

## Beyond the Verdict: The Impact of Revictimization in Judicial Cases of Sexual Violence in Spain

The judicial system can contribute to revictimization, through exposure to interrogations, invasive media attention, and prolonged legal proceedings, in addition to the increasing incidence of sexual crimes in Spain. Cases like that of Dani Alves and "La Manada" emphasize the urgency of reforms to protect the privacy of victims, ensure accountability of perpetrators, and create a supportive environment for victims within the judicial system.

**"I just want to go home, they won't believe me,"** cried the victim of the Alves case, distraught after being raped in the bathroom of Sutton nightclub. The lack of trust in the system was so devastating that, following the verdict of the Provincial Court of Barcelona on February 22nd, which imposed a sentence 8 years shorter than that requested by the Private Prosecution and 5 years less than the prosecution's request, the victim found enough solace in the fact that "they believed her". This example is just one among many that illustrate how the judicial system and society tend to penalize victims, resulting in only one out of every ten women who have been sexually assaulted deciding to report.

This phenomenon is exacerbated by the fact that victims often suffer during the long and complex judicial process that may or may not lead to the perpetrator being convicted of their actions, a phenomenon known as double victimization or secondary victimization. Despite the increasing number of reports of sexual crimes in Spain, where eight rapes are reported every day, the autonomous communities continue to lag behind in promoting the specialized

resources needed to assist victims of sexual violence.

### **DOUBLE VICTIMIZATION OR SECONDARY VICTIMIZATION**

Revictimization is not simply an isolated incident in the life of a person affected by a crime. It is an insidious process that can manifest repeatedly throughout the course of the judicial process. From the moment the victim decides to take the brave step of reporting the crime, to the final verdict in court, there are a series of challenges and obstacles that can reopen emotional and psychological wounds.

In many cases, intrusive and detailed interrogations during police investigations or legal proceedings can lead the victim to relive the trauma repeatedly. Incisive questions and pressure to provide intimate details can make the victim feel questioned or judged again, exacerbating their emotional distress, and hindering the healing process.

Media attention surrounding a case can also trigger revictimization by exposing the victim to public scrutiny. The disclosure of sensitive details or the public identification of the victim can result in an invasion of their privacy and



social stigmatization, increasing their sense of vulnerability and isolation.

Additionally, prolonged, and stressful legal proceedings can add an additional layer of trauma to the victim's experience. Appearing in court and facing the perpetrator can be particularly distressing and triggering, increasing the emotional and psychological burden already carried by the victim.

### **THE IMPORTANCE OF AN EFFECTIVE SYSTEM IN NUMBERS**

The incidence of sexual crimes continues to rise according to crime statistics. The latest report from the Ministry of the Interior, focused on attacks on sexual freedom and referring to 2022, reveals a continuous increase in this type of crime since 2016, except for 2020, a year marked by confinement due to the pandemic, where all crime rates plummeted. Last year, law enforcement recorded 19,013 cases, an 11.7% increase from the 17,016 cases the previous year. Additionally, the advance balance of the first nine months of 2023, recently published by the Interior, indicates that this upward trend will continue this year. But that's not the only alarming data. According to statistics released this Friday, in 2022 there were 8,337 underage victims of sexual crimes, representing 44.5% of the total. Although this percentage has decreased compared to the previous year, when underage victims represented 49% of the total with 8,317 cases. The report also highlights another worrying data point: the increase in sexual assaults committed by two or more people, which rose from 573 in 2021 to 632 last year, marking the highest rate in the historical series. However, the Interior points out that attacks on sexual freedom

"have a high level of police resolution, as 79.8% of cases were clarified in 2022.

Additionally, it is important to note that, in the cyber realm, one out of every four girls aged 14 to 17 has admitted to being a victim of sexual violence in the last year. In the case of boys, the figure stands at 11.2%. These figures come from a report prepared by the University of Barcelona, after surveying 4,024 minors. Although this issue will not be the subject of this article, it deserves to be considered due to its relevance. According to Noemí Pereda, director of the team that conducted the study, electronic violence is the most prevalent (12.1%), followed by violence with physical contact (9.9%). They suffer more violence than males in almost all studied categories, but Pereda warns that boys report very serious experiences.

### **PROVISIONAL RELEASE OF DANI ALVES AND OTHER EXAMPLES OF VICTIM REVICTIMIZATION**

The victims of the Alves case and the "La Manada" case represent two paradigmatic examples that underline how the judicial process can become a contributing factor to revictimization.

In the case of Alves, in addition to the initial trauma experienced by the assault, the victim suffered an additional invasion of her privacy when images of her were disseminated by Alves' mother. This irresponsible disclosure not only exposed the victim to greater vulnerability and public stigmatization but also perpetuated a false narrative suggesting that the victim could not or should not allow herself to recover or find happiness after the trauma suffered.



Furthermore, the recent conditional release of the perpetrator in the Alves case, despite the long and arduous legal process, raises questions about the effectiveness and fairness of the judicial system in protecting the rights of victims. This release, after all the pain and courage needed to bring the case to justice, could send a discouraging message to women victims of sexual assaults, suggesting that speaking out and seeking justice could be futile if perpetrators can avoid the consequences of their actions. The victim of "La Manada" has also faced an additional invasion of her privacy, as numerous personal information about her has become accessible on some websites after an initial leak on Forocoches and Burbuja.info. This unauthorized access to sensitive data not only exposes the victim to a greater risk of harassment and victimization but also further aggravates her situation by leaving her vulnerable to exploitation and online harassment. In both cases, the intervention of private detectives hired by the defense adds an additional layer of indignation and concern. This questionable action seeks to project the idea that victims do not present any trauma, diverting attention from the crime committed to the behavior of the victims after the assault. However, this tactic is not only invasive and harmful to the victims but also undermines the credibility of the judicial process as a whole.

These cases demonstrate the urgent need to implement significant reforms in the judicial system to ensure more effective protection of victims of sexual crimes. This involves the implementation of policies and protocols that protect the privacy and dignity of victims at all stages of the judicial process, as well as stricter measures to ensure that perpetrators

are held accountable for their actions. Additionally, it is crucial to develop a more compassionate and supportive environment for victims, where they feel safe and comfortable to speak out and trust that justice will be served. Only through a comprehensive and sensitive approach to the needs of victims can we hope to move towards a more just and equitable judicial system for all.

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