



**Psychological health impact of THB for sexual exploitation on female victims. Consequences for stakeholders (PHIT).
File study of relevant cases. Final Report.**

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Summary: 1. Introduction. 2. Objective and methodology. 3. The 10 significant cases. 4. Findings. 5. Recommendations.

I. Introduction.

Within the activities of WP2 (Psychological impact of THB and consequences for stakeholders' interactions and interventions), Activity 2.3 consisted in the file study of relevant cases in which a prosecution and a conviction for trafficking were held.

Starting point of the study was the absolute lack of awareness of the psychological impact of trafficking in victims within the criminal procedure and the need of study. Our hypothesis was: that lack of awareness may have a negative effect both on victims and on procedure. Improving awareness and knowledge on this issue may have positive effects on victims and make it easier to get criminal convictions without victims revictimization.

As this package try to understand PHTB on victims based on empirical research and to what extend that impact is taken into account by stakeholders, this report is based on empirical research. No deep theoretical approach is intended. Our aim is just to show the data and to draw some conclusions and recommendations, in order to a better approach to PHIT within criminal proceedings.

II. Objective and Methodology:

As said before, the aim of the activity is the analysis of ten relevant THB cases in Spain in order to determine the concrete role of the psychological situation of the victims within criminal procedures; in other words, how psychological health impact on the victims is taken into account within criminal procedures at different moments (investigation, prosecution, trial, convictions).

This report is based on the data collection from the files.

Object of study were all the files in Madrid and Barcelona. All of them were reviewed, in order to select the 10 **significant** cases, considering victims and defendants nationality, type of PHIT, victims background and story, type of

criminals and date. We tried to draw a map as wide as possible about different cases and different impact of trafficking in victims.

In order to collect the data, two different sources were used: NGO's interviews and Prosecutor's files and judicial decisions.

The research team had no direct access to psychological reports nor victims' interviews, in order to preserve their privacy and personal security (all victims are protected witnesses with a secret identity). Our knowledge of psychological reports came from the analysis of prosecutor's reports and judicial decisions.

Regarding the concrete methodology used in the study, first of all a file analysis pattern was developed.

FILE ANALYSIS PATTERN

a) Files Data

Sentence:

Defendants:

Victims: Nationality, adult/minor

Protected by NGO? Which one?

Protected by another Institution? Which one?

Proven facts:

Incriminating Evidence:

Convicted criminal's sentence: Yes/No

Sentence of compensation: No/Yes

Amount of compensation:

b) Psychological health impact of THB:

Not taken into account:

Taken into account:

What kind of impact:

When:

Investigation

Procedure:

Prosecution report

Evidence proposal

Ask for compensation based on psychological damage.

Decision:

as a proven fact.

when evaluating victim's testimony

as a criterion to fix the amount of compensation

By Whom: (experts, polices officers, prosecutors, judges, others)

Afterwards, we tried to fill it in with the data collected from NGOs and files as recorded by Special Antitrafficking Prosecutor's office, crossing the information we got from them. Finally, we draw some conclusions and recommendations.

To sum up:

1st step.: Interview with NGO agents who supported the victims.

Two intensive interviews with APRAMP social worker in charge (Madrid); one interview with SICAR's representative in Barcelona¹.

2nd step: Files review as recorded by Special Antitrafficking Prosecutor's office².

Files content: police report + prosecution's report+ judicial decision.

3rd step: Data evaluation. Findings, conclusions and recommendations.

III. The 10 Significant Cases

Case n.1:

a) File information:

Sentence: Sentence of the Provincial Court of Barcelona (Section 9), November 26th 2012, confirmed by the Supreme Court, ATS May 29th mayo 2013.

First sentence issued under article 177 bis of the Spanish Criminal Code (new criminal offence).

- *Defendants*: Three Bulgarian people (two men and a woman, she comes from the victim's area of residence).
- *Victim*: An adult Bulgarian woman.

Protected witness: Yes

Protected by NGO: Yes, after her first police statement.

Protected by another Institution? Which one? No

- *Proven facts*: In Bulgaria, the victim was persuaded to move to Barcelona by one of the male defendants (A1). She was told she would get a hostel job but was forced into street prostitution. On February 18th 2012, the defendant travelled with her to Barcelona by bus. He put her up in his house, seized her passport and coerced her to prostitution. She was forced to hand over her earnings, when she refused to do it he threatened to break the victim's legs and hit her with a club on her back and hands. The victim needed medical assistance.

¹ APRAMP interviews by Teresa Rodríguez Montañés. SICAR interview by Silvia Fernández Bautista, research member of the Project.

² Madrid files were reviewed by Teresa Rodríguez Montañés. Barcelona files were reviewed by Silvia Fernández Bautista.

