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**THE PERSPECTIVE OF PROFESSIONALS ON THE PROCESS  
FOR VICTIMS OF SEX TRAFFICKING IN SPAIN**

**AUTHORS**

Miguel Ángel Soria, Alejandra De Sayve, Marina Romeo, Montse Yepes, Inés Lovelle

*“The woman wants to feel empowered and under no circumstances is going to tell you about these situations of violence. I think that it all starts there, because she doesn’t feel safe, because she also feels guilty about the process she’s been through, because from the outset the people who have taken her in her home country are her own family members.”*

## **Introduction**

Alarming figures on human trafficking for the purposes of sexual exploitation, which were reported in 2017 by the Spanish Intelligence Centre for Counter-Terrorism and Organised Crime (CITCO in Spanish), point to the existence of a serious social problem that has not yet received the attention and resources that it deserves. Inspections carried out in 2017 detected more than 10,000 people at risk of trafficking for the purposes of sexual exploitation, with 99% of them being women. Of these women, a total of 155 cases of victims of sexual exploitation could be confirmed, including nine young girls.

The rapid growth in sex trafficking cannot be understood without considering factors such as the impact of harsh migration policies in wealthier countries, globalisation, the worldwide economic crisis and the growing feminisation of poverty. The media-fuelled myth of a paradise in the West provides mafias with an opportunity to offer an alternative for their victims to escape from situations of personal economic need, using extortion and deception and taking advantage of the increased demand for young, exotic,

racialised and docile female bodies at highly competitive market prices in wealthier countries that have policies on equality (Nuño Gómez, 2017).

Nuño Gómez (2017) also notes that the UN's Palermo protocol (2003) is the first to cover all types of human trafficking, marking a major legal advance in the area, but also heightening the defencelessness of victims of sex trafficking by not specifically addressing gender inequality, which is a key factor in determining the purpose and type of slavery, given that sexual exploitation is a specific form of violence against women and a crime in which the consumers chiefly are men and the victims women.

A lack of information and scientific studies on sex trafficking poses challenges for professional intervention and for the creation of suitable social policies on protection. For this reason, it has been seen as critical by the University of Barcelona, in collaboration with the Interior Ministry of the Government of Catalonia, Tilburg University and several NGOs (Project Hope, Sicar.cat, Apramp and Fier), to delve into the issue by conducting interviews with a host of people specialising in the care of female victims of sex trafficking (e.g., social workers, physicians, psychologists and law enforcement officials). Specifically, the aim of one phase of the project has been to understand the reality, in Spain, of professional intervention with female victims of trafficking.

In recent years, there has been a recognition that it is important for professionals in the field of health and social welfare to take part and be involved in scientific research in order to gain access to, and exchange, information and experiences with other professionals (Hounmenou, 2018). This explains why it was viewed as necessary to design individual interviews and focus groups to analyse the issue from an interdisciplinary perspective.

The individual interviews and focus groups were structured to analyse the three broad stages through which a victim of sex trafficking proceeds after detection: a)

detection/identification; b) criminal proceedings, and c) reintegration into society and the labour force. The participants acknowledged that the experience of every woman is different and that all victims do not necessarily follow the same path or decide to cooperate in the same way and/or involve the authorities. Standing out as one of the leading causes for their refusal to cooperate is the absence of specific laws and appropriate resources for the protection of the victim and/or her family members, but an additional cause is the lack of professionalism demonstrated in interventions with this type of victim.

The complexity of the intervention with these women is a result of, on one hand, the variety of their psychosocial needs and, on the other hand, the priority of involving professionals from different fields in a coordinated manner in order to provide comprehensive care. As a result, it is viewed as essential to develop specific protocols of action to ensure the women's personal protection.

During the research, the specialised professionals working in the area spoke to the perceived difficulties, best practices and suggestions to improve their intervention. The primary challenge raised by all of them was a lack of training and knowledge of the issue among the professionals involved, especially in relation to a victim's culture of origin and the action protocols to follow.

Because human trafficking is a part of organised crime, it is hard to collect data on its prevalence, making it difficult to obtain an exact number of victims so as to devise adequate public policies for their protection (Tallmadge & Jeffrey, 2017). Consequently, the official statistical records show rates of victimisation that are far below the figures put forward. This is because of the characteristics of the crime: the control mechanisms used by the pimps; the victims' lack of knowledge about the law, society and language; their individual past experiences; a lack of specialised training, and the priority given to sentencing the criminal rather than to the welfare and safety of the victim. Altogether,

this impedes the process of identification, that is, of the state's recognition of a person's status as a victim of human trafficking. Inconsistency in the available information and an absence of reliable statistics (the 'unrecorded' crime rate) encourage a lack of legislative interest, a shortfall in social resources and inadequate protection mechanisms to provide the comprehensive care that victims need.

