

Spain



Population: 40,548,753 (July 2010 est.)
Population Growth Rate: 0.045% (2010 est.)
Birth Rate: 9.54 births/1,000 population (2010 est.)
Life Expectancy: total population: 80.18 years; male: 76.88 years; female: 83.7 years (2010 est.)
Literacy Rate: total population: 97.9%; male: 98.7%; female: 97.2% (2003 est.)
Net Migration Rate: 0.99 migrant(s)/1,000 population (2010 est.)
Unemployment Rate: 18.1% (2009 est.)
Gross Domestic Product per Capita: \$33,700 (2009 est.)
Religions: Roman Catholic 94%, other 6%
Languages: Castilian Spanish (official) 74%; Catalan 17%, Galician 7%, and Basque 2% are official regionally
Ethnic Groups: composite of Mediterranean and Nordic types
Capital: Madrid¹

Trafficking Routes

Given Spain's proximity to North Africa, trafficking routes often include Spain as a destination or transit country onto the European continent. Trafficking victims, mainly young women, are recruited from Eastern Europe and South America with the promise of jobs in Spain. The traffickers then force the women into sexual servitude.

The Canary Islands remain one of the most used routes for illegal immigrants from West Africa.² Spain and Italy are among the major receiving countries for persons trafficked from West Africa in general and Nigeria in particular, either for labor, sex, or the removal of their organs.³ The sources of trafficking are not restricted to neighboring regions, as victims arrive from as far as East Asia.⁴

Factors That Contribute to Human Trafficking Infrastructure

The main factor contributing to trafficking is the allure of a higher quality of life in a comparatively rich nation such as Spain. Victims can be promised transportation and

¹ CIA, THE WORLD FACTBOOK 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/sp.html>.

² Press Release, Frontex, Hera III operation, (Apr. 13, 2007), available at: http://www.frontex.eu.int/newsroom/news_releases/art21.html.

³ Nigeria; *Giant Strides Against Human Trafficking*, ALL AFRICA, Aug. 3, 2007, available at: <http://allafrica.com/stories/200708030320.html>.

⁴ Hera III operation *supra* at 2.

employment across Europe, only to be coerced into prostitution in Spain. The almost 5,000 kilometers (approximately 3,100 miles) of Spanish coastline ease the risk of trafficking for the perpetrators, as security forces are hard pressed to survey the maritime borders with current resources.⁵ In addition, Spain is one of four countries that have an age of consent of 13, as specified by the Spanish Penal Code, article 181(2).⁶

Forms of Trafficking

Spain is among the major receiving countries for persons trafficked from Nigeria, either for labor, sex, or the removal of their organs.⁷ Spain is also a major destination for sex trafficking. Women are lured principally from Eastern Europe, but also from other regions, by promises of good employment and a better life.⁸ Once the illegal immigrants are forced into prostitution, they are trafficked domestically or regionally within Europe. In May 2009, Spanish police broke up a trafficking ring, which recruited Nigerian women with promises of a more prosperous life in Spain and then threatened them with a Voodoo curse, forcing the women into prostitution.⁹ A 51-year-old woman promised girls from Uromi in the Edo state of Nigeria jobs in Spain, but instead introduced them to prostitution.¹⁰

The sources of trafficking are not restricted to neighboring regions; victims arrive from as far as East Asia. Ye Mexia was one of 19 Chinese girls arrested in Spain, where she was forced to work as a sex slave. David Tattershall, an intelligence officer with the U.K. Human Trafficking Centre, said many illegal Chinese women immigrants work in Spanish brothels to pay off their debt to people smugglers.¹¹ In June 2009, in what the Spanish Interior minister deemed the “biggest deployment of [police] officers ever seen” in Catalonia in northeastern Spain, 30 people, all Chinese, were arrested for trafficking illegal Chinese immigrants into Spain and keeping them in “subhuman” conditions as workers in illegal textile factories.¹² It is estimated there are 20,000 minors in Spain who have been forced into prostitution by human trafficking rings.¹³

Government Responses

⁵ CIA *supra* at 1.

⁶ Spanish Penal Code, art. 181.

⁷ Hera III operation *supra* at 2.

⁸ *Id.* at 7.