The female defendant (A2), who worked as a prostitute in El Raval, kept the victim under surveillance; she occasionally took the victim's money.

The victim (TP1), who did not speak nor understand Spanish, was submitted to their control until 20 March 2012 when an urban police patrol in civilian clothes met her choked in sobs on the street. A Bulgarian woman who was also a prostitute and her friend acted as an interpreter to report the crime.

The last defendant (A3), who was the second defendant's (A2) partner, forced the prostitute who had assisted the victim to hand over her earnings. She gave him 500 Euros. He also asked this woman to change her police statement about the second defendant (A2) by threatening her.

- *Incriminating Evidence:* Victim's testimony (anticipated evidence, evaluated as consistent and reliable), supported by witnesses and police officers who assisted the victim.
- *Convicted criminal's sentence:* Yes, One of the defendants (A1) was sentenced to 6 years and seven months in prison (THB and other crimes).
- *Sentence of compensation:* Yes.

Amount of compensation: 4000 Euros.

b) Psychological health impact of THB:

Not taken into account either in the investigation nor in the procedure.

The only reference: While evaluating his testimony, the sentence refers that the police officer who first assisted the victim declares that she was "depressed", "deeply affected", "desperate", "devastated", and referred a suicide attempt.

Despite all these indicators, no psychological report was requested within the investigation or procedure.

Case n. 2.

a) File information:

Sentence of the Provincial Court of Madrid (Section 3), December 26th 2012.

- *Defendants:* Two Paraguayan (a couple of a man and a woman).
- *Victims:* Two adult Paraguayan women.

Protected witness: Yes.

Protected by NGO: Yes (APRAMP) [Association for the Prevention, reintegration and Attention of Prostituted Women].

Protected by another Institution? Which one? No

- *Proven facts:* The male defendant contacted a woman who was his mother's neighbour in Paraguay (TP32). He asked her to come to Spain where she could work as a prostitute in his house. He told the victim that she would make enough money to get by and support her four children. For this purpose, he sent her money for buying plane tickets, getting a passport, booking a hotel room along with 835 Euros in cash, as she has to appear to be a tourist. On 10 December 2010 the victim arrived in Madrid by plane. At the airport she was picked up by the defendants. Two weeks later, the male defendant asked her to work as a prostitute at Polígono Marconi. He set the price of sex, saying that he would be on top of her watching the whole time. She had to give him all the money. Under such conditions, the victim expressed her will of returning to Paraguay. The defendants, arguing about a debt the victim owed to them, impeded her return by threats. For five months, the scared victim (TP 32) had to work as a prostitute and hand over most of her earnings (7200 Euros); she kept around 70 Euros per month for herself. Finally, she could leave the place where she lived with the defendants. A few months later, the female defendant recruited the second victim (TP 31) with the help from her brother. A woman living in Paraguay was told to come to Spain where she could work as children's nurse; she will be earning 1300 Euros a month. With this sum she could reimburse the travel expenses. On 26 March 2011, the victim arrived in Madrid. The next day, the female defendant brought her to her place where the male defendant took the money from her while he confessed the real purpose of the travel. She had to work as a prostitute at Polígono Marconi to reimburse 4500 Euros. She and her family in Paraguay were under serious threat. For three months she worked as a prostitute under intensive surveillance; therefore, she was forced to hand over her earnings to the defendant, but she kept 10 to 20 Euros per month for herself. The first time the male defendant drove the victim (TP 31) to Polígono Marconi to visit this industrial park she was submitted to anal rape in his car's backseat. He said he was testing her to see if she was fit for work.
- *Incriminating evidence:* Victims' testimony (both protected witnesses: TP 31 y TP 32), supported by police report, police officers testimonies and APRAMP social worker testimony.

- *Convicted criminal's sentence:* Yes, both defendants were convicted (THB for sexual exploitation and others): to 22 years in prison (male) and to 15 years in prison (female).
- *Sentence of compensation:* Yes.

Amount of compensation: 15000 Euros per victim.

b) Psychological health impact of THB:

Not taken into account:

According to APRAMP, the victims refused psychological support.

No psychological report in the proceedings.

No reference in the police report.

Prosecution report just named 'psychological damage' when asking for a sentence of compensation, without furnishing any evidence or additional argument.

No reference in the decision: not as a proven fact; not even considered psychological damage when fixing the amount of compensation.

Case N.3

a) File Information:

Sentence of the Provincial Court of Barcelona (Section 9), February 6th 2013.