The invisibility of the group is also reinforced by the prejudices and stereotypes attributed to a "victim of sex trafficking". Social media aggravate the situation by displaying the sexualised bodies of women and creating an image of the "ideal victim": a woman who is young, innocent and unaware that she is going to be prostituted, smuggled from one country to another to be sexually exploited by an extremely violent criminal network. This stereotype does not reflect the reality of most victims, such as the women who initially accept work in the sex industry, even in their own country, without any knowledge of the subsequent conditions of slavery, or the women who are not involved in a criminal network but become exploited by an acquaintance, friend or relative for the latter's financial gain, or even the men who become victims of trafficking. The stereotype of the deceived victim who is exploited without her consent creates greater social sympathy than a woman with irregular immigration status or a prostitute, who is seen as bearing responsibility for her own situation (Rodríguez-López, 2018). Regardless of the causes that lead to their status as victims, it is crucial to increase political interest and develop laws that protect women and men who fall victim to human trafficking.

## **Research results**

The results from the research are set out below under the three broad stages through which victims of sex trafficking proceed: detection/identification; b) criminal proceedings, and c) reintegration into society and the labour force.

## **Detection/Identification**

In accordance with the Framework Protocol for Intervention (2011), Spain's law enforcement authorities (*Cuerpos de Fuerza y Seguridad* in Spanish) are the set of organisations that specialise in the process of detecting and identifying victims of sex trafficking. Under Article 177 bis of Spain's criminal code, human trafficking is defined as:

*“the inducement, transport, transfer, reception or housing of people, when using violence, intimidation or deceit, or abusing a situation of superiority or need or the vulnerability of a national or alien victim for any of the following purposes: a) to impose on the victim forced work or services, slavery or practices similar to slavery or servitude or begging; b) to exploit them sexually, including pornography; c) to extract their bodily organs” (page 3).*

Detection is the suspicion, based on evidence, of a potential case of a female victim of human trafficking and it involves her first contact with support bodies that results from such a suspicion. Detection is normally carried out by NGOs, the police, assistance services and medical centres. Most of the professionals in the study refer to NGOs as the organisations best placed to make initial contact with a victim because of their specialisation, experience and interest in the victim's welfare. This stands in contrast to the police, whose main aim is to dismantle sex trafficking networks.

Detection is complex because of the different modes of exploitation. Our research points to the need to prepare a standard checklist of signs to cover the risk indicators and characteristics of a female victim of sex trafficking, the different networks' many modes of operation, the types of relationship with pimps, the personal situation of the victim and the resources available for protection. Lastly, while some protocols for specific intervention do exist at a regional or local level, the research points to an absence of such

a protocol at the national level, making it difficult to take coordinated action that focuses on the victim.

*“Some basic indicators are not having your documents, not knowing what city you are in, not having moved there yourself or not knowing the current date, not knowing who has taken you or how you have been taken, a series of things ... being in constant denial and saying that everything that is happening to you, you knew about it and that you are doing fantastic and don’t need help of any kind and that, besides, it’s better that we left the place where we were, not because she is going to be in danger, but because she, her family and other people too are going to be in danger ... constantly denying the situation that is obvious because you are visually making reference to it and I think that’s basic.”*

As a control mechanism, the women who are victims of trafficking live in complete social isolation and are indoctrinated to distrust anyone outside the network in which they are immersed. The cases of women who ask for outside help willingly are the exception.

*“I can’t identify a woman from an initial interview with her, we go into these places, spend a lot of time and observe a lot of things, and it’s later when the woman is going to talk at certain times, in a crisis situation, in a situation of violence ... that is when the woman says that she wants to get out of the situation and asks how you can help her and what the process is going to be. There are many visits and it’s a very lengthy process with a great deal of work by this rescue unit.”*

At first, the real threat from pimps results in a rejection of any initial offer of help from professionals when victims are detected through operations by law enforcement

and/or by NGOs that work directly on the streets to establish trust-based relationships with victims.

