilance on exploitation for forced criminality. She notes that the passing and implementation of a dedicated anti-trafficking law would help consolidate the efforts of all actors and clarify roles and responsibilities.

II. Legal framework

8. The Special Representative commends Spain for being a party to major international instruments in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (“Palermo Protocol”), ratified in 2006, and the Council of Europe Convention on Action against Trafficking in Human Beings, ratified in 2009.

The country has also ratified a number of Conventions addressing trafficking and forced labour such as the International Labour Organization (ILO) Forced Labour Convention No.29 and its Protocol of 2014 ratified in 1932 and 2017, respectively; the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1967; the ILO Convention on Worst Forms of Child Labour No.182, ratified in 2001; the ILO Domestic Workers Convention No. 189 in 2023; and the UN Convention on the Elimination of All Forms of Discrimination against Women in 1984. Spain ratified the UN Convention on the Rights of the Child in 1990. The Optional Protocol on the involvement of children in armed conflict and on the Sale of Children, Child Prostitution and Child Pornography, were ratified in 2002 and in 2001, respectively.

The Special Representative recommends that Spain sign and ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which is of particular importance to enhance protection mechanisms in the context of mixed migration flows and of workers in seasonal labour.

9. As a participating State to the OSCE, Spain has also pledged to implement the commitments it has undertaken in the OSCE framework, in particular the recommendations contained in

the 2003 Action Plan to Combat Trafficking in Human Beings, as well as its 2005⁵ and 2013⁶ Addendums.

10. Domestically, human trafficking is defined in Section 1 of Article 177 bis of the Organic Law 10/1995 on the Penal Code with a sentence of 5 to 8 years and increased sentences if the crime is carried out against a minor, leads to severe bodily or mental harm or death, or is carried out by an organized group. The provision contains all the traditional elements of the crime according to the Palermo Protocol for the following purposes of exploitation:

- Imposing on the victim forced work or services, slavery or practices similar to slavery or servitude or begging;
- Sexual exploitation, including pornography;
- For criminal activities;
- For the purpose of organ removal;
- Forced marriage.

The Special Representative positively notes that the exploitative purposes in the trafficking statute cover key forms of trafficking, including for exploitation in criminal activities.

11. Consistent with international law, proof of means is not required when it comes to minors (Section 2 of Art. 177), and the consent of the victim is deemed irrelevant for all victims. Legal entities are punishable as well. The non-punishment provision is explicitly mentioned in the law; however, it is subject to a proportionality evaluation (graveness of the crime proportional to the degree of exploitation) and its practical application seems to vary considerably. The Special Representative commends Spain for the inclusion of the irrelevance of consent and of the non-punishment principle into the legislation and urges law enforcement and judiciary professionals to ensure its application at all stages of criminal justice processes.

12. Articles 187 and 188 of the Penal Code punish “forced prostitution” and sexual exploitation with the use of violence, intimidation or deceit, or abusing a situation of superiority or need, or the vulnerability of the victim” with a prison sentence of 2 to 5 years, with a graver punishment if the crime is committed against a minor or a person with disabilities requiring special protection (without a necessity to prove means).

13. The understanding of human trafficking by the Spanish legal system is such that it is deemed committed regardless of whether the intended exploitation occurred, but as soon as the specific acts of trafficking (recruitment, transportation, housing, and handing over of a victim) are completed. In discussion with law enforcement practitioners it became clear that if exploitation occurs without the act of movement or transportation, it will not be considered human trafficking. Hence, many instances of forced sexual exploitation online, if the victim has been recruited and exploited without being transported, do not fall under the definition and stricter punishments of trafficking. Exploitation is considered a separate crime with a more lenient punishment. Currently, while several laws and royal decrees have been passed

⁵ OSCE Permanent Council Decision No. 685 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special needs of Child Victim of Trafficking for Protection and Assistance](#), PC.DEC/685

⁶ No.1107 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later](#), PC. DEC/1107/Corr.11

or are being prepared on the issue of sexual exploitation and assistance of victims of such⁷, the absence in the Spanish Penal Code of a definition of forced labour or punishment for labour exploitation remains a key gap and presents obstacles to the prosecution of this form of exploitation and especially to the identification and protection of the victims⁸. Violations of labour law could be handled either as an administrative infraction, according to the Law on Social Infractions and Sanctions, approved by Legislative Royal Decree 5/2000, or a crime referring to cases of a particularly grave or egregious violation of labour laws, Art. 311.1 and 312.2 of the Penal Code. However, the absence of forced labour, as defined by the ILO Convention, specifically in the Penal Code and handling of labour exploitation as an administrative infraction hinders victim identification and provision of services and rights to which trafficking victims are entitled; furthermore, administrative penalties do not deter trafficking crimes effectively. The Special Representative considers that Spain's anti-trafficking response would benefit from a broader approach that explicitly includes trafficking for labour exploitation as human trafficking and aimed at tackling both the crimes preceding exploitation (with intent to exploit victims) and exploitation as such if any of the “means” occurs.

14. Many of the discussions during the visit, with both government counterparts and non-state actors, focused on the draft Organic Law against Human Trafficking and Exploitation. This broader initiative, led by the Ministry of Equality, aims to address various forms of human trafficking and exploitation, including sexual and labour exploitation. At the time of writing, the second preliminary draft was under governmental consideration and aimed to be a complementary, more comprehensive legal effort to tackle trafficking in a broader context, with a particular emphasis on human rights, victim support and compensation, and the application of the non-punishment principle. The Special Representative underscores the importance of dedicated comprehensive anti-trafficking legislation for States' effective anti-trafficking efforts and is ready to provide any assistance, including a legal review, to advance the process. She further notes the draft law would benefit from including clear definitions of all forms of trafficking and a “social path” approach⁹ to identification and assistance to trafficking victims to broaden the range of actors who can formally identify trafficking victims and lower the threshold for victim self-identification and formalized mechanisms for the engagement of NGOs and lived experience experts, e.g. following the ODIHR's Guidance on establishing and maintaining National Survivors of Trafficking Advisory Councils (NSTACs)¹⁰.
15. Spain's parliamentary bill to implement the EU's Corporate Sustainability Reporting Directive (CSRD) has now been published¹¹ and begun its legislative journey toward enactment. The Special Representative encourages Spain to develop legal requirements

⁷ E.g. existing Organic Law 4/2000, Law 4/2015, and Organic Law 8/2021. The Proposición de Ley Orgánica contra la trata de mujeres, niñas y niños, especialmente con fines de explotación sexual (122/000069) was presented on March 8, 2024 in the Congress of Deputies. This proposed law aims to specifically address trafficking in women, girls, and boys, particularly for sexual exploitation. It seeks to strengthen protections and provide a more focused legal tool to combat trafficking, complementing the existing provisions of the Penal Code. The proposed legislation outlines stricter penalties, enhanced victim support mechanisms, and increased coordination among law enforcement agencies. Despite its potential to significantly bolster Spain's anti-trafficking measures, this law remains in the proposal stage and has yet to be passed by parliament.

⁸ [Plan acción TF ingl.pdf](#)

⁹ [Putting victims first: The ‘social path’ to identification and assistance](#)

¹⁰ [Guidance on establishing and maintaining National Survivors of Trafficking Advisory Councils](#)

¹¹ 121/000038 Proyecto de Ley de información empresarial sobre sostenibilidad, mediante la que se modifican el Código de Comercio, la Ley de Sociedades de Capital y la Ley de Auditoría de Cuentas

integrating the EU due diligence directive for private companies and to make them applicable to companies of smaller size. The national legislation should include a strong mandate for the upcoming national competent authority overseeing the implementation of the Directive and the EU Ban on Products Made with Forced Labour and strengthen access to remedy for workers exploited in corporate conduct and in supply chains.

16. Victim identification, referral, recovery, and reflection period are regulated by the 2011 Framework Protocol for the Protection of Victims of Trafficking¹², and will be covered in more detail in Section III. Some of the further relevant recent legislative acts are:

- a. the Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence, which increased the protection and assistance to child victims of violence, including victims of human trafficking;
- b. the Royal Law-Decree 6/2022 on urgent measures for dealing with the economic and social consequences of the war in Ukraine;
- c. the agreement of the Sectoral Conference on Equality from May 27 2022 regarding the administrative accreditation of the status of victim of human trafficking and/or sexual exploitation¹³.
- d. The Law 10/2022 on the Comprehensive Protection of Sexual Freedom (LOGISIL), offering further protection to the victims of sexual exploitation and trafficking for sexual exploitation as victims of gender-based violence.

17. Overall, the Special Representative commends Spain for its robust legislative framework to prevent and combat human trafficking and related crimes. Nevertheless, she encourages further refinement of the legal framework and its practical implementation through adoption of a comprehensive dedicated anti-trafficking law, with attention to and definitions of all forms of exploitation, adoption of the “social path” approach to identification and assistance to victims, and further guidance on the application of the non-punishment principle.

III. Policy and institutional framework

18. A key policy document for OSCE participating States is a national anti-trafficking action plan (NAP), which helps unite political will on the topic, lay out strategies and activities for combating trafficking, and identify responsible agencies and mobilize resources. Spain’s *National Strategic Plan against Human Trafficking and Exploitation 2021-2023*¹⁴ was the last valid NAP and included 62 actions across 16 action lines, grouped under five priority areas following the 4P approach – detection and prevention of trafficking; identification and protection of victims; prosecution of the crime; coordination and cooperation; and awareness raising. The adoption of a comprehensive anti-trafficking law was among the planned actions, which has not yet been realized. The NAP did not include concrete timelines for its implementation, indicators for evaluation of succession, or any specifically allocated budget, which all are important fundamental components of an effective NAP¹⁵. At the same time, some agencies, like the Ministry of Labour and Social Economy and the Ministry of Equality, have developed their implementation plans with budgets allocated – this is a great practice

¹² The Framework Protocol was signed by the Ministries of Justice, the Interior, Employment and Immigration, Health, Social Services and Equality, the Prosecution Service and the General Council of the Judiciary. English version available here: <https://violenciagenero.igualdad.gob.es/wp-content/uploads/ProtocoloTrataEN.pdf>

¹³ [Disposición 11630 del BOE](#) núm. 167 de 2022

¹⁴ [Plan Estratégico Nacional contra la Trata y la Explotación de Seres Humanos 2021-2023](#)

¹⁵ [CTHB_NAP-Report_EN_230623.indd](#)

and should be encouraged for all implementing agencies of the next NAP. The Plan also established the Permanent Working Group with the participation of representatives from constitutional bodies and relevant ministerial organizations, tasked *inter alia* with preparation of monitoring and evaluation reports under coordination of the CITCO in its capacity as the Focal Point of the National Rapporteur for Human Trafficking. At the time of the visit, the Special Representative was informed of plans to complete the evaluation of the previous NAP by summer 2025 and develop the next NAP by the end of 2025. She urges Spain to draft and finalize the new NAP without further delay in a consultative process with the participation of government agencies across all sectors and civil society, including lived experience experts. She and her Office are ready to provide support and analysis of the draft NAP.