- *Defendants:* A Romanian woman (A1) and an Albanian man (A2). They are a couple
- *Victim:* A minor Romanian girl. Female defendant's cousin
 - Protected witness: Yes.
 - Protected by NGO: No
 - Protected by another Institution? Which one? Yes, Catalonia's Government (Generalitat) safe shelter.
- *Proven facts:* In Italy, during 2010 the victim, who used to work as a street prostitute along with her cousin, stayed in an emergency youth centre. Her adult cousin, a woman who was her only near relative, provided housing for the victim while she gave her all her money. The female defendant, in connivance with her partner, persuaded the victim to leave the centre and join her to go to Barcelona. She promised her cousin a better life but they wanted her to continue working as a

prostitute. Both cousins went to Barcelona by bus and the victim used another cousin's passport as she was a minor. The male defendant, who had previously arrived in Barcelona, chose "el Paralelo" as the working location and established a work schedule. The victim was under the defendant's total control; he also controlled her money. Sometimes she was beaten up and submitted to humiliating treatment. On 5 August 2011, the minor, who had received a letter from the Italian Public Prosecutor for Juveniles under an Order of Protection on behalf of minors, went to the police station after she was sent to a safe shelter. The victim remained there until the court notified the opening of oral proceedings and set the date of trial. At that moment, she travelled to Romania with the excuse of getting valid identity documents, and then she did not go back into Spain despite the Generalitat had purchased a return ticket for her.

- *Incriminating evidence:* Victim's testimony (anticipated evidence), supported by police investigation.
- *Convicted criminal's sentence:* Yes, both defendants were convicted (THB for sexual exploitation of children: 8 years, 6 months and 1 day in prison).
- Sentence of compensation: Yes
 - Amount of compensation: 10000 Euros.

b) Psychological health impact of THB:

Not taken into account:

No reference in the police report.

No reference in prosecution report.

No reference in the decision.

Case N.4

a) File Information:

Sentence of the Provincial Court of Madrid (Section 6), March 8th 2013, confirmed by the Supreme Court, STS 910/2014, December 3rd.

- *Defendants:* Two. A Romanian woman (A1) and a Moroccan man (A2). There were some other people involved, living in Romania. They were not considered in the proceedings. It is a family network.

- *Victim*: A Romanian woman who was sold by the defendants for 3000 Euros.
 - Protected witness: Yes.
 - Protected by NGO: Yes (APRAMP) [Association for the Prevention, reintegration and Attention of Prostituted Women].
 - Protected by another Institution? Which one? Yes, SAMUR social.
- *Proven facts*: In July 2011, a man and a woman addressed the victim, who worked as a waitress in a coffee house in Bucarest. She was beaten up and forced to get into a cab in which they went to a house in Constanza (Romania). Once there, they seized her piece of identification and cellular phone and they threatened to hurt her son and her family. Later, they called up their contacts in Spain asking them some money to buy a plane ticket. The next day, she was forced to take a flight to Madrid accompanied by a woman who controlled her and her documents. The victim and the female defendant were picked up at Barajas airport by two persons: the woman's sister and her partner, both convicted criminal, who paid the travel expenses. They brought her to her place where she was informed that an acquaintance of her family had sold her for 3000 Euros, so she had to pay that sum working as a prostitute and give all her earnings to them. Afterwards, she was accompanied to Montera Street in Madrid; they showed her a flat and a room where she had to attend the clients' requests. She was under total control and they were along with her all the time, in streets or in the flat. They looked for clients and accompanied them to a hotel. She had no papers, nor cellular phone. Continuously, she was beaten up by the defendants who said she did not work enough. She had to sit on a plastic bottle as a punishment. The victim remained in this situation until she fled on July 24th 2013 when, with the help of a client, she denounced the facts to the authorities.
- *Convicted criminal's sentence*: Yes, both defendants were sentenced (THB for sexual exploitation and others: 9 years in prison).
- *Incriminating evidence*: Victim's testimony (anticipated evidence and videoconference in Rumania during the trial); police officers' testimony; APRAMP social assistant testimony; psychological report and psycho-social report (APRAMP).
- *Sentence of compensation*: No, the victim renounced her right to compensation.

b) Psychological health impact of THB:

Taken into account: Yes.

What kind of impact: PTSD (posttraumatic stress disorder)

When:

Investigation: Yes. Local police officers. Police report.

Procedure: Yes

**Prosecution report:* Evidence proposal: psychological report and expert testimony. Anticipated evidence DVD. Specific reference to PHIT (1st conclusion: major psychological damage. PTSD with symptoms such as depression, extreme anxiety (headaches, palpitations, insomnia, fatigue, nightmares, concentration and memory problems); inner turmoil, haze and stress, with a very strong physical response when she remembers what happened. Quoting the psychological report.