Given victims' obvious lack of knowledge about protection resources as a result of their isolation, NGOs have resorted to intervention on the streets to publicise support services and inform victims of their rights. They also hold workshops on subjects raised by the victims themselves in order to break through the wall of distrust in the face of the women's inability to meet the rising debt generated by their pimps, and in order to provide them with an alternative to their situation of exploitation.

*“What we started to do when we saw that, well, that they weren't going to come, what we did was go to the estate, to them ... no? ... and then what we did was have a few talks there on the estate, in a bar on the estate ... which is where all the street prostitution was ... that entire area, I mean, there was a nearby bar that is also where they used to go to grab a sandwich ... where maybe the ones who were allowed would go to grab a sandwich or whatever. We gave a few talks there until, on one hand, the women there were told that they couldn't come ...”*

According to the professionals in the study, the focus of intervention must be put on the protection of the victim from the moment of initial contact in order to build an environment of trust and personal safety. The bond that is established rests, first, on the specialisation of the professional involved and, second, on the information given to the victim about her rights and about the risks entailed in leaving the organisation or relationship of control.

Because the problem is relatively new and characterised by brutal growth, law enforcement officers typically do not yet have specialised skills in detecting victims. As a result, victims can perceive officers as more threatening than their own traffickers when the officers first intervene, especially when the intervention is the result of a newly

launched investigation. This is further reinforced by an absence of specific training on what it means to be a victim of human trafficking and on the potential for confusing the issue with the problem of irregular immigration.

*“No, and especially when there has been a police intervention, and we all understand that it’s a banging on the door where you are, a place where people only come to pay off your debt, and suddenly a person comes in who is much more violent than all the violence being used against you every day, and he says that he’s going to help you.”*

Specialised training for law enforcement agencies would avoid negligence or confusion about human trafficking, gender-based violence and irregular immigration. While women who are victims of gender-based violence are seen as needing protection, victims in cases of trafficking and/or irregular immigration are punished as lawbreakers.

Another major shortcoming is the lack of training in the area of psychology. Training of this sort is an essential factor for NGOs to adapt their intervention to the needs of victims on the streets, where they have regular contact with the women.

In addition, there are indirect methods of detection, such as telephone hotlines specialising in gender-based violence, social services, criminal complaints to law enforcement, and medical centres. The professionals noted the importance of continuing to train healthcare professionals to ensure adequate protection and care when a female victim comes in with her trafficker for a medical check-up or because she has a sexually transmitted disease or serious illness or because she is being forced to undergo some other type of surgical procedure such as an abortion. Scientific studies (Zimmerman, Hossain, & Watts, 2011) indicate that victims can present physical or mental health issues before falling into human trafficking and that there are highly specific indicators that depend on the exploitation phase in which the victim finds herself. This is very important because

mental and physical health can have an influence on a woman's vulnerability to recruitment as a victim of sex trafficking.

*“Healthcare professionals are starting to receive training because they are the first ones outside the environment surrounding prostitution who have, who could have a chance to detect a potential victim of trafficking.”*

Medical centres are regarded as essential in the detection of a victim in the same way that training for professionals on protocols and care for the victim are crucial so that the intervention itself does not cause greater psychological harm. In November 2017, Spain published a new annex to the common protocol on the healthcare response to gender-based violence within the country's public health system (Ministerio de Sanidad, Servicios Sociales e Igualdad, 2017). The aim of the new annex is to detect cases of human trafficking for the purposes of sexual exploitation, viewing the issue as one of gender-based violence regardless of the alleged aggressor. The text also lays out the specific characteristics of sex trafficking, sets basic guidelines for early action and detection, and provides detailed guidance to ensure adequate support and referral to specialised agencies in order to deliver comprehensive care and protection.

While the annex is a positive step forward in the detection of victims, it must be emphasised that only the police are authorised to identify victims as such, whereupon the victims can receive permission to obtain a health insurance card. That is, if the women do not collaborate in filing a criminal complaint, they remain unprotected. For this reason, there is still a need for a specific law on human trafficking, which would also serve to overcome the lack of information and training among the professionals involved, as well as remedying the insufficient resources devoted to protection.

Adopting a transcultural perspective during the process of detection and intervention is seen as fundamental to respond in a more targeted and precise manner,

because victims can perceive some medical procedures as extremely intrusive or even violent, heightening their distrust and rejection of the professional. Psychological interventions from a transcultural approach would avoid diagnostic mistakes based on Western culture that could have a detrimental impact on the victim's personal development.

