

The European Court of Human Rights delivers a unanimous judgment against Spain (T.V. v. Spain, application no. 22512/21).

This is a crucial new judgment of the European Court of Human Rights on the operation of the positive obligation under Article 4 ECHR, including the requirement on States to act with diligence at the initial stages of investigation (following obvious lines of inquiry in order to gather available evidence) and the requirement to give thorough and objectively based reasons for any decision to discontinue proceedings.

The European Court of Human Rights has rendered **on October 10, 2024 a unanimous judgment against Spain (T.V. v. Spain, Application no. 22512/21) on behalf of a victim of human trafficking, represented by human rights lawyer Parosha Chandran and assisted by the specialized entity SICAR cat (now Amaranta Solidarity Foundation).** The Court unanimously found that Spain had violated Article 4 of the European Convention on Human Rights, which prohibits slavery and forced labor.

The case concerned a victim of human trafficking of Nigerian nationality who had been trafficked for the purpose of sexual exploitation in Spain as a minor since the age of 14. The victim suffered as a consequence of the situation of exploitation she had lived through, important after-effects and psychological damage that led to the recognition of a 75% degree of mental disability.

The plaintiff T.V. successfully complained to the Court that Spain had violated her rights under Article 4 of the ECHR by dismissing the criminal proceedings against her traffickers with significant procedural shortcomings.

The Court considers that the applicant had an arguable criminal complaint for trafficking in human beings and forced prostitution, supported by prima facie evidence. It considers that Spain conducted an ineffective criminal investigation, having failed to act with the required diligence in the investigation phase, by not following obvious lines of investigation that it should have developed.

The Court further considers that the Spanish court's decision to provisionally dismiss the case against the defendants for trafficking the applicant was superficial and insufficiently reasoned. In conclusion, the Court considers that Spain applied the essential mechanisms of criminal law in this case in a defective manner and that this constitutes a breach of Spain's procedural obligation under Article 4 of the ECHR. The judgment awards compensation to the applicant and orders Spain to pay costs.

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In reaching its conclusions, summarized above, the European Court of Human Rights holds that the Spanish authorities have in this case committed a flagrant breach of their obligation to investigate serious allegations of trafficking in human beings, with devastating consequences for the victim.

The victim was detected and received initial support from the APIP-ACAM Foundation to file a complaint. Subsequently, **the case was referred to SICAR cat (Amaranta Foundation) to receive specialized care for her comprehensive recovery. Since 2011, SICAR cat** has been offering the plaintiff safe accommodation, psychological, social and educational support, as well as legal advice throughout the criminal proceedings. **After exhausting the internal remedies, the specialized entity supported the plaintiff in filing the lawsuit before the European Court of Human Rights, referring the case to Parosha Chandran.**

Parosha Chandran, an experienced human rights lawyer, has led the application to the European Court, assisted by a team of lawyers from Duncan Lewis Solicitors, comprising Raja Uruthiravinayagan, Gina Skandari and Kristen Allison.

We are grateful for the support and collaboration of the following entities:

- **Lexis Nexis Foundation** for the Rule of Law which provided material support and assistance to the plaintiff's case by funding the provision of English translations of the Spanish domestic proceedings to assist the UK-based legal team. We thank the Foundation's President, Ian McDougall, and its Vice President and Treasurer, Terry Jennings.
- **GRETA, the Group of Experts of the Council of Europe Convention on Action against Trafficking in Human Beings** supported the case before the ECtHR as an Independent Intervener.
- **The AIRE** Center supported the case before the ECtHR as an independent intervener.

The judgment of the Court is available [here: T.V. v. SPAIN \(coe.int\)](#)

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