**Decision:*

-As a proven fact: Yes. Psychological damage. PTSD with symptoms such as depression, extreme anxiety (headaches, palpitations, insomnia, fatigue, nightmares, concentration and memory problems); inner turmoil, haze and stress, with a very strong physical response when she remembers what happened.

-Evidence: anticipated evidence (in order to avoid revictimization in case she wouldn't appear in court); protected witness; videoconference.

-when evaluating victim's testimony: Yes (FJ 4).

Psychological and psycho-social report are partially reproduced and taken into account when evaluating victim's testimony (consistency and credibility, despite lacks and some contradictions). Psychological report, as well as the expert's statements in the hearing, play a key role in supporting victim's statement against the defendants' arguments.

By Whom: polices officers, NGO social workers; psychologist; prosecutor, judges.

In this case, PHIT was considered from the very beginning (first police report, NGO's worker who supported the victim) and throughout the whole procedure.

Local police officers, who first met the victim at the street when she fled, alone, disoriented, helpless and undocumented, pointed out the psychological impact on the victim. They reported about this issue during the investigation and at the hearing.

Being assisted by APRAMP, she received psychological support from the NGO.

APRAMP'S psycho-social report describes her as disoriented, helpless and with high levels of anxiety. She needed medical assistance at a hospital after an anxiety crisis.

The psychological report states that she suffered from PTSD, describing multiple symptoms and high levels of anxiety as a result of the traumatic event she experienced.

Within the procedure, PHIT is taken into account in the prosecution report as well in the decision: as a proven fact (PTSD), regarding the evidence (anticipated evidence) and when evaluating victim's testimony. The psychological report (partially quoted in the decision) as well as the experts testimonies play a key role.

This case can be considered an example of good practice.

Case N.5

a) File Information:

Sentence of the Provincial Court of Madrid (Section 5), April 14th 2015.

- *Defendants:* A Romanian criminal family gang (Tudorache). Very violent. 14 defendants (9 men; 5 women). Only 5 (five men and a woman) convicted for THB. The other defendants were convicted for forced prostitution and other crimes.
- *Victims:* 10 Romanian women. One of them was a minor (TP 28). Only two of them considered THB victims; many others, just forced prostitution (not THB; lack of evidence).
 - Protected witness: Yes (2 of them)
 - Protected by NGO: Yes. Some of the victims: APRAMP [Association for the Prevention, reintegration and Attention of Prostituted Women]/Proyecto Esperanza (A1; minor)
 - Protected by another Institution? Which one?

Proven facts: A family criminal gang brought young women from Romania to Spain in order to exploit them as prostitutes. In this context, proven facts related to THB focus on two women both protected witness: TP28 and TP 29.

In 2011 one of the defendants (member of the gang) contacted a girl (minor TP 28), became his friend and persuaded her to travel to Spain with him, taking advantage of her age, economic situation and lack of education. She was offered a job with his family in Spain. The defendant bought the tickets, arranged false documents and travelled by bus with the victim. Once they arrived in Madrid, she was brought to an apartment and told that she had to work as a prostitute. She was beaten up, when she refused, and then brought to Montera Street, where many other women were forced into prostitution, working for the gang. Some of the other victims told her where and how to work. Those other victims called clients for the girl, picked up the money and handed it over to the defendants. All the women lived in apartments which belonged to the gang. The defendants picked them up at the apartment, brought them to Montera street, where women remained under continuous surveillance, and sent them back to the apartment every day.

When TP28 complained or refused to work, she was severely beaten up. Once she escaped, helped by a taxi driver. Three months later, the defendants founded her. She was brutally beaten up all over her body and face and tattooed the number 2000 on her right wrist (the amount of the supposed debt). Her hair and eyebrows were shaved and her face was sprayed with an irritant substance. Next day, she was shown to the other girls as a warning. From that moment on, she stayed inside the apartment, forced to clean and isolated, until the police rescued her, some days later.

According to the sentence, another adult woman was recruited with violence in Romania, following instructions of the gang. The victim was brutally beaten up in Romania (she needed hospital care) and threaten with new damages to her and her family. Under such circumstances, she agreed to come to Spain to work as a prostitute. Accompanied by her attacker, she took a plane to Madrid. Upon arrival, at the airport, one of the defendants picked her up and seized her passport. She was forced to work as a prostitute at Montera street, with other women in the same conditions: living at the organization's apartments, under constant surveillance, threaten and beaten up very often. One of the defendants tattooed his name on the victim, as he had done with the other girl.

