

'DO UT DES'

An anthropological study on the agendas of
'anti'-trafficking measures in Italy

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ACKNOWLEDGEMENTS

I would like to dedicate this space to demonstrate my gratitude to those who have helped in making this thesis possible. First of all I wish to thank the social workers who without doubt accepted my interview invitations and dedicated time to share their experiences with me. I also want to thank my former colleagues from *Cabiria* for giving me the opportunity to work with them and getting to know a reality that was completely unknown to me. The work that projects like *Cabiria* do all around Italy cannot be acknowledged enough. My work experience with them planted a seed that to this day keeps on growing. This thesis is a result of that, but hopefully only a part of a harvest yet to come.

I am deeply grateful for the help offered by friends and family, as well as the interest they have shown in listening and supporting me in various ways in the process of fieldwork and in writing this thesis. Finally, I am most of all grateful to the migrant women I met while working with *Cabiria*. They have opened up my eyes and helped me to realize that we all just do what we can to make sense out of the complex realities of which we are a part. Although I have chosen not to mention any names in this thesis, this is especially the case of one very special woman to whom I dedicate this thesis, with joy.

Financial support was granted by the Centre for European Studies (CFE) at Lund University.

ABSTRACT

Trafficking in human beings is a topic that has received a lot of attention the last ten years. It has been referred to as a modern form of slavery and a crime against humanity. There is a flood of actors working to fight trafficking and save its victims, occupied with different forms of victim assistance. At the same time the European Union is augmenting restrictions on visas and asylum legislation, border controls and deportations, which makes migrants from certain countries who wish to travel to Europe despite these restrictions vulnerable to exploitation. Italy has been acknowledged for providing the best practice of protection for ‘victim of trafficking’, since it offers a residence permit developed especially for identified ‘trafficking victims’. Claiming victimhood is often the only way for irregular migrant women in the sex industry to obtain a legal status in contemporary Italy. However, the category and its legal and social benefits are out of reach to many. It is not possible to just claim to be a victim but one must do so by surrendering to certain ideas about what constitutes a ‘victim of trafficking’ and provide what it expected. This study will examine the interconnection between migration management and trafficking anthropologically, with a focus on ‘anti’-trafficking measures in Italy and the concept of victimhood in the practices who take on the women who are in the process of obtaining the legal status of ‘victims of trafficking’ and the following residence permit. By looking at trafficking from a structural perspective I will show how the ‘victim of trafficking’ is created, and how it is connected to the state and its migration policies.

Trafficking, victims of trafficking, Italy, Article 18, social anthropology, irregular migration.

1. INTRODUCTION

This is a study about the interconnection between migration management and trafficking, with a focus on ‘anti’-trafficking measures in Italy. The purpose of this study is to examine this interconnection anthropologically and to show how the ‘victim of trafficking’ can be used as a strategic tool by the actors involved in the ‘victim salvation industry’; how the different actors all have their own agendas in doing so, and, how these agendas sometimes collide.

1.1 Background

Over the past decade mounting attention has been paid to two phenomena. One is the combat of human trafficking. Trafficking, as defined by The United Nations Office on Drugs and Crime is a crime against humanity, and a modern form of slavery¹. ‘Victims of trafficking’ are said to be in need of rescue and there is a flood of actors working to fight trafficking and save its victims, occupied with different forms of victim assistance. At the same time another struggle is taking place, that against ‘irregular’ migration², visible through restrictions on visas and asylum legislation, border controls and augmenting deportations. Since the first half of the 1990s the European Union (EU) has strengthened its border controls for third country nationals, while opening up to facilitate free mobility within the Schengen Area, which has lead to an increase of migrants moving in an irregular way. Forced removal of irregular migrants on European territory is notoriously increasing because of the EU return directive of 2008 (2008/115/EC). While the two phenomena are often linked together, the connection between migration and trafficking is a complicated one. Italy is a fruitful place for studying the intersection of migration management and trafficking because it offers a special residence permit for social protection, known as ‘Article 18’, developed particularly for identified ‘victims of trafficking’, i.e. victims of coerced prostitution and exploitation (art. 18 del Testo Unico sull’immigrazione, Decreto Legge n. 286/98 sull’immigrazione). By putting focus on the victim the Article 18 permit is seen, by scholars and activists, as an important first step in the fight against transnational organized crime.

Much has been written on the case of Italy as offering the best practice of victim protection, since it is the only country in Europe to grant a renewable residence permit which can be

¹ See: <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuside>

² Along the same line as Khalid Koser (2007) I opt for the usage of the term irregular migration in contrast to the more commonly used term ‘illegal’ migration, since the latter easily equates irregular migration with criminality. The term also suggests that a human being can be ‘illegal’. Irregular migrants are human beings with rights and the majority of them are not criminals, even if they have transgressed administrative regulations. In the cases where I use the term ‘illegal’ I do this to point to its definitional deficiencies.

transformed into a permanent one for ‘victims of trafficking’ who are not willing to testify. When compared to other European countries such as Sweden, where migrants defined as ‘trafficking victims’ are allowed to remain as long as they are needed for the juridical proceedings, Italy offers a whole lot more. However, the case of Italy has been as criticized as it has been glorified. In practice scholars have demonstrated that the Article 18 permit is generally granted only to those who are willing to collaborate with the law enforcement. Research has also shown how the institutional image of the ‘victim of trafficking’ is developed around a restricted idea about what really is a very complex reality. The need to address the fact that in order to obtain this permit and its benefits one must actively claim the legal status of a ‘victim of trafficking’ by referring “to specific patterns of violence and through a willingness to forgo sex work” (Andrijasevic 2010:18) has been highlighted by scholars who have conducted research on the multiple subjectivities of migrant women. Another problem that has been brought to light is the discontinuity in the application of the law article by the practices occupied with it, which are known to take a variety of forms depending on location.

Claiming to be a ‘victim’ is the first and often only way to achieve rights and legal recognition as a non-refugee third country migrant in Italy today. If granted this permit, and in order to renew it, one must participate in a state-funded program of ‘protection and social integration’ (sometimes referred to as a ‘rehabilitation’ program), which are made possible by the work of local registered NGOs and community projects.

A connection which is often made in research on trafficking is that between sex work and exploitation. It is an easily made connection since it presses the moral buttons of many observers and activists, often without being questioned. However making such a direct connection is not unproblematic; nor is the connection between irregular migration and trafficking. Focus on the dramatic narratives of (women as) victims of the evildoings of criminal organizations and stories of slave-like situations has often diverted the attention from the structural factors behind the abuse and exploitation of migrants. It has also placed the image of trafficking “within a simplistic and stereotyped binary of duped/innocent victim (foreign women) and evil traffickers (usually foreign men). Trafficking appears as an activity that takes place outside any social framework: it is criminal individuals that are responsible” (Anderson & Andrijasevic 2008: 137). When connected to Article 18 the understanding of the exploitation of migrants as consequent to the migration policies of the state a fruitful starting point for analysis is created.

1.2. Purpose

The purpose of this study is to examine the interconnection between migration management and trafficking anthropologically, with a focus on ‘anti’-trafficking measures in Italy. To understand this I will examine the concept of victimhood in the practices developed around Article 18 in the form of ‘protection and social integration’ programs for ‘victims of trafficking’; how victimhood is defined by the associations who take on the women in the process of obtaining the legal status of ‘victims of trafficking’ and the following residence permit. I will look at the implications of Article 18, which is developed around the debated terminology of the ‘victim of trafficking’. I will try to demonstrate that by taking on the role as a ‘victim of trafficking’ and by surrendering to a certain set of norms and ideas about what constitutes an acceptable migrant woman this can be a strategic move as a part of the women’s migratory projects. Claiming victimhood is often the only way for irregular migrant women in the sex industry to obtain a legal status in contemporary Italy. I will argue that this victim role is being encouraged by the operators in the ‘victim protection’ programs. I will attempt to show that paradoxically, taking on the victim identity can be a part of an active strategy pursued by migrant women, even as real victims of trafficking exist, but how it also can be used by others actors, such as the law enforcement, social workers and people involved in ‘anti-trafficking’ projects, in order to pursue other agendas. By looking at trafficking from a structural perspective I will show how the ‘victim of trafficking’ is created, and how it is connected to the state and its migration policies. By doing this I will demonstrate that it is the state itself that is actually creating the same victims it sets out to save.

The purpose of this paper is also to demonstrate that reality is not constituted by the simplistic binary positions of policy documents. Article 18 is based on a definition of trafficking as something that exists outside the social framework; trafficking is explained through the makings of criminal individuals and organizations without considering the role the state plays in imposing labor and mobility restrictions on certain groups of people. I will examine if a wider multiple understanding of trafficking is applicable in the practices developed around Article 18. In doing this, I will demonstrate the complexity of the context of trafficking and how local interpretations of this context play a crucial role in defining and redefining what is to constitute a ‘victim of trafficking’. For doing this an anthropological approach is necessary. Anthropology offers what many disciplines often seem to underestimate: a ground-up perspective in which the focus of analysis is on individuals and how they make sense of the realities of which they are a part.

