

**SAFE
REPORTING**

for victims of crime
with irregular
migration status

safereporting.eu

VICTIMS WITH IRREGULAR MIGRATION STATUS' SAFE REPORTING OF CRIMES

TRAFFICKING IN HUMAN BEINGS AND SAFE REPORTING STRATEGIES IN THE CITY OF BARCELONA

DELIVERABLE D2.1 WP2, SUBMITTED ON 02 SEPTEMBER 2023 (PROJECT MONTH: 12)



Co-funded by
the European Union

VISA RoC project has received funding from the
European Union's DG JUSTICE programme under the call
JUST-2021-JACC and grant agreement No 101056675

Twitter / Instagram: @safereporting

VISA RoC

Deliverable D3.1 WP3, submitted on
02 September 2023 (project month: 12)

AUTHOR

Natalia Caicedo, Associate
Professor of Constitutional Law
at the University of Barcelona
and Coordinator of the VISA RoC
project. For further information
ncaicedo@ub.edu

The views presented are those
of the author(s) and do not
necessarily represent the views
of the institutions with which they
are affiliated and the institution
co-funded the project.

HISTORY OF CHANGES

Version

1.0

Publication date

02.09.2023

Changes

Initial version

CONTENTS

1. RESEARCH DESIGN AND METHODOLOGY	3
1.1 Purpose and objectives of the report	3
1.2 Methodology	4
1.3 Structure	5
2. LEGAL FRAMEWORK ON TRAFFICKING IN HUMAN BEINGS AND SAFE REPORTING	6
2.1 Contextualisation	6
2.2 Legal framework at national level	6
2.3 Regional level	11
3. ACTORS INVOLVED	12
3.1 National level	12
3.2 Regional/Autonomous Level	12
3.3 Barcelona City Council	13
3.4 NGOs	13
4. FUNCTIONING OF THE SAFE REPORTING FOR VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN THE CASE OF BARCELONA	14
4.1 The actions of the different actors involved.	14
4.2 Coordination spaces between involved actors	15
5. IMPROVING SAFE REPORTING PRACTICES	17
6. REFERENCIAS	19
7. ANNEXES	21

1. RESEARCH DESIGN AND METHODOLOGY

1.1 PURPOSE AND OBJECTIVES OF THE REPORT

This report presents the results of the socio-legal study on safe reporting practices for victims of trafficking in human beings in the city of Barcelona. This report was produced within the framework of the European project titled 'Victims with Irregular Migration Status' Safe Reporting of Crime' (VISA RoC), funded by the Directorate-General for Justice of the European Commission. The primary objective of the VISA RoC project is to identify and promote safe channels for reporting by irregular migrants, including victims of trafficking in human beings. The report is a key component of Work Package 3 (WP3).

The starting point of this report is the research carried out by Professor Markus González in the project 'Safe Reporting of Crime for Victims and Witnesses with Irregular Migration Status in the USA and Europe (2018-2019)'¹. Coordinated by the University of Oxford (COMPAS), this project aimed to identify national and local "firewall" measures to facilitate the safe reporting of victims or witnesses with irregular administrative status in the Netherlands, Belgium, Italy, and Spain. For Spain, the research concluded that its immigration legislation offers a safe reporting channel for victims of human trafficking. This provision allows them to report to the police without facing sanctions related to their irregular residency status. The study further revealed that in Spain, no expulsion proceedings are initiated against potential victims of trafficking in human beings who come into contact with the police. However, there are significant gaps in the implementation of protective measures. These deficiencies are evident both in the administrative management of foreign nationals' files and in the detection and identification of victims.

In Spain, the fight against trafficking in human beings became a priority policy starting from the first decade of the 20th century. Legislative reforms between 2007 and 2009 established human trafficking² as a criminal offense and introduced a mechanism for victim protection³. As will be detailed later, victims of human trafficking are granted a safe reporting channel, substantially improving their vulnerable situation. Yet, this assurance does not result in the detection and identification of a considerable number of victims⁴. Professor González's study argues that this is due to gaps in regulatory norms and the dynamics of the various stakeholders involved⁵.

Taking the aforementioned research as its foundation, this report on trafficking in human beings and safe reporting strategies in Barcelona aims to: 1) Delve deeper into the challenges of identifying victims of human trafficking, 2) Highlight the key entities and individuals championing the protection of these victims in Barcelona, 3) Analyse the efficacy and operation of the current protective system for trafficking victims in Barcelona, 4) Suggest improvements for existing practices, emphasizing potential collaborations between relevant stakeholders.

¹ González Beilfuss, M. (2019) Safe reporting of crime for migrants with irregular status in Spain, COMPAS: Oxford. Available at <https://www.compas.ox.ac.uk/wp-content/uploads/SR19-Spain-country-report.pdf>

² Organic Law 5/2010, of June 22, 2010, amending Organic Law 10/1995, of November 23, 1995, of the Penal Code. BOE No. 152, of June 23, 2010.

³ Organic Law 2/2009, of 11 December, reforming Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration. BOE no. 299, of 12 December 2009.

⁴ See section 2.1.

⁵ González Beilfuss, M. (2019) Safe reporting of crime for migrants with irregular status in Spain, COMPAS: Oxford. Available at <https://www.compas.ox.ac.uk/wp-content/uploads/SR19-Spain-country-report.pdf>

1.2 METHODOLOGY

The study on the existing dynamics in Barcelona for the protection of victims of trafficking in human beings was approached through three methods. The first was the identification of involved actors by creating a mapping. Secondly, interviews were conducted with key institutional stakeholders involving various institutions (City Council, Police, and the Generalitat de Catalunya (Catalan Government)). The third method was desk research on the current situation.

To set up this mapping, key players involved in prosecuting trafficking in human beings and protecting its victims were identified. Both institutional figures and NGOs were included in this identification process. Specifically, for Barcelona, there is a specialised unit from the City Council, a specialised unit from the National Police, and a specialised unit from the *Mossos d'Esquadra* (Catalonian police force). Regarding the NGO mapping, four key NGOs were pinpointed, detailed in section 3 of this report. The structure of the Catalan Government (Generalitat), particularly the Department of Unity and Feminisms, was also reviewed to identify units responsible for formulating strategies against human trafficking.

After identifying these key figures, two interviews⁶ and three expert meetings⁷ were held. The first interview involved the Anti-Trafficking Unit of the Barcelona City Council (UTEH) (interview 1) and the second with the National Police (interview 2). The first of the meetings was with an official from the General Secretary of Feminisms from the Catalan Government (Generalitat), the body that oversees the strategy against trafficking in human beings (meeting 1). The subsequent two meetings were held with NGOs, SICAR (meeting 2) and Sorela (meeting 3).