- *Convicted criminal's sentence:* Yes. THB for sexual exploitation (regarding TP 28 and TP 29): 44 years/ 38 years/12years/ 24 years/35 years; forced prostitution and many other crimes, including serious injuries to some victims.
- *Incriminating evidence:* Victims' testimony (as an anticipated evidence and videoconference), supported by wiretapping and house searches findings.
- *Sentence of compensation:* Yes
 - Amount: TP 28: 71.000 euros (60.000 for psychological damage)/TP 29: 49.000 euros (45.000 for psychological damage). The other women: 30.000 for psychological damage.

b) Psychological health impact of THB:

Taken into account: Yes.

What kind of impact: TP28: “intense traumatic shock, with symptoms such as: post traumatic amnesia (PTA), disoriented, depersonalization, intense fear. Need of intense, long term psychological and psychiatric care. Aftermaths: organic disorder of the personality”.

When:

Investigation: No police report about PHIT. Medical and psychological reports.

Procedure: Yes

**Prosecution report:*

Evidence proposal: anticipated evidence; psychological report and expert testimony.

Specific reference to PHIT (1st conclusion: “intense traumatic shock, with symptoms such as: post traumatic amnesia (PTA), disoriented, depersonalization, intense fear. Need of intense, long term psychological and psychiatric care. Aftermaths: organic disorder of the personality”. Quoting the psychological report.

Ask for compensation sentence based on psychological damage

**Decision:*

-As a proven fact: Yes. Psychological damage based on psychological and medical reports and experts’ testimonies. “intense traumatic shock, with symptoms such as: post traumatic amnesia (PTA), disoriented, depersonalization, intense fear. Need of intense, long term psychological and psychiatric care. Aftermaths: organic disorder of the personality”.

-when evaluating victim’s testimony: Yes. Psychological and medical reports are mentioned when evaluating victim’s testimony (consistency and credibility).

-as a criterion to fix the amount of compensation: Yes. In addition to other amounts, victims got 60.000/45.000 or 30.000 euros compensation for psychological damages.

By Whom: Experts: psychological and medical reports; prosecutor and judges, following and quoting experts reports.

Case N.6

a) File Information:

Sentence of the Provincial Court of Madrid (Section 3), May 19th 2015.

- *Defendants:* Three men and a woman. Romanian family gang (Raducan). Mother and brothers of one of the victims.
- *Victim:* Two Romanian girls. Both Minors. One of them is the daughter of the female defendant.
 - Protected witness: Yes.
 - Protected by NGO: Yes (APRAMP) [Association for the Prevention, reintegration and Attention of Prostituted Women].
 - Protected by another Institution? Which one? Yes. Madrid Government. Madrid Institut for Minor and Family.
- *Proven facts:* Gang of Romanian pimps who exploited many girls, including their minor sister. In 2012, the female defendant, while staying in Romania, decided to bring her daughter (15) to Spain in order to be exploited by her own brothers, who already were in Spain exploiting other women. When the minor travelled to Spain, one of her bothers picked her up and she stayed with him until her mother came from Romania. Her brothers first and then her mother convinced her that she had to work as a prostitute at Polígono Marconi.

In addition, the gang exploited another minor (16), at Poligono Marconi, taken advantage that she was in love with a member of the gang. Her “boyfriend” forced her to go to Marconi every day, threatening and beaten her up sometimes. She also was under continuous surveillance and the defendants kept all the money she earned.
- *Convicted criminal’s sentence:* Yes. THB and forced prostitution, 16 years/ 15 years in prison.
- *Incriminating evidence:* Wiretapping, house searching and many other evidences. Psychological and psycho-social reports, as well as the experts’ testimonies. No victim’s testimony as incriminating evidence.
- *Sentence of compensation:*
 - Amount: 45.000 (minor exploited by her own family) and 20.000 euros the other minor.

b) Psychological health impact of THB:

Taken into account: Yes.

What kind of impact: stress and extreme anxiety, insomnia, headaches, stomachaches. Feeling of guilt. Denial. Need of psychological treatment.

When:

Investigation: No

Procedure: Yes

**Prosecution report:* Evidence proposal: psychological report and expert testimony; psycho-social report and expert testimony; Anticipated evidence.

Ask for compensation sentence based on psychological damage.

**Decision:*

-As a proven fact: Yes. Psychological damage.

-when evaluating victim's testimony: Yes. psychological and psycho-social reports, as well as the experts' testimonies on them were crucial to support the conviction, despite victim's testimony. She denied having been exploited by her family in the hearing.

-as a criterion to fix the amount of compensation: Yes.

By Whom: NGO social workers; psychologist; prosecutor, judges.

Case N.7

a) File Information:

Sentence of the Provincial Court of Barcelona (Section 10), December 12th 2016.