Lastly, from a legal perspective, medical and/or psychological reports relating to any interventions undertaken (clinical, social, etc.) can serve as material evidence in criminal proceedings. As a result, they can have a significant effect on a victim's future.

*“Evaluating psychological harm is a topical issue, in inverted commas, because it has been topical now for too many years, but ... there are tables, aren't there, where you can absolutely measure the damage to your joint or ... some scales to tell you the compensation that a person must be given ... but psychological harm is much more intangible, so we are moving onto very slippery ground. But I know as well that if we consider the difficulty of evaluating a person's psychological damage where the communication sometimes doesn't flow adequately and it's not only the language, but rather that ... and here, I mean, speaking as an expert in cultural psychiatry for 17 years, dedicating myself above all to helping people from different cultural backgrounds ... well, I find that the assessment model that we are applying is also based on a conceptual paradigm that belongs to Western biomedicine, which does not always fit adequately with what they are describing ... with what you find when you see people from other backgrounds.”*

The identification of a victim is an administrative process carried out by the state's law enforcement agencies and prosecutors at the pre-trial phase of criminal proceedings. It is also the result of the victim's internal reflection. The victim's collaboration in a criminal complaint and subsequent court case enables her to gain access to resources for

protection. Some victims cannot be identified by their real name because it is impossible to recover their original documents or it is necessary to protect them from threats by their traffickers. In this respect, the lack of international cooperation programmes hampers identification in non-EU countries and impedes the protection of a victim's family and social environment in her country of origin.

While some autonomous communities in Spain do have units specialising in human trafficking, such as Catalonia (Mossos d'Esquadra) and Madrid (Cuerpo Nacional de Policía y Guardia Civil), and these units do have adequate training to attend to victims in collaboration with NGOs and other specialised agencies, this is not the case throughout the rest of the country.

The potential use of threats by a trafficker as a mechanism of control over a victim has a serious negative influence on the victim's decision to collaborate in open administrative or criminal proceedings. Because of such coercion, victims lie or omit relevant information out of fear for themselves and/or their social and family environment. In some instances, law enforcement officials in a victim's country of origin are involved in the particular trafficking network, heightening the victim's distrust, and as a consequence of their past experiences, victims can have a negative view of the officials who subsequently get involved. It is essential, therefore, to train the police to spot lies and create a climate of trust in which the victim can disclose the events that have occurred and the people involved.

In light of the lack of training and awareness among professionals tasked with carrying out the process of identification, NGOs have introduced places within shelters where victims can make statements to the police, while also maintaining the bond of trust between the victim and any new professionals that step in, preventing further psychological harm to the victim and ensuring her physical protection.

Also, because the process is administrative, the victim's culture of origin is not taken into account. This creates numerous problems of mutual comprehension because of language difficulties, when a suitable interpreter is not present, and because the completion of any tests can be perceived by the woman as invasive and harmful.

For the professionals involved, the main challenge is to avoid prying into each woman's personal history. Because they are extremely vulnerable victims, it is necessary to proceed with caution and in accordance with the personal timing of their psychological readjustment. Victims have a range of beliefs and very different personal histories of extreme violence. As a result, they tend to view any chance of getting out of the situation of control and coercion in which they are immersed as impossible. The perceived threat to a victim's or her family's physical and/or psychological safety makes her feel guilty and also fearful of the risks to which her family members are exposed, even if they are protected. In these cases, it is critical for a victim to have trust in the professionals in order to move forward in the legal, psychological and social context, especially when it is not possible to rely on international collaboration to safeguard the victim's family members.

*“It seems to me that there is a point, which is fundamental, and it's the encounter with the victim, when you, wherever this first attention occurs, this person who is with her, I think that this is when you can make her listen a little. Because here is a woman who has lived through violence and therefore has trauma, she has a set of symptoms that are there, that she is living it and surviving, she's afraid, and it's necessary to be very aware of this, because of her family back home, because she has been battered and beaten, they are going to be killed, it's not only her safety, because a lot happens when they come to a specialised service, they feel very safe but they're very afraid to carry on with any criminal complaints, because*

*their family is at risk and, well, the risk is real. I mean, nobody is going to protect their family.”*

In short, during the process of detection and identification, the intervention of professionals with the victim can produce psychological harm in the victim, that is, a secondary victimisation. The reasons for this relate to: a) the absence of a comprehensive law on victims of human trafficking; b) a lack of clarity about the whole process of comprehensive care so as to avoid repeating formal statements and assessments; c) the influence of the culture of origin, and d) the victim's personal development.