1.3 Data & methods

For this study I spent approximately eight weeks in Italy in the spring of 2012. My time was divided between three field sites which were the cities of Bologna, Perugia and Foggia. The reasons for making this division were two: there are known and active ‘anti’-trafficking projects in all three places, with which I was already familiar. I also had the fortune of having some kind of connection in each city, which facilitated coming into contact with people I wanted to speak to. The choice of these locations proved to be useful in the way that together they provide a basis of analysis of the socio-geographical context of the different projects; Bologna being located in the North, Perugia in the middle and Foggia in the South. In fact, Italy is rather known for its regional differences. And, noted the varying way in which the associations work, this appears to be the case even for the application of Article 18.

The data I gathered consists of a handful of semi-structured in-depth interviews that I conducted with *operatori sociali* (social workers) from the ‘protection and social integration’ programs of each city. Out of these interviews I have chosen three that I will be using for this thesis. In Perugia and in Foggia I participated in some activities of projects and spoke to some migrants involved in these. I also went to a seminar in Rome about the prostitution laws in Italy. The data that I will primarily use for this thesis are the interviews that I conducted with the social workers from the programs of Bologna, Perugia and Foggia. However, some references will be made to the other data I collected during my fieldwork as well as to what I experienced whilst working with migrants in the sex industry in Italy. During 2011 I was employed in a project aimed at reducing and prevent the health damages related to sex work. We worked with informing and assisting migrants (from Brazil, Nigeria, Russia, Ukraine, Rumania etc.) on the Italian territory. My own work experience has certainly made it easier for me when getting in touch with informants and to know how to go about in the field.

The initial idea was to focus on migrant women participating in ‘protection and social integration’ programs for ‘victims of trafficking’, and have them act as primary informants for this study, but when I arrived in Italy I decided to reconsider this. The reason for choosing the social workers as my main informants is threefold: first of all when I arrived in Italy I found the time I had at disposition insufficient for conducting fieldwork in a delicate context such as the one of the programs. Sticking with my initial idea would have felt wrong since I had such little time on my hands. While gaining access to a program would have been possible I felt that gaining the confidence of the women just to gather data and then leave would not have been worth it, and therefore I chose to focus on the social workers as my main informants.

Secondly I consider the social workers a great source of knowledge when it comes to understanding the nexus between the different actors that constitute this field. Thirdly there is a tendency in anthropological research to constantly focus on the “weak” and underestimate other actors in the field. While migrant women do play an important role in the context of trafficking (this thesis evidently dedicates a lot of space to them) they are just one part of a system that is much bigger than them.

Along the same lines as Denise Brennan (2005), I believe that an anthropological approach can offer a “critical contribution based on first-hand interviews to this environment” through the possibility of “collaboration between academic researchers, trafficked persons and social service providers”. I wish to contribute by using an anthropological ground-up perspective and by focusing on the particular in order to understand a discourse that has mainly been dealt with from the top and down. “[B]ringing local participants (not merely national experts) into the process underscores what is at stake for participants in local worlds” (Kleinman & Kleinman 1997:18 quoted in Brennan 2005:38). While trafficking is a transnational, cross-borders phenomenon, we also need to know how it is understood from an individual perspective. We need to focus on the individual interpretations and strategies applied in the managing of this complex process. The social workers from the NGO associations play an important role; they are in many ways like spiders weaving the web that connects the different actors of this context, making it possible for them to meet. They are the ones who are familiar with the law and its application, the Police, the territory and where and how to get funding. They approach the women, the public and establish relations which are fundamental for the possible social and legal recognition of the women who participate in the programs. And, the position they chose also has a great impact on defining the ‘victim of trafficking’ in practice. I had also planned to include the perspective of the law enforcement officers that are involved in the process of the denunciation, but this turned out to be tricky since none of the ones I contacted wanted to speak to me.

The interviews with the social workers were conducted and have been transcribed in Italian, and are available on request. Due to time limits only the parts used for this thesis have been translated to English, the same goes for the extracts from the seminar I attended. The conversations I had with the migrants were in English and Italian, but since they were not recorded they have not been transcribed. All translations and interpretations are my own.

Interviewing as method is probably one of the most used ones in the social world, as Charlotte Aull Davies (1999) describes it. Nevertheless, she argues, like all methods it should be

discussed. Critics might jump to the conclusion and say that there is a difference between what people say they do and what they actually do. I could not but agree, and if interviews are used for the scope of finding some kind of truth or objective data, interviewing as method could and should be questioned. What interviews actually say about the social world has been conceived in various ways. The traditional view is that the interviewee possesses knowledge about a socio-cultural reality which can be shared with the interviewer by asking the right questions. Critics have underlined that in reality people do not provide complete uncontested knowledge about their social worlds. On the contrary in conversations people often provide incomplete and contradicting accounts about their realities (Davies 1999:107). While this certainly is the case, these contradictions can be a great source of knowledge if one does not divert the attention away from them but instead considers them a fundamental part of the knowledge production. By focusing critically on these contradictions and the way interviews produce “subjects and objects, text, and authority” interviewing practices can be turned into “an object of anthropological inquiry” (Briggs 2011:551). If one is in the search for an ultimate truth held by man within, interviewing is probably the wrong way to about to unveil this. However, if the scope of the research is another, interviewing can be a good way of collecting data, provided that the data is to represent itself in its total incompleteness. The scope of this study is neither to unveil the true ‘victim of trafficking’ nor some objective truth about trafficking. The scope is rather to find out how the ‘victim of trafficking’ is defined and represented in the practices of the ‘protection and social integration’ programs and how individuals (the social workers and the women they work with) make and do not make sense out of these definitions in practice.

Although above I refer to the interviews that I conducted for this thesis as *semi*-structured they were all rather unstructured. The structure of them lay in the way in which they were carried out, in the sense that there were questions asked and answers provided, that time and place were set in advance, and in the fact that they were all recorded. However, the interviews were more like conversations. I had not prepared any written questions for any of them. People obviously always prepare themselves in many ways before going to meet an unknown or even known person, and I had obviously had questions and wonderings in my mind. However, this made the questions that were asked open-ended and the interviews were conducted without time limits, apart from one which only lasted an hour since the social worker had another appointment. Two interviews lasted around one and a half to two hours, and another lasted an entire day since we went from the interview session to an activity. This

last one occurred in a rather absurd manner: during the first part of it a local politician sat next to me and listened to my questions and towards the end of the interview a film team who were making a film about ‘anti’-trafficking measures in Italy filmed me from behind.

I never experienced any difficulties in setting up the interviews or as they went along. I believe this was facilitated by my previous work experience and as well as by acquaintances. It should be mentioned that my main informants (the social workers) are used to speak about what they do and that they all gladly did. This is obviously something that I take into consideration in my analysis of the interviews. However, there will not be enough space to thoroughly discuss the implications of this in this thesis. Making participant observations in each project would have been wished for in order to make a deeper analysis of the interviews, but for reasons that I have mentioned above this was not possible due to lack of time and will have to be something for future research. Until then this study will have to stand for itself in its complete incompleteness.

1.4. Organization of the thesis

In the next chapter (chapter 2) I will present some previous research and the theories I have chosen for this study, some of which are closely linked to the context of Italy and others that I find provide fruitful perspectives. I will go through some definitions that I find relevant to understand the complexity of the context of trafficking. In chapter 3 I present my data, which will be presented in the form of accounts that I have extracted from the interviews I conducted and the seminar I attended during fieldwork. The chapter is divided into parts. In the beginning of the chapter I briefly explain Article 18. This is done to make the analyzed context of this study more comprehensive to the reader. Following parts of the chapter have been divided; each part contains extracts of data and a discussion of these. Together the different parts are supposed to follow a red thread that will be concluded and summarized in chapter 4.

2. RESEARCHING MIGRATION AND TRAFFICKING

2.1 The migration regime

Since our long gone ancestors decided to leave the Rift Valley in Africa behind and head for Europe, humans have migrated. Human mobility has been at heart in the process of constructing an identity of the European Union (EU) as a people's Europe. However, this free movement does not apply to everyone. For certain groups of people moving to and around in Europe is made difficult. This is done since they are regarded as threatening while others are encouraged to cross the borders within and out of the union, and can do so almost unnoticeably. Since the first half of the 1990s the EU has strengthened its border controls for third country nationals, while opening up to facilitate free mobility within the Schengen Area. This has led to an increase of migrants moving in an irregular way. Today "more people than ever before want to move, but there are proportionately fewer legal opportunities for them to do so [...] a multi-billion dollar industry has developed around the desire of people to move despite legal restrictions, in the form of human trafficking and migrant smuggling" (Koser 2007:54). Augmenting border controls and restricting certain human mobility has been the response to a political and media discourse in which irregular migration is seen as a threat to the sovereignty of the nation-state. By attempting to keep the threatening 'others' out the nation-state considers itself as safe. This language of threat diverts attention away from the importance of external migration and the presence of 'non-EU member' migrants; how they have played and play a fundamental part in the construction and maintenance of Europe. Fear of the 'other' is a common feature of nationalism, but border controls and mobility restrictions are rarely explained in the terms of a nationalistic agenda, neither is the nation-state itself. "The *national* order of things usually passes as the normal or *natural* order of things (Khosravi 2010:2) Nationalism is generally located elsewhere: in history, in the periphery or as the property of others. However, in a world where nation-states are trying to protect their borders from being crossed by certain people, nationalism cannot be placed anywhere else but at the heart of the nation-state (Billig 2009 [1995]). As a response to the increase in immigration restrictions of the EU, Europe has been given the nickname 'Fortress Europe', which critically points to the increased difficulty for certain migrant groups to enter European territory and to the difficulty of inclusion of many migrants already present. The capacity of 'Fortress Europe' to control immigration, as suggested by the critics, has been claimed to be over-stated, given the many migrants that cross the borders to Europe each year. To some it appears a strange fortress (Geddes 2000:16, 17). The difficulties of entering this so called

