

Issue I: Use of the Internet for drug-related activities

Recommendation 1

Governments should be encouraged to ensure that their law enforcement agencies are well informed, professionally trained and suitably resourced so as to be effective in the investigation of cyber-related offences and the related use of the Internet for illicit trafficking.

Any action taken YES NO

Comments:

The law enforcement agencies have personnel and units specialized in those areas and those personnel and units receive appropriate training and updates on a continuous basis. The resources allocated are adequate, enabling the effective investigation of cybercrime and the related use of the Internet for trafficking.

Recommendation 2

Governments must work together to overcome the obstacles encountered in undertaking the investigation of cyber-related trafficking offences across multiple jurisdictions and introduce the changes needed in legislation, practices and procedure to expedite information-sharing, enquiries with Internet service providers and the transfer of evidence.

Any action taken YES NO

Comments:

The legislation of Spain provides for information exchange and joint investigations on the basis of the appropriate tools and existing cooperation. Information is shared with other countries on a regular basis. Consultations with service providers are held regularly and evidence is transferred by means of the relevant legal tools and in such a way as to ensure that the necessary chain of custody is maintained.

Recommendation 3

Governments should encourage their law enforcement agencies to develop the specialist skills that will support the investigation of cyber-related offences and lead to successful criminal prosecutions.

Any action taken YES NO

Comments:

The training and professionalism of Spanish investigators of Internet-related crime have yielded great successes in such investigations, enabling the competent courts to successfully prosecute the criminals involved in such crime.

Issue II: Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety

Recommendation 1

Governments are encouraged to make full use of alternatives to imprisonment for people with drug use disorders in contact with the criminal justice system, particularly at the time of their arrest and at the pretrial stage.

Any action taken YES NO

Comments:

The Criminal Code provides for alternatives to deprivation of liberty for the commission of any offence, whether or not that offence is related to drug use.

Recommendation 2

Governments are encouraged to promote and implement institutional mechanisms, including through induction and training programmes, that enable the police to screen, assess and refer appropriate cases to treatment facilities, taking into account their dual role as the first responders and the first criminal justice actors encountered by people with drug use disorders when they come into contact with the criminal justice system.

Any action taken YES NO

Comments:

The programmes to which this recommendation refers fall within the scope of the training of personnel of the various State security forces in terms of both subject matter and legal aspects.

Recommendation 3

Governments are encouraged to adopt or amend legislation, policies, and guidelines that allow flexibility when handing down sentences for drug-related offences that take into account the nature and gravity of the offence as well as the personality and background of the offender.

Any action taken YES NO

Comments:

The Criminal Code provides for mitigating and aggravating circumstances that allow flexibility in sentencing and take into account all of the aspects outlined in the recommendation.

Recommendation 4

Governments are encouraged to employ a multidisciplinary approach in providing treatment and rehabilitation as an alternative to conviction or punishment and to promote and develop the capacity for institutional coordination between justice, health, and social services authorities.

Any action taken YES NO

Comments:

In Spain, part of the response to the drug problem consists in the formulation of national strategies involving all stakeholders that play a part in addressing addictions. The National Strategy on Addictions 2017–2024, a document based on scientific evidence and encompassing both substance addiction and other types of addiction, is currently under implementation. The approach underpinning the Strategy is participatory, multidisciplinary, multisectoral, egalitarian and universal.

Recommendation 5

Governments are encouraged to implement measures to increase public awareness of the benefits of using alternatives to imprisonment.

Any action taken YES NO

Comments:

Recommendation 6

Governments are encouraged to collect and analyse gender- and age-disaggregated data on the use of alternatives to imprisonment and, if applicable, to undertake periodic evaluation of existing initiatives to provide treatment as an alternative to conviction or punishment for people with drug use disorders.

Any action taken YES NO

Comments:

The gender perspective is taken into account in the analysis of data on sentences.