The interview methodology replicated that of the "Report on the Development of Pioneering Strategies for Safe Reporting" in WP2 of the VISA RoC Project. In October 2022, alongside the research team of the project, an interview script was created and later refined with VISA RoC project partners in a November 2022 video conference. For the City Council and police unit, interviewees were the heads of their respective units. These semi-structured interviews were conducted in person. The City Council unit interview was recorded, adhering to data protection stipulations set in the Data Management Plan of the VISA RoC Project⁸. The National Police interview was not recorded. The meetings were held from March to June 2023 and, for the unit of the Generalitat, it involved an individual from the department dedicated to eradicating gender-based violence⁹. For NGOs, one meeting involved a representative responsible for legal assistance¹⁰ and another with a program coordinator¹¹. These meetings were not recorded, the meetings aiming to establish preliminary contact for potential partnerships, yet provided significant input for this report.

Complementing the interviews was an in-depth study of the recent legislation and key reports on the topic from recent years. The legislative review was multidisciplinary and multi-tiered, analysing legislation on trafficking in human beings from varied legal angles and regulatory protection levels. Notably, regional laws (at the autonomous community level) have facilitated unique strategies and public policies to combat trafficking in human beings¹². Reports from the Spanish Group of Experts against Trafficking in Human Beings (GRETA)¹³ were considered, as were the National Strategic Plan against Trafficking and Ex-

⁶ The interviews were conducted by Oriol Nebot i Nieto, research assistant of the VISA RoC Project. The interview with the National Police was conducted jointly with the Project Coordinator Natalia Caicedo.

⁷ The meeting with a responsible person of the Generalitat de Catalunya was attended by Mr. Oriol Nebot I Nieto and the coordinator Natalia Caicedo. The meetings with NGOs were carried out by the project coordinator Natalia Caicedo.

⁸ Milestone Victims with Irregular Status' Safe Reporting of Crime (VISA RoC). Data Management Plan. January 2023.

⁹ Meeting 1

¹⁰ Meeting 2

¹¹ Meeting 3

¹² See section 2.

¹³ GRETA (2018) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain. <https://rm.coe.int/greta-2018-7-frg-esp-en/16808b51e0> GRETA (2023) Access to justice and effective remedies for victims of trafficking in human beings. Evaluation Report Spain <https://rm.coe.int/greta-evaluation-report-on-spain-3rd-evaluation-round-greta-2023-10-ac/1680ab8d0f>

ploitation of Human Beings 2021-2023¹⁴ from the Ministry of Interior and the Operational Plan for the protection of the human rights of women and girls' victims of trafficking, sexual exploitation and women in contexts of prostitution (2022-2026), the National Strategic Plan "Plan Camino", from the Ministry of Equality¹⁵. Finally, the research also drew from reports by the Barcelona City Council¹⁶ and local NGOs and associations operating in the city of Barcelona¹⁷.

1.3 STRUCTURE

The *Report on trafficking in human beings and safe reporting strategies in the city of Barcelona* is divided into a total of 5 sections. These sections summarize the main findings of the research conducted. Similarly, as in the Report on the development of pioneering safe reporting strategies, the structure followed in this report was agreed upon with the partners involved in WP3 of the VISA RoC project. The common format of the report is designed to facilitate a comparative study of the 4 cities that are part of the project and to derive shared conclusions.

Section 1 covered the research design and methodology. Section 2 delves into the legal framework regarding the protection of victims of trafficking in human beings. This section elaborates on the regulations from different areas of law, encompassing criminal law, immigration law, and victims' rights. Additionally, this section provides a multilevel perspective, detailing the regulations from the Autonomous Community of Catalonia in this domain and highlighting the public policies of the Barcelona City Council.

Section 3 identifies the key stakeholders engaged in the protection of victims of trafficking in human beings in Barcelona. It outlines the roles of units from both local and regional administrations, which are committed to combating human trafficking and ensuring victim protection. The section also describes the specialised units of national and regional police forces that are devoted to this cause. Lastly, it details the NGOs active in the sphere of protecting victims of trafficking in human beings.

Section 4 sheds light on how safe reporting mechanisms work for victims of trafficking in human beings in Barcelona. It specifically elucidates the roles and actions of various stakeholders within the protocol established in 2013. This section underscores the best practices initiated in Barcelona, emphasizing both legal defence and psychological support provided to the victims. It further elaborates on the collaboration and coordination efforts among different entities.

Section 5 contemplates potential avenues to enhance the existing measures in place for the protection of victims of trafficking in human beings in Barcelona. As in the Report on the development of pioneering strategies for safe reporting, this section focuses on prospective paths for forging partnerships in the area of human trafficking.

¹⁴ National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023. Ministry of Interior

¹⁵ Operational Plan for the protection of the human rights of women and girls victims of trafficking, sexual exploitation, and women in contexts of prostitution (2022 - 2026) "Plan Camino". Ministry of Equality. https://violenciagenero.igualdad.gob.es/otrasFormas/trata/normativaProtocolo/pdf/Plan_Camino_DEF19092022.pdf

¹⁶ Report 2018-2019 Municipal Unit against Trafficking in Human Beings UTEH. Ajuntament de Barcelona. https://ajuntament.barcelona.cat/dones/sites/default/files/documents/informe_uteh_2019_es_acc.pdf

¹⁷ SICAR. Report 2022. Pathways to recovery. <https://adoratrius.cat/wp-content/uploads/2023/05/Memoria2022cast.pdf>

2. LEGAL FRAMEWORK ON TRAFFICKING IN HUMAN BEINGS AND SAFE REPORTING

2.1 CONTEXTUALISATION

In the complex subject of human trafficking, it is imperative to understand the broader landscape before delving into specifics. Contextualization provides a foundation, setting the stage for the audience to appreciate the nuances and complexities of the issue at hand. Through the lens of data, we can measure and analyse the extent, patterns, and repercussions of trafficking on its victims.

While sexual exploitation trafficking is a significant and grave facet of trafficking in human beings, it is essential not to let it overshadow other forms. The gender component in trafficking extends far beyond just sexual exploitation. Women and girls, because of their gender, may be particularly vulnerable to certain types of trafficking that are not sexual in nature, such as forced labour in sectors predominantly occupied by females. There are also situations where their gender might expose them to specific risks or abuses during trafficking.

Therefore, understanding the gender component is not just about acknowledging the sexual exploitation angle but recognizing the myriad ways in which gender dynamics play a role in the broader spectrum of trafficking. It pushes stakeholders to create comprehensive strategies that address all forms of trafficking and not just the ones that are most highlighted.

2.2 LEGAL FRAMEWORK AT NATIONAL LEVEL

The process for safe reporting by victims of trafficking in human beings involves legislation from various sectors. Initially, the Immigration Law¹⁸ and its associated regulations¹⁹ lay out a mechanism that ensures such victims can report safely. The Criminal Code²⁰, meanwhile, distinguishes the crime of human trafficking, ensuring it stands out from other offenses. There are several other laws focused on the protection of trafficking victims, including the Legal Aid Act²¹, the Victims' Protection Act²², and the Sexual Freedom Act²³. Furthermore, specific regulations are designed to address potential barriers that victims of trafficking victims in human beings might face when trying to access the rights afforded to them by the law, such as access to healthcare or legal assistance.

Given Spain's decentralized administrative structure, in addition to national legislation, it is also imperative to consider regulations introduced by the Autonomous Community of Catalonia specifically for victim protection. At the municipal level, the Barcelona Municipal Charter²⁴ holds significant relevance.

