

The protection of migrant victims of human trafficking: deficiencies and challenges in the Spanish system

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1. Introduction

- There are significant connections between **human trafficking & migration** (IOM, 2017; UNICEF & IOM, 2017; UNODC, 2020)
- Spain has **a large number of migrants** among their victims
- A **comparative analysis** with five European countries was performed **in order to gain a critical approach** to the Spanish protection system aimed at such victims

Registered victims according to their citizenship (2015 – 2018)

		National	EU citizenship	Non-EU	Other	Unknown
Spain	2015-16	5%	42%	53%	-	-
	2017-18	4%	32%	64%	-	-
EU (28)	2015-16	18%	22%	52%	5%	3%
	2017-18	27%	14%	56%	2%	1%
Germany	2015-16	22%	52%	26%	-	-
	2017-18	25%	42%	25%	2%	6%
Italy	2015-16	1%	12%	87%	-	-
	2017-18	-	5%	88%	7%	-
The Netherlands	2015-16	34%	25%	41%	-	-
	2017-18	32%	20%	46%	-	2%
Portugal	2015-16	44%	28%	28%	-	-
	2017-18	21%	16%	61%	1%	1%
United Kingdom	2015-16	7%	17%	76%	-	-
	2017-18	20%	12%	68%	-	-

Source: Own elaboration from the data provided by the European Commission-Migration and Home Affairs (2018; 2020)

- IOM – International Labour Organization y Walk Free Foundation (2017). Global Estimates of Modern Slavery: Forced labour and forced marriage. International Labour Office (ILO).
- UNICEF & IOM – International Organization for Migration (2017). Harrowing Journeys: Children on the Move Across the Mediterranean Sea, at Risk of Trafficking and Exploitation.
- UNODC - United Nations Office on Drugs and Crime (2020). Global Report on Trafficking in Persons 2020.

2. Method

- **Research questions:**
 - What are the main weaknesses of the Spanish care system?
 - What are the measures and procedures –in the European context– that make the most significant progress towards a victim-centered approach?
- **Content analysis & Comparative perspective** (Germany, The Netherlands, Italy, Germany and United Kingdom). Three types of sources:
 - Governmental nature (official documents)
 - Assessment nature (monitoring reports; contributions made by specialized NGOs; scientific publications)
 - Statistical data (European Commission - Migration and Home Affairs)
- The analysis was comprised of an in-depth review of the content related to **four key issues:**
 - a) Identification
 - b) Assistance
 - c) Reflection period
 - d) Residence permits

3. Results

a) Identification

Spanish system:

- The process of identification is exclusive to law enforcement
- Lack of proactive action in the identification of victims, beyond the typology associated with sexual exploitation

Registered victims and rate per 1 000 000 population (2015 – 2018)

	2015	2016	2017	2018
Spain	267 (6)	193 (4)	220 (5)	238 (5)
EU (28)	9147 (21)	11385 (23)	12514 (24)	13754 (27)
Germany	470 (6)	536 (7)	773 (9)	607 (7)
Italy	781 (13)	879 (14)	1062 (18)	926 (15)
The Netherlands	1295 (76)	1147 (67)	956 (56)	668 (39)
Portugal	137 (13)	202 (20)	103 (10)	121 (12)
United Kingdom	3266 (50)	3805 (58)	5138 (78)	6985 (105)

Source: Own elaboration from the data provided by the European Commission-Migration and Home Affairs (2018; 2020)

3. Results

a) Identification

- Those countries that have the greatest number of actors with the capacity and authority to identify (UK & The Netherlands) are those with the highest number of registered victims
- Spain and Germany have a single actor competent for identification
- UK: National Referral Mechanism

Organisations registering victims (2015 – 2018)

		Police	NGOS	Border Guards	Immigration	Labour inspectors	Others	Unknow
Spain	2015-16	100%	-	-	-	-	-	-
	2017-18	100%	-	-	-	-	-	-
EU (28)	2015-16	51%	10%	2%	19%	1%	17%	-
	2017-18	43%	11%	1%	16%	1%	27%	1%
Germany	2015-16	100%	-	-	-	-	-	-
	2017-18	100%	-	-	-	-	-	-
Italy	2015-16	27%	12%	-	-	-	61%	-
	2017-18	7%	7%	-	-	1%	83%	3%
The Netherlands	2015-16	45%	5%	1%	4%	6%	40%	-
	2017-18	33%	9%	2%	1%	7%	48%	-
Portugal	2015-16	66%	22%	-	-	-	12%	-
	2017-18	69%	27%	-	-	-	4%	-
United Kingdom	2015-16	24%	16%	3%	47%	-	10%	-
	2017-18	29%	12%	2%	39%	-	18%	-

Source: Own elaboration from the data provided by the European Commission-Migration and Home Affairs (2018; 2020)

3. Results

b) Assistance

- Lack of resources for forms of exploitation other than sexual and for victims other than women
- NGO's acting practically alone during this phase
- There is a need for better organization among operators who may come into contact with victims
- The most significant contribution at this stage is made by the Dutch system
 - *Zorgcoördinatoren* (Network of care coordinators)

3. Results

c) Reflection Period

- The Netherlands, Germany and Spain (90 days); United Kingdom (45 days); Portugal and Italy (30 days, extendable to 60 days)
- Aimed at victims whose administrative situation is irregular.
- Conditional on collaboration in the police investigation or the judicial proceedings.
- Good practices: United Kingdom

3. Results

d) Residence permit

- Conditional on collaboration in the police investigation or the judicial proceedings
- Bias in relation to the type of trafficking and gender

Residence permit received by non-EU registered victims (2015 – 2016)

	2015-2016	%
Spain	<i>100</i>	<i>41</i>
EU (28)	<i>1312</i>	<i>14</i>
Germany	<i>nd</i>	<i>nd</i>
Italy	<i>252</i>	<i>18</i>
The Netherlands	<i>329</i>	<i>44</i>
Portugal	<i>31</i>	<i>36</i>
United Kingdom	<i>nd</i>	<i>nd</i>

Source: Own elaboration from the data provided by the European Commission-Migration and Home Affairs (2018) - *nd* data not available

4. Conclusions

- Focus on the British and Dutch model
 - National Referral Mechanism & First Responders.
 - Network of care coordinators (*Zorgcoördinatoren*)

- Recommendations for the Spanish Protocol:
 - To reconsider the exclusive responsibility assigned to the law enforcement authorities to exercise the identification of victims. It would be advisable to promote a more meaningful participation of key agents
 - To further specify the basic elements of the system –those that are critical to provide assistance–.
 - To articulate a multi-agency system trained in cultural diversity

Thank you for your attention!

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