⁹ Victoria Burnett, *Spain links Voodoo to Forced-Prostitution Case*, THE NEW YORK TIMES, May 22, 2009, A7, available at:

http://www.nytimes.com/2009/05/23/world/europe/23spain.html?_r=1&scp=1&sq=Spain%20links%20Voodoo%20to%20Forced-Prostitution%20Case&st=cse.

¹⁰ Atika Balal, *Nigeria; Human Trafficking - a View From Edo State*, ALL AFRICA, Nov.19, 2007, available at: <http://allafrica.com/stories/200711191161.html>.

¹¹ Graham Keeley, *Cruel trade*, SOUTH CHINA MORNING POST, Apr. 2, 2007.

¹² *Chinese human trafficking ring broken in Barcelona*, THINK SPAIN, June 17, 2009, available at:

<http://www.thinkspain.com/news-spain/16714/chinese-human-trafficking-ring-broken-in-barcelona>.

¹³ *It is world's third criminal business after drug and arm trafficking. 1.2 millions of children a year are human trafficking victims in the world and 20.000 are estimated to be in Spain*, ETB, Jan. 28, 2008, available at:

http://www.eitb24.com/new/en/B24_84533/life/SAVE-CHILDREN-DATA-Child-exploitation-moves-27.000-millions/.

The criminal code prohibits prostitution-related offenses. The code prohibits anyone from inducing another to enter into or to continue to engage in prostitution if the inducement is by coercion, exploitation of a situation or hardship, or abuse of a position of superiority. Punishment is a fine and imprisonment for two to four years.¹⁴ If the perpetrator is a public official, the sentence includes disqualification from public office for six to 12 years.¹⁵ Inducing, promoting, fostering, or facilitating the prostitution of a minor is also prohibited and punishable by imprisonment for one to four years and a fine.¹⁶

Under the section of the criminal code on crimes against the rights of foreign citizens, punishment of imprisonment for four to eight years is imposed on any person who illegally traffics persons from, through, or to Spain.¹⁷

The Organic Act on the Rights and Freedoms of Foreign Citizens in Spain and the Social Integration Thereof states that, of foreigners who cross the Spanish border without following the proper procedure and who are illegally in Spain or working without a permit, only those who suffer from unlawful labor trafficking or exploitation in prostitution will be exempted from administrative liability.¹⁸ Under the act, the victim of trafficking will not be deported if he or she reports the perpetrators of the trafficking to the proper authorities, cooperates with police, and either provides important information or testifies in legal proceedings against the perpetrators.

Furthermore, victims of trafficking may be granted temporary work permits and may be allowed to use the social integration facilities that were established by the act. After the legal proceedings have been completed, the victims are given the option of remaining in Spain or returning to their country of origin.¹⁹

The Organic Act on Legal Protection of Minors provides a legal framework applicable to foreign, undocumented, and unprotected children. For example, it recognizes compulsory education until 18 years of age for foreign minors.²⁰

Under Act 35/1995, victims of violent crimes and sexual offenses are entitled to receive economic aid and other types of assistance. The act requires that the victims be Spanish nationals or residents. Thus, it does not apply to victims of individual trafficking who are aliens, unless their native country recognizes similar measures. In such a case, the act should apply on the basis of reciprocity.²¹

In January 2009, the Spanish government put into effect plans to immediately seize the assets of those convicted of involvement in human trafficking. This change in Spanish criminal code also allows victims of human trafficking to testify before the trial of their perpetrator(s), instead of testifying in front of their perpetrator(s) at the actual trial.²²

Nongovernmental and International Organizations Responses

¹⁴ Organic Act 10/1995 of 23 November 1995, article 188(1).

¹⁵ *Id.* at 14, art. 188(2).

¹⁶ *Id.* at 14, art. 187(1).

¹⁷ *Id.* at 14, art. 318.

¹⁸ Organic Act 4/2000 of 11 January 2000.

¹⁹ *Id.* at 18.

²⁰ Organic Act 1/1996 of January 15th 1996.

²¹ *Id.* at 20, art. 2.