In the Criminal Code, trafficking in human beings is defined as a criminal offense, specifically under Article 177 bis. Given that trafficking is inherently a group-oriented crime, there is inherent risk that victims might be seen as part of the criminal organization. To

¹⁸ Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration. BOE" no. 10, of 12/01/2000.

¹⁹ Royal Decree 557/2011, of 20 April, approving the Regulations of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, following its reform by Organic Law 2/2009. BOE" no. 103, of 30/04/2011

²⁰ Organic Law 10/1995, of 23 November, on the Penal Code. BOE no. 281, of 24/11/1995.

²¹ Law 1/1996, of 10 January, on free legal aid. BOE no. 11, of 12/01/1996.

²² Law 4/2015, of 27 April, on the Statute of the Victims of Crime. BOE no. 101, of 28/04/2015

²³ Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom. BOE no. 215, of 07/09/2022.

²⁴ Law 22/1998 of 30 December 1998 on the Municipal Charter of Barcelona

counteract this, the Criminal Code establishes exemptions from criminal liability or the principle of non-punishment for victims²⁵, ensuring victims are not perceived as accomplices within the criminal network. This exemption generally applies when, for example, a victim of sexual exploitation trafficking is coerced into selling drugs. However, it is rarely invoked in cases of trafficking aimed at criminal activities, where the primary goal of exploitation is committing other crimes. In such cases, victims are typically seen as part of the criminal operation²⁶. This disparity is highlighted in the GRETA Report, which indicates that non-punishment provisions are not implemented in cases of criminal exploitation trafficking²⁷. Moreover, the European Court of Human Rights recently stressed that nations must proactively seek out and identify trafficking victims who are forced into committing crimes. Failing to do so infringes on Article 4 of the ECHR²⁸.

Parallel to the criminal exemption for victims, there is also an exception in place concerning their irregular residency status. This provision ensures a safe reporting pathway for victims of trafficking in human beings. Provisions within the Immigration Law (Art. 59 bis) and its regulations (Art. 140-146) cater to the protection of victims of trafficking in human beings. As per these provisions, once a victim is identified, they are not penalized for their irregular immigration status, and any ongoing proceedings related to this irregularity are halted. Any pre-existing expulsion orders are also suspended. Moreover, as will be explained further, the law outlines a procedure to grant administrative permissions to these victims. This legal framework, in essence, derives from Spain's alignment with Directive 2011/36/EU on preventing and combating trafficking in human beings²⁹ and the commitments Spain took upon signing the Council of Europe's Convention on Action against Trafficking in Human Beings, also known as the Warsaw Convention³⁰.

a. The detection of victims of trafficking in human beings

When a potential victim of human trafficking is identified, they must be reported to police forces. According to the framework protocol for the protection of victims of human trafficking³¹, in most cases, the identification of potential victims arises from investigations conducted by the security forces. Yet, identification can also result from a labour inspection, upon entry into the country, or when an alleged victim interacts with a public or private organisation due to seeking health, social, or educational services, or after contacting an information outlet, such as mobile units or helplines.

In Spain, both the national and autonomous regional police forces have dedicated phone lines to facilitate the reporting process. As per the conducted interviews, some human trafficking investigations were initiated through these lines, leading to the identification of victims³². Nonetheless, pinpointing victims in real-world situations is extremely challenging since it is a clandestine crime, with trafficking for sexual exploitation being especially covert. The interviews highlighted the difficulty in identifying potential victims and point-

²⁵ Art. 177 bis. 11 "Without prejudice to the application of the general rules of this Code, the victim of trafficking in human beings shall be exempt from punishment for the criminal offences committed in the situation of exploitation suffered, provided that their participation in them was a direct consequence of the situation of violence, intimidation, deception or abuse to which she was subjected and that there is adequate proportionality between that situation and the criminal act committed".

²⁶ Trafficking in human beings for the purpose of forced criminality Recommendations for action by professionals in the judicial field. Centre for legal studies and specialized training. Generalitat de Catalunya. 2022. https://cejfe.gencat.cat/web/.content/home/ocjvm/publicacio/publicacions/trafic-essers-humans-recomanacions/Recomanacions_TEH_finalitat_criminalitat_forcada_acc.pdf

²⁷ GRETA (2018) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain. <https://rm.coe.int/greta-2018-7-frg-esp-en/16808b51e0>

²⁸ ECHR Judgment V.C. Li A.N. v. the United Kingdom of 16 February 2021

²⁹ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting victims and replacing Council Framework Decision 2002/629/JHA.

³⁰ Instrument of Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (Council of Europe Convention No. 197), done at Warsaw on 16 May 2005. BOE" No. 219 of 10 September 2009.

³¹ Framework Protocol for the Protection of Victims of Trafficking in Human Beings. <https://violenciagenero.igualdad.gob.es/va/otrasFormas/trata/normativaProtocolo/marco/docs/protocoloTrata.pdf>

³² Interview 2

ed out how certain regulatory changes have further complicated this effort³³. For instance, the recent Sexual Freedom Law bans advertisements for sexual services in the press. This prohibition has stripped the police of a crucial information source about places where prostitution — and potentially human trafficking — occurs. Both police units and regional and local administrations have cited victim identification as one of the primary challenges. As will be discussed further, while the law does outline a specific protection pathway once the victim has been identified, there is a noticeable lack of resources dedicated to the detection of, and raising awareness about, human trafficking.

b. The identification of victims of trafficking in human beings

Once a potential victim is detected, the formal identification process begins. This procedure involves an interview, aiming not for absolute certainty, but the presence of reasonable doubt about being a victim. Specialised units of the National, Police National Social Interlocutor and Territorial Social Interlocutors, handle the interview and the identification. Once the interview has been held and in case there are reasons to believe that the person could be a victim of human trafficking, a formal declaration by police forces is issued identifying him or her as a potential victim. Acknowledgment of their status provides the individual with an initial layer of protection. The potential victim is then taken under the care of an NGO, and they are given a 90-day reflection period to decide whether to cooperate in the criminal investigation. During this window, in case that the potential victim is in an irregular immigration status no sanctions like expulsion orders can be taken, and if any have been initiated or if there is an existing expulsion order, it will not be executed.

An NGO interview revealed that sometimes, after interviewing a potential victim, the police might lack enough evidence to declare him or her a trafficking victim. In such cases, no expulsion files are opened, yet there is no clear path to report potential crimes that the individual might have suffered³⁴. At times, an interview might describe labour exploitation, which, although exploitative, does not qualify as human trafficking. In these scenarios, the individual leaves the police station without any immigration sanction or expulsion order but also without a clear route to report the exploitation described during the interview.

For the identification of human trafficking victims, there are roles like the National Social Interlocutor and Territorial Social Interlocutors (established by Instruction 6/2016). They serve as liaisons between NGOs and other entities experienced in combating trafficking in human beings. Effective coordination between police forces and NGOs is pivotal for accurate victim identification. Both police and NGOs have expressed appreciation for joint operations where NGOs act as support, assisting with victim interactions³⁵. This collaborative approach is endorsed in the GRETA Report as an effective cooperation mechanism among involved entities. Yet, in Spain, challenges persist, such as inconsistencies in regional implementation and insufficient sharing of best practices³⁶.