19. Substantively, she recommends the new NAP ensure specific actions to address increasing online exploitation of children and adults; establishing partnerships with private entities such as technology companies to develop specific tools and strategies; capacity-building for law enforcement and criminal justice practitioners on technology-facilitated human trafficking; continuing research and awareness-raising on various forms of trafficking, such as exploitation for criminal activities; promoting partnerships with financial intelligence by including the Financial Investigation Units (SEPBLAC) and financial regulators in anti-trafficking co-ordination efforts as crucial NAP stakeholders with specific tasks assigned to follow, identify, and disclose illicit financial flows related to trafficking; ensuring victims' access to granted compensation by establishing alternative compensation schemes not solely reliant on the States' ability to trace and recover traffickers' assets.; and enhancing prevention efforts, including by addressing the interlinkages between business, due diligence, and human rights, as well as developing national regulations and practices to implement the EU Due Diligence Directive, curbing demand for sexual exploitation by legislative and policy measures and through education initiatives, programmes aimed at youth criminality prevention, and developing exit strategies for persons in commercial sex. The Special Representative further encourages Spain to include specific timelines and budgets for implementing agencies, monitoring and evaluation, and performance indicators for each of the actions in the new NAP.
20. Another important policy document is Spain's *National Action Plan against Forced Labour: Compulsory Labour Relations and Other Forms of Forced Labour* for 2021-2024¹⁶, which aimed to support legislative action towards criminalizing labour exploitation with research, and contained actions to prevent and prosecute labour trafficking and protect victims. The Special Representative was informed that throughout 2025 the previous NAP on forced labour would be evaluated and a new one drafted, to be valid as of 2026. Some of the successful outcomes of the NAP are increased cooperation between labour inspectorates and law enforcement, including joint operations, and the creation of a network of labour inspectors specialized in forced labour in each of Spain's provinces. Unfortunately, the legal changes foreseen in this NAP are still outstanding. The Special Representative welcomes the special attention of the Spanish government to tackle labour exploitation by developing a special NAP and stands ready to provide assistance with drafting of a new NAP against forced labour as needed, if not incorporated in a comprehensive NAP that would address all forms of trafficking, including for labour exploitation and criminal activity, as a good practice to increase coordination and comprehensive responses.

¹⁶ [https://www.boe.es/eli/es/res/2021/12/20/\(2\)](https://www.boe.es/eli/es/res/2021/12/20/(2))

21. Recognizing that children in institutional care are especially vulnerable to trafficking and exploitation, Spain has also introduced a special *Action Plan against the Sexual Exploitation of Children and Adolescents in the Child Protection System*¹⁷ in May 2022. This plan, agreed upon by the General State Administration and the Autonomous Communities, aims to prevent and eradicate child sexual exploitation, with a special focus on human trafficking, and establishes a series of measures to protect children and adolescents in foster care or under state protection. Unfortunately, this document also lacks budget allocation or evaluation provisions. However, according to the government's response to a Congressional inquiry in 2024¹⁸, some of the achieved measures include a standardized protocol for preventing, detecting, and addressing violence against children in residential care; a common action guide for identifying, reporting, and referring child sexual exploitation cases with a set of indicators; and a coordination protocol for placement of child victims of sexual exploitation.

22. A good example of a well-structured action plan is *The operational plan for the protection of the human rights of women and girls who are victims of trafficking, sexual exploitation, and women in contexts of prostitution* (2022-2026)/Plan CAMINO¹⁹, developed under the coordination of the Ministry of Equality with Ministry of Labour and Social Economy, Ministry of Inclusion, Social Security and Migration, Ministry of Transport, Mobility and Urban Agenda and Ministry of Interior being further implementing agencies. Plan CAMINO foresees advance protection and integration of female and child victims of THB, including consolidating the accreditation system for victims without the need for a report to law enforcement, as a first step to access social assistance rights and as a measure to promote formal identification. Further objectives are comprehensive specialized health and social care, economic autonomy, and housing support, increase of formal identification and support with acquiring documentation and legalization of migration status; as well as reducing the demand for trafficking and sexual exploitation, through education at all stages and awareness-raising actions, especially aimed at adolescents, young people, and adult men. The 5-year plan includes timelines for each of the activities, a foreseen evaluation and allocated budgets per implementing agency and year, with a total allocated budget of 204,023 thousand Euros (204,023,000 EUR). The Special Representative highlights this specialized well-structured and well-resourced plan as a positive practice and would like to hear more about the plan's overall achievements and evaluation.

23. With regard to the institutional anti-trafficking framework in Spain, the National Rapporteur against Human Trafficking, Director of the Cabinet of the Secretary of State for Security within the Ministry of Interior coordinates the government's efforts, supported by the CITCO. The institute was established following the 2011 EU Anti-Trafficking Directive, which mandated that each EU member state should have a National Rapporteur or a similar reporting mechanism for assessing trends in trafficking in human beings, gathering statistics and regularly reporting and measure the results of anti-trafficking actions. This function was given to the Ministry of Interior as the governmental agency that has been coordinating efforts against human trafficking. At the same time the revised EU Anti-Trafficking Directive 2024, which must be implemented nationally by 15 July 2026, calls for the establishment of a National Anti-Trafficking Coordinator. During the country visit the Special Representative was made aware of all the various coordinating functions that the NAR and CITCO are

¹⁷ https://violenciagenero.igualdad.gob.es/wp-content/uploads/Plan_Accion_contra_ESI_sistema_proteccion.pdf

¹⁸ [e_0019723_n_000.pdf](https://www.congreso.es/legislatura/14/actas/e_0019723_n_000.pdf)

¹⁹ [Plan Operativo CAMINO](https://www.mre.gob.es/plan-operativo-camino)

currently carrying out, including working on the NAP, cross-sectoral coordination, and very active and regular engagement with the civil society, data gathering, and extensive research and analysis. She would therefore support the entrusting of the NAC function with the current coordinating agency (within the Ministry of Interior), and the establishment of an independent Rapporteur outside of the government to impartially evaluate Spain's anti-trafficking response and protection of victims.

24. Currently, some functions of an independent oversight mechanism are carried out by the Ombudsperson (Defensor del Pueblo, High Commissioner of the Spanish Parliament for the defence of constitutional rights), which is also a designated National Mechanism for Prevention of Torture and does periodic visits to the places of detention of foreign nationals, including minors, juvenile detention centers etc. Several departments of the Ombudsman's Office, such as the Departments for Social Policy, Migration and Foreign Minors, Children and Child Justice, carry out monitoring work relevant for addressing THB and ensuring victims' protection. This work includes the publication of comprehensive reports like *La trata de seres humanos en España: víctimas invisibles* (2012)²⁰, followed by an updated version in 2013, which assessed the progress of recommendations issued to relevant public authorities. The Ombudsman also reported on this issue during appearances before parliamentary bodies, such as the Commission on Equality in the Congress of Deputies and the Joint Committee for Relations with the Ombudsman in the Senate, further underlining its active role in addressing THB. These sustained efforts position the Ombudsperson as a potentially suitable institution to exercise the function of an independent Rapporteur.
25. The Ministry of Equality and its Government Delegate against Gender Violence are a further leading actor in the anti-trafficking field and coordinate the Social Forum to Combat THB for Sexual Exploitation, which includes representatives from various levels of government and NGOs. This ministry piloted the "administrative accreditation" process for granting trafficking victims access to services outside of the criminal justice process (the interim outcomes will be discussed in more detail later in the report) and, following the OSCE publication on mapping the risks of THB on sexual services websites across the OSCE region²¹, commissioned a national mapping exercise in 2023²². The Ministry of Equality plays a central role in the implementation and monitoring of the CAMINO plan and coordinates the legislative efforts on the draft Organic Anti-Trafficking Law.
26. Other key players in the Spanish anti-trafficking structure are the Policía Nacional, the Guardia Civil, and the Trafficking and Aliens Unit of the Attorney General's office as the only agencies able to formally identify victims of trafficking and responsible for prosecution of perpetrators. The Ministry of Labour and Social Economy oversees the employment, social economy, and corporate social responsibility policies, with its Labour and Social Security Inspectorate in charge of monitoring and enforcing compliance with labour and social security legislation. The Ministry of Inclusion, Social Security and Migration through its State Secretariat for Migration ensures access to protection, legal, healthcare, and psychological assistance, as well as residence and work permits to facilitate foreign trafficking victims' recovery and social integration. The Forum for the Social Integration of Immigrants is an advisory body of the Ministry that brings together representatives from the government, immigrant organizations, trade unions, and social entities to develop measures that improve

²⁰ [La Trata de seres humanos en España: víctimas invisibles \[2013\] - Defensor del Pueblo](#)

²¹ [Mapping the online landscape of risks of trafficking in human beings on sexual services websites across the OSCE region](#)

²² [INSTITUTO DE LAS MUJERES \(portada prostitucion en contextos digitales\).indd](#)

integration and protect the rights of immigrants, including victims of human trafficking. Many of the meeting counterparts met during the visit highlighted the existing inter-agency cooperation channels and joint initiatives. The Special Representative was also impressed by and commends the vigorous and innovative work done by anti-trafficking NGOs in Spain in research, outreach, identification, assistance, reintegration of victims and potential victims, and awareness raising. Several NGOs actively involve survivor experts into their activities and seek their advice. At the same time, the Special Representative was not made aware of such initiatives by government bodies and encourages them to proactively seek and integrate lived experience expertise to strengthen government anti-trafficking policies and practices.

27. In conclusion, the Special Representative notes Spain's robust anti-trafficking structures and coordination mechanisms, which serve as a good basis for a comprehensive anti-trafficking response. At the same time, she calls on authorities to develop a new comprehensive anti-trafficking NAP through a multi-agency working group, with input from civil society and lived experience experts; adopt a dedicated, comprehensive anti-trafficking law; and carry out evaluations for all mentioned action plans. She considers Spain would benefit from clarification of the role of the current National Rapporteur following the 2024 EU Anti-Trafficking Directive and the establishment of an independent oversight mechanism. She further recommends establishing formal mechanisms to integrate the expertise of persons with lived experience into the development of anti-trafficking laws, policies, and practices, including in decision-making and research. OSCE/ODIHR's publication on National Survivors of Trafficking Advisory Councils²³ lays out best practices and possible ways of structuring survivor leaders' bodies and councils, and their involvement in preventing and combating human trafficking and protecting the human rights of victims and survivors.

IV. Identification, referral and assistance for victims of trafficking

28. CITCO reported that in 2021 Spain formally identified 188 trafficking victims (136 for sexual exploitation/SE, 51 for labour exploitation/LE, 2 for forced marriage/FM), in 2022 - 229 victims (129 for SE, 89 for LE, 9 for forced criminality/FC, 2 for FM), in 2023 – 497 victims (294 for SE, 195 for LE, 6 for FC, 2 for forced begging, 5 for FM), and in 2024 – 513 victims (256 for SE, 246 for LE, 3 for FC and 8 for FM). CITCO gathers detailed information on the types of exploitation and the specific areas, age of victims, and their nationality. Following Spain's differentiation between exploitation and human trafficking, CITCO collects data on both types of cases. The Special Representative notes that the overall trend of identifying more victims each year is a positive development and law enforcement's successful efforts to identify more victims for trafficking for labour exploitation (from 51 in 2021 to 246 in 2024), more male victims in general (from 23 in 2021 to 191 in 2024, including 8 Spanish nationals), and more child victims (from 4 in 2021 to 16 in 2024, including 3 Spanish minors).

29. The figures above likely do not represent the whole scale of human trafficking in Spain, as these reflect only the numbers of victims formally identified by the law enforcement within a criminal justice process. The actual number of victims is likely much higher, especially among asylum seekers and people with irregular migration status, who are reluctant to cooperate with law enforcement due to fear of deportation. In the last five years, authorities have not reported formally identifying trafficking victims among refugees and asylum

²³ [Guidance on establishing and maintaining National Survivors of Trafficking Advisory Councils \(NSTACs\)](https://www.osce.org/sites/default/files/documents/2024/03/guidance-on-establishing-and-maintaining-national-survivors-of-trafficking-advisory-councils-nstacs) (osce.org)

seekers in Spain. Furthermore, as human trafficking and exploitation are two separate crimes in the Spanish legal system, the above numbers do not reflect the cases where the crime of exploitation could be proven, but not the act of trafficking. For example, in 2023, according to the data provided by CITCO, 982 victims of exploitation were identified, compared to 497 victims of trafficking. As presented to the Special Representative by the National Rapporteur, during the 1,677 administrative inspections carried out by law enforcement in locations where prostitution takes place for preventive purposes, around 7,049 persons were identified as being at risk and around one quarter of those were identified as potential trafficking victims (pending the ongoing investigations). Most formally identified victims of SE are women and come from Colombia, Venezuela, and Paraguay, with the exploitation happening increasingly in private apartments (e.g. Airbnb rentals) and online. Men constitute the majority of trafficking victims for labour exploitation, with most coming from Morocco followed by Portugal; high-risk sectors include agriculture, construction, hospitality, and, increasingly, domestic work. NGOs and international organizations estimate there are more victims of THB for labour exploitation and among migrants/asylum seekers, children, and Spanish nationals than law enforcement agencies formally identify, consistent with trafficking trends in other similar countries in the OSCE region.