fortress in a regular way obviously varies depending on which migrant group one refers to, and even then one should not generalize; economic and social factors play an important role from this perspective, as do political. However, reaching the ground surrounding a fortress is not the same as having entered and managing to get to the other side of its walls does not mean that one is welcomed. Research shows that due to restrictions and the lack of ways to migrate in legal ways people search for alternative ways of travelling and turn to fonts that can assist them in the realization of their migration projects. Sometimes things work out well but since irregular ways of travelling often are insecure and unsupervised, things can turn out bad and migrants may easily end up in situations where they have little or no control over what happens to them. Sometimes they end up in situations of severe exploitation that go under the name ‘trafficking’, due to the fact that the alternative options were few or even non-existing. It would be ridiculous to suggest that people would put themselves in debt and choose expensive, insecure and irregular ways of travelling if they had the opportunity to choose otherwise. Irregular or ‘illegal’ migrants exist because they cross borders which make them that way.

Trafficking as a phenomenon cannot only be seen as a consequence of the evildoings of criminal organizations, but must be looked at from a much broader view. It is rather the consequence of a selective migration management regime that keeps certain groups out while letting other groups in. People who end up in the hands of so called traffickers migrate for the same various reasons as others. In many ways trafficking is a sort of migration gone wrong. It is about people wanting to migrate to improve their lives for a variety of reasons, trying to take control but ending up under the control of someone else.

The current border regime indirectly fosters human smuggling, and a dialectical interplay between borders and human smuggling is at work. When an undocumented migrant is deported by the authorities, he or she comes back again the same day or a few days later. Each deportee is a new client for human smugglers (Khosravi 2010:20).

Like human smuggling trafficking is one possible outcome of the current migration policy of the EU and its member states. However, identifying an individual who has striven in making a difficult migration project as a ‘victim’ is difficult, since many migrants regard a period of servitude or exploitation as an acceptable work in order to obtain what they set out for in the first place (Pearson 2002:31, 32). Migrant smuggling and trafficking in human beings are complex phenomena, the moving, deception and exploitation of ‘victims’ do not occur

according to a linear process. The complexity of the phenomena lies in the fact that they are transnational, multi-sided, cross-border mechanisms that stretch out on a global scale, starting in the closeness of home, connecting small local contexts with a worldwide arena of nameless international and transnational actors and in the fact that they are embedded in the informal labor market.

2.2 Defining trafficking

The United Nations Office on Drugs and Crime (UNODC), as it defines itself, is “a global leader in the fight against illicit drugs and international crime” and a major existing ‘anti’-trafficking entity. It develops and provides definitional normative and juridical instruments to states to assist in the creating of national ‘anti’-trafficking strategies. The entity provides resources to states to implement these strategies and in order for them to develop local capacity and expertise to improve cross-border cooperation in investigation and prosecution. UNODC defines trafficking according to three constituent elements: the act, the means and the purpose, i.e. what is done, how it is done and why it is done. Their definition is important since it forms the definitional basis adopted by all countries that are parties of the United Nations Convention against Transnational Organized Crime and of its Protocols (like the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, adopted by General Assembly resolution 55/25). According to the UNODC thousands of men, women and children “fall into the hands”³ of traffickers every year, in their own countries and abroad. National legislation is encouraged to adopt the UNODC’s broad definition of the Trafficking Protocol⁴ in domestic legislation, or as a minimum inserting a similar legislative definition that is dynamic and flexible. It should recognize that trafficking can occur across borders and within a country; that it is for a range of exploitative purposes and that it takes place without the involvement of organized crime groups.

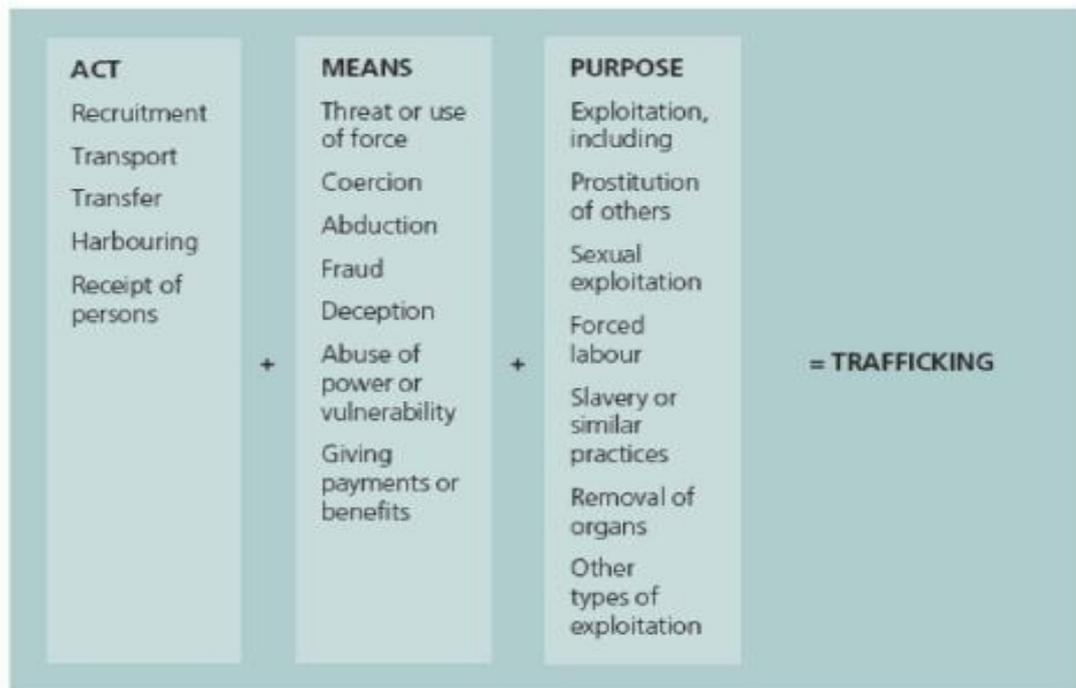
It is important to underline that UNODC’s prime task is to combat organized crime and to facilitate the cooperation between states in doing so, and even though it also focuses on the victim of crimes such as trafficking it is nevertheless the United Nations Office on Drugs and Crime. Hence, emphasis is on strengthening border controls, reinforce police cooperation and on prosecuting and punishing criminals. The Palermo (Trafficking) Protocol is not a human

³ UNODC’s own definition: <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menu>

⁴ For a further reading of the Trafficking Protocol see: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

rights instrument. The UNODC encourages states to offer protection to ‘victim of trafficking’ but actual obligations have been known to be weak (Anderson & Andrijasevic 2008:136).

2.2.1 The United Nations Office on Drugs and Crime’s definition of trafficking in persons



2.3 The appeal of the ‘victim of trafficking’

The definition of the ‘victim’ is a much debated one in the research on trafficking.⁵ In the debate scholars from various fields have fought hard to disassemble the homogeneous understanding of trafficking as a modern form of (sexual) ‘slavery’, in order to establish a more complex definition of trafficking in general and of the definition of the ‘victim of trafficking’ in particular, leaving behind the idea of migrant women in situations of exploitation as only connected to the evildoings of Mafia-like organizations composed by men, which has been the focal idea of trafficking in earlier research, media and policy making. Researchwise a great effort has been invested in order to move away from the simplistic idea of the ‘victim of trafficking’ as a naive abducted sex-slave deprived from any kind of agency. Trafficking is about more than mere exploitation of migrant laborers; forming

⁵ See for example: Rutvica Andrijasevic *Migration, Agency and Citizenship in Sex Trafficking* 2010. Jo Doezema *Ouch!: Western Feminists’ ‘Wounded Attachment’ to the ‘Third World Prostitute’* 2001. Christine M. Jacobsen & May-Len Skilbrei *‘Reproachable Victims’?* 2010 et al.

this definition are the complex lives of people with desires, decisions, projects and wishes. Migrant women can certainly be subjected to abuse and exploitation as a consequence of the great risk imposed by the nature of their informal work arrangements. However, a more complex understanding that recognizes women as active subjects in their own migratory projects and the different realities behind trafficking is now being called for (Giordano 2006:32, 35). This does not mean that women are to blame for the negative outcome of their migration, but that women's migratory projects are informed by "desires for social, economical and affective mobility", and that negative outcomes also are related to "the struggles and efforts migrant women put into realizing those desires and in dealing with hindrances of their mobility whether imposed through border control and visa or residency requirements or through third party control of their labor in prostitution" (Andrijasevic 2010:17).