A significant challenge within the protection system is its heavy reliance on victim cooperation with law enforcement³⁷. The GRETA Report on Spain's situation presses Spanish authorities to ensure that victim identification is not strictly tied to having ample evidence to initiate a criminal process³⁸. In this vein, Spain's protective measures have faced criticism for not being sufficiently victim centric. It suggests that the primary focus is on crime prosecution, side-lining victim protection. Recent developments, however, like the administrative accreditation (not police accreditation) as potential victim of trafficking, issue in the framework of the Ukraine conflict, aim to provide social assistance rights for victims of trafficking and sexual exploitation, irrespective of any collaboration with the authorities in the persecution of the criminal networks³⁹.

³³ Interview 2

³⁴ Meeting 3

³⁵ Interview 1, meeting 1 and meeting 2.

³⁶ Interview 2, meeting 1 and meeting 2.

³⁷ GRETA (2018) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain, p.51. <https://rm.coe.int/greta-2018-7-frg-esp-en/>

³⁸ Ibid.

³⁹ Royal Decree-Law 6/2022 of 29 March adopting urgent measures in the framework of the National Response Plan to the economic and social consequences of the war in Ukraine.

The National Strategic Plan "Plan Camino" (2022-2026) expanded this administrative accreditation to all victims of trafficking for sexual exploitation purposes. This administrative accreditation as human trafficking victims do not prevent from any immigration sanctions, but it eases access to social assistance rights. This means that the identification process (handled by security forces) is now separated from accessing social rights and social benefits. Once a potential trafficking victim is detected, qualified NGOs generate a detection report. Then, the Autonomous Community issues the victim accreditation that open the door to social assistance. The importance of this lies in its issuance before the official police identification and it is independent of any complaint or involvement in criminal proceedings.

When the National police declare someone as a potential human trafficking victim (after the interview), it ushers in a "recovery and reflection" phase lasting at least 90 days. During this time, NGOs provide shelter and extend health and psychological care, as well as legal and employment support to the victim. Specific healthcare protocols, established in 2012⁴⁰, were later solidified in 2017 (the Protocol was signed between the national government and all the Autonomous Communities) with guidelines for healthcare personnel on identifying potential victims of trafficking in human beings for the purpose of sexual exploitation⁴¹. In terms of psychological support, a specialised unit for victims of human trafficking exists in Barcelona's Vall d'Hebron Hospital. While there have been some intervention guides⁴² by social entities and research-backed recommendations⁴³, a tailored public policy addressing the unique needs of human trafficking victims is still lacking.

c. Collaboration and the issuance of the residence permit

After the initial 90-day recovery period, the victim must decide whether to cooperate with law enforcement in the legal case against the human trafficking organisation. Spain has provisions that exempt victims from immigration sanctions tied to any prior unauthorized stay in the country, a fee or an expulsion order. This exemption is granted if the victim agrees to collaborate with the police during the persecution and the trial against the traffickers, after which their residence permit is processed. If the victim chooses not to cooperate, they can still apply for a residence permit based on their personal circumstances. Residence permit based on personal circumstances required a declaration of exemptions from the central government, through its delegates or sub-delegates. Once granted, victims can then process their residence and work permits. These benefits also extend to their children under 18. Permits for those aiding the justice system fall under the purview of the Secretary of State for Security, whereas those granted for personal situations are overseen by both the Secretary of State for Security and the Secretary of State for Migration.

The Immigration Law outlines two paths for securing a residence permit. The first grants a residence permit to those who cooperate with the police. The second type, granted due to personal reasons, is an alternative when the victim does not collaborate or there is not enough evidence to initiate an investigation against the criminal network. The main qualification for a residence permit is the victim's cooperation. If they choose not to cooperate, authorities then evaluate (based on undisclosed criteria) whether a residence permit should be issued due to the victim's personal circumstances⁴⁴. There is no expulsion procedure in either case, whether with or without the victim's cooperation with the police.

⁴⁰ Royal Decree 1192/2012, of 3 August, regulating the status of insured and beneficiary for the purposes of health care in Spain, charged to public funds, through the National Health System, amended by Royal Decree 576/2013, of 26 July.

⁴¹ Health response to trafficking for the purpose of sexual exploitation. Annex to the Common Protocol for the healthcare action against gender-based violence in the National Health System (NHS). Commission against Gender Violence of the Interterritorial Council of the NHS. November 2017. https://www.sanidad.gob.es/organizacion/sns/planCalidadSNS/pdf/equidad/Anexo_TRATA_al_Protocolo_Comun_VG_SNS_27Nov2017_entregado_en_papel_Reunion_ComisionVG_28nov2017.pdf

⁴² Guide to Psychological Intervention with Victims of Trafficking. Fundación APRAMP. <https://www.infocoponline.es/pdf/INTERVENCION-PSICOLOGICA-TRATA.pdf>

⁴³ Recommendations for the psychological care and assessment of survivors of trafficking in human beings for sexual exploitation. Psychological health impact in trafficking in human beings. <https://www.cop.es/uploads/PDF/ATENCION-EVALUACION-PSICOLOGICA-SUPERVIVIENTES.pdf>

⁴⁴ Gonzalez Beilfuss, M., "Psychological Health Impact of THB for sexual exploitation on female victims", pages 237-252, in Aranzadi (Thomson Reuters, 2020), . <http://www.phit.ub.edu/wp-content/uploads/2017/06/2.5-Academic-article-on-the-implementation-of-migration-rules-taking-into-account-PHIT.pdf>

Interviews have highlighted that one significant barrier preventing victims from collaborating and participating in legal procedures is the regulations around protected witnesses⁴⁵. In cases of trafficking in human beings, the threat of retaliation from the trafficking networks against victims or their loved ones is a pressing concern. This fear discourages victims from taking part in legal processes, a situation not sufficiently addressed by Spanish laws. The 19/1994 Law⁴⁶ introduced the concept of a protected witness, enabling victims to testify without their identities being publicly disclosed. However, the opposing legal party can formally request identification of those testifying, making their identities public⁴⁷. Moreover, the police interview indicated that even when there is no request to make the victim's identity public and their identity remains confidential, the content of their testimony often inadvertently reveals their identity⁴⁸.

Lastly, upon the conclusion of the reflection period, the law allows victims the choice of assisted return to their countries of origin. Yet, experts believe that this option is seldom viable. Returning to their countries of origin might expose victims to even greater risks and retaliation from the trafficking networks.

d. The rights of victims of trafficking in human beings

Regarding victims' rights, Law 4/2015 on the statute of crime victims⁴⁹ recognises protection for all victims regardless of their administrative status. The Law contains a general catalogue of procedural and extra-procedural rights⁵⁰. The law provides specific attention to the most vulnerable victims, such as victims of trafficking and minors. Specifically, the protection needs of victims of human trafficking are taken into account in the individual assessment of victims to determine their special protection needs and what measures should be adopted. This results in access to specific protection measures aimed at preventing their secondary victimisation during the pre-trial and trial phases.