30. During the visit both law enforcement agencies and NGOs reported a growing trend of trafficking for criminal activity or forced criminality. Roma girls are reportedly very vulnerable to both forced marriage and forced begging. Also, CITCO reported that Eastern Europeans exploit their own country nationals in copper and catalytic converter theft. There is an increasing link between organized crime in drug trafficking and human trafficking, with traffickers exploiting Asian and Latin American victims in forced criminality on indoor marijuana plantations. Victims are also used as drug couriers, commonly known as “drug mules,” for transporting drugs across international borders, often by swallowing drug packets or concealing them within their bodies, which poses significant health risks. Migrants from countries like Morocco, Nigeria, other parts of West Africa, and Latin America are particularly vulnerable to this form of exploitation. Unaccompanied children arriving in Melilla are also reportedly used as mules for drug trafficking. These networks take advantage of migrants’ vulnerability, especially those fleeing poverty, conflict, or persecution, using their irregular immigration status against them. The traffickers may use physical threats, psychological coercion, or exploit religious or cultural practices, such as voodoo rites used by some Nigerian trafficking networks, to control their victims. In addition to drug couriers, there have been cases where trafficking victims, particularly from Pakistan, have been forced to sell drugs in “drug flats”—apartment-based drug distribution points. Investigations have uncovered complex networks of Pakistani traffickers who smuggle individuals from their home country to exploit them in Spain. Once in Spain, victims are forced to sell drugs in cities such as Barcelona under the constant threat of violence if they do not comply. The debts imposed on these victims for being brought to Spain by smugglers can range from €13,000 to €26,000, keeping them trapped in a cycle of exploitation.
31. Another common tactic is abusing victims’ existing substance use or mental health experiences as a form of extortion. Traffickers threaten to expose victims’ drug use to authorities or child protective services, using the fear of legal consequences or the loss of their children to keep victims in line. They also use the stigma and discrimination associated with addiction to isolate victims, convincing them that no one would believe or help them due to their substance use. This undermines victims’ self-worth and increases their dependence on the trafficker. In addition, traffickers use drugs to incapacitate and control some victims, reducing their ability to resist or escape and making them more vulnerable to further

exploitation. Many of the victims develop a high level of dependency without knowing which substances they were given; service-provider NGOs reported that this often presents difficulties in providing assistance to such victims. This vulnerability also poses issues for prosecution in relation to irrelevance of consent given under or in connection to substance influence, highlighting the importance of uniform application of the non-punishment principle to such victims as well.

32. NGOs and international organizations that the Special Representative met during the visit voiced concerns about the high number of potential victims and very low formal identification rate of trafficking victims among asylum seekers. In recent years the arrivals of migrants in mixed migration flows have grown considerably, especially by sea: from 31,763 in 2022, to 57,538 in 2023, to 64,318 in 2024. In 2023 UNCHR conducted 895 profiling interviews with asylum seekers, out of which 66% arrived by sea on Canary Islands. Out of all 895 respondents, 8% reported being a victim of THB as a specific protection need²⁴. Out of 285 respondents who stated that they have experienced violence along the migration routes, 32% reported human trafficking. The high prevalence of potential victims of trafficking among the people arriving in Spain in mixed migration flows was also confirmed by NGOs and the reception system, which is run by the Ministry of Inclusion and Migration. According to information provided by the Ministry during the visit, around 60,000 places were available in the reception system at the time of the visit, and around 1,000 persons were detected as potential VOTs at airports and reception centers. The staff at the reception centers, many of which are run by NGOs, are regularly trained on trafficking indicators and on topics related to assisting victims. Training programs on trafficking detection and a 100-hour online training course for regional government workers are available with the support of the EU Agency for Asylum. Approximately 10% of places in reception centers are devoted to potential VOTs and 10% of the Directorate's budget is dedicated to assistance to potential trafficking victims and victims of violence, which the Special Representative highlights as a positive practice. For the victims to access specialized services, their status does not need to be formally confirmed by law enforcement. Specific residence permits for being in "special vulnerable circumstances" are given to VOTs as identified by the asylum system and are not conditional on formal identification by the law enforcement. In May 2025, an additional residence permit type was introduced for victims of trafficking for sexual exploitation. The Ministry of Inclusion, Social Security and Migrations has developed internal guidelines on the identification of trafficking victims and in some municipalities tried to activate the Framework Protocol for identification. Whenever the victims agreed, the information is passed on to the specialized police; but reportedly none of these potential victims were formally identified as trafficking victims. This leaves such persons with inadequate protection and at risk of being re-trafficked or prosecuted for crimes committed while being exploited. It also underscores the need for a functioning country-wide referral mechanism and for a joint mechanism between the reception authorities, the Policía Nacional, and NGOs on identifying and granting protection to trafficking victims.

33. At the same time, several good practices emerged as pilot projects, which could be used as a basis for implementing throughout the country and on its sea and land borders. A joint project was launched by the Policía Nacional, Asylum and Refugee Office, and UNHCR on detection of victims in international airports during border asylum procedures with the help of NGOs. Between 1 January 2024 and 10 February 2025, 89 persons were pre-identified with indicators of THB at airports, all of them women, mostly travelling alone,

²⁴ [Document - Spain Profiling of new arrivals \(January - December 2023\)](#)

and 3 with children. 71% were from sub-Saharan Africa (mainly from Guinea, Mali, and Mauritania), followed by Latin America, mostly Colombia. Most of them were identified in the Madrid Barajas airport, followed by the Barcelona El Prat airport. Out of the total 89 identified persons, in 66 cases the protocol for identification was activated by the initiative of the Spain Asylum Office, 13 by the police, and 6 by UNHCR. Anti-trafficking NGOs were granted access to the airport premises to interview potential victims and draw up a needs assessment and delivered them to a safe house for further assistance. This is done to avoid the risk of traffickers waiting for their victims to exit the airport to immediately take them away. In 45 cases specialized anti-trafficking NGOs identified indicators of trafficking in interviews and referred victims to service-provider NGOs. Finally, police formally identified 10 women as trafficking victims. The Special Representative welcomes this proactive cross-sectoral approach to victim identification and encourages Spanish authorities to continue using this model for a wider rollout in other border entry points to improve identification of trafficking victims among migrants.

35. Another category of victims that appear under-identified in Spain are child victims, especially among unaccompanied boys and girls in the southern autonomous communities²⁵, which constitute around 13% of all arrivals. As of 2022 there are protocols for identification of vulnerable minors, but execution still seems incomplete, with some NGOs flagging during the visit that the official number of 16 child victims identified in 2024 under-representative of prevalence among children. In a 2022 study together with the University Institute for Migration Studies of the Comillas Pontifical University, UNICEF estimated that only 26% of child victims are detected in Spain²⁶. Children in all types of institutions run by child protection services, which fall in the competency of municipalities, or centers for children in conflict with the law, are especially vulnerable. Often traffickers abuse existing or induced substance addictions to force girls into drug distribution and to exploit them sexually. There is no specialized shelter for boy trafficking victims (despite them being overrepresented in arrivals by sea) and only one specialized shelter exists for child victims. Several NGOs highlighted the need to expand the shelters for both child victims of trafficking, as well as in general for unaccompanied boys and girls, and to enhance protection of those children. Reportedly, as shelters for UAMs operate as open centers, children are left vulnerable to trafficking networks, which try to recruit them in the nearest vicinity. Following the adoption of Royal Decree-Law 2/2025, of 18 March, which approves urgent measures to guarantee the best interest of children and adolescents in situations of extraordinary migratory contingencies, unaccompanied children can now be transferred from the autonomous communities to which they initially arrived, to other areas of Spain once a 15 day-period has ended. Acknowledging that the Royal Decree-Law does not provide a detailed list of resources, SOPs or guidelines, Royal Decree 658/2025 of 22 July, regulating the measures to be adopted in situations of extraordinary migratory contingency for the protection of the best interests of unaccompanied migrant children and adolescents, was approved. Its purpose is to develop and specify the national and regional administrations' actions in these cases, guaranteeing the best interests of the child. The Decree contains provisions for comprehensive and specialized care for children and adolescents who are victims of trafficking, who have disabilities, who are in a situation of vulnerability or have specific care needs. Article 5 lays out the procedure for resettlement of minors in the context of an extraordinary migration contingency, establishes an obligation to conduct a personal interview with the child and to refer the case to the Public Prosecutor's Office and mandates

²⁵ [Identifying the Challenges in the Detection and Protection of Child Victims of Human Trafficking in Spain: A Case Study of the Southern European Border](#)

²⁶ [WHAT DO WE KNOW AND HOW WE TELL IT_FINAL_12.05.22.pdf](#)

the adoption of specific intervention plans and resources to meet the needs of children and adolescents who are victims of human trafficking, those with physical or mental health problems, or those who are approaching the legal age of majority and in need of support for emancipation. The Special Representative welcomes this recent legal development and encourages Spain to provide sufficient resources to address this issue. She further recommends minimizing the vulnerability of unaccompanied children by promoting smaller and residential-type child-appropriate care for them, including specialized shelter and services for trafficking victims; developing mentoring programs for children currently under and aging out of state guardianship; and raising their awareness about the dangers involved in running away, exploitation, and abuse. More attention should be given to children with disabilities and those belonging to national, gender, and sexual minorities, as they are at greater risk of THB.

36. During the visit NGOs informed the Special Representative about the growing recruitment of girls and young women through social networks like TikTok and Instagram and with the use of influencers for exploitation on OnlyFans, sugar-dating, and pornography websites, using aggressive marketing on social media, “management agencies” presenting recruitment as an “empowerment opportunity,” only to exploit and control victims by using fake contracts. These platforms offer anonymity and ease of operation to traffickers, who use an important language shift from “prostitution” to “service exchange” and make it even more difficult for the victims to self-identify. Very often it is young men, who are boyfriends, friends, or acquaintances of the victim acting as “e-pimps” and “selling models” to each other, treating victims like goods and perpetuating models of harmful masculinity. In addition, online trafficking enables the recruitment of people in particularly vulnerable situations, such as minors, single mothers, persons with mental health issues, and people with disabilities.
37. As mentioned above, as Spain works towards establishing a formal NRM in the draft Organic Law against Human Trafficking and Exploitation, gaps in victim identification persist. Although the government asserts that formal victim identification is not contingent on cooperation with criminal proceedings, GRETA's 2023 report²⁷ highlights that, in practice, it often is. Concerns remain about law enforcement's sole role in victim identification and the deterring effect it has on victims with irregular status or with low trust in the police to come forward. In addition, the absence of a formal NRM has also led to inconsistencies in victim identification due to regional and professional variations in identification protocols. NGOs report uneven implementation, particularly for children and asylum-seekers. Currently, 15 of the 17 autonomous communities have their own protocols in addition to the national one, while the remaining two rely solely on the national protocol. In addition to the absence of a formal NRM, the absence of a comprehensive national database for trafficking victims beyond the ones formally identified by the police and recorded in BDTRATA leads to fragmented and inconsistent statistics. Victims identified by NGOs or other non-law enforcement entities are often excluded from national statistics. This, combined with ongoing low numbers of identified trafficking victims among children, asylum-seekers, and undocumented migrants, results in likely underreported trafficking figures.
38. Taking into account the above, the Special Representative urges Spain to introduce a nationwide NRM with multi-disciplinary teams responsible for formal identification of trafficking victims following the “social path” approach developed by the OSCE and the

²⁷ [GRETA 3rd evaluation round Spain report](#)

OSCE/ODIHR's best-practices NRM Handbook²⁸. In Spain, as in many other countries, identification as a trafficking victim is the first step to services and support specific to trafficking victims, rather than general services and support specific to, for example, refugees or children. At the same time, the primary purpose of identification is not to gather evidence from potential witnesses or victims of crime, but to trigger states' obligation to provide protection, including all forms of assistance, which should not be conditional on victims' co-operation with the criminal justice system. People who have been trafficked are often reluctant to co-operate with the criminal justice system due to being severely traumatized or the fear of being charged themselves with a crime or of deportation. Many victims are routinely too frightened to provide information to law enforcement officials about the criminals who trafficked them as they fear for their own safety and the safety of their loved ones. Hence, as one can also observe in Spain, only a fraction of potential trafficking victims chooses to collaborate with law enforcement or be formally identified as a trafficking victim. Adopting the "social path" approach would increase victim identification by expanding who can formally identify victims and would prioritize the state's obligation to assist victims of trafficking and uphold their rights, supporting long-term assistance and recovery, irrespective of a victim's ability or willingness to co-operate with law enforcement officials or the existence of a criminal case. At the same time, such assistance increases the likelihood of victims regaining their agency and participating in all aspects of society, including criminal proceedings, with the goal of bringing their traffickers to justice.