The sphere surrounding sex work is a highly debated one, especially when smashed together with the sphere of migration. The two topics are constantly made current since they both address a range of fundamental questions regarding the movement, place and actions of people; about who is doing what and where. The topics of migration and sex work touch upon and often challenge written as well as unwritten norms and rules, established in order to control and regulate the very same topics. A connection which is often made in research on trafficking is that between sex work and exploitation. It is an easily made connection since it presses the moral buttons of many observers and activists, often without being questioned. However making such a direct connection is not unproblematic; neither is the connection between irregular migration and trafficking. Linking prostitution to female migration and slavery also has significant implications for how migrant women are interpellated in the 'receiving' country (Giordano 2006). Focus on the dramatic narratives of (women) victims of the evildoings of criminal organizations and stories of slave-like situations has been noted to divert the attention from the structural factors behind the abuse and exploitation of migrants. It has also placed the image of trafficking "within a simplistic and stereotyped binary of duped/innocent victim (foreign women) and evil traffickers (usually foreign men). Trafficking appears as an activity that takes place outside any social framework: it is criminal individuals that are responsible" (Anderson & Andrijasevic 2008: 137).

Making a distinction between migrant worker exploitation and trafficking is problematic; the same goes for human trafficking and migrant smuggling. The two phenomena seem to go hand in hand and are often spoken about together. Boundaries are often blurred in theory and

the phenomena often entwine in practice. The continuous blurring of definitional boundaries has been claimed to hide a political agenda behind ‘anti-trafficking’ measurements:

This lack of definitional clarity allows a constant slippage between ‘illegal immigration’, ‘forced prostitution’ and ‘trafficking’. Everyone agrees that trafficking and (sexual) exploitation is wrong, in spite of the problem about what these words actually mean. This helps to create a humane consensus outside political debate - no one can doubt that ‘trafficking’ must be stamped out. The slippage serves to de-politicize anti-trafficking interventions, and avert attention from the role of the state in creating the conditions in which exploitation occurs. Our argument is that this de-politicization is actually a form of ‘anti-politics’: it smuggles politics in under a ‘humanitarian agenda’ seemingly geared towards the assistance and protection of victims. The Victim of Trafficking is not an apolitical figure, as we have seen: it is one that has been taken up by the state (Anderson & Andrijasevic 2008: 138).

The blurring of definitions also results in a tendency to focus on sex work as a main feature of trafficking and hence let the ‘victim of trafficking’ be represented by an irregular migrant woman constrained by criminal organizations to work in the sex industry (Doezema 2001:17). Even in the so called ‘Trafficking Protocol’ emphasize is on women and special reference is made to sexual exploitation (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, *Especially Women and Children*). Trafficking thus appears as being equal with sexual exploitation. The focus is appealing since it easily triggers a moral panic that can be shared by the public; it enables to share the suffering of the ‘victim’ without reflecting over the wider context in which trafficking actually occurs and the social, economic and political factors behind. It also diverts the attention away from the role that residency and employment regulations play in constraining migrant women to the sex industry. By reducing women’s migration and participating in the sex industry to the idea of sexual slavery and by viewing the social relations behind in terms of criminal activity “adds force to the idea that trafficking equals coerced and illegal migration, and fosters an imaginary clear-cut separation between ‘legal’ and ‘illegal’ forms of migration (Anderson & Andrijasevic 2008: 140).” In practice, however, there are no clear-cut separations. Reality cannot be divided into neat divisions; it is not defined by binary positions such as ‘voluntary’/‘involuntary’, ‘victim’/‘trafficker’, ‘legal’/‘illegal’. There are some major definitional problems about what actually constitutes trafficking in practice: “One does not need to be ‘illegal’ in order to be trafficked, as one does

not need to be a ‘prostitute’” (Anderson & Andrijasevic 2008: 138). However, it is undeniably easier to handle definable subjects.

By drawing from the theory of the scholars cited above, the ‘victim of trafficking’ can be seen as a ‘politicized identity’. Making the ‘victim of trafficking’ appear as an apolitical figure is a strategic move from the part of the state in attempting to maintain territorial sovereignty and control subjects present on its territory. The construction of the ‘victim of trafficking’ enables the state to demonstrate that there are limits to who is accepted and considered for inclusion. Although politicized identities may have the potential to challenge structures of domination, their power to undermine this domination is limited. The ‘victim of trafficking’ seeks protection rather than power, as a politicized identity it is based on suffering, and hence the need for protection. In order to obtain this protection the ‘victim of trafficking’ has to surrender to the domination of the state. And, by doing this it reproduces its own limited power as a politicized identity in law and policy (Brown 1995, Doezema 2001:19, 20). The ‘victim of trafficking’ could be interpreted as a moral work of identifying legitimate migrant subjects where suffering is the “source of social recognition” (Fassin 2011:85, 86). It is a legitimate subject as long as it stays within the boundaries of suffering and as long as it does not stretch further than seeking protection for it. From this perspective the ‘victim’ is made into a governmental category that delegitimizes any other kind of agency (Aradau in Andrijasevic 2010:16). By using the category of the ‘victim of trafficking’ as a way of distinguishing migrants, European citizenship is put into question.

3. THE CASE OF ITALY

In this chapter I will include accounts that I have extracted from the interviews that I conducted together with social workers who work for associations that provide assistance to migrant women who are in the process of receiving an Article 18 permit. The purpose of including these accounts is to provide the reader with a vivid picture of what the so called ‘anti’-trafficking measure in Italy actually do; which difficulties they deal with in their work; what situations they are forced to deal with and what they cannot deal with. The purpose of including these accounts is also to show the reader that the ‘trafficking-context’ in Italy is constituted by several actors with different agendas and ideas, and that do not always go hand in hand but can collide.

Italy is a complex field site in a study about migration. It was for a long time a country that people migrated from, and even though it has a history of internal migration it is rather new to hosting migrants from other countries. However in the 1980s Italy experienced a shift when migrants from ‘developing’ countries started to come. Today Italy receives a large number of migrants and has even been called the bridge to Europe, consequent to its geographical location. Migrants have become “sites of interventions” (Giordano 2006:15) for Italian institutions as response to the questions the presence of migrants impose on the Italian society.

Italian citizenship is granted on the basis of *ius sanguinis* (the right of blood), which is a social policy that determines citizenship based on bloodline. In anthropological research this has been defined as a ‘biological citizenship’ (Giordano 2006:39). The right to citizenship is based on the biological aspects of the human being; the blood and the body are the symbolic containers of rights. Delimiting the right to citizenship to place of birth or lineage has been suggested as being challenged by economic and political migration. The challenge migration imposes on the nation-state is calling for new forms of citizenship, based on other criteria (Rose 2005:440 quoted in Giordano 2006:39). At the same time there has been an increase in recognizing humanitarianism as a criterion for the inclusion of migrants – a politics of piety and compassion has emerged as a way of selectively “open up the doors to rights and services” on the basis of suffering – “in which one’s suffering is exchanged with a residence permit or access to financial aid or services” (Fassin 2000:956 quoted in Giordano 2006:43).

3.1. Article 18

Article 18 of the Immigration Law (Decree Law no. 286/1998 on immigration) provides the possibility to issue a residence permit for social protection of foreign nationals who find

themselves in situations of violence, confinement and severe exploitation on Italian territory. The law was developed to specifically assist ‘victims of trafficking’, and aimed at fighting against situations of violence, trafficking in human beings and sexual exploitation. The term trafficking refers to UNDO’s definition⁶ mentioned in the theory chapter. However, research shows that measuring the exploitation that constitutes trafficking is extraordinarily difficult (Pearson 2002:31, 32). Article 18 provides the possibility to obtain a six-month temporary residence permit which can be renewed and the possibility to access ‘victim protection’ programs. These programs are obligatory for the application of Article 18 and applicants are obliged to participate in a ‘protection, social assistance and reintegration’ program. These are offered by various local NGOs and community projects and offer (in different degrees): legal assistance, medical assistance, psychological assistance/ counseling, material and financial assistance, education/job training opportunities and help in finding employment.

In theory the residence permit can be obtained in two different ways: the ‘juridical path’ and the ‘social path’⁷. The first requests the collaboration between the applicant and the law enforcement: in order to receive the residence permit a denunciation (*a denuncia*) has to be made by the applicant; i.e. the applicant has to press charges against someone accused of exploiting, abusing and profiting from the applicants stay in Italy. The ‘social path’ does not require the presence of any kind of report but depends on the accountability of the ‘victim’. It goes through the social services of the local councils and through registered NGOs, and leads directly to the issuing of a residence permit. In practice it is up to each *Questura* (the General Headquarter of the Internal Police) of each province to decide if the residence permit should be available with or without *a denuncia* (a denunciation) that is, it is up to the *Questore* (the Chief of Police of each district) to decide whether both the ‘juridical’ and the ‘social path’ should be applicable or not. In both cases the identified victim has to enter a ‘protection and social integration’ program that is aimed at rehabilitating and integrating them into the Italian society and towards the possible transformation of the temporary residence permit for social protection into a residence permit. The transformation is conditioned on the presence of a halftime employment contract. If this is not provided the permit cannot be renewed. In Italy

⁶ UNODC defines trafficking in persons as: the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

⁷ There are two ways of obtaining the Article 18 permit as explained above. In Italian these are generally referred to as *il percorso giuridico* (the juridical path) and *il percorso sociale* (the social path), and are used in both text and speech by lawyers, social service providers, the law enforcement etc. In some English literature they have been translated as ‘social and judicial circuits’ (see Pearson 2002).

this process is almost the only way to obtain legal status for irregular migrants who are not claiming asylum as refugees.