Organic Law 10/2022 on Sexual Freedom⁵¹ incorporates human trafficking for the purpose of sexual exploitation as a type of sexual violence against women. It also establishes that social care for victims must be specialised. Additionally, the approval of Organic Law 8/2021⁵² is noteworthy. This law guarantees the fundamental rights of child victims of any violence, including human trafficking, and establishes reinforced attention in protection centres to specific actions for prevention, early detection, and intervention in cases of sexual exploitation and trafficking in human beings.

Victims of human trafficking have a recognised right to free legal aid, as described in the Report on developing pioneering strategies for safe reporting. Legislation recognises the right to free legal aid for all individuals, irrespective of their administrative status. The Constitutional Court, in 2003 and subsequently in 2007, affirmed that access to free legal aid is fundamental and should be recognised regardless of the individual's administrative status. Recognising this essential right for the protection of victims also entails certain requirements to ensure adequate access. Procedures to request a court-appointed lawyer are not always tailored to the realities of the victims, and Bar Associations might not always have a specialised team for issues of trafficking in human beings⁵³. Furthermore, the payment of court fees can be a genuine barrier to accessing justice. In 2013, the law on legal

⁴⁵ Interview 2.

⁴⁶ Law 19/1994, of 23 December 1994, on the protection of witnesses and experts in criminal cases. BOE" no. 307, of 24/12/1994.

⁴⁷ In this regard, it should be noted that the current draft law on the protection of victims of trafficking in human beings changes this situation by providing that the prosecuting body may grant or deny the request of any party to disclose the identity of protected witnesses.

⁴⁸ Interview 2.

⁴⁹ Law 4/2015 of 17 April 2015 on the statute of the victim of crime.

⁵⁰ Among the rights recognized in the law are basic rights such as the right to understand and be understood, the right to information, the reflection period or the right to translation and interpretation. Rights linked to the victim's participation in the criminal process are also recognized, such as free legal aid or restorative justice, among others.

⁵¹ Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom

⁵² Organic Law 8/2021, dated 4 June, on the comprehensive protection of children and adolescents against violence.

⁵³ Meeting 1.

aid was amended with the intent to eliminate some of the existing barriers⁵⁴. This reform significantly enhanced legal aid for victims by, on one hand, exempting them from proving insufficient resources to litigate and, on the other, freeing them from the obligation of paying court fees.

2.3 REGIONAL LEVEL

From a territorial distribution perspective, the issue of trafficking in human beings falls under state jurisdiction. As per Article 149.1.2 of the Spanish Constitution, it is the central government that holds exclusive authority over immigration. Moreover, Article 149.1.29 of the Constitution stipulates that public security is also under the central government's purview. As a result, the task of tackling human trafficking networks is assigned to the National Police and the Ministry of Interior. However, the responsibility for social care and assistance lies with the autonomous regions. Their Statutes of Autonomy earmark social services as a regional competency, which encompasses assistance to victims of human trafficking. Additionally, as dictated by Article 141 of the Immigration Law, authorities, when identifying potential victims of trafficking, must "ensure that the victim is aware of the possibility of being referred to the autonomous or municipal authorities responsible for social assistance".

In Catalonia's context, starting from 2008, the social care for trafficking victims became an integral part of the strategy to combat gender-based violence. This was a significant shift as it moved the issue away from being purely an immigration concern to being seen as a facet of violence against women. This transformation led to the integration of human trafficking within the regional public policies aimed at countering gender inequalities. Law 5/2008⁵⁵ then classified trafficking for sexual exploitation as a manifestation of violence against women. This law grants victims' rights associated with housing, introduces special labour provisions, and provides certain monetary benefits. Since 2011, the care for victims of trafficking in human beings was added to the list of available social services⁵⁶. The execution of this care is entrusted to third-sector organisations that provide the aforementioned social assistance.

In 2015, Law 17/2015⁵⁷ laid down special mandates for the regional government to institute counselling programs specifically tailored for women who are victims of human trafficking. Under the nationwide "Plan Camino," which details access protocols to specialised aid and benefits for human trafficking victims, it is the Autonomous Community, in the case of Catalonia the Generalitat de Catalunya, that has been entrusted with issuing the necessary accreditation to avail of these social aids. This certification process involves obtaining reports from NGOs or other entities that cater to the needs of these victims.

⁵⁴ Royal Decree 1192/2012, of 3 August, which regulates the status of insured and beneficiary for the purposes of health care in Spain, charged to public funds, through the National Health System, amended by Royal Decree 576/2013, of 26 July.

⁵⁵ Catalan Law 5/2008, of 24 April, on the right of women to eradicate male violence includes trafficking in women for the purpose of sexual exploitation and for other purposes with a gender dimension (art. 5).

⁵⁶ Decree 142/2011 approving the portfolio of social services in Catalonia 2010-2011, which includes the emergency care and shelter service, shelter, and recovery services, supported flat services and bridging flat services as benefits available to victims of trafficking and sexual exploitation.

⁵⁷ Law 17/2015, of 21 July, on effective equality of women and men. BOE" no. 215, of 8 September 2015.

3. ACTORS INVOLVED

Concerning trafficking in human beings, actors from the national, regional, and local levels are involved. At the national level, this includes law enforcement agencies and the Public Prosecutor's Office. The regional level encompasses the Labour Inspectorate, Bar Associations offering free legal aid, and NGOs providing care and support to victims. At the local level, a specific unit within the Barcelona City Council stands out, which is dedicated to victim protection and coordination among various stakeholders.

3.1 NATIONAL LEVEL

In Spain, there are two primary police bodies: The National Police Force (*Cuerpo Nacional de Policía*), which is responsible for public security, criminal and judicial investigations, as well as matters related to terrorism and immigration. The Civil Guard (*Guardia Civil*), the second police entity, oversees public safety in rural areas and handles other concerns such as arms regulation.

The **Central Brigade against Trafficking in Human Beings**⁵⁸ operates under the National Police. It is subordinate to the Central Unit against Illegal Immigration Networks and Document Forgery of the National Police (UCRIF). This agency focuses on dismantling criminal organisations involved in human trafficking and prostitution exploitation. Among its duties are directing and coordinating operations spanning multiple brigades or territorial police units. Collaboration with other involved parties also falls under its mandate.

As previously noted, every province has a **Territorial Social Interlocutor** dedicated to human trafficking, responsible for investigating and countering trafficking networks within their respective jurisdictions and coordinating with local NGOs and associations.

The Civil Guard, another national security force, does not have a dedicated unit for trafficking in human beings. Instead, these responsibilities are distributed among two general units. The Civil Guard's Central Operational Unit (UCO) deals with organised, economic, and international crimes, while the Judicial Police Headquarters - Technical Judicial Police Unit (UTPJ) manages other related cases.

The **Public Prosecutor's Office for immigration and trafficking**, within the Prosecution Ministry, specialised in immigration and human trafficking matters, spearheads the legal action against trafficking offenses and coordinates with the Immigration Sections across various territorial jurisdictions, each of which is headed by a delegated prosecutor.