### **Criminal Proceedings**

For the purposes of this research, the second stage encompasses the legal steps and their impact on a victim after she files a criminal complaint: a) formal pre-trial statement, which in the Spanish legal system comes under the evidentiary category of *prueba preconstituida*, and b) testimony in open court. According to the participants in the study, criminal proceedings lack a specified fixed length as they draw on the involvement of disparate professionals and there is no protocol or specific law on victims of trafficking. This doubles the psychological impact on the woman affected, primarily because of the internal structure of the legal process, the poor specialised training of the professionals involved and the absence of adequate resources for protection. Consequently, when a victim initiates a criminal proceeding, it does not guarantee that she will obtain a positive overall resolution to her personal situation, because while the prevailing legal framework can spur an important capacity to face the facts, it does not take into account her personal resources, risking severe psychological instability.

*“So sure, you can ask them to have an attitude of empowerment or the system will be perverse toward the victim, you can ask, but you go to the requirements of the [Spanish] Supreme Court’s case law on assessing the victim’s testimony and you say, ‘What? I mean it’s impossible to meet all that ...’.”*

The formal pre-trial statement and identification are carried out during the investigation phase of criminal proceedings. The procedural time limit to gather the statement is determined by the time that elapses between the arrest of the trafficker and his formal arraignment. The formal pre-trial statement is a process to gather a victim’s testimony before the oral trial in order to substitute for or, in some cases, facilitate the victim’s statement at trial, avoiding duplications in her testimony as a vulnerable witness as well as any secondary victimisation that may result. At the same time, it is necessary to respect a defendant’s right to a defence and all other procedural safeguards. Consequently, the formal pre-trial statement takes place in the presence of all the legal officials involved: the investigating judge, the prosecutor and the counsel for the defence.

The formal pre-trial statement has been devised for vulnerable victims who are at increased risk of suffering secondary victimisation or revictimisation through their contact with the legal system or because of a suspicion that it will be impossible for them to attend the subsequent oral trial (e.g., protective measures, a risk of death or disappearance, etc.). In general, crimes against these groups are hard to prove because the criminal complaint is limited and the crime is marked by a high degree of concealment, given that it occurs in a relational affective environment. Both witness and documentary types of evidence are hugely important to support a victim’s statement. Also, because victims are extremely vulnerable, their memory deteriorates over time. It is reconstructed each time they narrate the events and the provided information can become contaminated.

Consequently, there are clear benefits from gathering a formal pre-trial statement very effectively (Gonzalez, Muñoz, Sotoca, & Manzanero, 2013).

The stipulated time for obtaining the victim's statement, which is two months, begin with the pimp's pre-trial detention and it does not take into consideration the victim's psychological state. In such a context, a victim's statement can be heavily influenced by professionals because of her psychological instability and this can have a significant effect on her testimony, especially in any subsequent oral trial. When her statement is given through the collaboration of an NGO, renewable periods of twelve months are established, with the victim's psychological well-being given priority.

In many cases, even after having given her formal pre-trial statement, a victim is still requested to appear at the oral trial, affecting her psychological stability. This can happen because of the lack of training among legal practitioners on the subject of human trafficking, which can give rise to prejudices and stereotypes and be reflected in the treatment that they give to victims and support professionals. Despite the recognition granted to a well-conducted formal pre-trial statement, it does not guarantee a victim's safety or protection. In fact, it can have the same psychological impact that would result from her attendance at an oral trial. For the victim's protection, it is viewed as very important to avoid any real or symbolic contact with the trafficker throughout the process.

*“And yet that is what occurs, which is why it's necessary to transform a lot of things, it's necessary to transform the very judge so that with a formal pre-trial statement you don't need to look at anything else, you have to create a different foundation, but it's just not like that in this case, the judges want to see the woman and ask her questions, above all they want to see her, which is something that really stands out to me, but that is the way it is. And many times, it is not only the formal pre-trial statement, but also their own questioning of the woman. They*

*aren't questions focused on what the women have lived through so much as other questions that stem from a lack of training and information."*

The main challenge presented by the victim's experience during the oral trial and the interventions by legal practitioners is the lack of a specific law that includes the protection of the victim's identity and prevents her from being identified by her trafficker. At this stage, one of the chief risks is the lack of ability among professionals to ensure that the victim understands the risk entailed in her participation in a criminal proceeding when she testifies against her trafficker, because they tend to want the victim to explain her experiences precisely even though that is not the aim of oral proceedings. As a result, how professionals intervene in preparing a victim for the dynamics and internal workings of the oral proceedings stands out as important.