When entering the ‘protection and social integration’ programs migrants get access to the social services and educational institutions as well as to the State’s employment bureau. The latter is a fundamental aspect of the programs since it is through employment that the transformation of the temporary residence permit for social motifs is made possible. The Article 18 permit is renewable up to 18 months. If a job has been found and depending on the type of contract held it is possible to remain in Italy, applying for a one year residence permit on the basis of employment which can be renewed again to last for three years. When Article 18 passed in 1998, and for the following period, it appeared as though the ‘juridical path’ was the only option. Still today the juridical path is notoriously dominating. Lawyers advocating this option have highlighted the difficulties a juridical collaboration can imply in severe situations of abuse, and hence the importance of the optional way (Trucco 2001). The requested collaboration between the applicant and the force of law can obviously be problematic for many reasons; apart from situations similar in which the security of the person requesting the permit is under threat, situations of exploitation and abuse are often quite complex. The relationships between women and third parties are not easy to define. As all human relations they are constituted by a variety of factors and can range from having a romantic nature to being solely based on an economical aspect.

In 2003 a new complementary article was introduced, Article 13. With the introduction of Article 13 it became easier to include men in the programs of ‘protection, social assistance and integration’, since it widened the definition of victimhood. The two articles are nowadays combined so that the Article 13 is applied the first three months of a program and then transformed into Article 18. The application of Article 18 was also facilitated through Article 13 in situations of violence, segregation and submission due to the condition of clandestinity, that in previous years were not possible since Article 18 was dependent on exploitation linked to prostitution.

However, there is still a tendency to grant Article 18 permits only to those who can collaborate with the law enforcement, which results in the fact that many migrant women in exploitative situations are left out not to be considered. This is confirmed by my own data. The social worker I interviewed from Bologna told me that since the introduction of the Article 18 in 1998 they have been able to obtain six permits through the ‘social path’. This

occurred two years ago and has not been possible since then. In Perugia it has never been possible and in Foggia it is no longer an option.

3.2. Suffering for inclusion

In his study on asylum seekers Khosravi (2010:113) finds that the body is considered to be the main source of proved suffering, more so than words. In the case of Article 18 granting residence permits for the protection of ‘victims of trafficking’ the words of the applicant on the contrary appear to be the main source of evidence. It is in the ‘victim’s’ account that the amount of exploitation is measured in order to decide whether or not the applicant has the right to receive a permit to stay in Italy on the basis of this. The level of danger is also extracted from the account. Evidence of exploitation and danger is used to evaluate the deservingness of the applicant. In the majority of places, to receive legal (and social) recognition one has to be able to provide an account of one’s suffering.

The ‘deservingness’ Khosravi speaks about works in similar ways according to the logics of Article 18. The similarities can be found in a research on the case of Italy and Article 18 conducted by anthropologist Cristiana Giordano:

[Q]ualifying as a “victim of human trafficking” requires exposing oneself to the institution in the form of a biographical account [...] It requires displaying one’s own sign of victimhood (suffering, subjugation, exploitation) and expose one’s existence in the sense of putting in in the hands of the state, in exchange for some kind of recognition. By submitting themselves to the category of the “victim” women are recognized (Giordano 2006:44).

Giordano notes that recognition can be exchanged with the exposure of an account of suffering. It is when facing the state that victimhood is to be created, by demonstrating signs of that fit into the category of the ‘victim’; suffering, subjugation, exploitation. One cannot just claim to be a victim but must become one by surrendering to certain ideas about what constitutes a ‘victim’. Then it is up to the state to decide whether or not these demonstrations are sufficient to fit the category. The questions Khosravi asks can be applied to this context as well: How does one measure suffering, exploitation and the danger of safety of a person? To deserve a permit to stay who has suffered enough? There are no objective ways of measuring this, Khosravi claims (ibid. 2010:113).

In the light of the new forms of citizenship that are emerging trauma has been considered a key factor in being given the right to compensation and the possibility of obtaining benefits that otherwise would be out of reach (Fassin 2011). In the context of granting social and legal

recognition to migrant women in contemporary Italy the biographical account of victimhood that is considered to be a possible yardstick for measuring whether one has suffered enough to fit into the category of the 'victim' and to 'deserve' a permit to stay. The measuring of suffering and 'deservingness' is facilitated by the presence of a 'trafficker' in ones account, one who can be described, persecuted and punished. The 'victim' can easier be defined in relation to an opposite position, a 'trafficker'. But what happens if this cannot be provided? Can one be a 'victim of trafficking' without a 'trafficker'? An account by a social worker from Bologna demonstrates how the logics of 'deservingness' make it difficult to recognize a victim without a perpetrator. When speaking about the difficulties linked to the obtainment of the Article 18 permit without the presence of a denunciation she says:

[I]n Bologna the social path is not applied and therefore there are situations which we cannot deal with. There are situations of great difficulty for the application of Article 18 that represents a kind of discrimination in relation to some situations. There are women who for example have escaped two days after arriving in Italy, therefore they don't have useful elements to provide a denunciation to the law enforcement. There are girls, victims of trafficking where the exploitation didn't occur in Italy. Therefore the crime isn't acknowledged, the crime of exploitation in another country. There are girls that rightly are afraid, this represents a strong discrimination.

Khosravi writes in his research on refugees that in order to have a chance in obtaining a refugee status "one must have the ability to translate one's life story into Eurocentric juridical language and to perform the role expected of a refugee. They also need a 'credible' and 'plausible' narrative" (ibid. 2010:33). One cannot only claim to be a refugee, but must do so by using the appropriate language. The account from Bologna above confirms that to be a possible applicant for the Article 18 permit it is not enough with any kind of suffering or to claim to be a 'victim of trafficking', but one must be able to provide 'useful elements'. These 'elements' are considered to be information that can be given to the law enforcement so that they can pursue with criminal prosecution. The account demonstrates that there are several agendas linked to the identification of 'victims of trafficking'. First we have the agenda of the law enforcement which is that of arresting criminals, then we have that of the social worker which is to regularize the women she considers to be 'victims' with or without the presence of a denunciation. In the case there is a denunciations the different agendas are not necessarily conflicting but as the account above clarifies they can sometimes be. It is clear that the law

enforcement's agenda in this case is considered primary. They want to arrest criminals in Italy, therefore, the second agenda, that of 'saving victims' is secondary.

3.3. Do ut des – I give that you might give

Even though there are two different ways to obtain the temporary residence permit for social protection (Article 18) in theory, things tend to have a different outcome in practice. In fact it is up to each *Questura* (the General Headquarter of the Internal Police) of each province to decide if the residence permit should be available with or without a *denuncia* (a denunciation), i.e. it is up to the *Questore* (the Chief of Police of each district) to decide whether both the 'juridical' and the 'social path' should be applicable or not. This has resulted in a tendency to grant permits only to those who are willing to testify (Pearson 2002:144). In fact, in most places in Italy, the 'social path' is not even considered an option. In two of the three locations where I did my fieldwork the only way to obtain an Article 18 permit is by making a *denuncia*. The social worker from the 'victim protection' program in Perugia explains it like this:

[T]here is the option, but the Police don't consider its existence [...] Because if they don't collaborate they don't have any interests, therefore they don't give it to them, that is, for them it's fundamental that there is a collaboration, that they can arrest someone. It's a do ut des, I mean, I give but you have to do.

The expression 'do ut des' reflects upon the reciprocity of gifts. It stems from the vocabulary of ancient Rome and signifies 'I give that you might give'. There it was used as judicial concept as well as in ritual. It expresses the reciprocal exchange between man and deity in the form of sacrifice, and is considered key to the contractual nature of the Roman society and religion. The sacrifice, like the gift, creates the obligation of giving something back in return: "a sacrifice resembles a contract, it acquires a judicial component – my gift commits the god, morally at any rate, to giving me in return something I value [...] There is thus a ceaseless cycle of obligations and gratitude" (Rüpke 2007:149).