3.2 REGIONAL/AUTONOMOUS LEVEL

The *Mossos d'Esquadra's* **Central Unit for Human Trafficking** specialises in prosecuting human trafficking cases within the regional police force.

From 2022 onwards, the Catalanian Government, under its gender equality policies, has prioritized combating trafficking for sexual exploitation⁵⁹. Specifically, the **Department of Equality and Feminisms** oversees the accreditation of human trafficking victims, granting them access to social assistance programs.

⁵⁸ Order INT/28/2013, of 18 January, which develops the organizational structure and functions of the Central and Peripheral Services of the Directorate General of the Police.

⁵⁹ See Framework Protocol for an intervention with due diligence in situations of sexist violence. Departament d'Igualtat i Feminismes, Generalitat de Catalunya 2022. <https://igualtat.gencat.cat/web/.content/Ambits/violencies-masclistes/coordinacio-treball-xarxa/protocol/Protol-marc-accessible.pdf> And Guidelines for addressing sexual violence. A national guideline. Departament d'Igualtat i Feminismes, Generalitat de Catalunya 2022 <https://igualtat.gencat.cat/web/.content/Ambits/violencies-masclistes/Model-dabordatge-de-les-Violencies-Sexuals.pdf>

3.3 BARCELONA CITY COUNCIL

In 2016, the Barcelona City Council established the **Unit against Trafficking in Human Beings** (UTEH). This unit's core function is to synergize efforts between various sectors, police forces, and social entities, ensuring holistic care — spanning psychological, social, and legal dimensions — for potential victims of trafficking. UTEH's objectives encompass a) safeguarding the rights of victims of trafficking in human beings, fostering comprehensive support and reparation of damage; b) coordinating with other actors specialising in the fight against trafficking in human beings (THB); c) promoting specialised training and advice for professionals on trafficking issues; d) raising public awareness, and e) serving as the primary reference and observatory on trafficking matters in Barcelona.

UTEH collaborates closely with other City Council departments to identify victims, notably the residential emergency services and services catering to victims of gender-based violence. According to UTEH's report, potential victims of trafficking in human beings have been predominantly identified and referred by local police, NGOs, or other Barcelona City Council units.

3.4 NGOS

In the field of social organisations, there are ONG addressing the issue of trafficking in human beings. In Barcelona, the most prominent ones include:

Adoratrius SICAR: This non-profit religious organisation is dedicated to aiding vulnerable women. In Catalonia, they have been operating the SICAR cat program since 2002, focusing on providing comprehensive support to women and children victimized by human trafficking. Their aim is to aid in recovery and the restoration of their rights. In 2022, Adoratrius SICAR catered to 220 victims of trafficking in human beings spanning 42 nationalities, with the most common being Nigeria, Colombia, and Venezuela⁶⁰.

APIP-ACAM Foundation: A private institution, the APIP-ACAM Foundation is committed to providing both residential and daytime care to diverse groups, especially those at risk of social exclusion. Their mission encompasses a range of services, from facilitating social and legal support to victims of human trafficking for sexual exploitation to assisting prostituted individuals. They also focus on prepping beneficiaries for social and labour integration in the Barcelona provinces.

Ambit Prevenció Dona: This third-sector organisation offers comprehensive health services — spanning physical, psychological, and social aspects — primarily to female prostitutes and transsexuals. Their services encompass everything from social support and counsel on sexual and reproductive health to initiatives aimed at preventing and addressing gender-based violence.

⁶⁰ Report 2022 Pathways to recovery. SICAR. <https://adoratrius.cat/wp-content/uploads/2023/05/Memoria2022cast.pdf>

4. FUNCTIONING OF THE SAFE REPORTING FOR VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN THE CASE OF BARCELONA

4.1 THE ACTIONS OF THE DIFFERENT ACTORS INVOLVED.

In Catalonia, protocols involving various stakeholders in the fight against trafficking in human beings have been in place since 2013⁶¹. Given the allocation of roles in this domain, as previously mentioned, the phases related to the prosecution of the crime, victim identification, and the criminal process are the jurisdiction of the State. Meanwhile, the Autonomous Communities are responsible for providing care to victims of trafficking.

The protocol focusing on the protection of victims of trafficking emphasizes both the preventive stages and the recovery and rehabilitation of victims. It facilitates the coordination among different involved parties (such as police, judiciary, prosecutors, and experienced organisations) and ensures that potential victims of human trafficking crimes are treated without discrimination based on sex, nationality, or administrative status.

Per this protocol, detection is primarily the duty of national, regional, and local security forces, the Labour Inspectorate, or specific health, social, or educational services. Once a possible victim is identified, a formal complaint should be presented to the Prosecution Ministry, the judicial body, or the police. Expert consultations and interviews have highlighted the challenges faced by Barcelona, particularly in detecting victims of sexual exploitation in private houses⁶² or those trafficked for domestic labour exploitation⁶³. Broad services, like health and social services, often lack a thorough understanding of trafficking nuances and might fail to identify potential victims⁶⁴.

The protocol mandates that professionals, including health staff and security personnel, must receive specialised training to detect, identify, and assist victims. However, the consistency and quality of such training can vary. Directly involved entities like the police, prosecutor's office, and NGOs frequently undergo ongoing training. Yet, more generalized services, such as social, health, or educational services, do not often receive extensive training or sensitization regarding human trafficking.

Differing approaches among the stakeholders add complexity to the victim identification process. While law enforcement and the judiciary prioritize prosecuting the crime and dismantling trafficking networks (despite recent efforts to introduce a victim-centric approach), NGOs and support organisations focus on victim recovery and reintegrating them into society. Consultations with experts have revealed that police or institutional actions, legal proceedings, or even filing a complaint might inadvertently hinder a victim's recovery process⁶⁵. Conversely, such procedures are vital for crime prosecution and unveiling other victims.

As per the Immigration Law, the National Police units handle the identification of victims of trafficking. The protocol includes a provision for safe reporting: if the presumed victim is a person with an irregular administrative status, relevant immigration authorities should

⁶¹ Regional protocols for the development of the Framework Protocol. So far, five regional protocols have been approved: in Galicia (prior to the Framework Protocol and updated in March 2012, to adapt it to the content of the Framework Protocol); in Catalonia (17 October 2013); in Extremadura (29 June 2015), in Navarre (approved by the Navarre Forum against trafficking in women for sexual exploitation on 2 December 2016) and in Madrid (20 January 2017).

⁶² Interview 1.

⁶³ Meeting 1 and 2.

⁶⁴ REPORT 2018-2019. Municipal Unit against Trafficking in Human Beings (UTEH). https://ajuntament.barcelona.cat/dones/sites/default/files/documents/informe_uteh_2019_es_acc.pdf

⁶⁵ Interview 1

either refrain from or temporarily pause any sanctioning actions due to the individual's irregular stay.

A noteworthy feature of the Catalan protocol is the engagement of social organisations with validated expertise during the victim identification phase. The protocol allows these organisations to support victims throughout the identification procedure and share relevant information. Once identified as victims, individuals are briefed on their rights, which include free legal assistance and aid resources from the Generalitat de Catalunya.