Issue III: Mainstreaming gender perspectives in drug-related policies and programmes

Recommendation 1

Governments are encouraged to collect and analyse gender-disaggregated data to obtain more information about the situation and circumstances of women drug users and the various roles women assume in drug-related crime and in organized crime groups with a view to developing and implementing effective and comprehensive policies and programmes.

Any action taken YES NO

Comments:

With regard to women drug users, the Government Delegation for the National Plan on Drugs has been collecting gender-disaggregated data in its national surveys since those surveys began in 1994. Moreover, the gender perspective is one of the guiding principles of the National Strategy on Addictions 2017–2024 and its Action Plan 2018–2020, the Strategy having evolved from earlier strategies under which the gender perspective was considered more a philosophy than an essential principle.

Recommendation 2

Governments are encouraged to ensure non-discriminatory access to health-care services for women, including in prison, and to develop gender-sensitive prevention, primary care, treatment and reintegration policies and programmes, particularly for pregnant women and women with caretaking responsibilities.

Any action taken YES NO

Comments:

Access to care services is universal in Spain. Furthermore, given that gender is a guiding principle under the National Strategy on Addictions, the gender perspective has been incorporated in the Action Plan 2018–2020, which implements the Strategy, in order to ensure that the following gender aspects are taken into account:

Action area 1: Prevention and risk reduction. Action: Project to improve universal, selective and indicated prevention programmes.
Action area 2: Comprehensive and multidisciplinary care. Action: Gender-related barriers to access to treatment.
Action area 2: Comprehensive and multidisciplinary care. Action: Addressing gender-based violence through support services.
Action area 4: Social integration.

Recommendation 3

Governments are encouraged to ensure close cooperation and collaboration among all relevant national authorities in developing and implementing gender-sensitive drug policies and programmes that take into account the specific needs and circumstances faced by women and girls with regard to the world drug problem.

Any action taken YES NO

Comments:

The Government Delegation for the National Plan on Drugs includes a number of bodies responsible for coordination and cooperation among the departments involved and for addiction policy in the autonomous communities, as well as civil society.

The Spanish Council on Drug Dependence and Other Addictions has a standing working group on gender in which all key technical information and scientific evidence in this field is shared. All stakeholders from various ministries and civil society are represented on the Council.

The Sectoral Conference on Drugs comprises representatives of the General State Administration on the Spanish Council on Drug Dependence and Other Addictions and Council members responsible for addiction policy in the autonomous communities.

The Joint Commission of the Autonomous Communities on Drugs comprises officials responsible for existing drug plans in the autonomous communities and submits technical proposals to the Sectoral Conference.

Issue IV: Money-laundering, illicit financial flows and effective countermeasures

Recommendation 1

In support of the investigation of money-laundering offences and the recovery of the proceeds of crime, Governments are encouraged to enable access by their law enforcement authorities to the information held by their financial intelligence units.

Any action taken YES NO

Comments:

Existing mechanisms and tools enable the law enforcement authorities to obtain the appropriate information through the necessary judicial authorization and control.

Recommendation 2

Governments are encouraged to ensure that evidence gathered through investigations of money-laundering offences by their financial intelligence units has legal standing in their courts if used in prosecutions brought by other law enforcement agencies.

Any action taken YES NO

Comments:

The response to the preceding recommendation applies to this recommendation also. In order to ensure the validity of the information and evidence provided, chain-of-custody requirements are always complied with.

Recommendation 3

Governments are encouraged to make use of the tools available for training and building the capacity of their law enforcement authorities, financial investigators and prosecutors available through the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime (UNODC) and other training institutions.

Any action taken YES NO

Comments:

All actors involved in financial investigations are familiar with and make use of all available tools, including those available through the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime and other training institutions, and participate in all forums in which they can develop contacts, improve their knowledge and learn about developments in the field.

Recommendation 4

Governments are encouraged to share with UNODC the results of their national money-laundering risk assessments to facilitate a coordinated global response and to strengthen the capacity of competent authorities and financial institutions to thwart attempts at money-laundering.

Any action taken YES NO

Comments:

The relevant units already participate in information exchange and provide data on their national money-laundering risk assessments.