Social science has actually paid quite a lot of attention to the concept of 'do ut des'⁸ Durkheim considered this sacred principle of sacrifice as:

[N]othing more nor less than society transfigured and personified, it should be possible to interpret the ritual in lay and social terms. And, as a matter of fact, social life, just like the

⁸ See for example: Max Weber *The Sociology of Religion* 1922. 1963. 1991, Émile Durkheim *The Elementary Forms of Religious Life* 1915. 1976, Marcel Mauss *The Gift* 1925. 1950. 1954. 1990.

ritual, moves in a circle. On the one hand, the individual gets from society the best part of himself, all that gives him a distinct character and a special place among other beings (Durkheim 1976[1915]:347)

In the light of the ‘*do ut des*’ the account of suffering that the women are obliged to provide in order to receive the Article 18 permit can be seen as a sacrifice to the superior powers from their part. The institution like the Police or the state could from this perspective be seen as the deity. Anthropological research has shown that many migrant women experience the residence permit as a prize; they expect to be rewarded for entering into a pact with the state, for having sacrificed their stories to the Police. The permit is attributed a liberating power that carries with it the possibility of being reborn as legal, visible and recognized subjects in society (Giordano 2006:23-25). If the account of suffering is considered to be sufficient the institution is morally committed to reward the migrant women with recognition. They become committed in their turn to go through a ‘integration’ program that is supposed to lead finding a formal employment in a legitimate sector. In this way the reciprocal exchange between the two continues.

Like ritual performances the *denuncia* appears to have a performative power. One of the social worker told me during an interview that “the denunciation can strongly affect the girls on a mental and a physical level”, on one hand negatively but on the other hand it can represent, as two of them defined it: “a rupture with the past”. The social worker in Foggia considered it to be “a chance to break, a closure between before and after” that takes away “the mark of the street girl, this allows them to start a new clean life”.

When dealing with Italian bureaucracy the concept of time sometimes seems to derive from ancient Rome. Waiting times are often long, which can be frustrating for the women when awaiting their ‘reward’ in the form of a *permesso di soggiorno* (residence permit). When speaking about the fundamental problems with the application of Article 18 all my informants mentioned the time as one of the major issues, two of them referred to it as ‘biblical’:

[T]he juridical path requests a very long time. Biblical. Especially for the Nigerian girls that perhaps have a story of exploitation that concerns several territories therefore the investigations are on several territories, hence times are really long for the issuing of the residence permit [...] it's the most delicate period in which the girl's mistrust is total [...] it's a really delicate period that of the waiting for the residence permit.

Like for the Romans it is possible that there may have been some kind of ritual error and that the counter-gift for the deity fails to materialize (Rüpke 2007:149). The social worker from Perugia exemplified this in an account about a Russian girl that they had followed. She had made a denunciation but the *Questura* were not satisfied and wanted to hear her again and came to where she was staying for the program to ask her more questions. They reheard her story and promised her that a permit was arriving. During the time she studied Italian, but since she did not have a residence permit she could not respond to adverts or register for courses. She was stuck, immobile. She learnt Italian while waiting for the permit to arrive. She waited almost a year and it never arrived. After having waited for a long time she had started to frequent the “wrong people” again, as the social worker explained it. When I asked the reason for why the permit never arrived she explained that even though she had been very collaborative with the law enforcement her “story of prostitution” had not lasted that long so “she could not tell them who knows what”. The narration of the Russian girl demonstrates that it might be that the counter-gift from the gods (the law enforcement) fails to materialize like in the case of the *do ut des*, that the *denuncia* as a sacrifice might not be enough. This also shows that the *dencuncia* itself does not automatically lead to the obtaining of a residence permit for ‘victims of trafficking’, but that its primary purpose is to satisfy the law enforcement, then it is up to them to decide. Since her “story of prostitution” had been brief her suffering (and hence need for protection) appears to have been considered insufficient to deserve a permit to stay. In this case the Police’s interests were considered to be worth more than the recognition and even safety of her. From the perspective of the law enforcement her *denuncia* might have been considered insufficient but from the perspective of the social worker this should have been enough to obtain an Article 18 permit. It nevertheless endangered the safety of the girl.

In her research on migrant encounters with Italian institutions Christiana Giordano found that waiting for the social recognition, with which the Article 18 permit is attributed, can be equaled with “social death”. The fact is that the real attributes of Article 18 are limited; it makes promises about social integration into the Italian society that the institutions cannot keep (Giordano 2006:24, 25).

3.4. A local matter

When speaking about the differences in the application of Article 18 around Italy the social worker from Perugia mentions another city from which they receive women for their own program. The programs generally receive women from other locations while sending women

from their own territory to other places. This is for security reasons, to ensure the greatest amount of safety for the women who participate, but it also gives a great insight to how they work in other places and forces programs to deal with a range of different situations. As she points to the limits in the town where she works he says: “unfortunately it depends on the *Questura*, there are *Questura* that hand out permits the ‘social path’ [...] they throw ‘social paths’ at you”.

The inhomogeneous application suggests that there are several ways to interpret Article 18. It much appears to be a matter of local interpretations and definitions of the law that decides who and in what way it should be possible to obtain the status of a ‘victim of trafficking’. The same goes for the programs where a great variation can be found. The differences in the proliferation of the programs are immense.

The social worker I interviewed in Foggia considered the *denuncia* to be a strategic possibility when approaching migrants that come from countries outside the EU, since they are in need of a residence permit. She referred to it as an ‘upstream choice’ and explained that this gives them time to convince the women to denounce and to “help them in becoming someone who can go everywhere with documents, to find a job which will allow the renovation of the residence permit, and the possibility to revise their way of life”. In fact, she told me that her project had fought for making the ‘juridical path’ the only way possible in Foggia. This rather surprised me since several social workers, activists and lawyers with whom I have spoken, for this study and while working, always underline the importance of the ‘social path’ as an alternative possibility. She explained that there is a precise reason for them doing this. Foggia is located in the South of Italy, on the top of the heel of the Italian boot. It is the geographical location that she explains as the reason behind this decision. She says that Foggia is: a “territory very permeated by local and foreign criminality [...] one of the landing points of the clandestine immigration”. She explained that via the denunciation their girls and boys become collaborators with justice⁹, and that this obviously made the *Questura* of Foggia quite content. However, she underlines that they as a project really care about this aspect since “it benefits the local community [...] therefore we also heal the territory if we arrest two or three people. So it’s a precise choice”.

⁹ Before the introduction of Article 18 migrants who denounced and were seen as useful for the police investigations could be granted a one-year residence permit for social protection if they were in danger for having filed criminal charges and not safe to go back to their country of origin. They were called ‘collaboratori di giustizia’ = ‘collaborators of justice’. The permit did not give them the right to work.

When thinking twice it might not be such a strange position the one she takes. Southern Italy is known as being a place of local organized crime and corruption. In fact, both she and her colleague, whom I also interviewed, spoke a lot more about their work as a part of the fight against organized criminality than the other social workers from Bologna and Perugia. The other social workers referred to a vaguer criminality, more like the one spoken about in policy documents. The others also spoke of it as a secondary task of their projects or as something that they linked to the work of the *Questure*. When I say that Southern Italy is known *as* being a place of organized crime and corruption I do not mean that Bologna and Perugia and the rest of Italy are not, but rather that it has become an integrated part of the Southern Italian identity and as something that is linked to that specific area of Italy.

Several times during our interview she spoke about the territory as being in the need of protection and like a part of her and her project. When figuratively speaking about how they as a project approach migrant women who suffer from serious illnesses while selling sex in the street she says:

[W]e make a pact with the girls that have serious diseases: “We cure you, we also help you in finding a job, but no more prostitution. You can’t become an infector, not with us”. Thus we make a pact of do ut des: “We cure you, we assure you that we’ll find a job, but stop prostitution. You can’t interfere on the territory that much, if you do, you do it alone, not with us”.

In the previous account she spoke about how the work of her project ‘heals the territory’. In this extract she refers to the women in the street as possible ‘infectors’. There is an interplay between disease and health in which the social workers are seen as ‘healers’ and the sick migrant women as ‘infectors’. She also mentions that there must be a *do ut des* for the project to intervene. In order to be ‘cured’ the sick migrant women must stop selling sex, she cannot just receive assistance but must sacrifice something first. She has to give up selling sex since prostitution in itself is infecting the territory. In this part of the interview I told her about a case I had dealt with while working in the Street Unit: there was a Nigerian who was HIV-positive and whom I followed from the start of her treatment to when she could manage to withdraw her medicines by herself. She continued working in the street as we as a project started following her in her treatment. The project in which I was employed did not take such a strong position as the project in Foggia obviously does. I explained that in the city where I used to work the only way to obtain a permit is through the ‘juridical path’ and since the

Nigerian women claimed that she had nobody to report she could not qualify as a ‘victim of trafficking’ according to the logics of Article 18. She could not stop selling sex since it was the only way for her to have an income, she could not go back to Nigeria because, apart from the fact that she did not have a passport, going back would mean that she would not be offered free medication for her HIV like in Italy. She was stuck. As a response to this she once again refers to the territorial aspect of her work, that it is a matter of safeguarding the territory. She goes:

The Nigerians, we spoke about this last time as well, have a very strong bond with their ethnicity, very difficult to break. In reality many of them after many years [...] actually become free, free in quotes, we're always there, but free in the sense that they don't pay the debt to a Madame [...] but it's probable that she has become, in part, Madame. So I will not allow you as a project, and it's choice, it's like the one about the legal way. We have a difficult territory, sometimes you have to be a bit tougher and say: "yes I want to help you but my help isn't free, it's conditioned on the fact that you too have to do something for this community. And, I know this isn't always looked at well by the other projects, they see us a bit like those who ask a prize, no? But I have my territory as well, to safeguard a bit

She explains that she considers it to be her duty to explain to the foreigners with whom they intend to establish a serious relationship that they too have to do a minimum to improve this reality. Then she asks herself if help without a prize isn't a help without value. Here she expresses that in order to receive help and assistance from the project, migrant women have to prove that they deserve it. ‘Deservingness’ is not only something that has to be demonstrated in the meeting with the law enforcement or the state but it also has to occur when facing the social workers. She underlines that there are rights and obligations; you have to deserve your rights and that this applies to everybody on their territory, migrants and Italians, she says. The obligations are the denunciation and to stop selling sex. Unlike the social worker from Perugia who used the expression *do ut des* when referring to the exchange between migrant women and the law enforcement she uses this to refer to the exchange that takes place between the project and the migrant women.