Similarly, the training of judges is critical for the application of basic standards of consistency and plausibility in relation to the credibility of a victim's testimony. By way of example, it is important to note that the victim's psychological trauma will be reflected in her discourse and, therefore, that the more statements that are gathered from her, the better the obtained information will be. However, because of her changing emotional state, there will also be an increase in contradictions. In many instances, trials rest solely on the victim's statement without taking into account the psychological consequences of her experience or her current state of trauma. When a victim has given a statement many times, her discourse is going to be different from the first few times. This is the result of internal processes, such as defence mechanisms or dissociative processes that aim to avoid reliving extremely painful memories. The reluctance of judges to undergo training and develop additional skills in the area is regarded as significant and serious, because judges regulate the process and the final ruling. However, they continue to make decisions on the basis of ignorance, prejudices and stereotypes, drawing solely on the victim's

statement. Typically, however, NGOs offer training courses for different legal professionals in order to streamline processes that can affect the victim psychologically.

*“Judges aren’t specialists, they don’t know what you are saying to them, they’ve got no idea, they can’t find Article 177 bis in the criminal code, can they? But that’s why we’re here, that’s our job, isn’t it? We are at a stage now in which a job is being done in the courts, isn’t it? About the way that the testimony of a victim of trafficking has to be evaluated.”*

Lastly, a victim receives support from a cultural mediator to prepare her testimony. The cultural mediator also remains with the victim during the oral trial and can act as an interpreter. Cultural and language differences can be problematic without recourse to an interpreter or cultural mediator. The difficulty in finding trained interpreters or cultural mediators is worrying, because they are responsible for giving voice to the victim. Occasionally, because of budget constraints, the same translator is hired for the victim and her aggressor.

From the standpoint of the professionals in the study, a criminal proceeding in and of itself is victimising. Added to that is the absence of a clear protocol of action and a lack of adequate communication among the professionals acting on behalf of the defendant and the victim. The right to a defence involves challenging the victim’s story. Beyond that, however, a lack of training among lawyers hinders their ability to distinguish between seeking the truth and blaming the victim.

*“Hell, it’s hell. The criminal proceeding is a hell for the victims, honestly, it is like nothing else can be for me or for any of the victims that we have supported through this ... I don’t mean to say that any of them has had a criminal proceeding in which at least ten of her rights as a victim haven’t been violated.”*

In short, the women identified through law enforcement operations are forced to give a statement and, therefore, to initiate a legal process, whether or not they want to do so. No victim, even in the midst of a legal process, can safeguard her own life or the life of her family members from the death threats of her traffickers. Therefore, it is viewed as necessary to create a multidisciplinary team to stay with the victim and to devise protocols with specialists in human trafficking that establish channels of communication among the involved agencies, the available mechanisms and resources for protection and the legal process to be followed in order to prevent as much as harm as possible to the victim and her family.

### **Reintegration into Society and the Labour Force**

This section addresses the resources available to assist victims with their reintegration into society and the labour force. In the absence of a specific law on human trafficking, the end of a trial or its excessive prolonging can put a victim at risk without appropriate protection.

A victim's recovery time can be very lengthy. It may even take years, depending on her personal circumstances and the time that she was immersed in situations of violence and exploitation. A crucial factor concerns the social resources needed to ensure a minimum income, access to medical care, child support and assistance with reintegration into society and the labour force. In response to the needs of victims, shelters offer shared accommodation where they can reintegrate socially after having been deprived of their freedom in the past.

*“Yes, the living together that you can see now has been achieved at mealtimes, because they were just not used to sitting at the table. All of this really poses a lot*

*of challenges in terms of shared living and the professionals can often have a whole culture too ... they don't understand each other."*

While the cultural component is important at every stage, it proves crucial for a victim's reintegration into society and the labour force if she is to be kept from becoming re-enslaved on her return to her cultural/social and family environment. Because of the situation of precariousness and poverty in victims' countries of origin, the financial responsibility for the family falls on them, as does the moral duty and, of necessity, any manipulation or threats that relate to trafficking another family member. As a result, when they return to their countries of origin, victims can be forced back into sex trafficking.