In Barcelona, the importance of legal assistance is underscored. The city's free legal aid is provided by the Barcelona Bar Association, which specialises in gender-based violence, encompassing trafficking in human beings. However, ensuring the victim's right to legal aid is not sufficient; it is imperative that such aid is specialised, given that defending the rights of the victim requires knowledge of criminal, administrative and immigration law, among others. Expert consultations under the project 'Victims with Irregular Status' Safe Reporting of Crimes (VISA RoC)', have emphasized the need for a human rights-oriented approach in legal training for the Public Prosecutor's Office⁶⁶. Currently, the Generalitat de Catalunya is revising the protocol to deepen its focus on a victim-centric and human-rights-based approach, especially focused on gender-based violence, in which prevention and reparation for victims are the central axes⁶⁷.

Lastly, in assisting victims of human trafficking in Barcelona, it is pivotal to mention the transcultural psychiatry program at Vall d'Hebron Hospital. This program offers specialised mental health care for victims of trafficking referred from the UTEH, focusing on addressing specific post-traumatic conditions arising from their experiences, which is instrumental in their recovery.

4.2 COORDINATION SPACES BETWEEN INVOLVED ACTORS

Effective protection of victims of trafficking in human beings requires the collaboration of multiple stakeholders. In Barcelona, there are several mechanisms in place that facilitate coordination among different departments of the City Council, as well as between various actors in the field.

In 2019, the Barcelona City Council instituted a coordination protocol for various municipal departments to address human trafficking situations⁶⁸. As a result of this protocol, there is now active collaboration between the UTEH and the Social Emergency Services (CUESB), as well as the service dedicated to women victims of gender-based violence. Moreover, there has been a significant increase in the involvement of the *Guardia Urbana* in detecting human trafficking cases. They have established a specialised unit within the local police force for this very purpose⁶⁹. On the law enforcement front, there is ongoing collaboration between Barcelona's local police (*Guardia Urbana*), the *Mossos d'Esquadra*, and the National Police. For instance, a combined operation between the *Guardia Urbana* and the *Mossos d'Esquadra* in 2022 successfully dismantled a begging-based trafficking network⁷⁰. Additionally, in 2023, an operation spearheaded jointly by the *Guardia Urbana* and the National Police broke up a labour exploitation network⁷¹.

Another key initiative in Barcelona is the inter-institutional roundtable on trafficking in human beings. Launched by the Barcelona City Council in 2015, this initiative aims to unite all stakeholders committed to eradicating human trafficking in the city. Participants include the Public Prosecutor's Office, the judiciary, the regional government (Generalitat), specific

⁶⁶ Meeting 1

⁶⁷ The two documents are: the model for dealing with sexual violence and the framework protocol for due diligence intervention in situations of male violence.

⁶⁸ Mayoral Decree S1/D/2019-506, of 27 February, approving the protocol of coordination measures between the different municipal services in situations of trafficking in human beings.

⁶⁹ Report 2018-2019. Municipal Unit against Trafficking in Human Beings (UTEH). https://ajuntament.barcelona.cat/dones/sites/default/files/documents/informe_uteh_2019_es_acc.pdf

⁷⁰ <https://govern.cat/salaprensa/notes-premsa/430782/els-mossos-d-esquadra-intensifiquen-la-lluita-contra-les-xarxes-de-traffic-d-essers-humans-i-activen-un-grup-especific-per-acompanyar-i-assessorar-les-victimes-en-tot-el-proces>

⁷¹ Press release <https://ajuntament.barcelona.cat/premsa/2023/03/28/la-guardia-urbana-i-la-policia-nacional-detenen-dues-persones-per-un-delicte-de-traffic-d-essers-humans-amb-finalitats-d'explotacio-laboral-i-alliberen-una-victima-obligada-a-treballar-i-a-viure-en-u/>

City Council departments, and specialised social organisations. The main objective of this roundtable is to provide a platform for dialogue and coordination, fostering joint actions that can strengthen the fight against trafficking in human beings. From this collaborative forum, a range of initiatives has been developed, such as enhanced detection of potential victims, improved specialised training, and better-coordinated joint operations. However, interviews with key participants revealed that the pandemic had temporarily slowed down the roundtable's activities, underlining the pressing need for its revitalisation⁷².

⁷² Interview 1 and interview 2.

5. IMPROVING SAFE REPORTING PRACTICES

In Spain, the Immigration Law provides for safe reporting by victims of trafficking in human beings. When a potential victim with an irregular administrative status is identified, it does not lead to the start of any immigration sanctioning proceedings. If such proceedings already exist, they are suspended. Catalonia has fully implemented this safe reporting protocol in cases involving trafficking investigations. The Catalan coordination protocol ensures that no sanctions are initiated due to irregular status. Furthermore, interviews conducted with both NGOs and security forces within the VISA RoC project framework confirmed that, after potential victims are identified and the identification process begins, no sanctions are imposed. After a victim is identified, they are granted a 3-month recovery period, during which they are fully protected from any sanctions or deportations. During legal proceedings against trafficking networks, victims who choose to cooperate with the authorities receive a provisional residence permit. This permit becomes permanent (granting 5 years of residency and family reunification rights) once legal proceedings conclude. If victims opt not to cooperate, they are not subjected to immigration sanctioning measures like a expulsion order. However, the issuance of their residency permit relies on a favourable review from both the Secretary of State for Security and the Secretary of Migration.

In Barcelona, this protocol has been pivotal in fostering collaboration between the police and NGOs. Such actions have shifted the focus more towards the victims, ensuring they receive appropriate support. The protocol's introduction has also seen increased engagement from the Public Prosecutor's Office and the Labour Inspectorate. Additionally, the existence of a coordination roundtable, comprising various stakeholders in Barcelona, has streamlined communications and problem resolution.

Research under the VISA RoC project highlighted challenges in identifying victims of human trafficking. At present, most cases are discovered through law enforcement investigations. Every key participant interviewed acknowledged victim detection as a primary challenge. Specifically, identifying potential victims of sexual exploitation in private residences, where prostitution often occurs, is notably challenging. The GRETA Report on Spain also underscores the low detection rates of victims trafficked for labour exploitation or purposes other than sexual exploitation⁷³.

Consequently, a key takeaway from the 'Victims with Irregular Migration Status' Safe Reporting of Crimes' (VISA RoC) project is the pressing need for enhanced training and awareness across various institutions and stakeholders for the identification of victims. Reflecting this, the National Strategic Plan Against Trafficking and Exploitation of Human Beings 2021-2023⁷⁴ lists bolstering victim detection as a top priority.