²² *Traffickers' Assets to be Seized in Spain*, STOPVAW, Jan. 26, 2009, available at: http://www.stopvaw.org/Traffickers_Assets_to_Be_Seized_in_Spain.html

The Spanish Network to Combat Human Trafficking (RED), which promotes the liberation, personal and social integration, personal development, and social reinsertion of women victims of every kind of slavery, includes four member organizations. Médicos del Mundo (Doctors of the World) contributes to the fight against human trafficking by providing medical assistance to prostitutes and immigrants who have no medical resources, many of them victims of trafficking. These two groups have joined together to create various awareness campaigns, such as “Sofia Sexy,” to raise awareness of the problems of trafficking.²³ Another member of RED is the Spanish Catholic Commission on Migration, which promotes equal rights for immigrants.²⁴ Proyecto Esperanza (Project Hope), the religious order of Adoratrices’ response to trafficking in women, seeks to provide awareness of the problem and assistance to victims, including medical, legal, and psychological support.²⁵ And the fourth member organization, the Federation of Progressive Women, created in 1987, is dedicated to fight against inequality and social injustice, and to develop programs and actions in improve the condition of women’s lives.²⁶

Multilateral Initiatives

Spain is currently participating in the G6 Human Trafficking Initiative with Ireland, the U.K., Poland, Italy, and the Netherlands. These countries, supported by Interpol, Europol, and Eurojust, create and sponsor human trafficking awareness campaigns as part of the initiative.²⁷

In August 2009, the European Union Commission proposed allowing more refugees into member states in order to discourage illegal immigration and the burden it places on southern European countries like Italy, Malta, and Spain. Under the proposed plan, other member states will accept more refugees, particularly from Africa.²⁸

The Daphne III program runs from 2007 to 2013. The EU passed two proposals regarding Daphne III in July 2007; the first was to co-finance specific transnational projects, and the second was to co-finance the functioning of nongovernmental organizations.²⁹

Running from May 2004 to December 31, 2008, with a budget of 50 million euros, Daphne II supported organizations that “develop measures and actions to prevent or to combat all types of violence against children, young people, and women and to protect the victims and groups at-risk.” It was open to organizations from the 25 EU member states, European Free Trade Association/European Economic Area countries, Bulgaria, Romania, Turkey, Albania,

²³ *Medicos del Mundo frente a la trata de personas*, MEDICOS DEL MUNDO, <http://www.sofiasexy.com/contenidovip.html#intro> (last visited Mar. 4, 2010).

²⁴ ACCEM, http://www.accem.es/conocenos_presentacion.html (last visited Mar. 4, 2010).

²⁵ *What we do*, Proyecto ESPERANZA, <http://www.proyectoesperanza.org/pagingles/frame1.htm> (last visited Mar. 4, 2010).

²⁶ The Federation of Progressive Women in Trafficking in Women for Sexual Exploitation, http://www.fmpcontraexplotacionsexual.org/quienes_english.php (last accessed July 2, 2010).

²⁷ Department of Justice, Equality, and Law Reform, *Anti-Human Trafficking Measures*, <http://www.justice.ie/en/JELR/Pages/WP09000005> (last visited Mar. 4, 2010).

²⁸ Marcin Grajewski, *EU proposes accepting more refugees, common rules*, REUTERS, Aug. 31, 2009, <http://in.reuters.com/article/worldNews/idINIndia-42111520090831>.

²⁹ Decision Adopted Jointly by the European Parliament and the Council No. 779/2007/EC of 20 June, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:173:0019:0026:EN:PDF>.

Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia, and Montenegro.³⁰

Frontex, a program formed to integrate national border security systems of EU member states against possible external threats, launched the Hera III operation on Feb. 12, 2007, in Spain's Canary Islands in order to discourage illegal immigrants from making the dangerous journey across the Mediterranean and to interview immigrants to establish their identities and reasons for making the journey.³¹

In September 2006, Spain's Justice Minister Juan Fernando Lopez Aguilar and his Mauritanian counterpart Mahfouh Ould Bettah signed accords dealing with illegal immigration to Spain. The agreement is aimed at transferring convicted criminals back to their homelands and curtail human trafficking.³²

³⁰ European Commission, *Daphne II Programme to combat violence against children, young people and women*, http://ec.europa.eu/justice_home/funding/2004_2007/daphne/funding_daphne_en.htm (last visited Mar. 4, 2010).

³¹ Hera III operation *supra* at 2.

³² *Spain, Mauritania sign anti-immigration pact as more boats arrive*, AGENCE FRANCE PRESSE, Sept. 12, 2006.