

Human trafficking, an invisible problem

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Human trafficking is a problem about which little is known in Spain, due to both the lack of reliable figures as well as the poor coordination among international police forces and the social permissiveness with regard to certain behavior related to the sex trade. These are some of the conclusions of a report funded by the European Union and written by a research team in which experts from Universidad Carlos III de Madrid participated.

This study compares the existing legislation on this subject in European countries and analyzes both the level of protection afforded to the [victims](#) and the measures taken to avoid this crime; in addition, it proposes of code of best practices that favors the enactment of new European guidelines aimed at ending this activity. Specifically, it shows that one of the first obstacles to change is that the magnitude of the problem is not known, points out one of the authors of the report, Begoña Marugán Pintos, of the department of Social Analysis at UC3M: "Statistically, the dimension of the problem is not known: because of its criminal, illegal and transnational nature; because of its confusing definition; because of the scant legislation (it appears in the Penal Code in 2010); and because of the few tools for gathering information that are available."

Insufficient data

Regarding this final point, figures can vary from 200 to 13,000 cases and reliable data is only available when arrests have been made. The main sources for information are the Police and the Civil Guard, whose

reports are compiled jointly at the Interior Ministry's Organized Crime Intelligence Center (Centro de Inteligencia contra el Crimen Organizado del Ministerio del Interior). "These data are alarmingly insufficient, particularly when we refer to [trafficking](#) for labor exploitation or for [organ trafficking](#), which are almost invisible in Spain," indicates Marugán.

Due to its characteristics, the problem of human trafficking poses tremendous difficulties for Spanish governments, administrations and social organizations. "In this scenario, the work done by NGOs is especially interesting, because they are the ones who work with the victims on a daily basis and who are best able to see their needs and difficulties, as well as the failures in the system of detection and protection," comment the authors of the report. For this reason, while working on this project they have worked intensely with these social organizations as well as with the district attorney's office, police forces and government administrations.

The study was carried out using an interdisciplinary approach, that is, from the fields of law, political science and sociology. This last field contributed to determining the profile of the victims of trafficking for the purpose of [sexual exploitation](#) in Spain: adult women, most of whom come from Romania, Brazil, Paraguay and Nigeria.

The Spanish model

The Spanish model can be characterized by the following three features: the main focus of the study on trafficking for sexual exploitation; the main interest of public policy on punishment, as only recently have prevention and protection of the victims begun to be considered; the advances in legislation, thanks to internationally adopted obligations. "In Spain, for example, we have gone from a situation (previous to 1999) of crime policy that identified prostitution with trafficking, to a different

situation (starting with the I Plan de Acción 2002-2003 and especially since 2005) where victims began to receive greater legal protection," comments another of the report's authors, Itziar Gómez Fernández, of UC3M's Instituto de Derecho Público Comparado "Manuel García Pelayo" (Institute for Comparative Public Law).

"In this field, legislation that is exclusively repressive is inappropriate, and there is still very little public policy aimed at prevention and protection for the victims, although this type of focus is being used more and more, which is a hopeful sign," comments another researcher from the same Institute, Carmen Pérez González. According to her, a new framework protocol should be adopted, and it should include a set of measures aimed at both preventing and prosecuting trafficking as well as effectively protecting, helping and compensating the victims.

Transnational Treatment

The subject of human trafficking must be treated on a transnational level, with the participation of international institutions and cooperation from the countries of origin, transit and destination. Therefore, one of the most important aspects of this research is its international dimension, as it involves researchers from five European countries. Along with UC3M, participants in the study included the Centro de Estudios Sociales de Portugal, which directed the study, the Polish Institute for Public Affairs, the Catholic University of the Sacred Heart (Italy), the Université Libre of Brussels (Belgium) and the University of Oradea (Romania). The report consists mainly of two sections: one on legislation and [public policy](#) and the other on the quantitative dimension of the problem.

The study includes a list of ten basic recommendations for attacking this problem; among them are improving the mechanisms for cooperation among administrations, revising the current legal classification of this

crime in the Penal Code (art. 177), reviewing the workings of the internment centers for foreigners or the border crossings to avoid the possible double victimization of those being trafficked, and writing a manual for the professionals of the social communication media. This manual, which would help journalists to raise awareness with regard to this phenomenon, could include the following specific recommendations, according to the researchers: use the concept of [human trafficking](#) (which is not habitually used), separate the concept of trafficking from prostitution and illegal immigration and, finally, expose trafficking used for labor exploitation, because the focus is usually on the sexual components of exploitation and the labor component is downplayed, making the economic benefits of this other type of prostitution invisible.

More information: The fight against trafficking in human being in EU: promoting legal cooperation and victim's protection. Project funded by the European Commission's Commissary for Internal Affairs Program for the Prevention of and Fight against Criminal Activity. Link to the summarized version in e-archive: e-archivo.uc3m.es/handle/10016/19399

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