In Barcelona, guides on risk assessment and potential trafficking case detection have been produced. Several NGOs and institutions have collaborated on these indicators, aiming to assist professionals in case-specific dilemmas. Noteworthy resources include guides from the NGO "Proyecto Esperanza" and "SICAR" developed in 2023 within the TIATAS project⁷⁵, and the Guide to Intervention with Victims of Trafficking for Municipalities and Social Workers designed by the APRAM Foundation⁷⁶. These guides provide clear and simple guidelines to evaluate risks confronting potential trafficking victims among migrants and

⁷³ GRETA (2023) Access to justice and effective remedies for victims of trafficking in human beings. Evaluation Report Spain <https://rm.coe.int/greta-evaluation-report-on-spain-3rd-evaluation-round-greta-2023-10-ac/1680ab8d0f>

⁷⁴ National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023. Ministry of Interior https://www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2021/220112_Plan_nacional_TSH_PENTRA_FINAL_2021_2023.pdf

⁷⁵ <https://www.proyectoesperanza.org/archivo/tiatas/>

⁷⁶ Guide to Intervention with Victims of Trafficking for Local Councils and Social Workers (2020). <https://apramp.org/download/guia-de-intervencion-con-victimas-de-trata-para-ayuntamientos-y-trabajadores-as-sociales-ed-2020/>

asylum seekers in reception centres⁷⁷. The Anti-Trafficking Unit of Barcelona City Council, UTEH, also issued guidelines for professionals during the Covid-19 health crisis⁷⁸.

To enhance the effectiveness of anti-trafficking measures in Barcelona, the 'Victims with Irregular Migration Status' Safe Reporting of Crimes' (VISA RoC) project seeks to foster partnerships. The goal is to improve victim identification, especially involving broad-based entities like healthcare and social service providers.

⁷⁷ Guide to Risk Assessment in Potential Human Trafficking Cases, TIATAS project. https://adoratrius.cat/wp-content/uploads/2023/05/TIATAS_Guia_Evaluacion_Riesgos_FINAL_251022.pdf

⁷⁸ How to detect cases of trafficking in human beings. Guidelines for professionals. UTEH https://ajuntament.barcelona.cat/dones/sites/default/files/documents/uteh_pautes_professionals_covid19_cat_i_es_accessible.pdf

6. REFERENCIAS

Actuación Sanitaria Frente a la Trata con Fines de Explotación Sexual - Anexo al Protocolo Común para la Actuación Sanitaria ante la Violencia de Género en el Sistema Nacional De Salud (SNS) (2017) Ministerio De Sanidad, Servicios Sociales e Igualdad. https://www.sanidad.gob.es/organizacion/sns/planCalidadSNS/pdf/equidad/Anexo_TRATA_al_Protocolo_Comun_VG_SNS_27Nov2017_entregado_en_papel_Reunion_ComisionVG_28nov2017.pdf

Caminos de Recuperación, Memoria 2022 (2023) SICAR.

<https://adoratrius.cat/wp-content/uploads/2023/05/Memoria2022cast.pdf>

Com Detectar Casos de Tràfic d'Éssers Humans - Pautes per a Professionals (n.d.) UTEH, Ajuntament de Barcelona. Retrieved 20 July 2023, from

https://ajuntament.barcelona.cat/dones/sites/default/files/documents/uteh_pautes_professionals_covid19_cat_i_es_accessible.pdf

Evaluation Report: Access to justice and effective remedies for victims of trafficking in human beings. Evaluation Report Spain (2023) GRETA.

<https://rm.coe.int/greta-evaluation-report-on-spain-3rd-evaluation-round-greta-2023-10-ac/1680ab8dof>

Guía de Intervención Psicológica con Víctimas de Trata (n.d.) APRAMP. Retrieved 20 July 2023. <https://www.infocoponline.es/pdf/INTERVENCION-PSICOLOGICA-TRATA.pdf>

Guía de Intervención con Víctimas de Trata para Ayuntamientos y Trabajadores/as Sociales. Ed. 2020 (2021). APRAMP.

<https://apramp.org/download/guia-de-intervencion-con-victimas-de-trata-para-ayuntamientos-y-trabajadores-as-sociales-ed-2020/>

Guía para la Evaluación del Riesgo en potenciales casos de Trata de Seres Humanos que afectan a personas migrantes y/o refugiadas (n.d.) TIATAS. Retrieved 20 July 2023, from https://adoratrius.cat/wp-content/uploads/2023/05/TIATAS_Guia_Evaluacion_Riesgos_FINAL_251022.pdf

González Beilfuss, M. (2019) Safe reporting of crime for migrants with irregular status in Spain. COMPAS: Oxford.

Gonzalez Beilfuss, M. (2020) Psychological Health Impact of THB for Sexual Exploitation on Female Victims: Consequences for Stakeholders, pp 237-252, Aranzadi-Thomson Reuters.

Informe 2018-2019 Unidad Municipal Contra La Trata De Seres Humanos (UTEH) (2019) Ajunamente de Barcelona. https://ajuntament.barcelona.cat/dones/sites/default/files/documents/informe_uteh_2019_es_acc.pdf

Plan Estratégico Nacional contra la Trata y la Explotación de Seres Humanos 2021-2023 (2021) Ministerio del Interior, Gobierno de España. https://www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2021/220112_Plan_nacional_TSH_PENTRA_FINAL_2021_2023.pdf

Plan Operativo para la Protección de los Derechos Humanos de Mujeres y Niñas Víctimas de Trata, Explotación Sexual y Mujeres en Contextos de Prostitución (2022 – 2026) “Plan Camino” (2022) Ministerio de Igualdad, Gobierno de España. https://violenciagenero.igualdad.gob.es/otrasFormas/trata/normativaProtocolo/pdf/Plan_Camino_DEF19092022.pdf

Protocolo Marco de Protección de las Víctimas de Trata de Seres Humanos. Retrieved 20 July 2023, from <https://violenciagenero.igualdad.gob.es/va/otrasFormas/trata/normativaProtocolo/marco/docs/protocoloTrata.pdf>

Recomendaciones para la atención y evaluación psicológicas de las supervivientes de la trata de seres humanos con fines de explotación sexual (n.d.) PHIT. Retrieved 20 July 2023, from <https://www.cop.es/uploads/PDF/ATENCION-EVALUACION-PSICOLOGICA-SUPERVIVIENTES.pdf>

Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain (2018) GRETA.

<https://rm.coe.int/greta-2018-7-frg-esp-en/16808b51e0>

7. ANNEXES

Victims with irregular migration status.

Safe Reporting Crime (VISA RoC)

Interview Guides for victim support services/institutions

Key aspects

1 General Information

How do victims reach the services: how migrants get to know about the services, are they referred from other services/institutions?

What is the profile of migrants that arrive to the service (irregular administrative situation): origin, age, gender, type of migration: economic, reunification, forced? Documentation/administrative situation. years of previous residence. Family and social networks.

2 About the services/support

What kind of victim support services are provided: the protocol, human and economic resources, type of service: information, accompaniment, claim to tribunals, referral to other support or legal services?

Are there any differences in the provision of the services in case of a migrant in an undocumented/administrative irregular situation (adaptation of the service to administrative irregularity)

Ways/strategies to avoid reporting/contact the migration officers or other authorities involved in the deportation/return process. Information about the effectiveness, limitations, or improvements about those strategies.

3 Coordination/experience with other authorities

Information about coordination/experiences with public authorities like:

- City council
- Immigration authorities,
- public prosecutor,
- police,
- Tribunals
- labour inspectors,
- NGO/institutions for legal support (public or private funded).