38. The protection and assistance to trafficking victims is covered by Spain's Act 4/2015 on Crime Victims, which provides a broad catalogue of rights for victims. It mandates timely information on support services, legal aid, and protection based on individual needs to prevent secondary victimization. While Spanish municipalities have the responsibility for victim assistance²⁹, the Ministry of Justice oversees the Victim Assistance Offices in five municipalities managed centrally (including Castilla y León, Castilla-La Mancha, Extremadura, Region of Murcia, Balearic Islands, Ceuta and Melilla). According to the data provided by the Ministry, in 2024 the centrally-managed Victim Assistance Offices reported offering assistance to 20 victims of trafficking for sexual exploitation and one victim for labour exploitation. Unfortunately, the data on the numbers of victims that received assistance in other municipalities is not collected and evaluated centrally. In addition, in 2023 Spain allocated €9.51 million to NGOs providing victim assistance, a significant increase compared with €6 million in 2022 and €5-6 million in 2018. Several NGOs run hotlines for trafficking victims, and the Ministry of Equality as of recently operated a nation-wide hotline for all types of victims (previously available to victims of domestic violence).
39. To assist victims of trafficking for sexual exploitation who are not ready to cooperate with the law enforcement, the Ministry of Equality initiated a pilot project allowing for "administrative accreditation" for such persons to access victim services (Royal Decree-Law 6/2022 of March 29, and Resolution of the Secretary of State for Equality and against Gender Violence from 7 July 2022). The accreditation has administrative and social effects, allowing access to social assistance measures, regardless of the filing of a complaint and the administrative situation. The procedure consists of two phases - detection by civil society organizations or public institutions and the issuance of the administrative accreditation document by the accrediting regional body. The accreditation is linked almost exclusively to

²⁸ [ODIHR National Referral Mechanisms Handbook, 2nd Edition | OSCE](#)

²⁹ [SPECIFIC PROTOCOL OF COMPREHENSIVE INTERVENTION WITH VICTIMS OF HUMAN TRAFFICKING FROM THE OFFICES OF ASSISTANCE TO VICTIMS OF CRIME](#) – example from Valencia municipality

the receipt of economic benefits, without granting of all the status benefits linked to the formal identification, and is valid for a limited period of time for a certain type of assistance. According to the data provided by the Ministry during the visit, in 2023-2024 a total of 290 applications were submitted for “administrative accreditation,” out of which 286 were approved. At the same time, NGOs reported that various barriers, like lack of coordination between the central government and regional administrations, still hinder the effective implementation of the system, causing delays and complications in identifying and supporting victims³⁰. The Special Representative supports the process of “administrative accreditation” to grant non-formally identified victims access to services as an interim measure while the NRM is being developed. However, she emphasizes that this mechanism should not be considered a substitute for a comprehensive NRM. Accreditation must form part of a broader, structured system that ensures coordinated identification, referral, and long-term support for all trafficking victims. She encourages Spanish authorities to expand the scope of accreditation to victims of all forms of exploitation and to lift the limitations of the accreditation, so that the victim can receive further assistance according to developing needs and in other regions, as well as to normalize their residence status irrespective of criminal justice processes.

40. The Ministry of Equality implemented a €12.94 million project in 2024-2025³¹, focused on the social and labour integration of women who were victims of trafficking or sexual exploitation or were seeking to exit commercial sex. This funding went to specialized NGOs, such as Medicos del Mundo, Women in Conflict Zones, Amarantha Solidarity Foundation, Cruz Blanca Foundation, APRAMP, and Proyecto Esperanza, which offer various services, including emergency and long-term shelter and job placement support. Support has been provided to 15,455 women and girls in 38 new specialized care centers and 7 specialized housing resources with the capacity to accommodate 43 survivor women, and 515 women from this group were offered employment. APRAMP manages the Mobile Rescue Unit, Victim Protection Center for Trafficking Victims³², and Protection House for Underage Women Victims of Trafficking. NGO Nueva Vida offers help to minors and works on labour integration of victims; ACCEM assists victims with migration background and offers shelter places, including for men; Navarrese ACT (Action against Trafficking) employs “agents of change” – survivors of trafficking acting as intercultural mediators – who assist victims in receiving administrative accreditation, regularizing their residence status and getting access to vocational training and education while getting monetary support. The Special Representative lauds these specialized efforts to assist victims and the inclusion of lived experience experts as consultants for these initiatives.
41. Spanish authorities maintained that all trafficking victims have equal access to services under Spanish law, but the Special Representative noted several limitations in application of the legal provisions. First, despite some efforts to support male victims by the Ministry of Inclusion, Social Security and Migrations, such as a shelter in Huesca and additional services in Madrid, there is a significant shortage of tailored assistance for men, who are often excluded from specialized support services primarily designed for women. Second, assistance to trafficking victims who are in need of international protection is reportedly inadequate³³, with trafficking-specific victim services very scarce in Ceuta and Melilla, leaving a gap in support for non-formally identified victims in these areas. Furthermore, NGOs raised concerns about the access to registration and foreign victims’ ability to open

³⁰ [2024 para-acceder-a-derechos-acreditacion-para-victimas-de-trata-y-explotacion-sexual.pdf](https://www.mre.gob.es/2024_para-acceder-a-derechos-acreditacion-para-victimas-de-trata-y-explotacion-sexual.pdf)

³¹ [Disposición 23428 del BOE núm. 273 de 2024](https://www.boe.es/boe/dias/2024/273/DO/2024/273/DO_23428.pdf)

³² [El primer centro para salir de la prostitución abre en Madrid con unidades itinerantes en diez municipios](https://www.mre.gob.es/el-primer-centro-para-salir-de-la-prostitution-abre-en-madrid-con-unidades-itinerantes-en-diez-municipios)

³³ [Victims of Trafficking and International Protection in Spain](https://www.mre.gob.es/victims-of-trafficking-and-international-protection-in-spain)

a bank account, hindering their financial inclusion³⁴. The Special Representative recommends that Spain ensure the continuity and consistency of services and safe shelters provided to all trafficking victims in all autonomous communities and autonomous cities, especially for non-formally identified victims, men and boys, as well as resources for children of trafficking victims, providing sufficient resources for such services and training for all staff. She further encourages Spain to fulfil its international obligations to identify trafficking victims in migration flows with the help of social mediators, and to provide them protection and assistance specific to their needs, in addition to granting international protection on the basis of vulnerability assessments.

V. Investigation and prosecution of human trafficking

42. The criminal justice response to human trafficking is characterized by active and engaged law enforcement actors in Spain, such as the Policía Nacional and the Guardia Civil, as well as the Office of the Attorney General, with dedicated units and resources for combating trafficking. In terms of investigation, it was reported that the Policía Nacional investigates around 75% of all cases annually, the Guardia Civil 20%, and the autonomous police forces Mossos d'Esquadra (Catalonia) & Erzaintza (Basque Country) 5%. Per the data provided by CITCO, the State Police Forces have investigated 74 human trafficking cases in 2021 (58 for SE, 13 for LE and 3 for forced marriage/FM), 100 cases in 2022 (67 cases cases of THB for SE, 29 for LE, 2 for FM and 2 for forced criminality/FC), 153 cases in 2023 (108 for SE, 39 for LE, 5 for FM, 2 for FC and 2 for forced begging) and 149 cases in 2024 (104 cases of SE, 35 for LE, 8 for FM and 2 for FC), reflecting a positive trend. Many authorities met during the visit highlighted their interest in protecting victims, cooperation of other ministries and NGOs with the law enforcement agencies, and innovative joint campaigns (awareness-raising, outreach to potential victims and joint inspections).
44. The Spanish Policía Nacional, through its Unit Against Illegal Immigration Networks and Documentary Falsifications (UCRIF), plays a central role in investigating THB offenses, including sexual and labour exploitation, exploitation in criminal activities, and fighting cybercrime and money laundering. UCRIF employs around 100 officers divided into regional and subject-matter teams and dedicated exclusively to combating human trafficking and is committed to a victim-centered approach³⁵. Following a 2023 Ministerial Order, it became Spain's central office for crimes related to THB and smuggling for police and judicial cooperation, and it has two main functions – handling cases with international connections and the coordination of cases between different parts of Spain³⁶. The Policía Nacional also runs the free, secure, and anonymous hotline 900 and email trata@policia.es for potential trafficking victims and receiving tip-offs. Operators who answer the calls are investigators of trafficking cases, which helps streamline the information flow. Reportedly, around 3 calls per day result in a police operation; if the case has regional or international ties, the police immediately activate their counterparts in the relevant city or country. The police highlighted the shift of THB for sexual exploitation from the streets and brothels to private flats, which is more difficult to identify and get judicial orders to enter; thus they are deploying alternative methods of identification and investigation, such as undercover operations, financial intelligence, and the use of web crawlers. To combat the increasing trend of THB for forced criminality on cannabis cultivation farms, the police use such methods as scanning the rural

³⁴ [Para-acceder-a-derechos-empadronamiento-e-inclusion-financiera-de-victimas-de-trata-y-explotacion-sexual.pdf](https://www.oirep.org/sites/default/files/2024-04/Para-acceder-a-derechos-empadronamiento-e-inclusion-financiera-de-victimas-de-trata-y-explotacion-sexual.pdf)

³⁵ [Elite police squad forges lasting ties with sex crime survivors](https://www.theguardian.com/world/2023/jul/13/elite-police-squad-forges-lasting-ties-with-sex-crime-survivors)

³⁶ [Spain smashes sex trafficking gang that exploited more than 1,000 women | Reuters](https://www.reuters.com/world/europe/spain-smashes-sex-trafficking-gang-exploited-more-than-1000-women-reuters-2023-07-13/)

areas with thermal imaging cameras from helicopters and detecting such operations using the electricity billing documentation. With the help of cyber police units, they also track dark web transactions, cryptocurrency payments, and fake identity documents used in trafficking schemes.