It appears that it is what the *denuncia* contains that determines the amount of ‘deservingness’, rather than the mere presence of it:

[I]t's objectively true that they [Nigerian women] make ridiculous denunciations [...] the ones I read are all denunciations in which "I don't remember the number, I don't remember where

I lived, I don't know the name, I called her Madame", that in part is probably true in the sense that you figure I mean they are often also people without instruments therefore they don't have it in them to look around, there are scared, they don't think about it, it's all true but you have to wake up a bit in life I mean that is after a time that you're doing a thing, you're not doing well, you're suffering, that is, I mean you also have to be capable with few instruments to put a few things together [...] they recount unbelievable things.

The credibility of a *denuncia* seems to lie in being able to provide a phone-number, an address, a name. Even if you are suffering, as the social worker explains it, you have to be capable to put a few things together and provide the sufficient information to the law enforcement. If this is not provided the *denuncia* is considered as insufficient, which in its turn diminishes the amount of 'deservingness'.

3.5. 'Victims'/'traffickers'

My data shows that binary divisions like the ones mentioned by Anderson and Andrijasevic (2008) can have serious implications in practice, and can even turn an exploited migrant woman into a 'trafficker'. Let me clarify this by painting up the following scenery:

Two Chinese women sublease an apartment together in Rome. They work in the sex industry and lack formal employment and therefore cannot get a contract for an apartment on their own. The apartment is rented out to them by an organization that does not exploit them directly, they do not care whether the women take on 2, 10 or 30 clients a day, but they set the price of rent liberally. The rent is 1000 Euros a week divided by two. One of the women ends up in prison as an 'exploiter of prostitution' for having exploited her roommate. Since she was the only of the two to speak some Italian she handled the payment of the rent. The other woman was taken in and in the process of receiving an Article 18 permit as a 'victim of trafficking', but ran away. The situation came to the attention of a local NGO, working for the rights of sex workers, and they managed to get her out of prison and managed to get her a permit under Article 18 as well, since she clearly was not the exploiter of the story (account told by Pia Covre at a conference in Rome 2012¹⁰).

This account demonstrates in a direct way how the logics of the law can have rather absurd consequences in reality. The Chinese woman was arrested since everything linked to the

¹⁰ On the 21st of April 2012 I attended a conference in Rome about the prostitution laws in Italy. The conference was organized by the *Associazione Radicale Certi Diritti* and *Cgil Nazionale Nuovi Diritti* and was aimed at shedding a critical light on the current juridical situation and the problems it imposes on sex workers in Italy. Article 18 was one of the topics discussed during the course of the one-day seminar.

organization of prostitution is illegal in Italy, even though it is obvious that she was not the ‘exploiter’. The account also demonstrates that certain agendas, like punishing criminals, are pursued no matter what. It also shows the weight of the work of the local NGOs and how much is dependent on them. If it had not been for them the Chinese women probably would have ended up in prison.

It appears as many of the ‘anti’-trafficking measures in Italy relies on a binary logic. In my conversation with the social worker from the project in Foggia I found this particularly evident as we spoke about the situation of Nigerian women in the sex industry. According to her there exists no such thing as a Nigerian woman who is neither a ‘victim’ nor an ‘organizer’. She refers to the Nigerian woman that I accompanied for HIV-treatment as I was working in another project in a different town. Since she had claimed to have no one to denounce it means that she would have to denounce herself. She has probably paid her debt and started to profit from the work of others, the social worker suggests. This I can neither confirm nor deny, but this suggestion has made me wonder. I have heard the story of the Nigerian woman several times. How she left her hometown and family behind to find a job that paid better and how she travelled through the desert and ended up somewhere in North Africa (I assume Libya) where she stayed in a man’s house together with other women, and how she later ended up in Southern Italy, went up North and caught HIV by a guy who took off the condom before ejaculating. I do not know if she had a debt, if she has paid it off or if she just does not want to speak about it. All I know is that she is HIV-positive, gets free treatment in Italy, and still stands on the street at night wishing that she would find a job in a factory or make enough money for a contract-marriage in order to be regularized. And, that she is stuck. If she in some ways profits from the work of others, does that equal her with a ‘trafficker’?

The social worker’s theory and the account about the two Chinese women in Rome demonstrate how there is little room for grey-zones in the ‘anti’-trafficking-practices and that certain agendas, like prosecuting criminals, are to be realized no matter what. They also show that there are a certain set rules to what defines acceptable migrant women in today’s Italy.

3.6. Stuck in limbo

There appears to be a certain ‘abstractness’ to what defines a ‘victim of trafficking’ in the practices developed around Article 18. In some cases it seems as if the definition of the ‘victim’ itself is not important but what defines a ‘victim’ is the presence of ‘perpetrator’, and thus a *denuncia*. In other cases it appears as though it is the presence of suffering that can be

turned into an account. It appears as though the ‘victim of trafficking’ as a legal category is available but not accessible to all who might need it (Khosravi 2010). As the social worker from Bologna said: “there are situations that we cannot deal with because the status of the victim is not acknowledged without a *denuncia*:

[W]ith the emergence of North Africa it's been revealed that many girls that have arrived from Libya in reality come from a trafficking circuit from their countries, and so what happens? When they arrive in Italy they have been channeled into making asylum requests, in reality they are trafficking victims or at least they are at risk of entering a circuit of exploitation [...] it's very difficult that is they have arrived with a trafficker but then in Italy it stopped there, therefore it is very difficult to construct a path. What strikes me is that these people are stuck, properly stuck in their condition of clandestinity.

The paradox of acknowledging ‘victims’ through the presence of their ‘traffickers’ is that in cases when the crime occurred elsewhere, when women are too afraid or when the useful elements are lacking, women are considered as ‘non-victims’ and therefore not in the need of the assistance that can be provided through Article 18. Unfortunately, this signifies that the only legal status available to them is that of an irregular migrant which in practice equals a criminal. This is one case that demonstrates the difficulty in not being able to apply the ‘social path’.

While the ‘victim of trafficking’ as a legal category is not accessible to all who might need it, there are ways for migrant women who know their way about to access this category and the benefits it provides. Different accounts told to me by the social worker in Perugia demonstrate how surrendering to ‘victimhood’ can be a strategic move. How ‘victimhood’ even can be sold. She explained this by telling me about two Nigerian women, one of which had sold her story of suffering to the other so that she would get access to an Article 18 permit.

3.7. Understanding cultural differences

My data reveals that there is a tendency of ‘othering’ from the part of the social workers. Repeatedly Nigerian women are referred to as more ‘difficult’, different and culturally distant, in comparison to the other women involved in the programs or even themselves.

Voodoo has been explained as an important aspect in the trafficking of Nigerian women. While spiritual belief is not the focus of this study voodoo deserves to be paid some attention. The exploitation of Nigerian women in the sex industry is often explained in terms of voodoo, and the social workers with whom I spoke did not fail to acknowledge it as a representative

factor of the exploitation of Nigerian women. There appears to be a tendency to assume that all migrant women from Nigeria who end up in exploitative situations in the sex industry abroad believe in voodoo, and therefore fail to escape its symbolic chains and flee these situations. I do not wish to underestimate the effects voodoo can have on people who believe in it, nor to say that this is not an important factor of Nigerian spiritual culture nor that it is never used by people who intend to exploit Nigerian women who believe in the power of voodoo. However I find it important to contribute with some data to reach a more complex understanding of migrants' exploitation and rupture this rather homogeneous idea about Nigerian spiritual beliefs, since this seems to fall back on Nigerian women who do not believe in voodoo.

When the topic of voodoo came up in the conversation I had with the social worker from Bologna it was mentioned that in the case of Nigerian women voodoo is recognized as a factor of exploitation by the law enforcement. This she spoke about in a positive way, underlining the progress the force of law has made in the understanding of the phenomenon of trafficking.

[V]oodoo is a sign, let us say a test, it's evident for them [the Police] that she [any Nigerian woman] finds herself in a situation of submission hence even in the making of a report they ask about it, even if the girl doesn't say anything because she finds herself in difficulty saying so, they pose it as a question because it represents a form of privileged submission from the part of the criminal organizations in regards to the trafficking of Nigerian girls. So the Police recognize this form of submission and hands out a clearance [a permit].