*"Yes, it can help so that many women are not re-trafficked. A lot of them decide to go back to their countries of origin, because they want to tell their family members that they now have a new life, and that is where they face all that."*

In the case of women who choose to remain in Spain, they are typically given an incorrect psychological diagnosis without taking account of their distinct cultural traits and the mistake, which stems from the prevailing ethnocentric viewpoint in Europe, causes even greater psychological harm. The professionals in the study suggest training in specific transcultural psychiatry for healthcare professionals to enable them to deal correctly with victims, enhance their diagnostic skills and prescribe more suitable medication. The psychological disorders that victims present are typically chronic, making psychological follow-up necessary to prevent future relapses.

*"The notion of illness goes hand in hand with symptoms: when there is no symptom, there is no illness. And this conception of health and illness is much more typical and widespread globally than the one we have here, where we speak of 'relapse prevention' and ultimately of everything to do with prevention ... in other words, preventive medicine, which is crucial in psychiatry here, because*

*unfortunately most disorders are chronic. So, even if you don't have auditory hallucinations now ... you have to keep taking the antipsychotic drug so as not to suffer a relapse. This can appear very easy to understand, but it is the polar opposite of many people's model of health and illness."*

At the end of a trial, women sometimes take the decision to forget their past and start a new life with their past buried in secrecy. This, too, can lead to psychological problems and challenges in the future.

The professionals in the study emphasise the inadequate care and concern for victims' reintegration into society and the labour force. In some instances, their reintegration depends almost entirely on the final ruling in the trial. A final ruling, however, can take as long as ten years from the start of the process, putting a victim at increased risk of being left unprotected. A major challenge for reintegration is to form new social networks outside exploitation, because when a victim does not know anyone outside the network, she encounters enormous isolation on her return.

The necessary period of support from professionals is viewed as greater than it is for victims of gender-based violence or immigration, since the victims of human trafficking can require years of assistance in shelters. The reasons for the difference lie in the very long time period of the violence suffered by the women, their typical lack of knowledge of the language, their illiteracy, acquired diseases, pregnancies, dependent children and any severe physical or psychosomatic pain that they may suffer.

### **Training Recommendations and Best Practices**

Lastly, the professionals in the study identified required topics for education and training with which every professional involved should be familiar. Essentially, they suggest the

development of a more complete protocol for intervention to establish channels of smooth communication among the organisations involved in issues associated with immigration and gender-based violence against women. Communication and cooperation among the various specialised agencies prove critical to understand the different intervention models and resources in existence and to provide comprehensive care to the victims of trafficking. The topics regarded as paramount for education and training in the prevention of psychological harm to the victim are: a) protocols for detection and action; b) administrative procedures; c) available resources, and d) the culture of the country of origin.

*“I think that that is what is failing right now, that tools do exist, protocols do exist, but the protocols are triggered or not as a function of wherever it happens or wherever the woman is. This depends a great deal on training, but also on the people working in the particular unit.”*

At present, there are protocols specific to agencies and/or autonomous communities. The professionals stress the need to carry on with the training associated with these framework protocols on detection and joint action, linking them to a specific intervention context. The lack of information and resources hampers professionals' ability to seek assistance and to refer potential victims of trafficking to specialist agencies according to the specific situation. The relevance of the protocols is highly significant because they are regarded as a necessary tool to prevent secondary victimisation and to streamline the entire process for providing victims with comprehensive care.

In terms of administrative procedures, one of the chief problems is the lack of a specific law regulating the process in the host country. Applying for a health insurance card is viewed as the most important and complex aspect to process administratively under current legislation. However, some ambulance services provide care to victims

without the victims being required to apply for a card. Professionals at healthcare centres must be informed and trained to ensure that victims receive care, even when they have not been formally identified by the state as victims of trafficking. To this end, public employees have a need for training on victims' rights, so that the procedural steps required to protect a victim are not long and drawn out.

*“At this early stage in which victims of trafficking do not yet have official status, if they are victims, we apply the protocol and deploy all possible forces to help them, but if the police do not understand that she is a victim of trafficking, she is still stuck in the earlier situation.”*

The lack of communication among the involved agencies about the resources and professional teams that exist for a victim's care and protection is the result of a lack of knowledge about those resources and teams. There is also an important need to keep highlighting the shortage of resources to spur the creation of more suitable mechanisms to protect the victim during the legal process.