45. The Guardia Civil has two Units at central level working on THB: the Central Operative Unit (UCO), which carries out the most complex investigations, and the Criminal Intelligence Unit (UTPJ), which collects and coordinates all the information gathered regarding THB investigations. At the regional level, every single province in Spain has at least one Criminal Investigation Unit (UOPJ), composed with officers with specific training on THB, that makes 53 specialized units deployed in the whole Spanish territory. Due to the territory where the Guardia Civil works, mainly in rural areas, the agency tends to uncover more victims among the migrant population and labour exploitation more often than sexual exploitation. The agency is regularly involved in several large-scale anti-trafficking operations and actively promotes the gathering and use of forensic evidence, such as phone records and DNA, to avoid dependence on victims' testimony. Such methods as digital and financial investigations are used to corroborate the initial victim statement to make sure that victim is not the only base for the investigation. During the visit of the Special Representative, the counterparts from the Guardia Civil also highlighted their efforts to ensure the application of the non-punishment principle, like regular briefings on this for all Guardia Civils, as well as topical internal campaigns, for example related to forced drug cultivation and distribution. Another innovative example is the joint project of the Guardia Civil with the University of Granada on developing an AI tool to detect online ads indicative of sexual exploitation. In addition, Guardia Civil runs an anonymous email to report THB cases, trata@guardiacivil.es, whether as a victim or as a witness.
46. Both the Policía Nacional and the Guardia Civil have established "social interlocutors" for liaising with NGOs and improving victim protection and support. The social interlocutors work both at the central level in Madrid, as well as on the regional level, and hold regular meetings with their contacts and among themselves to exchange information on cases and trends and increase cohesion. Both law enforcement agencies in 2021 also introduced focal points for liaising with the Office of the General Prosecutor in an effort to increase the effectiveness of investigations. Law enforcement agencies frequently participate in joint investigations and initiate international cooperation through joint Europol, UNODC, the El Pacto programme, various bilateral agreements, and by establishing liaison offices in many countries of victims' origin. Policía Nacional and Guardia Civil provide basic THB training for all cadets and have annual voluntary in-depth courses, including briefings by NGOs and survivors. The Special Representative commends Spain's efforts in specialization of law enforcement agencies and their use of various innovative investigation methods, as well as efforts in multi-sectoral and international cooperation at all levels as positive practices.
47. The Office of the Prosecutor for Trafficking in Persons and Foreigners under the Attorney General of Spain continues to play a crucial role in prosecuting traffickers and includes specialized prosecutors responsible for handling trafficking cases across all jurisdictions, which is a positive practice. As Spain introduced specialization in THB for prosecutors after completion of a dedicated course, there are 52 THB prosecutors in the country's regions and 18 in the central Office - one at the Autonomous City of Ceuta and another one in the Autonomous City of Melilla, one at the Audiencia Nacinoal and three at the Fiscalía General del Estado. The Office supervises prosecutors in all districts working with THB cases, provides legal reviews of laws, and issues bulletins on court sentences and prosecutorial guidance every 6 months. It also carries out regular prosecutorial review of all cases

investigated by the Policía Nacional, Guardia Civil, and regional forces to detect possible THB cases that law enforcement missed. From 2022 to 2024, the Office initiated 442 follow-up proceedings to monitor investigations carried out by the law enforcement. The Office cooperates internationally on THB under the auspices of the European Commission, the Council of Europe, Interpol, FRONTEX, Eurojust, OSCE, ILO, and IOM, and as a part of REDTRAM (network of prosecutors under the American Union). It further has special prosecutorial focal points in all Latin American countries, Portugal, and Andorra for coordination and holds quarterly meetings with national NGOs and law enforcement to coordinate victim identification and assistance. In January 2024, the Office implemented a comprehensive database on the prosecution of THB cases, disaggregating data by the purpose of exploitation, means of commission, specific aggravations, procedural status, sex/gender, nationality, and age of both victims and perpetrators. According to the data provided by the Office, the number of prosecutions annually is rather steady with a spike in 2022 due to several large cases (64 indictments in 2021, 126 in 2022, 106 in 2023, and 89 in 2024), with most perpetrators being prosecuted for THB for sexual exploitation (around 80%), followed by labour exploitation, mixed forms of exploitation, forced begging, forced marriage, and forced criminality. The Special Representative observes that despite the number of formally identified victims of THB for labour exploitation nearly equalling the number of trafficking victims for sexual exploitation in recent years, trafficking prosecutions in Spain remain overwhelmingly for SE³⁷. This indicates an urgent need for criminalization of forced labour and additional guidance to regional THB prosecutors on prosecuting labour trafficking. At the same time, the Special Representative recognizes the active role of the Office of the Prosecutor for Human Trafficking in Foreigners in streamlining prosecution of perpetrators across the country and cooperating with national and international agencies.

47. Authorities reported achieving 42 convictions in 2021 (with 49 acquittals and 21 persons convicted for crimes other than THB), 37 convictions in 2022 (with 28 acquittals and 33 convictions other crimes), 54 convictions in 2023 (with 24 acquittals and 21 persons convicted for other crimes), and 40 convictions in 2024 (with 36 acquitted and 33 persons convicted for crimes other than THB). Several meeting interlocutors attributed the relatively low convictions rate, compared to acquittals and reclassifications, to the lack of specialization of judges in THB. Art. 488 of the Law of Criminal Procedure mandates judicial power to order oral cross-examination despite the existence of pre-constituted evidence, which could also affect the conviction rate. Children under 14 and persons “in very poor mental condition” are exempt from this provision; however, in practice, victims above 14 are very frequently required to repeat their testimony before the court, leading to re-traumatization and sometimes their unavailability to testify and unsuccessful prosecutions. The Special Representative recommends enhancing the general awareness of the judiciary on the nuances of trafficking crimes (such as trauma and psychological coercion), victim-centred and trauma-informed criminal proceedings, and special questioning techniques.
48. The application of the non-punishment provision, mandated by the Criminal Code, lacks uniform application. While all meeting counterparts showed good awareness of the provision and expressed Spain’s commitment not to penalize victims for unlawful acts committed as a direct result of being trafficked, in reality the application varies significantly depending on

³⁷ According to the data provided by the Office of the Prosecutor for Trafficking in Persons, in 2024 there were 82 indictments for THB for SE, compared to 1 indictment for THB for LE and 6 indictments for THB for forced begging

the type of exploitation and the acts committed. In cases where the exploitation was obvious (sexual exploitation and mixed forms of exploitation), the application of the non-punishment provision seems to work. However, as described in the La Strada assessment³⁸ and reported to the Special Representative by the Office of the Ombudsman and NGOs during the visit, in several cases victims were not identified, especially if their unlawful acts were connected to drug criminality (see para. 31), such as drugs distribution or smuggling of drugs across the border. Despite the proven position of victims' vulnerability and indications that organized groups were pressing victims to commit these acts, courts convicted victims for drug-related crimes, and after serving a prison term, the victims were deported from Spain. Several counterparts indicated that in some instances prosecutors and judges were reluctant to acquit victims using the non-punishment principle due to fear that organized crime groups would start using this clause to use more vulnerable people for drug smuggling without the fear of being punished. Acknowledging the challenges related to this amid the growth and seriousness of criminal exploitation, the Special Representative urges Spain to ensure the correct and more consistent application of the non-punishment principle especially in the cases of trafficking for forced criminality and of victims with addiction, in particular by increasing efforts to promptly identify trafficking victims of this form of exploitation, including the non-punishment provision in the anti-trafficking law, and issuing guidance on its application to all law enforcement actors and the judiciary.

49. Enhancing financial investigations has been a key priority for Spanish law enforcement, reflected in strategic documents like the Policía Nacional Strategic Plan 2017-2021, the National Strategy for Combating Organized Crimes 2019-2021 and the Guardia Civil Action Plan against THB. Tackling the trafficking crime through a "follow the money" approach is also reflected in the country's 2024 National Risk Assessment (NRA)³⁹, which lists human trafficking among key predicate offences with growing interconnection between fraud, drug trafficking, and human trafficking. The NRA also revealed increasing use of a complex financial system to launder illicit funds, including extensive use of cash and crypto assets (VA). To further support these efforts, a "Manual on Financial Investigations and Asset Tracing and Seizure" published in 2021 provides guidelines for police on financial investigations in human trafficking cases. Private financial institutions met during the visit also actively participate in developing and identifying suspicious transaction indicators and sending them to financial intelligence unit and law enforcement. The Special Representative positively notes the elaborate data on human trafficking provided under the NRA, which provides essential information on the crime to all obliged entities to support identification and reporting of trafficking-related suspicions. Welcoming active financial investigations and tracking of traffickers' assets, the Special Representative would welcome formalizing of the public-private partnership between private financial institutions, the financial intelligence unit, and the law enforcement to streamline information-sharing and feedback on successful disclosures and is ready to support Spain in this endeavour.
50. Regarding asset recovery and forfeiture, the ORGA Asset Recovery Office, an auxiliary body to the Ministry of Presidency, Justice, and Relations with the Parliament, offers effective management of assets, frozen during the proceedings and confiscated from traffickers, to courts dealing with trafficking cases. Efficient asset management can improve victim compensation if they grow over the course of long legal proceedings. ORGA reported it transfers money confiscated from traffickers after a conviction and after victims are paid

³⁸ [3588-Report on Non-Punishment \[60\].pdf](#)

³⁹ [Public version National Risk Assessment Addendum 2024.pdf](#)

compensation to various projects tackling organized crime and THB. While information on the amounts of compensations awarded to trafficking victims was not be provided during the visit, reportedly most money from confiscated assets (after compensations were paid) went to assistance to victims of various crimes, including for legal support to THB victims and services in the framework of the Offices for Victims of Crime. The Special Representative welcomes the effective management of recovered assets by ORGA and urges their use to pay compensation to trafficking victims and expanding the use of its services to all courts dealing with trafficking cases to increase seizure of traffickers' assets and their use to increase compensation and services to trafficking victims.

51. Following the judicial reform approved in January 2025, Spain introduced special sections in provincial courts for child and adolescent violence, including trafficking, and added trafficking, forced marriage, and sexual exploitation of women to the competence of special sections on violence against women. In 2024 the victim assistance regulations were amended to grant all trafficking victims free legal aid regardless of their financial status. As of July 2022, Spain is also benefitting from the joint Council of Europe and European Union Barnahus project, introducing and developing the Barnahus model in several regions of Spain⁴⁰. The project is in its second phase with plans to scale-up Barnahus services in further regions. Spain is also increasing its efforts on judicial training – the initial training for young judges recently included a mandatory module on THB as a part of criminal law, and several optional courses on various aspects of adjudicating trafficking cases are available for judges. In July 2025 in Barcelona the Council of the Judiciary organized a full-day training on human trafficking for judges, with multi-agency trainer team from three NGOs, Guardia Civil, Policía Nacional, Squadra (Catalonia), and magistrates from various parts of the country. The Special Representative welcomes the increased efforts to adjudicate trafficking crimes of children and women and calls on Spain to pay equal attention to increasing convictions and sentences for other forms of exploitation, such as forced labour and forced criminality, including by introducing specialization in THB for judges.

VI. Prevention of human trafficking

51. The Special Representative positively notes Spain's enhanced efforts to prevent trafficking in human beings in a truly whole-of-society approach. A multitude of innovative awareness-raising campaigns by various actors, promotion of safe migration pathways and faster routes of status regularization, and efforts to prevent online exploitation are commendable and positive examples.
52. Spain is leading awareness-raising work with innovative targeted campaigns. A good example is the campaign "*Entering Spain, Passport to Indicators of Trafficking*" by the NGO A21 in cooperation with the Guardia Civil to alert people arriving to Spain of trafficking risks with digital posters on baggage claim belts in Spanish airports and leaflets distributed on flights coming from Colombia and Paraguay (countries of origin of a big percentage of victims) with contacts of the A21 hotline, available in 100 languages. The organizers plan to extend the campaign to ferries and ports on the Southern border and via loudspeaker announcements in several languages to reach illiterate travellers. The Policía Nacional is working together with consulates (both Spanish ones abroad and foreign consulates in Spain) to provide information to potential victims and direct them to trafficking hotlines. The Guardia Civil work to raise awareness among farmers on ethical

⁴⁰ [Strengthening child-friendly justice among the different Barnahus-type services in the regions of Spain \(Phases I and II\) - Children's Rights](#)

hiring in agricultural sector via their patrols in rural areas and in schools to prevent gender-based violence and sexual exploitation on social media platforms, such as TikTok and OnlyFans. The NGO Diaconia carried out an awareness campaign aimed at the neighbours of rental apartments to help identify possible acts of sexual exploitation carried out in private flats to increase reporting.