- *Defendants:* A Romanian man.
- *Victim:* An adult Romanian woman.
 - Protected witness: No
 - Protected by NGO: No

- Protected by another Institution? Which one? Barcelona City-Hall. Social Services. Woman Department. SAS-ABITS.

Proven facts: The victim, who was orphan and extremely vulnerable, started working as a prostitute on her own when she was 17 in Romania. Soon after, her male roommate forced her to hand him over all her earnings. Some months later, that man sold her to his aunt, who brought her to several European countries. Both of them (the man and his aunt) shared the earnings. Once she was 18, she was forced to move to Barcelona and forced into prostitution at El Raval. She had to work every day from 10.00 to 24:00, handing over all her earnings to the defendant's aunt. She was deprived of her documents and remained under continuous surveillance. Once she got pregnant, she was forced to abortion and forced to work right after the abortion, despite medical recommendations. The victim was not only threaten but also beaten up on a regular basis. Once, a man burnt a cigarette on her face.

- *Convicted criminal's sentence:* Yes, the defendant was sentenced to 6 years in prison (THB for sexual exploitation and forced prostitution).
- *Incriminating evidence:* Victim's testimony (as anticipated evidence), evaluated as consistent and reliable, supported by witnesses and police officers and experts who assisted the victim.
- *Sentence of compensation:* Yes.
 - Amount: 33.000 € (from them, 15.000 for moral damage. No reference to psychological damage).

b) Psychological health impact of THB:

Taken into account: Yes.

What kind of impact: Anxiety. No PTSD.

When:

Investigation: Police report: desolation, when they asked for her documents and started crying.

Procedure:

**Prosecution report:*

Anticipated evidence.

No psychological report proposed as an evidence.

Medical report: refers anxiety but no symptoms of PTSD.

Social experts of SAS-ABITS report: extremely vulnerable.

**Decision:*

-As a proven fact: No.
-when evaluating victim's testimony: No
-as a criterion to fix the amount of compensation: No.

By Whom: polices officers (Guardia Urbana). Medical report.
SAS-ABITS report.

Case N.8

a) File Information:

Sentence of the Provincial Court of Madrid (Section 23), February 3rd 2017.

- *Defendants*: Three Nigerian women. Professional gang.
- *Victim*: An adult Nigerian woman.
 - Protected witness: Yes.
 - Protected by NGO: Yes. APRAMP/Proyecto Esperanza.
 - Protected by another Institution? Which one?
- *Proven facts*: One of the defendants contacted the victim in Nigeria, where she used to live and work as a Pharmacy assistant. She offered her a trip to Europe, where she could study, asking for 2000 euros in advance. Her family got the sum, with great difficulties, and the victim accepted the offer. She got a false passport and fled to Europe with other three young women. Once she arrived in Madrid, the defendants seized her passport and she was forced into prostitution at Gran Via street, in order to pay a debt of 50.000 euros. As she refused, she was threaten and forced to a voodoo ceremony. The victim worked as a street prostitute for some months, under the defendants' continuous surveillance and handing them over all her earnings. Helped by a client, she escaped. However, some months later she met one of the defendants, who reminded her the debt and the consequences of not paying, offering her a job as a hairdresser in France. Once again, she accepted and moved to France, where she was forced into prostitution until she escaped again and denounced the facts.
- *Convicted criminal's sentence*: Yes, THB for sexual exploitation, forced prostitution (7 years in prison) and other crimes.
- *Incriminating evidence*: Victim's testimony (evaluated as consistent and reliable), supported by witnesses, experts. Documents and house search. Psychological expert testimony is crucial to support victim's credibility against defendants' argument.

- *Sentence of compensation: Yes.*
 - Amount: 60.000 euros.

b) Psychological health impact of THB:

Taken into account: Yes.

What kind of impact: PTSD (posttraumatic stress disorder) with symptoms of depression and anxiety (aggressiveness, insomnia, nightmares, irritability, sadness, mistrust, isolation, decrease in activity, avoidance of situations that reminds her the traumatic events).

When:

Investigation: No reference to PHIT in police reports. They only refer the use of voodoo.

Procedure: Yes

**Prosecution report:*

-Evidence proposal: psychological reports; psycho-social report and experts' testimonies.

-Specific reference to PHIT (1st conclusion: Psychological damage. PTSD (posttraumatic stress disorder) with symptoms of depression and anxiety (aggressive, insomnia, nightmares, irritability, sadness, mistrust, isolation, decrease in activity, avoidance of situations that reminds her the traumatic events. Quoting the psychological report.

-Ask for compensation sentence based on psychological damage (60.000 euros).

**Decision:*

-As a proven fact: Yes. Quoting reports and prosecutor report.