While my data is not sufficient to come with any conclusions regarding this aspect I would like to pose a few questions regarding the consequences this 'cultural' understanding might have. If voodoo is considered a key factor of the exploitation of Nigerian women, are women who do not believe in voodoo less vulnerable to exploitation or even considered less exploited? Here I would like to bring up the case of the Nigerian woman that I mentioned earlier. In one of our conversations I tried to inquire into the matter of voodoo. We were at her house and the TV was on. A preacher chanted in the background as we were speaking about religious beliefs. She told me that she had contacted a priest in England who had told her about somebody who had been cured from HIV by praying. She told me that she wanted to go and see this priest. I told her that I had read a bit about voodoo and wondered what she thought about it. She looked at me without uttering a word, I figured that I had touched a

sensitive spot and feared that I had crossed the line, and then she looked around, grabbed the remote control and looked at me again. It is like this, she said. I did not follow. Voodoo is like this, she said and struck the remote control against the bed while laughing, it is man-made.

How representative her ideas about voodoo are I could not say. But, what I can say is that it is clear that she does not fit the description of a Nigerian 'victim of trafficking', and that this falls back on her. She does not believe in voodoo and she has no one to denounce therefore she does not fit into the category of a 'victim of trafficking' and hence cannot regularize, which in its turn mean that she has to continue to sell sex on the street even though she does not want to. Is she not a 'victim' too? She might not be confined and constrained to do so by a 'trafficker' anymore but does that make her less confined, less exploited?

It appears as if even voodoo can be used to divert the attention away from the structural conditions that confine migrant women in the sex industry. As we were lying on her bed speaking about her situation I naively asked her what she thinks about her job, if she likes it in anyway. She laughed again and answered that of course she does not. I asked her what she would want to do instead, if she could choose something else. She said that she would want to work in a factory. I asked what kind. She answered that it was not important, any kind of factory would do.

4. MIGRATION MANAGEMENT

In the previous chapter I have given some glimpses into the work of the associations who provide ‘protection and social integration’ programs to ‘victims of trafficking’. From the different accounts that I have gone through and discussed it is possible to draw some conclusions. The context that these accounts provide us insight to is a complex one in which numerous actors can be found that do not always go in the same direction. It is possible to identify five groups of actors, three of which could be placed under the somewhat vague term ‘anti’-trafficking measures: Policy makers and international organization working with trafficking issues (like the UNODC); the state & the law enforcement (politicians, border and migrant control etc.); the associations (NGOs, community projects, social workers etc.); the criminal organizations/criminal individuals aka ‘traffickers’/‘exploiters’; migrants (women and men who are possible ‘victims of trafficking’). These five groups of actors are all a part of the context of trafficking. The first three are sometimes referred to (or refers themselves) as ‘anti’-trafficking measures. *Anti*’-trafficking measures defines themselves in opposition to the phenomenon trafficking. They exist because trafficking exists. Their main goal and purpose for existing would hence be to combat trafficking. However, the context is also constituted by other actors such as migrants and organizations/individuals who take advantage of these migrants. The five actors all have their agendas that compete against each other. Migrant women end up in situations of trafficking since they attempt to migrate even though they are restricted to do so by the state. The state does not want irregular migrants on its territory and thus strengthens border controls and migration policies, but it neither wants to be held responsible for being a part of creating the conditions that make migrants vulnerable to end up in exploitative working conditions so it poses as being ‘anti’-trafficking. Criminal individuals and organizations take advantage of the fact that there are limited possibilities for migrants to migrate in a regular way. The associations have to collaborate with the law enforcement who mainly wants to prosecute criminals and therefore need exploited migrants to obtain information about them. The associations also have to collaborate with the agenda of the state since they seek money from it to help the migrants. The migrants have to provide what is requested and surrender to the category ‘victim of trafficking’ in order to receive social and legal recognition. It is quite obvious that all these different agendas at some point collide.

Due to an uneven distribution of power some agendas, like the ones of the state and the law enforcement, can overrun the agendas of the other actors, which in their turn can recreate the same conditions that caused the problem in the first place, like when the state augments its

border restrictions and visa regulations. Diverting attention away from the structural factors behind trafficking, as suggested by Anderson and Andrijasevic (2008), has a political agenda which appeals to the state in restricting the mobility of certain groups. It is clear that it is not only the doings of criminal organizations that make migrant women vulnerable to exploitation, but that it is rather a combination of factors. However, influencing factors such as labor and migration policies are hidden between the lines in the language of threat that explains the exploitation of migrants in terms of criminal activity located in the periphery, outside the state structure. This language is a part of a new way of governing by crime, according to which migrants are criminalized. This way of governing is justified as necessary to protect citizens from threatening ‘others’, ‘uncontrollable’ subjects that could pose as a threat to the status quo of the state. In the government of threat the state is legitimized to punish these individuals. To be able to demonstrate itself as being in control the government of threat create criminals in order to punish them (Khosravi 2010:3).

Irregular migrants exist because they cross borders that make them irregular, and thus vulnerable to exploitation. ‘Victims of trafficking’ exist because there are individuals and groups who take advantage of the people who wish to migrate, work and experience even though they are restricted in doing so. ‘Victims of trafficking’ also exist because others classify them as such or because agents themselves see the advantages connected to the category and thus represent themselves as such in order to obtain what otherwise would be out of reach. In order to turn the attention away from the fact that states are responsible for the conditions which create these ‘victims’ they set out to save them. By surrendering to the definition of the ‘victim of trafficking’ and by providing what is necessary in order to do so irregular migrant women can have the possibility of legal and social recognition, but in doing so they indirectly accept and reconfirm the same power structures that made them into victims in the first place. “If third parties controlling migrants’ labour were not denying them labour mobility or access to the basic social rights, the state would” (Andrijasevic 2010:3) By confining certain groups to certain places, or by not letting certain groups in, the state works in the same way as the evildoers it claims to fight. Many migrant women in the sex industry are constantly controlled confined and exploited on a daily basis, not necessarily by third party organization but as a consequence of their irregular statuses and the constant threat of deportation. Women who have migrated from countries defined as ‘sending’ nations and who do not fit the juridical definition of a ‘victim of trafficking’ are without consideration defined

as ‘illegal’ migrants since they have overstepped the physical and symbolical borders that are supposed to keep them out.

Depending on local understandings and interpretations of a ‘victim of trafficking’, and on local decisions based on this idea, migrant women may have the possibility of using victimhood as a strategic tool in their migration projects. Being defined a ‘victim of trafficking’ can therefore be an active pursuit to claim legal rights and benefits but also towards claiming recognition as a human being in today’s Italy. In the same manners local decisions made on the basis of what defines a ‘victim of trafficking’ and what is to be required in order to obtain such a legal status, can make it impossible for many migrant women in severe situations of exploitation to do something about it. If an irregular migrant woman is not able to provide what is required (the account of suffering/a denunciation) to receive a residence permit she will fail to fit the category of the ‘victim of trafficking’ and therefore she will be denied the legal benefits that follow this status: Migrant women who fail to provide an adequate account are doomed to remain irregular. By confining them structurally, they are pushed further into the limbo lands of clandestinity, where they are easily stigmatized, exposed and forced to accept exploitative living and working conditions.

The status of the ‘victim of trafficking’ can be used as a strategic tool by actors involved in the process of ‘saving’ these women according to the mechanisms of the ‘victim salvation’ industry in contemporary Italy. It is a subtle way for the state to conduct a selective inclusion policy appearing as a benevolent contribution for the greater good, including only those who are willing to cooperate in the ‘fight against organized crime’ and excluding those who cannot contribute. By engaging migrant women in a reciprocal agreement it keeps challenging individuals under control. When claiming to save ‘victims of trafficking’ the state appears as a benefactor when it really is conducting a selective inclusion policy, attempting to maintain its sovereignty.

The ‘protection and integration’ programs are based on the assumption that there is a condition of malaise from which one should be recovered, and that this recovery is possible only if one stops selling sex and finds a job in another sector. What actually defines trafficking does not by definition separate it from ‘non-trafficking’ migrant exploitation. The protection that is offered to the migrants who fit the category should be needed even in case there is no one to report, since the exploitation is embedded in the status of ‘irregularity’. In practice this exploitation has to be presented in the language of the institutions, the suffering

has to be turned into an account. The exploited migrant has to fit into the category of the 'victim of trafficking', since only 'victims' of this kind are entitled the rights that come with the category. Certain people, depending on where they are from, have to suffer in order to deserve to be included. Others are left to suffer since they do not fit the category that provides this inclusion. This is the absurdity of policies in practice. The category of the 'victim of trafficking' needs to be redefined since is restricted to certain ideas that are blind to the structural conditions that turn certain migrants into exploitable subjects. By expanding the concept of victimhood and including these structural factors as underlying causes to the exploitation of migrants on the European territory we might be able to approach the people who do not fit the category and who are confined to a limbo land of clandestinity where they are actually constrained to create and recreate same the conditions that they wish to escape. In doing so we might be able to answer these questions: what caused them to end up there? How did they end up there and why are they still there?

Although Article 18 today applies to both women and men I have chosen to focus on the women for this thesis since two out of the three programs in which I conducted my fieldwork only accept women at present time being. A wider focus together with additional fieldwork and participant observations in the 'protection and social integration' programs for a longer period is something to consider for future studies, in order to make a more thorough analysis of the context.

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