54. Various educational and training activities for first-line responders and service providers are also carried out in cooperation with civil society. Guardia Civil in cooperation with civil society and survivors trained local law enforcement and service providers across the country on victim-centered and trauma-informed approaches to assisting trafficking victims. The Ministry of Equality, together with several NGOs, are promoting work opportunities for trafficking victims and persons wishing to exit prostitution. The Municipality of Madrid is funding a center run by the NGO APRAMP for persons wishing to quit prostitution in Madrid, providing multidisciplinary care, information on sexual health and guidance on residence permits and employment, together with a mobile unit to reach women in further 10 municipalities⁴¹. The NGO Diaconia developed guidelines for healthcare professionals on possible cases of human trafficking and introduced an innovative digital tool SALUDETECT, which uses a healthcare chatbot to help detect and manage such cases⁴². The Special Representative lauds these important and innovative prevention efforts and their comprehensive multi-actor approach as a positive practice for other OSCE participating States. She further recommends that the government increase efforts to prevent and recognize trafficking for forced criminality, including stronger training for government employees on the dynamics and signs of forced criminality; policy and protocol review for whether victims are identified through validated screening tools and services; and inclusion of forced criminality in public awareness and education campaigns.
55. The main agency responsible for checking working conditions and employers' compliance with the labour legislation is the Labour and Social Security Inspectorate under the Ministry of Labour and Social Economy. The agency has a broad mandate, which includes unregulated work, and allows labour inspectors to enter workplaces without prior notice (access to domestic workers' accommodations is granted only following a person's permission or a judicial authorization) – by default the inspections are unannounced. In 2023, 5,893 labour inspections were conducted to prevent undeclared work, labour THB and exploitation, in which 18,813 workers' conditions were monitored and during which inspectors distributed brochures in nine languages on labour trafficking. Following the recent adoption of a collaboration protocol, labour inspectors are performing joint inspections with state security forces, such as Guardia Civil and the Policía Nacional; in 2024 around 18,000 joint inspections were conducted. A suspicion of trafficking triggers an investigation and referral of the potential victim to services. The State Public Employment Service and the Regional Employment Services are the main state agencies overseeing and auditing all recruitment agencies. The Labour and Social Security Inspectorate also monitors compliance with rules on recruitment through its registry of the recruitment agencies and performing inspections, and, in case of violation of the labour legislation, fines the agencies or, in case of grave violations, removes them from the registry and bans further operations. Despite these efforts, experts criticized the government's approach to holding recruitment agencies accountable for fraudulent recruitment as insufficiently comprehensive or proportional to the scale of the problem. The Special Representative welcomes the broad mandate and the active involvement of labour inspectors in Spain in preventing and identifying labour exploitation and trafficking as a good practice and encourages authorities to continue providing resources

⁴¹ [The first centre to get out of prostitution opens in Madrid with itinerant units in ten municipalities](#)

⁴² [Report "The role of the health sector in detecting trafficking in human beings](#)

and specialized training to the agency, with particular focus on vulnerable sectors like agriculture and private households. She also encourages more robust oversight of recruitment agencies and punitive actions to ban agencies that facilitate THB and hold them criminally accountable.

56. Spain actively promotes legal migration pathways and currently has legal agreements with around 20 countries, aimed at improving labour migration and expanding legal pathways to prevent exploitation and abuse. Spain has approximately 25 labour attachés in its embassies abroad, one of whose tasks is improving cooperation on trafficking cases. The seasonal labour of foreign workers in Spain is regulated annually in a Ministerial Order, which outlines a hiring committee in the relevant embassy with migration officers, origin country officials, and the employer. The Ministry of Inclusion, Social Security and Migrations together with IOM participates in a post-arrival orientation in Spain and oversees implementation. The Ministerial Order foresees that if a worker denounces their employer for exploitative conditions, the employer should be banned from further participating in the programme and the worker can find another job under the same conditions without losing their visa. Currently, around 60,000 workers participate in such programmes, receiving multi-year residence permits under one contract. Under the arrangement, the migrants can work up to 9 months per year, up to 4 years and after the completion can apply for a regular residence permit in Spain. One of the biggest such programmes is with Morocco - around 16,000 persons participate in the circular migration programme, 90% of whom are women. In December 2023, Spain adopted an order providing additional protections for foreign workers, including requirements for employers to provide contracts and information about employee rights in workers' native language, fund travel to and from Spain, and provide suitable accommodation. A recent measure preventing exploitation and potential re-victimization is the May 2025 reform⁴³ of the Arraigo system, facilitating regularization of persons without a legal status in Spain. The Special Representative welcomes the wide array of measures already implemented by Spain in the area of promoting safe work-based migration; and she further recommends that Spain develops national legislation applicable to small and mid-sized businesses to implement the EU Due Diligence Directive as a measure to prevent labour exploitation. She also recommends Spain broadly engage with national businesses to develop and enforce companies' business and human rights guidelines, as well as develop and implement ethical recruitment guidelines for relevant sectors, including agriculture, construction, private healthcare, and hospitality.

57. During the visit several ministries, like the Ministry of Equality and the Ministry of Education, Vocational Training and Sport, provided examples of actions aimed at curbing demand for services of victims of trafficking for sexual exploitation, such as sexual education and programmes on equality and against gender-based violence in schools and the media. NGOs are equally active in this area with awareness campaigns promoting healthy and safe sexuality⁴⁴ and clarifying the difference between healthy sex and harmful pornography⁴⁵. The NGO Diaconia has a research project on online sexual exploitation on OnlyFans and a website⁴⁶ that provides young people with information on the dangers of creating and managing successful OnlyFans profiles. Despite the broad policy attention and operational action to counter sexual exploitation, it is still a predominant form of identified human trafficking cases in the criminal justice system, and the evidence – including the size of the

⁴³ *Arraigo laboral* is a Spanish residency permit granted to undocumented immigrants who have lived in Spain for at least two years and can prove at least six months of legal employment

⁴⁴ [Sexpectativas – Sexpectativas](#)

⁴⁵ [Healthy SEX vs Harmful PORN](#)

⁴⁶ [The Good Agency - The change to create your Onlyfans agency](#)

commercial sex marketplace as indicated by online platforms – strongly suggests that the problem is considerably larger. This is even more acute in the case of online venues like escort or sexual service websites: there were 102 of those in Spain found during the OSCE's mapping exercise carried out in 2022⁴⁷, and according to the mapping carried out by the Ministry of Equality in 2024 around 24% of all online Spanish ads for sexual services carry indicators of sexual exploitation⁴⁸. Given the current lack of effective consent verification on such platforms, the risk of trafficking of vulnerable adults and children online is very high. The popularity of online escort and sexual services websites demonstrates is indicative of the intersection between growing demand for sex in the country and human trafficking. As the Criminal Code does not sufficiently deter the purchase of services from victims of human trafficking, the Special Representative recommends that Spain consider amending legislation to criminalize the purchase of sexual services of trafficking victims regardless of their knowledge and continue taking proactive measures to reduce demand for sexual services that fuel human trafficking, like education initiatives for young men and boys and promoting exit strategies for persons in commercial sex. She also recommends Spain legally require online platforms that offer sexual services to deploy strong content moderation, including age and consent verification measures, through conducting systemic risk assessment of harm, quickly remove illegal content, and hold them criminally accountable when they fail to remove the illegal content, and/or host and distribute illegal content that facilitate human trafficking.

58. To prevent online child sexual exploitation, Spain is taking steps to offer better protection for minors in a nation-wide strategy involving updates to criminal law; regulatory obligations for digital service providers; and the promotion of digital literacy across schools, families, and professional sectors. The Spanish Data Protection Agency has a reporting hotline for removal on non-consensual sexual imagery, with special attention on children⁴⁹. Diaconia's guide for educational professionals provides tools for those working with minors to effectively protect them against new forms of recruitment, control, and exploitation that arise in the digital environment⁵⁰. At the time of writing, the Spanish parliament was considering the Draft Organic Law for the Protection of Minors in Digital Environments, that would mandate age verification, default parental controls, and platform accountability. Under the draft legislation, manufacturers of digital devices must ensure that parental control tools are enabled by default and that devices carry clear risk labelling. Platforms, including social media and video-sharing services, must incorporate age verification systems and parental controls that are both visible and accessible to users. Influencers will also fall within the scope of regulation, as part of efforts to mitigate the indirect influence of commercial content on minors. As a pilot project, run by the Ministry for Digital Transformation and the Spanish Data Protection Agency, Spain introduced an online age verification system⁵¹ for adult content, which will become mandatory in 2026. As of November 2024, platforms that offer this type of content must ensure that their users are adults. The age verification system is based on the Beta Digital Wallet mobile app, which allows users over 18 years to obtain a digital credential issued and verified by the Government of Spain. Platforms that offer adult content can check this credential before allowing access, which ensures that minors do not

⁴⁷ [Mapping the online landscape of risks of trafficking in human beings on sexual services websites across the OSCE region \(osce.org\)](https://www.osce.org/mapping-the-online-landscape-of-risks-of-trafficking-in-human-beings-on-sexual-services-websites-across-the-osce-region)

⁴⁸ [A study by Equality changes the framework of prostitution in Spain: 24% are victims of sexual exploitation and not 90% as it was handled | Society | EL PAÍS](https://www.elpais.com/sociedad/2024/09/11/965333333333333333.html)

⁴⁹ [You Can Stop It Too | AEPD](https://www.youcanstopittoo.org/)

⁵⁰ [Practical Guide: Trafficking in the Digital World - Diakonia](https://www.diakonia.se/practical-guide-trafficking-digital-world-diakonia)

⁵¹ [Help Age Verification System](https://www.miti.gob.es/actualidad/2024/11/01/la-verificacion-de-la-edad-en-las-plataformas-digitales)

enter these sites and is key to operating responsibly and safely for the platforms. The Special Representative commends this innovative project that ensures that minors do not have access to inappropriate content or themselves become victims of online child exploitation, thus complying with international digital security standards and anti-trafficking commitments.

59. At the same time the Special Representative recommends intensifying efforts in the area of prevention of child trafficking in various types of state institutions under foster care and of young adults who age out of the institutions. Since child protection falls under the mandate of the autonomous regional authorities, the quality of THB prevention among the children under state custody varies greatly. While in some regions, such as the Basque Country, the authorities reportedly provide assistance to children and young adults till the age of 23, in other communities, notably in the Canary Islands and in Melila, resources are lacking to offer continuous support. It is especially important to ensure proper documentation of all persons aging out of the state institutions to ensure their access to residence, education, and labour market. Meeting counterparts reported more training is needed for staff of child protection institutions and institutions for children in conflict with the law on various types of exploitation, especially on THB for forced criminality. Spain promotes foster family care over placement in institutions in line with its de-institutionalization strategy. At the same time, more resources and awareness-raising are needed among foster families on children's THB vulnerabilities, especially among unaccompanied children. The Special Representative would like to highlight as a positive example the Save the Children's Family Placement Initiative, which developed guidelines to promote family placement of migrant children and produced training materials following successful cases.
60. Spain's efforts to prevent trafficking of persons fleeing the war against Ukraine have been comprehensive to date, mostly following the EU Temporary Protection Directive activated on 4 March 2022. With the outbreak of war, information on protection and assistance was broadly available, both online and offline, including in Ukrainian and specific webpages with up-to-date information and support as well as a call center of the Ministry of Inclusion, Social Security and Migration. The General Directorate for Management of the Reception System facilitated efficient processing and reception of incoming refugees by securing emergency reception places, establishing four Reception, Care and Referral Centres (CREADE), and adopting the Protocol for Prevention, Detection, Care and Referral of Possible Victims of Human Trafficking in CREADE. The Protocol establishes guidelines for action and referral of applicants and beneficiaries of temporary protection with signs of human trafficking. Ukrainians under temporary protection are integrated into the National Health System on an equal basis with the local population, paying particular attention to pregnant women and children as well as people with chronic pathologies as these groups are particularly vulnerable to exploitation in forced begging and other forms of human trafficking. Spain further developed a special foster care programme to recruit and assess the suitability of host families; provide information and guidance, including conflict resolution, translation services, and psychological and legal support; and established a registry of all Ukrainian children, including unaccompanied minors and minors who lack documentation with daily law enforcement monitoring. In addition to financial support, including financial aid for Ukrainian people in vulnerable situations through subsidies to the autonomous communities, authorities developed individualized labour integration itineraries and job placement measures, including advice, labour market guidance, occupational vocational training, and employers' outreach and mediation, based on refugees' professional profile. Through public-private partnerships, training in digital skills, on-the-job professional and language training, internships, and other targeted interventions aim to improve refugees' employability. Spain

broadly engaged with the Ukrainian diaspora to validate support measures and identify areas for further enhancement as well as to enhance communication with new arrivals. Labour inspectors, law enforcement, and NGOs regularly monitor high-risk locations and sectors for trafficking for sexual and labour exploitation, and Spain pays special attention to detection, investigation, and prosecution of human trafficking cases involving Ukrainian victims, including through a task force of law enforcement, prosecutors and judges on trafficking cases involving Ukrainians. These efforts aimed to raise awareness among both the public and justice system actors about the specific vulnerabilities of displaced Ukrainian nationals and to ensure a coordinated institutional response, which has led to the identification of 11 Ukrainian victims in 2022, 10 in 2023, and 1 in 2024. The Special Representative welcomes these and other measures implemented by Spain aimed at better integrating people from Ukraine and preventing trafficking.