PTSD (posttraumatic stress disorder) with symptoms of depression and anxiety (aggressive, insomnia, nightmares, irritability, sadness, mistrust, isolation, decrease in activity, avoidance of situations that reminds her the traumatic events.

-when evaluating victim's testimony: Yes. The decision quotes experts' testimonies (psychologists; social workers) when evaluating evidence (FJ 7)

-as a criterion to fix the amount of compensation: Yes

By Whom: NGO's social workers; experts (psychologist); prosecutor, judges.

Case N.9

a) File Information:

Sentence of the Provincial Court of Madrid (Section 15), March 13th 2017, confirmed by Supreme Court Sentence STS 788/2018, March 6th.

- *Defendants:* 5 Nigerian people (2 women and 3 men). Criminal gang. Voodoo.
- *Victim:* Despite 9 victims were identified by the police, only one of them got a conviction. 1 adult Nigerian woman.
 - Protected witness: Yes.
 - Protected by NGO: Yes. Proyecto Esperanza.
 - Protected by another Institution? Which one? Red Cross. Centro Integral de Protección de Mujeres Concepción Arenal.
- *Proven facts:* In 2012, the victim was contacted in Nigeria, by a client of the supermarket where she worked, and offered a job in Spain, at a supermarket. The gang offered her a good salary, took care of the trip and told her that she could pay the debt with her salary. After having arrived in Spain by boat (patera) with her daughter, the victim was detected by police officers and assisted by the Red Cross. While at the Red Cross shelter, following directions, she contacted the female traffickers, who picked her up at the shelter. They took her daughter away from her and forced her into prostitution in order to pay a 50.000 euros debt. In addition to the debt for the trip, she had to pay for rent and food. For some months, she worked as a prostitute at Casa de Campo, every night from 20:00 to 6:00 am, under continuous surveillance of the female defendants, also prostitutes at that place. They kept all her earnings and checked her phone. After four months deprived from her daughter, one of the defendants brought her back in February 2013. In the following months, both the victim and her daughter were beaten up. In August 2013, they fled, but the victim went on paying the defendants, intimidated by threatens and voodoo.
- *Convicted criminal's sentence:* Yes, 4 defendants were convicted for THB for sexual exploitation, forced prostitution and other crimes to 6 years and a month in prison (the female defendants) and 5 years and a month (the males defendants).

- *Incriminating evidence*: Victim's testimony, supported by witnesses, experts' testimony, psychological and psycho-social reports, as well wiretapping and house searches.
- *Sentence of compensation*: Yes.
 - Amount: 60.000 euros.

b) Psychological health impact of THB:

Taken into account: Yes.

What kind of impact: PTSD (posttraumatic stress disorder) with high levels of anxiety, personal and social deterioration which affects her whole life. Need of long term psychological support.

When:

Investigation: No reference to PHIT in police report but mentions voodoo.

Procedure: Yes

**Prosecution report*:

Evidence proposal: psychological report; psycho-social report and experts' testimonies.

Specific reference to PHIT (1st conclusion: PTSD, with high levels of anxiety, personal and social deterioration which affects her whole life. Need of long term psychological support. Quoting the psychological report.

Ask for compensation sentence based on psychological damage (60.000 euros, plus 25.000 -incomes from exploitation).

**Decision*:

-*As a proven fact*: Yes. Psychological damage. PTSD with high level of anxiety, personal and social deterioration which affects her whole life. Need of long term psychological support. Quoting the psychological report and prosecution report.

-*when evaluating victim's testimony*: Yes

Psychological and psycho-social reports, as well as expert's statements at the hearing, play a key role in supporting victim's testimony. PTSD and anxiety consistent with THB according to the experts.

-*as a criterion to fix the amount of compensation*: Yes.

By Whom: NGO's social workers; psychologist; prosecutor, judges.

Case N.10

a) File Information:

Sentence of the Provincial Court of Barcelona (Section 7), March 14th 2018.

- *Defendants:* A Nigerian woman.
- *Victim:* An adult Nigerian woman.
 - Protected witness: Yes
 - Protected by NGO: No
 - Protected by another Institution? Which one? No

Proven facts: The victim, a 19 year old woman, used to live in Nigeria in very poor conditions. She first moved to Libya and from there she arrived to Europe (Lampedusa) by boat (patera). While staying in Italy, she contacted her mother in Nigeria, who had been threaten by the defendant. Her mother told her about a 30.000 euros debt for the trip she had to pay working as a prostitute in Spain. Fearing the consequences for her family, she accepted and moved to Barcelona, as requested, following instructions. Once in Barcelona, she was brought to the defendant's apartment (where she lived with other 6 Nigerian girls), threaten again and shown where she had to work, at Villa Olímpica. She was under continuous surveillance and couldn't leave the apartment without the defendant's permission. All the money she earned was handed over to the defendant. If she did not get enough, she was threaten and beaten up. Helped by an organization not identified in the proceedings, she left the apartment one night and denounced the fact to the police.