Lastly, training in the culture of a victim's country of origin is critical if the aim is to ensure appropriate intervention and support during the victim's psychosocial recovery. The professionals in the study recognise a need for training in Asian cultures as well as the addition of professionals with a mastery of the victim's language and an understanding of her culture.

*“We have intervened with women of Chinese nationality and encountered an enormous number of challenges, because everything is much more closed, the processes of suffering are much more internalised, so it has to be like that and it's normal as well.”*

In the same vein, the professionals highlight a need to continue with training for social and/or clinical psychologists and psychiatrists to avoid an ethnocentric diagnosis and to provide victims with transcultural care. Lastly, cultural training for professionals in the legal field, which has already begun in some instances, ensures that a victim's situation is understood and that the victim and legal practitioners themselves have the tools needed to defend, explain and argue during the oral trial. Lawyers, prosecutors and judges share the idea that the positive effects of having adequate information about the characteristics of these people and their abusive context will enable them to situate a woman more accurately with respect to the type of criminal network, leading to greater resources for victim protection.

Cultural differences are reflected throughout the victim's entire process of psychological recovery. For this reason, it is essential to train cultural mediators and interpreters if the aim is to ensure the proper exchange of information between professional and victim.

In terms of programmes or interventions that can serve as models of best practice and have a greater positive psychological impact on the victim, the professionals underscore the need to build the victim's trust in order to gain her collaboration and motivation. NGOs have resorted to creating the figure of the cultural mediator in order to establish and maintain an emotional bond, ensuring that the victim feels understood and supported. This bond is based on mutual trust and proves to be a key motivational tool in the victim's recovery, while also preventing any potential psychological harm from the intervention itself.

Typically, a cultural mediator is a female survivor of trafficking who works with NGOs to provide support to other victims throughout their entire process from detection through reintegration into society and the labour force. Because she has gone through a

similar situation, she can draw on a deeper understanding of the victim's needs. Her role is also a key one because she shares the same language and even the same cultural frame of reference. As the point person for the victim, she is a member of the NGOs' interdisciplinary intervention teams, leading to a qualitative improvement in the care provided. In some instances, the cultural mediator may even act as an interpreter or a witness during the oral trial.

*“For instance, we women in the rescue unit team have twelve language mediators, twelve language mediators who are trained and who have been victims of trafficking. For us, the work that is done on the streets in caring for the women and in detection is critical, primarily because it helps you, doesn't it, to understand the cultural codes of the country, specific codes for each nationality, and especially in detection, doesn't it? And in empathy. And it's also true that our interpreters are with the police during the interview in many cases.”*

As for state involvement, the Spanish Interior Ministry has stepped up its collaboration and cooperation with social organisations and agencies in the fight against human trafficking, creating the figure of the social and territorial interlocutor (*interlocutor social y territorial* in Spanish) to serve as a new tool to prevent and combat this type of crime and to foster coordinated action among national law enforcement agencies and the various social organisations and agencies specialising in human trafficking. The goal of the social and territorial interlocutors is to encourage collaboration, ensure the mutual exchange of information, e.g., statistical trends, and promote any coordination protocols that may prove necessary to care for victims and provide support to police specialising in the subject (Ministerio del Interior de España, 2016).

At first, NGOs did not enjoy broad recognition for their efforts, but the situation has changed substantially in the past 3-5 years. Since 2016, for example, the police are

required to notify NGOs if a victim is detected, so that the latter can provide adequate care and protection.

*“Currently, instructions 5.16 and 6.17 of the Secretary of State say that the power of identification belongs to the state’s security professionals, doesn’t it? It’s true, however, that it belongs to the ONGs for detection; thanks to the ONGs, following instruction 6.16 the police trust enough in the ONGs, through their care and protection of a victim, to give them the time deemed necessary to collaborate with us. Instruction 6.16 and the role of the national police in this project, which is the preliminary investigation, are fundamentally to help the victim.”*

One of the major advantages of the NGOs is that their professionals have years of experience and specialised training in intervention with female victims of trafficking who come from different cultures. As a result, NGOs are viewed as crucial in responding to the needs of prosecutors and lawyers before a criminal proceeding begins.

*“I never make a statement, whether at oral trial or in testimony, without speaking first to the NGOs who are with her, and with the police obviously.”*

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## **Legislation**

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