61. In conclusion, while positively noting the commitment and numerous steps taken in the prevention of trafficking by the Government of Spain, particularly through strong policy adoption and anti-trafficking structures, the Special Representative encourages authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its Addendum. The Special Representative and her Office stand ready to provide technical assistance, if requested, to national, regional, and local authorities, as well as civil society, and welcomes further dialogue and co-operation to promote appropriate follow-up to these recommendations.

VII. Recommendations

1. Enhance legal, policy and institutional framework by:

- Adopting a comprehensive anti-trafficking law with attention to and clear definitions of all forms of exploitation, further guidance on the application of the non-punishment principle, adoption of the “social path” approach to identification and assistance to victims, and the criminalization of the use of services of victims of trafficking.

- Developing a new National Action Plan with specific timelines and budgets for implementing agencies, as well as monitoring indicators for each of the actions through an inclusive process that seeks input from all relevant stakeholders, including state agencies, civil society, and lived experience experts, and that mandates specific actions to address increasing online exploitation of children and adults, *inter alia*, by including the education and health care sectors into identification efforts; continuing research and awareness-raising on various forms of trafficking, such as exploitation for criminal activities; promoting partnerships with financial intelligence by including the Financial Investigation Units (SEPBLAC) and financial regulators in anti-trafficking co-ordination efforts as crucial NAP stakeholders with specific tasks assigned to follow, identify, and disclose illicit financial flows related to trafficking; ensuring victims’ access to granted compensation by establishing alternative compensation schemes that is not solely reliant on the States’ ability to trace and recover traffickers’ assets; and enhancing prevention efforts, including by addressing the interlinkages between business, due diligence, and human rights, as well as developing national regulations and practices to implement the EU Due Diligence

Directive, increasing efforts to curb demand for sexual exploitation by legislative and policy measures and through education initiatives, and developing exit strategies for persons in commercial sex.

- Reviewing the role of the current National Rapporteur and establishing the institute of the National Anti-Trafficking Coordinator, following the 2024 EU Anti-Trafficking Directive, as well as creating and sufficiently resourcing an independent oversight mechanism.

- Introducing formal mechanisms to integrate the expertise of persons with lived experience into anti-trafficking laws, policies, and practices, including in decision-making and research.

- Establishing a unified and comprehensive database that includes gender-, age- and nationality-disaggregated data from all agencies on the number of victims identified, assisted, sheltered, and granted residency permits; the number of compensation claims submitted and granted; the number of investigations, prosecutions, convictions, and sentences; and the assets confiscated and recovered from traffickers.

- Ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 2003.

2. Enhance victim identification, assistance, and protection by:

- Launching a National Referral Mechanism (NRM) that regulates the actions of each agency that might come in contact with a trafficking victim (including labour inspectors, healthcare, education, and child protection authorities) and contributes to an improved and effective protection scheme through adopting a “social path approach.” Developing and implementing training on trauma-informed approaches to identification and referral of victims of various forms of trafficking for relevant authorities, especially front-line police officers, healthcare and social workers, teachers, and staff of child welfare institutions.

- Enhancing measures to identify victims of all forms of human trafficking and child trafficking, particularly for labour exploitation, forced criminality, and online child sexual exploitation, and by increasing proactive activities throughout the country including through screening at-risk children and youth, issuing guidance and training for all law enforcement and first responders on trafficking for exploitation in criminal activities, creating protection programs for children in all types of institutions with special attention to those who go missing and age out and unaccompanied boys and girls, and monitoring of online platforms advertising sexual services including escort services.

- Providing training for government employees and law enforcement on the dynamics and signs of forced criminality; introducing policy and protocol review for whether forced criminality victims are identified in validated screening tools and services; and including the topic of forced criminality in public awareness and education campaigns.

- Ensuring effective screening and identification of trafficking victims among vulnerable populations, including refugees and asylum seekers, and creating an independent monitoring body overseeing screening with an effective mandate and sufficient resources allocated, following Article 10 of the Screening Regulation (Regulation (EU) 2024/1356) and Article 43(4) of the Asylum Procedure Regulation (Regulation (EU) 2024/1348).

- Providing sufficient resources to address child trafficking and adopting a set of measures to minimize the vulnerability of children by promoting smaller and residential-type child-appropriate care for unaccompanied and other vulnerable children, including specialized shelter and services for trafficking victims; developing mentoring programs for children currently under and aging out of state guardianship; and raising their awareness about the dangers involved in running away, exploitation, and abuse.

- Providing sufficient resources to the social sector (including social security benefits), sustainable funding to anti-trafficking NGOs, and sufficient allowances to asylum seekers and people under temporary protection to prevent their possible trafficking.

- Streamlining and increasing funding for the provision of services to all trafficking victims across the country to ensure the continuity and consistency of services, including non-formally identified victims, men and boys, and providing sufficient resources, safe shelter for all categories of victims, training, and guidelines on specialized assistance, especially to victims with disabilities and substance dependencies, regardless of their participation in criminal justice processes.

- Increasing provision of compensation to victims, such as through training for prosecutors and lawyers and effective management of assets seized from traffickers to fund compensation for victims, including by expanding the use of ORGA's services to all courts dealing with trafficking cases to increase seizure of traffickers' assets and their use to increase compensation and services to trafficking victims.

3. Enhance the criminal justice response to all forms of human trafficking by:

- Ensuring the anti-trafficking police investigation unit is equipped with financial and human resources with cyber investigations skills to enable effective investigations of trafficking facilitated and/or enabled by technology. This should also include *inter alia* ensuring AI preparedness (both in terms of risks and positive use) among criminal justice practitioners through specialized training activities and knowledge building.

- Increasing the number of investigations and prosecutions for all forms of trafficking beyond trafficking for sexual exploitation and increasing convictions for trafficking crimes, including through collaboration with labor inspectors and proactive enforcement of regulations of employment/recruitment agencies with criminal prosecutions for those that facilitate trafficking.

- Boosting prosecutions and convictions by the use of pre-recorded victim testimony, and consider pre-recorded cross-examination methods for all trafficking victims.

- Issuing guidance on the application of the non-punishment principle with regards to victims of trafficking for exploitation in criminal activities and conducting training and awareness-raising for all criminal justice practitioners and the judiciary.

- Formalizing a public-private partnership model for sharing human trafficking-related data and intelligence between law enforcement, financial intelligence, and financial institutions to improve detection, reporting, and investigations of human trafficking related to illicit financial flows.

4. Enhance prevention of human trafficking by:

- Increasing and supporting prevention efforts by focusing on the demand that fosters all forms of trafficking, including through: amending the criminal law to criminalize the purchase of services from a victim of trafficking, regardless of knowledge, and pairing implementation of criminal justice measures with education initiatives for young men and boys. Further programmes could include, but not be limited to, education and employment opportunities that can help to support individuals wishing to exit prostitution and closely monitoring the venues where commercial sex services can be procured (particularly online) to prevent the exploitation of adults and children in this industry.

- Developing and implementing ethical recruitment guidelines for various sectors, including agriculture, construction, hospitality, domestic and private healthcare workers, and enforce them through proactive oversight and criminal accountability for recruitment agencies that facilitate trafficking.

- Establishing training for the staff of child protection institutions and institutions for children in conflict with the law on all types of trafficking, especially THB for forced criminality.

ANNEX I

Programme of the visit

11 February

09:00 – 09:30	Ministry for Foreign and European Affairs
10:00 - 11:00	National Rapporteur against Trafficking in Human Beings and the Intelligence Centre against Terrorism and Organised Crime (CITCO)
11:30 - 12:30	Trafficking and Aliens Unit of the Attorney General's Office
13:00 - 14:00	Ministry of Labour and Social Economy. Labour and Social Security Inspectorate

16:00 - 17:00	General Council of the Judiciary
17:30 – 18:30	Ministry of Inclusion, Social Security and Migration
12 February	
09:00 -10:00	Ministry of Equality. Government Delegation against Gender Violence
10:10 - 11:10	Ministry of Youth and Children. Childhood Observatory
1:20 – 12:20	Ministry of Education, Vocational Training and Sports
12:50 - 13:50	Ministry of the Presidency, Justice and Relations with the Parliament
16:00 - 17:00	Directorate General of the National Police
17:30 - 18:30	Directorate General of the Civil Guard
13 February	
12:00 – 13:00	Santander Bank – Financial Intelligence Unit
15:30 – 17:00	International organizations - IOM, UNHCR
14 February	
8:30 – 9:30	National Rapporteur against Trafficking in Human Beings and the Intelligence Centre against Terrorism and Organised Crime (CITCO) – wrap-up meeting
10:00 – 12:00	Meeting with the anti-trafficking NGO network La Red Espanola contra la Trata de Personas
12:30 – 13:30	Public Defender



ASUNTO: ALEGACIONES DEL MINISTERIO DEL INTERIOR AL INFORME DE LA REPRESENTANTE ESPECIAL Y COORDINADORA PARA LA LUCHA CONTRA LA TRATA DE LA OSCE TRAS SU VISITA A ESPAÑA DE 11 AL 14 DE FEBRERO DE 2025. PARA SU INCLUSIÓN COMO ANEXO AL REFERIDO INFORME

Una vez revisado el texto del referido informe, se hacen las siguientes alegaciones a los apartados que se indican:

- Apartado 28 (página 11): pese a que ya se informó sobre ello en la fase de elaboración del informe, se siguen observando errores en algunos de los datos consignados.

Concretamente se indica que *“La Representante Especial señala que la tendencia general de identificar más víctimas cada año es un avance positivo, así como el éxito de los esfuerzos de las fuerzas y cuerpos de seguridad del estado para identificar más víctimas de la trata con fines de explotación laboral (de 51 en 2021 a 246 en 2024), víctimas masculinas (de 23 en 2021 a 186 en 2024, incluidos 8 ciudadanos españoles) y víctimas menores de edad (de 4 en 2021 a 16 en 2024, incluidos 3 menores españoles)”*.

Esta redacción podría inducir a error sobre si las víctimas se refieren únicamente a la trata con fines de explotación laboral o a la totalidad de los datos de víctimas como independencia de la finalidad de explotación. En consecuencia, se hacen las siguientes precisiones:

En cuanto a las víctimas masculinas, si los datos del informe se refieren únicamente a hombres víctimas de trata laboral, debería indicar: de 18 en 2021 a 184 en 2024. Si se refieren al total de hombres víctimas de trata de cualquier finalidad debería decir: de 23 en 2021 a 191 en 2024.