- *Convicted criminal's sentence:* Yes, the defendant was sentenced to 7 years in prison (THB for sexual exploitation, forced prostitution and other crimes).
- *Incriminating evidence:* Victim's testimony evaluated as consistent and reliable, supported by witnesses and police officers who assisted the victim. Medical report. No psychological report.
- *Sentence of compensation:* Yes.

- Amount: 10.000 € (vague reference to psychological damage: “these crimes cause psychological alterations”).

b) Psychological health impact of THB:

Taken into account: Yes.

What kind of impact: PTSD (posttraumatic stress disorder)

When:

Investigation: The police officers who assisted the victim declared that she was very nervous, crying and almost unable to talk.

Procedure:

**Prosecution report:*

Evidence proposal: medical report

Specific reference to PHIT (1st conclusion: PTSD as an effect of the crime, Quoting the medical report)

Ask for compensation sentence based on psychological damage: 10.000 euros.

**Decision:*

-As a proven fact: Yes. PTSD as an effect of the crime.

-when evaluating victim's testimony: No

-as a criterion to fix the amount of compensation: No.

By Whom: polices officers; medical report; prosecutor; judges.

IV. Main findings.

What can we learn from these cases regarding the psychological health impact of trafficking for sexual exploitation and the role it has within criminal procedures in Spain?

These are some of our findings:

1. First of all, we found out different approaches to PHIT within criminal procedures in both cities (Madrid/Barcelona).

2. On one side, our study reveals a more sensitive approach to victim's mental health and psychological impact of trafficking from Guardia Urbana Barcelona. National police usually don't take it into account in their reports.

3. However, a much more effective approach to PHIT from Madrid Prosecutor Office in comparison with Barcelona Prosecutor Office can be stated. In most Madrid cases, the prosecution report takes into account PHIT at different moments: when proposing evidence (psychological reports proposed as evidence in most cases; psycho-social reports in many cases) and when asking for compensation based on psychological damage according to those reports.

4. In Madrid cases, most files mention psychological reports in prosecution report. It doesn't happen in most Barcelona cases.

5. PHIT is taken into account in most final judicial decisions if a psychological report and/or a psycho-social report (from NGO's psychologist or social workers in most cases; from other public institutions in some cases) is provided.

PHIT is taken into account in the decision:

- as a proven fact

- as a point to consider when evaluating victim's testimony and its credibility

- as a criterion to fix the amount of compensation.

6. Prosecutors and judges usually describe impact and symptoms following psychological reports.

In most cases, those reports describe PHIT as PTSD (posttraumatic stress disorder).

The most common symptoms are depression, extreme anxiety, sadness, fear, nightmares, insomnia, concentration and memory problems, mistrust, avoidance.

7. When no psychological or medical report is provided, PHIT is not taken into account.

8. Victim's testimony/statement (most of the time as anticipated evidence or videoconference) is still of central importance to ensure a conviction.

9. Cases in which the victim is not able to testify or change her testimony/statements (specially at the public hearing) ended up with no conviction. Judges are still very reluctant to take into account PHIT in order to understand those changes. However, in case n.6 we have an exception. In this case, psychological and psycho-social reports, as well as the experts'

testimonies on them were crucial to support the conviction, despite victim's testimony. She denied having been exploited by her family in the hearing.

10. Finally, and despite all the difficulties, an increasing awareness of PHIT can be stated. From no role in the first two cases (2012), in Madrid cases psychological reports are provided since then (2013 to 2018) and have an impact in the final decision. In Barcelona, the last two cases (2016, 2018) take into account PHIT.

Therefore, our hypothesis is been confirmed: improving awareness and knowledge on the psychological impact of trafficking in victims have positive effects on victims within the criminal proceedings and make it easier to get criminal convictions without victims revictimization.

V. Recommendations:

For a better and more effective approach, these are some recommendations based on our study:

1. Training and cooperation between stakeholders are crucial to succeed.
2. The influence of trauma in the accuracy/inconsistency of statements should be taken into account from the very beginning: Police officers -especially those who first meet and interview victims -should be trained on this issue.
3. Prosecutors should coordinate themselves in order to have a more consistent approach to PHIT.
4. Prosecutors should ask for a psychological report in every single case.
5. Judges should be trained in order to know PHIT and take it into account when evaluating victim's testimony.
6. Psychological support by experts to police officers, prosecutors and judges needs to be implemented/strengthen.