En cuanto a los menores, los datos expuestos en el informe solo serían correctos si se refieren en su conjunto a todas las finalidades. En caso de referirse a menores víctimas de trata laboral, debería indicar de 0 en 2021 (o 4 en 2022) a 5 en 2024, incluido 1 menor español.

- Apartado 29 (página 12): se afirma en el informe que *“se identificó a 7049 personas en situación de riesgo y aproximadamente una cuarta parte de ellas fueron identificadas como posibles víctimas de trata (a la espera de las investigaciones en curso)”*. La Oficina de la Representante Especial comunicó



que estos datos fueron facilitados durante la reunión con la Relatora Nacional contra la trata de seres humanos. Por parte de la Relatora se subraya que, sin duda debe haber sido un malentendido, por lo que se quiere dejar constancia expresa de que el dato no se ajusta a ninguna estadística ni categoría oficial de datos y, en consecuencia, se sugiere su supresión.

- Apartado 29 (página 11-12): se hace referencia a que no se llevan a cabo identificaciones de víctimas de trata por parte de las fuerzas y cuerpos de seguridad del Estado entre los solicitantes de protección internacional. Durante la visita ya se aclaró esta cuestión, pese a lo cual sigue apareciendo recogida en el informe. Por parte del Ministerio del Interior se quiere dejar constancia expresa de que sí se producen identificaciones entre los solicitantes de protección internacional, y hay un procedimiento específico para ello. La razón por la que no se pueden ofrecer datos concretos sobre el número de identificaciones entre las personas solicitantes de protección es que los sistemas de registro de datos no permiten diferenciar qué víctimas son identificadas en el marco de este procedimiento.
- Apartado 30 (página 12): se afirma que *“CITCO informó de que los grupos delictivos de Europa del Este explotan a los nacionales de sus propios países en el robo de cobre y convertidores catalíticos”*. Si bien esta información es cierta, hay que precisar que se circscribe a las actividades de nacionales de estos países vinculadas únicamente a la trata con fines de comisión de delitos, y que las mismas no están siempre relacionadas con la criminalidad organizada. Datos más recientes indican que las actividades relacionadas con la trata con fines de actividades delictivas se focalizan en el cultivo de plantaciones *indoor* de marihuana que afectan a víctimas de origen asiático y de América Latina.
- Apartado 37 (página 15): se indica que *“España aún no cuenta con un NRM formal”*. En España el Mecanismo Nacional de Derivación se establece a través del Protocolo Marco de Protección de las Víctimas de Trata de Seres Humanos, adoptado mediante acuerdo de 28 de octubre de 2011 por los Ministerios de Justicia, del Interior, de Empleo y Seguridad Social y de Sanidad, Servicios Sociales e Igualdad, la Fiscalía General del Estado y el Consejo General del Poder Judicial.

Este Protocolo, que se viene aplicando desde esa fecha por todas las instituciones y organizaciones implicadas en la protección a las víctimas, señala las distintas fases por las que atraviesa una posible víctima de trata desde su



detección; indica las actuaciones a llevar a cabo en cada fase e identifica a las administraciones públicas implicadas, estableciendo los mecanismos de coordinación entre ellas y su relación con otras organizaciones con experiencia acreditada en la asistencia a víctimas. El Protocolo disponible en versiones en español inglés y francés en el siguiente [ENLACE](#)

➤ Apartado 37 (página 15): se indica que “[...] a falta de una base de datos nacional completa sobre las víctimas de la trata, más allá de las identificadas formalmente por la policía da lugar a estadísticas fragmentadas e incoherentes. Las víctimas identificadas por las ONG u otras entidades no policiales suelen quedar excluidas de las estadísticas nacionales”.

Esta afirmación no se ajusta a la realidad por varios motivos. En primer lugar, sí existe una base de datos nacional que recoge los datos de víctimas formalmente identificadas por las fuerzas y cuerpos de seguridad del Estado. Esta base de datos se denomina BDTRATA y se encuentra en la Secretaría de Estado de Seguridad (Ministerio del Interior) siendo gestionada por el Centro de Inteligencia contra el Terrorismo y el Crimen Organizado (CITCO). En la misma se recogen datos desagregados de víctimas, detenidos y grupos criminales vinculados a la trata de seres humanos en todas sus finalidades, así como de explotación sexual y laboral. También incorpora datos de la actividad preventiva.

Hay que recordar que en España la competencia para la identificación formal de víctimas es de las fuerzas y cuerpos de seguridad con formación específica, formación que les permite precisamente garantizar la coherencia y adecuado registro de las víctimas. Estos datos sirven de base para las estadísticas oficiales nacionales, así como para las aportaciones a organismos internacionales y a la Comisión Europea.

Por otro lado, y conforme al mecanismo nacional de derivación español, que como ya se ha indicado es el Protocolo Marco de Protección de las Víctimas de Trata de Seres Humanos, existe la obligación de que aquellos organismos y entidades que detecten alguna potencial víctima lo comuniquen a las fuerzas de seguridad especializadas para su identificación formal, siendo en muchos casos esta falta de comunicación lo que dificulta la posterior identificación y posible exclusión de las estadísticas nacionales.

ANEXO DE LA UNIDAD ESPECIALIZADA CONTRA LA TRATA DE PERSONAS Y DE EXTRANJERÍA DE LA FISCALÍA GENERAL DEL ESTADO ESPAÑOL AL INFORME DE LA REPRESENTANTE ESPECIAL Y COORDINADORA PARA LA LUCHA CONTRA LA TRATA DE PERSONAS DE LA OSCE

I. ANTECEDENTES DE HECHOS.

PRIMERO. – En fecha 12 de septiembre de 2025, se recibió en esta Unidad un primer borrador del informe de evaluación a España en materia de trata de seres humanos, elaborado por la Alta Representante y Coordinadora de la OSCE en dicha materia, como resultado de la visita realizada en febrero de 2025.

SEGUNDO. – Dentro del plazo concedido para formular observaciones, esta Unidad Especializada de la Fiscalía General del Estado realizó aportaciones al párrafo 48 del informe relativo a la aplicación por parte de la Fiscalía y de los órganos judiciales del principio de no punición. Dicho párrafo señalaba, en síntesis, la supuesta falta de uniformidad en la aplicación del principio y la existencia de casos en los que, pese a haberse acreditado en el procedimiento judicial la condición de víctimas de trata de seres humanos para la comisión de actividades delictivas, derivada principalmente de su situación de vulnerabilidad y de indicios racionales de que estas personas cometieron hechos delictivos como consecuencia de la situación de explotación en la que se encontraban, se habrían dictado condenas por delitos principalmente relacionados con el tráfico de drogas, seguidas de su expulsión del territorio español.

En este contexto, se trasladaron las siguientes consideraciones:

- Esta Unidad no dispone de constancia de resoluciones judiciales en las que, habiéndose acreditado en el procedimiento la concurrencia de una situación de trata de seres humanos y la relación causal entre dicha situación y los hechos imputados, no se haya aplicado la cláusula de no punición prevista en el artículo 177 BIS apartado 11 del Código Penal Español.
- Por ello, se solicitó a la Alta Representante que, en caso de disponer de datos concretos o resoluciones judiciales que sustenten las afirmaciones contenidas en el párrafo citado, fueran remitidas a esta Fiscalía General

del Estado a la mayor brevedad, en atención a la posible relevancia jurídico-penal que pudieran revestir estos hechos.

- Se indicó, asimismo, que la ausencia de datos verificables dificultaba la asunción institucional de las conclusiones expuestas y su eventual integración en un informe público.
- Se recordó que España incorporó hace más de quince años en su normativa penal una excusa absolutoria específica para las víctimas de trata, en cumplimiento de los estándares internacionales, siendo un instrumento utilizado de manera habitual por la Fiscalía y los órganos jurisdiccionales.

TERCERO.— Tras la remisión de dichas observaciones, en fecha 3 de noviembre se recibió el informe definitivo de la OSCE, con indicación de la posibilidad de remitir las consideraciones que se estimaran oportunas para su eventual incorporación como anexo al Informe oficial.

Como consecuencia de las aportaciones efectuadas, el párrafo 48 fue modificado, quedando redactado en los términos que constan en el citado informe, (*se da por reproducido el texto actualizado del párrafo 48, omitido aquí por formar parte del documento original.*)

II. CONSIDERACIONES DE LA UNIDAD CONTRA LA TRATA DE PERSONAS Y DE EXTRANJERÍA DE LA FISCALÍA GENERAL DEL ESTADO CON RELACIÓN AL PÁRRAFO 48 DEL INFORME ELABORADO POR LA ALTA REPRESENTANTE Y COORDINADORA DE LA OSCE.

Esta Unidad mantiene las afirmaciones anteriormente reseñadas, destacando especialmente las siguientes consideraciones:

PRIMERO. — El Ordenamiento Jurídico Español recoge desde hace más de una década el principio de no punición de las víctimas de trata como excusa absolutoria en el Código Penal, en concreto desde que se introdujo la trata de seres humanos como delito independiente y con idiosincrasia propia en virtud de la Ley Orgánica 5/2010 de 22 de junio, contemplándose en el número 11 del art. 177 BIS en los siguientes términos:

Art. 177 bis.11 del Código Penal: “Sin perjuicio de la aplicación de las reglas generales de este Código, la víctima de trata de seres humanos quedará exenta de pena por las infracciones penales que haya cometido en la situación de explotación sufrida, siempre que su participación en ellas haya sido consecuencia directa de la situación de violencia, intimidación, engaño o abuso

a que haya sido sometida y que exista una adecuada proporcionalidad entre dicha situación y el hecho criminal realizado”.

En este sentido y como no podría ser de otro modo, la exoneración de responsabilidad prevista en el párrafo citado, siempre y cuando concurren los presupuestos exigidos en el mismo, viene siendo aplicado por la Fiscalía y los órganos judiciales de manera habitual, especialmente en los casos en los que las víctimas son obligadas por las organizaciones criminales que las controlan a suministrar drogas a terceros.

SEGUNDO. – A pesar de que por la Fiscalía General del Estado Español, a través de esta Unidad Especializada, se viene realizando desde el año 2010 un seguimiento sistemático y exhaustivo de todos los procedimientos judiciales que se incoan en el territorio nacional por trata de seres humanos, así como de los escritos de acusación y sentencias que se dictan en el desarrollo de los mismos, con la consiguiente recopilación y estudio de los datos obtenidos (tal y como se documentó y se pudo comprobar por la comisión de la OSCE autora del informe), **no se tiene constancia de la existencia de causa penal alguna, en la que se haya condenado a una persona identificada formalmente como víctima de trata, por delitos cometidos en el marco de la explotación sufrida en los términos establecidos en el art. 177 bis.11 del Código Penal** anteriormente trascrito; asimismo, **tampoco existe constancia de que se haya acordado y procedido al retorno no voluntario al país de origen de personas extranjeras identificadas como víctimas de trata.**

TERCERO. – Por último, y dicho lo anterior, estimamos que la inclusión en informes públicos de entidades de prestigio como lo es la OSCE, de afirmaciones relativas a eventuales incumplimientos de obligaciones legales por parte de jueces o fiscales, exige contar con elementos verificables y objetivos que permitan su análisis por las autoridades competentes, **no debiendo realizarse aseveraciones tan serias basadas en meras apreciaciones o conjeturas** procedentes de entidades u organismos que no están directamente relacionadas con la Administración de Justicia, sin base fáctica que las sustenten.

Por todo lo anterior, **respetuosamente solicitamos** que se adjunte el presente informe como anexo al elaborado por la Alta Representante y Coordinadora de la OSCE en materia de trata de personas, en concepto de alegaciones realizadas por la Unidad contra la Trata de Personas y de Extranjería de la Fiscalía General del Estado Español.

Madrid, noviembre de 2025